

Pacted Transitions to Democracy in Sub-Saharan Africa

The 3rd wave of democratization initiated a flood of research devoted to democratic transitions¹. Scholars developed numerous classification schemes for these modes of transition to democracy; one such mode is a *pacted* transition. Pacted transitions in Europe and Latin America have received significant attention in transition literature, featuring prominently in the research of O'Donnell and Schmitter, Bunce, and Linz and Stepan, Karl, and other transition scholars. The study of pacted transitions in Latin America and Europe has produced several generalizations about pact-making in each respective region and has revealed trends in the efficacy of pacted transitions².

What pacting literature lacks, however, is an analysis of pacted transitions in sub-Saharan Africa, specifically, why some countries transitioned through pacting while other did not. This lack of scholarship is not deliberate oversight, however: sub-Saharan Africa contains only two democracies that experienced transition via elite pacting. This scarcity raises an intriguing question: given the numerous pacted transitions in Europe and Latin America during the 3rd wave of democratization, why are there so few pacted transitions in sub-Saharan Africa?

The purpose of this essay is to add to the pacted transition literature in two ways; first, this essay will describe the two pacted transitions in sub-Saharan Africa: Mozambique and South Africa; the purpose of these two case studies is to discover any trends or commonalities the countries share, and thus to discover possible explanations for why these countries transitioned through pacting while other countries did not.

The second purpose of this essay is to explore reasons that sub-Saharan Africa has experienced so few pacted transitions. These two research questions can be simplified thus:

1.) *Given that most sub-Saharan democracies did not transition to democracy through pacting, why was this the mode of transition in South Africa and Mozambique?*

2.) *Given the numerous pacted transitions in Europe and Latin America during the 3rd wave of democratization, why are there so few pacted transitions in sub-Saharan Africa?*

Definition: Pacted Transition

The term "pacted transition" was famously used by Guillermo O'Donnell and Phillippe Schmitter in their comprehensive study of 3rd wave transitions in Latin America, *Transitions from Authoritarian Rule*³. O'Donnell and Schmitter define a pact as "an explicit, but not always publicly explicated or justified, agreement among a select set of actors which seeks to define (or redefine) rules governing the exercise of power on the basis of mutual

¹ Huntington, Samuel P. *The Third Wave: Democratization in the Late*. Norman, University of Oklahoma Press, 1991.

² Bunce, Valarie. "Comparative Democratization: Big and Bounded Generalizations." *Comparative Political Studies* 33, no. 6/7 (August 2000): 703-34.

³ O'Donnell, Guillermo, and Phillippe Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press, 1986. Pp. 42

guarantees for the 'vital interests' of those entering into it"⁴. These pacts serve to determine the distribution of power among groups participating in the decision-making process of the transition; they are essentially compromises between interdependent groups that cannot impose their individual solution to the transition process without compromise.

O'Donnell and Schmitter further detail that pacts can be comprised of regime "hard-liners" and "soft-liners". These are both members of the authoritarian regime. Hardliners are committed to authoritarianism for various reasons. Some are opportunists and benefit from their official positions, others are ideologically opposed to democracy. Soft-liners, on the other hand, realize the necessity of gaining electoral legitimacy in the future; these members of the regime acknowledge that certain freedoms will have to be granted lest the regime crumble⁵.

Africa scholars Michael Bratton and Nicholas van de Walle consider a transition to be pacted when "incumbent elites gradually cede power to their opponents and share power after the transition"⁶. Stradiotto and Guo define pact as "a negotiating unit, comprised of incumbent and opposition groups, attempting to bargain the transition away from authoritarian rule to democracy"⁷.

According to these definitions, there are five countries in sub-Saharan Africa that have experienced pacted transitions: South Africa, Mozambique, Zimbabwe, Angola, and Namibia. Of these five, only South Africa and Mozambique experienced pacted transitions to democracy⁸. While the quality of democracy in both countries can certainly be debated, that analysis is best suited for another paper. For the purposes of this essay, democracy is defined according to the minimalist, procedural definition, and both countries are considered to have met this definition.

Pacted Transitions in Sub-Saharan Africa

Most 3rd wave democratic transitions in Africa were not pacted. According to Michael Bratton and Nicholas van de Walle, most African countries transitioned by way of O'Donnell's *ruptura*, or through reaction or repression. They are best characterized as "zero-sum processes in which the strongest side tended to win conclusively"⁹. There are very few instances of opposition and regime leaders meeting to negotiate the survival of their respective interests in the new democracy.

⁴ O'Donnell, Guillermo, and Phillippe Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press, 1986. Pp. 42

⁵ O'Donnell, Guillermo, and Phillippe Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press, 1986. Pp. 43

⁶ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. pp.177

⁷ Stradiotto, Gary, and Sujian Guo. "Transitional Modes of Democratization and Democratic Outcomes." *International Journal on World Peace*, vol. 27, no. 4, 4 Dec. 2010, pp. 5-36.

⁸ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. pp.178

⁹ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. Pp.177

There were, however, notable exceptions. These are South Africa and Mozambique.

South Africa

In many ways, South Africa's transition to democracy is a classic example of a pacted transition. There were several identifiable groups represented by political elites who met to negotiate the rules by which the balance of power would be determined post-transition. Each group was forced to negotiate and offer concessions, as none were strong enough to dominate the transition – or maintain the status quo.

There were three major groups represented during the transition negotiations: the African National Conference (ANC), the National Party (NP) government of South Africa, and white business.

The objective of the ANC was the "elimination of apartheid in all its manifestations and the creation of a united, democratic non-racial and non-sexist state"¹⁰. In pursuance of these objectives, the ANC had carried out an armed rebellion against the government since the 1960's. By the mid 1980's, the ANC and the regime had come to an impasse. The result was a "low intensity civil war" that spread throughout townships, rendering these areas ungovernable by government forces¹¹.

The objective of the NP government of South Africa was to maintain control, which had become increasingly difficult by the mid-1980's. Scholars mark 1985 as the point at which the apartheid government recognized the necessity of accommodating the ANC; this change was demonstrated by the government's announcement to release ANC leader, Nelson Mandela, from imprisonment¹². Mandela began dialogue with the government, while meetings between the government and other ANC leaders took place in secret¹³.

White business also played a critical role in South Africa's pacted transition. While not all business was supportive of the apartheid system, many scholars maintain that white business sustained the South African economy; furthermore, white business was leery of the ANC because of the ANC's position on the nationalization of industries – a position shared by the South African Communist Party, a close ally. Thus, goal of white business during the transition was to avoid the nationalization of the economy. However, by the mid-1980's, the economy was experiencing a severe downturn due to sanctions, wars, and international isolation. It had become clear to some business elite that the status quo would not last, and some began to negotiate with the ANC¹⁴.

¹⁰ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 7.

¹¹ Ginsburg, David. "The Democratization of South Africa: Transition Theory Tested." *Transformation* 29 (1996): 78-88.

¹² Thompson, Leonard M. *A History of South Africa*. 1 ed., New Haven and London, Yale University Press, 2001, pp. 247

¹³ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 7.

¹⁴ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 8.

By 1986, the NP legalized trade unions, which had previously been outlawed¹⁵. In 1990, more members of the ANC were released from prison. These changes prompted elites of each group - the ANC, NP and business – to initiate interactions that would guide the transition in a way that protected their "vital interests"¹⁶. By 1991, the pacted transition was underway.

The transition can be divided into two parts: non-public negotiations prior to 1991, and the public pact-making from 1991-1994.

Prior to Mandela's release from prison, members of the NP government were already meeting in secret. By 1989, there had been 47 of these meetings. Mandela met with Minister of Justice, Kobie Coetzee, and eventually with president P.W. Botha and foreign affairs minister, Pik Botha. During this time, elite members of other groups were already beginning the early stages of pacts. Afrikaans newspaper editor, Piet Muller and scholar H.W. van der Merwe met with ANC leaders in Zimbabwe, while a Ford Foundation conference was attended by both ANC leaders and members of the elite Afrikaner organization, *Broederbond*. Members of this organization represented elite Afrikaner interests, and filled "key positions in government, business, civil society and Afrikaans churches"¹⁷. Meetings between these two groups were arranged by Fredrik Van Zyl Slabbert, former member of parliament and co-founder of IDASA (Institute for a Democratic Alternative for South Africa). By 1988, the Consultative Business Movement (CBM) had been established by 50 white business leaders to "promote justice and economic policy for a united and non-racial democratic South Africa"¹⁸. These same businessmen met with members of the ANC in Zambia and again in South Africa in 1989.

Prior to any formal constitutional negotiations, there had already been four different bilateral agreements made between elites of each group. In May of 1990, the ANC met with NP government representatives in what was known as the "Groote Schuur Minute"; in August, another meeting took place between the ANC and the government (the Pretoria Minute); in February of 1991, the D.F. Malan Accord included members of the government and ANC elites. In January of 1992, ANC elites met with members of the Inkatha Freedom Party to discuss constitutional arrangements¹⁹.

¹⁵ Thompson, Leonard M. *A History of South Africa*. 1 ed., New Haven and London, Yale University Press, 2001, pp. 247

¹⁶ O'Donnell, Guillermo, and Phillippe Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press, 1986. Pp. 42-54

¹⁷ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 14.

¹⁸ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 14.

¹⁹ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 15.

Multilateral agreements began in 1991 with the National Peace Accord, established to end political violence. The agreement was negotiated between members of the ANC and the NP government, with white business playing a central role through the implementation of Peace Committees²⁰.

Public, official pact-making began in 1991. In December, the Convention for a Democratic South Africa (CODESA) was convened²¹. There were 19 political parties represented at the convention; their task was to establish "a free political climate, constitutional principles and the constitution-making process, transitional government, the reincorporation of Bantustans and timeframes for the transition"²². Due to the inability of factions to agree about the practical meaning of democracy and the duration of the transition government, CODESA collapsed in 1992²³. While *political* pacting ground to a halt, negotiations between white business elites and labor unions proceeded in earnest, producing the National Economic Forum in 1992. Political, business, and labor representatives reached compromises on trade and industry policies.

After the collapse of CODESA, the ANC and NP government were forced to reevaluate positions and make serious compromises. The NP agreed to allow an elected constituent assembly to constitute the next convention, while the ANC agreed to allow a multiple party negotiation forum. ANC and NP government elites met again in 1993 to establish the elite pact that would see South Africa through the transition to democracy. By April, the Multi-Party Negotiation Forum adopted 26 constitutional principles that would operate as the Interim Constitution²⁴. They also created the Transitional Executive Council. Again, disagreements between the ANC and NP government almost resulted in another failed convention, but the negotiations were saved by the creation of the Government of National Unity (GNU), a power-sharing government that included elites of the ANC and NP government in addition to members of all other political parties. Nelson Mandela was elected president through the first democratic election in South Africa. NP government's F.W. DeKlerk served as his deputy president²⁵.

Deep divisions and mistrust remained, however. The ANC withheld some cabinet positions that had been promised as part of concessions to the NP, and De Klerk pardoned numerous security forces that had been operative during the apartheid government. Despite these difficulties, the GNU managed to accommodate old elites and new elites during the transition to democracy. This was done by allowing many NP government elites to maintain their previous government positions, and by providing protection for apartheid-era officials. Because the

²⁰ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 16.

²¹ Thompson, Leonard M. *A History of South Africa*. 1 ed., New Haven and London, Yale University Press, 2001, pp. 252

²² Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 17.

²³ Thompson, Leonard M. *A History of South Africa*. 1 ed., New Haven and London, Yale University Press, 2001, pp. 252

²⁴ Thompson, Leonard M. *A History of South Africa*. 1 ed., New Haven and London, Yale University Press, 2001, pp. 255

²⁵ Thompson, Leonard M. *A History of South Africa*. 1 ed., New Haven and London, Yale University Press, 2001, pp.257

ANC was forced to cooperate with the NP, business elites, and other political parties, many of their policy objectives were not met – such as the nationalization of industries²⁶.

Mozambique

Decolonization in Africa during the 1950's and 1960's often took the form of pacting between elites of the colonial power and elites of the colonized people as arrangements were made for the government of the newly-independent countries. Colonizers attempting to withdraw with some dignity intact left democratic institutional frameworks behind that "reproduced" the political values of the mother country. For the newly liberated country, the democratic institutions provided "initial international respectability, especially with the Western world"²⁷. This respectability could easily transform into international aid, thus many countries maintained "democratic" institutions in order to court Western financial support.

By the time the Portuguese relinquished control of Mozambique during the 1970's, however, the international scene was much different due to the Cold War. The Soviet Union had expanded into sub-Saharan Africa, claiming to represent "the only legitimate model of Marxism-Leninism, which the newly independent countries should emulate"²⁸. Nationalist groups in Mozambique turned to Marxism. The immensely repressive colonial rule of the Portuguese also forced nationalists to resort to armed liberation movements, as any anti-colonial political movements were crushed by the colonial regime. The transition to independence came after years of violent conflict, and was negotiated between the new government of Spain and the Frente de liberacao de Mocambique (Frelimo). Like other retreating colonial powers, Spain attempted to leave behind a democratic institutional legacy, however, Frelimo rejected democratic elections and insisted that it alone represented the people of Mozambique²⁹.

At the end of the ten-month transition period, Mozambique gained independence and instituted a state-socialist authoritarian regime³⁰.

While initially popular, Frelimo's support among the population quickly waned. Increasing authoritarianism, unpopular economic policies and the "failure to respect and recognize the socio-cultural diversity of the rural population soon gave rise to dissident voices"³¹. While the Makonde in the north and Shangaan in the

²⁶ Van Wyk, Jo-Ansie. "Cadres, Capitalists, Elites and Coalitions: The ANC, Business and Development in South Africa." *Developmental Leadership Program* (2009): 15.

²⁷ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 25

²⁸ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 25

²⁹ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 25

³⁰ Sumich, Jason. "Politics after the Time of Hunger in Mozambique: A Critique of Neo-Patrimonial Interpretation of African Elites." *Journal of Southern African Studies* 34, no. 1 (March 2008). Pp. 114

³¹ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 29

south were fairly supportive of Frelimo rule, the Shona and Makua were highly discontented. To combat general dissent, the Frelimo government created "re-education camps". By the late 1970's, nearly all Portuguese and a large percentage of literate Mozambicans had fled the country³².

The mass exodus left the country without a large portion of skilled labor, initiating an economic downturn. The Frelimo government turned to the Council for Mutual Economic Assistance, a Soviet-led program for economic aid. The application was turned down in 1981. The severe economic downturn was exacerbated by a civil war with Renamo, the primary anti-Frelimo rebellion movement. Finally, the Frelimo government was forced to turn to the West for aid. In 1984, Mozambique joined the International Monetary Fund, and began receiving aid from the United States. International influence was particularly strong because of the severity of the economic situation in the country: in the 1990's, 70% of the population lived below the poverty line³³. This created a situation that strengthened the leverage of donor countries and influence was exerted to push for a transition to a liberal democracy and an end to the bloody civil war.

The pacted transition to democracy began in 1990, largely influenced by Mozambique's donor countries, the USA, UK, Portugal and Germany. Frelimo was forced to negotiate due to the dismal state of the country's finances; Renamo was forced to the bargaining table for similar reasons – aid the Renamo rebels had previously received from the United States had stopped once reports of human rights violations had been published. With no resources, both Frelimo and Renamo were essentially crippled³⁴.

Unpopular policies enacted by the Frelimo government further contributed to popular agitation. In addition to opposition to the government among the rural populations, urban resistance over increased transportation costs led to riots in Maputo in 1993. The popular demand for democracy, however, stemmed from opposition to "structural adjustment policies adopted by the government – rather than support for economic liberalism"³⁵. Nevertheless, the riots did exert pressure on the regime and contributed to the movement toward peace talks and the pacted transition.

Formal peace talks began in 1990, and were held in Rome, Italy. The General Peace Accords (GPA) were signed in 1992, ending the violent civil war. The GPA negotiations included elites from both Frelimo and Renamo, but excluded elites from any other political forces. The pacting consisted of numerous concessions offered by both parties. Renamo was recognized as an official political party and as legitimate by electoral and administrative rules mutually agreed upon that ensured its future as a political party. A political campaign trust fund was also created to support Renamo's transition from armed resistance to political party. These concessions were granted on the

³² Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 29

³³ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 29

³⁴ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 30

³⁵ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society*4, no. 2 (2016): 31

condition that military operations against the government were ended. Electoral agreements included a 5% vote threshold to enter parliament, and the creation of a "politically balanced" Electoral Commission with an independent chair³⁶.

The pact had two distinct consequences: on one hand, the bipolarization of the country was "solidified". Elections in 1992 revealed a sharp divide between the central areas of the country where Renamo gained 38% of the vote, and the south and north where Frelimo gained 44%. On the other hand, there were two different paths created for managing political conflict⁴². One path included the formal institutions of democracy, while the other includes informal negotiations between party leaders that resulted in an anti-democratic bargaining system between party elites⁴³.

While the constitution established democratic institutions, there is debate as to whether Mozambique is truly democratic. Virtanen suggests that democracy has yet to become "the only game in town"³⁷. Election results are continually questioned, and lead to extra-legal negotiations between parties. In 2013, after a series of contested election results and an increase of Renamo threats to return to violence, there was a short, violent conflict between government forces and Renamo militants. In 2015, another violent clash occurred after Renamo boycotted the parliament and threatened a secessionist movement³⁸.

Explanations for Pacted Transitions in South Africa and Mozambique

Why were South Africa and Mozambique the only democracies in sub-Saharan Africa to transition through pacting? As pacted transition literature in Africa is scarce, there are no conclusive answers. While the influence of international actors clearly initiated the pacting in Mozambique, other transitions in sub-Saharan Africa were certainly not without international influence but did not result in pacted transitions.

A possible explanation is offered by Africa scholars Bratton and Van de Walle, some of the only Africa scholars to write about the scarcity of pacted transitions. According to Bratton and Van de Walle, common to both South Africa and Mozambique is a historical legacy of settler oligarchy. This factor largely determined "pacting" as the mode of transition for both South Africa and Mozambique because of the institutions created by colonial settlers. Colonizers established institutions that formalized political competition; thus, the potential for political pacting was already somewhat institutionalized before the transition³⁹. For example, when Great Britain granted

³⁶ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society* 4, no. 2 (2016): 32

³⁷ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society* 4, no. 2 (2016): 24

³⁸ Virtanen, Pekka. "Pacted Transition to Democracy: The Case of Mozambique." *Modern Africa: Politics, History and Society* 4, no. 2 (2016): 35

³⁹ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. Pp 178

South Africa full independence in 1931, there was already a functioning multiparty system in place⁴⁰. While the government was far from democratic as it allowed political expression for whites only, political competition was institutionalized. Thus, during the transition to democracy in the 1990's, compromise and cooperation was more likely as there was already a tradition of political competition.

According to Bratton and Van de Walle, settler oligarchies provided situations in which elite groups were divided along racial and class lines, yet each side had access to resources. The opposition "had clear political advantage", but the economy was largely controlled by the settlers. Neither side had the power to overcome the other, or to govern alone, thus, "settlers and Africans were forced into compromise agreements that fully suited neither". While lengthy and often violent, these transitions were typically negotiated via pacting⁴¹.

This process is obviously demonstrated in the case of South Africa. The ANC clearly had the political advantage yet could not overpower the NP government by use of force; the NP government could not maintain the status quo and had lost political legitimacy. Thus, both sides were forced to compromise. The NP government extended the franchise, while the ANC allowed job security for whites in civil service, amnesty for some security forces, and did not nationalize industries.

In Mozambique, the Frelimo government was unable to maintain the status quo due to a desperate economic situation exacerbated by a civil war; Frelimo had furthermore lost political legitimacy by excluding Renamo and other parties from political participation when the Portuguese had exited the country in the 1970's. Renamo was unable to overthrow the Frelimo government through armed rebellion, despite significant support from the center of the country. Both Frelimo and Renamo were forced into negotiations where concessions were demanded from both sides; cessation of violent rebellion by Renamo, and expanded political rights from the Frelimo government.

Bretton and Van de Walle suggest that this pattern can be extended to Zimbabwe, Angola, and Namibia as well. Each of these countries experienced some manner of pacted transition and share historical legacies of settler oligarchies. In the case of Zimbabwe, independence was attained through "a negotiated constitutional accord that traded political power for the black majority for legal and financial guarantees against the nationalization of white-owned land, investments and pensions" - much like South Africa. Angola and Namibia experienced pacted transitions much like Mozambique. In all cases, colonizers established some form of institutionalized competition⁴².

An important distinction should be made between the cases of these countries and Mozambique and South Africa; Zimbabwe, Angola, and Namibia have not transitioned to democracy. Bretton and Van de Walle focus

⁴⁰ Davenport, T, and Christopher Saunders. *South Africa: A Modern History*. 5th ed. London: Macmillen Press, 2000. 297

⁴¹ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. (178)

⁴² Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 179

only on the mode of transition, and do not suggest that these countries have moved beyond a transition to competitive authoritarianism⁴³.

The case may still be made, however, that pacted transitions (to democracy and competitive authoritarianism) were in fact aided by settler oligarchy. According to Bratton and Van de Walle, "despite all their fatal flaws, settler oligarchies had the virtue of institutionalizing political competition". This institutionalized competition allowed countries to liberalize more easily than those that had not developed these institutions. The logic is thus: "the main challenge is then the simpler one of expanding the franchise to allow political participation. Democratization is considerably more difficult where the principles of pluralism have never been built into the institutions of the polity"⁴⁴. This institutionalized competition was largely unknown in African countries that did not experience European colonization, thus, these countries face the two-fold struggle of developing institutionalized competition and enlarging the electorate. The introduction of political contestation can be incredibly divisive, making the transition to democracy even more rocky than it is in societies that have already formed some grounds for pluralism.

Explanations for the Lack of Pacted Transitions in Sub-Saharan Africa

While the historical legacy of settler oligarchies may have determined the mode of transition in South Africa and Mozambique, the lack of cases of pacted transitions in sub-Saharan Africa makes meaningful theorizing difficult.

What explains this rarity in sub-Saharan Africa? Given the relatively large number of pacted transitions that occurred in Latin America and Europe during the 3rd wave, the scarcity of pacted transitions in sub-Saharan Africa is odd.

There is little scholarship concerning the reasons pacted transitions are uncommon in sub-Saharan Africa, however, the most prevalent hypothesis is the prevalence of neopatrimonialism.

Neopatrimonialism

Africa scholars Bratton and Van de Walle propose that pacted transitions owe their rarity to the prevalence of *neopatrimonialism*. This political system does not allow for pacting, as elites within the regime are not incentivized to split into hard-liners and soft-liners and thus negotiate with opposition elites. Therefore, there

⁴³ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 178

⁴⁴ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. (179)

are no parties with which to create pacts; rather, transition occurs when the ruler loses power, or instigates political change unilaterally⁴⁵.

The term stems from *patrimonialism*, utilized by Max Weber to describe the governance structure in the "smallest and most traditional polities"⁴⁶. Patrimonialism is defined as the rule of an individual through "personal prestige and power"⁴⁷. Rules are defined by the preferences of the ruler rather than any codified system, and there are no rights extended to citizens beyond those "bestowed" by the ruler. Bratton and Van de Walle write that "the ruler ensures the political stability of the regime and personal political survival by providing a zone of security in an uncertain environment and by selectively distributing favors and material benefits to loyal followers who are not citizens of the polity so much as the ruler's clients"⁴⁸. Patrimonial authority does not distinguish between the public and private spheres; citizens lack institutional rules to protect themselves and their property from the arbitrary dictates of the patrimonial ruler⁴⁹.

While patrimonial rule may have characterized some communities around the globe in precolonial times, it is apparent that no modern national political systems can be considered purely patrimonial, as they possess codified laws and institutions. At the same time, many regimes still retain characteristics of patrimonialism, particularly in sub-Saharan Africa. Therefore, the term *neopatrimonialism* refers to "political systems in which the customs and patterns of patrimonialism co-exist with -- rational-legal institutions"⁵⁰.

Neopatrimonialism thus incorporates the logic of a patrimonial system of clientism into the institutions of the state. Officials occupy government posts in order to accrue personal wealth through their position of "favor" with the ruler and have access to spoils that supersede their legal salary⁵¹.

Neopatrimonialism is not mere corruption; it is rather a type of political system. Many scholars consider neopatrimonialism to be the "foundation and superstructure of political institutions in Africa", rather than the result of a few extra-legal patron-client relationships that exist in every political system⁵².

⁴⁵ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 61

⁴⁶ Bach, Daniel C., and Mamoudou Gazibo, eds. *Neopatrimonialism in Africa and Beyond*. New York: Routledge, 2012. 10-12

⁴⁷ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 61

⁴⁸ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 61

⁴⁹ Bach, Daniel C., and Mamoudou Gazibo, eds. *Neopatrimonialism in Africa and Beyond*. New York: Routledge, 2012. 10

⁵⁰ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 62

⁵¹ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 61

⁵² Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 60

Since neopatrimonial regimes are personalistic, based on a spoils system and personal loyalty to the leader, elite pact-making is unlikely. This is because elites within the regime do not divide along O'Donnell and Schmitter's hard-liner or soft-liner distinction, rather, they divide based on spoils. When the possibility of liberalization and democratization is confronted, elites are most likely to make pragmatic decisions about their relation to spoils or benefits resulting from the transition. Thus, they are insiders or outsiders "in relation to the spoilage system".

If there is fracturing within the neopatrimonial elites, dissenters are likely to be ousted from power quickly and replaced by officials loyal to the ruler. Insiders, conversely, are linked to the regime and unlikely to advocate for political reform; "they are recruited and sustained with material inducements, lack an independent political base, and are thoroughly compromised in the regime's corruption -- they are dependent on the survival of the incumbent"⁵³. Neopatrimonial regimes, therefore, are more likely to create loyal, defensive political elites within the regime rather than potential elite members of pacts. According to Stephen Brown, splits within African regimes do not lead to transitions, rather, Sub-Saharan transitions are a result of international pressure or domestic revolts and protests⁵⁴.

Pacted transitions require some amount of lasting compromise; in neopatrimonial regimes, the opposition and incumbent are usually so polarized that the only acceptable outcome to either is a "winner take all" situation. This makes the likelihood of a negotiated settlement in which both sides cooperate in a power-sharing arrangement highly unlikely. Without a precedent for compromise, pacting, and a successful transition to democracy is nearly impossible⁵⁵.

The formation of pacts is also reliant on the extent to which institutions are formalized in a society. Elites engaged in successful pact-making represent specific, institutionalized interests and have numerous supporters. In neopatrimonial regimes, political leaders are unlikely to have more than a few client supporters, and the construction of a consensus around a potential negotiated agreement is unlikely. New political groups attempting to gain momentum in a neopatrimonial regime lack organization, experience and funds to avoid fracturing during negotiations⁵⁶.

Therefore, due to the prevalence of neopatrimonialism in sub-Saharan Africa, pacted transitions are unlikely. Not only are regime elites likely to be loyal to the regime and unlikely to fracture into a group willing to consider reform, but the conditions for compromise are not present in polarized "winner take all" struggles.

⁵³ Bratton, Michael, and Nicholas van de Walle. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997. 60

⁵⁴ Brown, Stephen. "Theorizing Kenya's Protracted Transition to Democracy." *Journal of Contemporary African Studies* 22, no. 3 (September 2004): 325

⁵⁵ Bratton, Michael, and Nicholas Van de Walle. "Neopatrimonial Regimes and Political Transitions in Africa." *World Politics* 46, no. 4 (July 1994): 465

⁵⁶ Bratton, Michael, and Nicholas Van de Walle. "Neopatrimonial Regimes and Political Transitions in Africa." *World Politics* 46, no. 4 (July 1994): 465

Furthermore, neopatrimonial regimes often have weak institutions, which makes it unlikely that an opposition group could represent major segments of society rather than only a few client supporters.

Conclusion

At the beginning of this essay, the following two questions were posed:

1.) *Given that most sub-Saharan democracies did not transition to democracy through pacting, why was this the mode of transition in South Africa and Mozambique?*

2.) *Given the numerous pacting transitions in Europe and Latin America during the 3rd wave of democratization, why are there so few pacting transitions in sub-Saharan Africa?*

The answer to the first question is inconclusive at best. Given that there are only two countries that experienced pacting transitions in sub-Saharan Africa, it is difficult to propose regional "trends" or generalizations -- much less infer causation. There are, however, interesting similarities between the history of institutions in South Africa and Mozambique that may provide insights into the mode of transition. According to Bratton and Van de Walle, the common history of "settler oligarchy" may be particularly important to the occurrence of a pacting transition, especially in light of the theory that settler oligarchies produce greater chances for pluralism, institutionalized competition, and thus pacting transitions.

The mere rarity of pacting transitions in sub-Saharan Africa prompts the second question. Literature is almost as scarce as the transitions themselves, but what scholarship there is points to the presence of neopatrimonialism as the main inhibitor of pacting as a mode of transition. Just as settler oligarchies produce chances for pluralism and institutionalized competition, neopatrimonialism conversely suppresses pluralism and institutionalized competition. In contrast, neopatrimonialism creates a system in which elites are defensive loyalists, tied to the regime through a corrupt system of spoilage. Pacting is unlikely within the regime itself, and opposition elites are unlikely to accrue a meaningful number of supporters, resources, or institutionalized support to sustain compromises during pacting.

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