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South Africa's 2014 Elections

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INTRODUCTION

THE 2014 ELECTIONS

Game-changer or Continuation of Status Quo?

Mcebisi Ndletyana and Mashupye H Maserumule

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The results of South Africa's fifth democratic general election, held on 7 May 2014, perhaps more than those of any other, were awaited with much anticipation. They promised to reconfigure South Africa's political landscape. Not only were new political parties making their debut, the election seemed to be the toughest ever contested by the hitherto dominant, African National Congress (ANC). And this time around the spotlight was not only on the political parties, but also on the election management body, the Electoral Commission of South Africa (IEC). In the midst of the election campaign the commission was gripped by a controversy that was not only a novelty in the 20-year-old democratic South Africa, it threatened to impair the credibility of the organisation.

The ANC went into the election campaign weaker than it had ever been in the 20 years since the first democratic elections, in 1994. Chief among its problems was a scandal around the president of the party and the country's president, Jacob Zuma. The Public Protector, Thuli Madonsela, had released a damning report revealing that the Department of Public Works had spent an amount close to R250-million on what were termed security upgrades at Zuma's private residence in his home village of Nkandla, in KwaZulu-Natal. While it is not unusual for security to be improved at the home of a head of state, in this case, the total expenditure was staggering, far exceeding what had been spent on the homes of his three predecessors – Nelson Mandela, Thabo Mbeki and Kgalema Motlanthe.

The Nkandla scandal put the ANC on the defensive – fending off accusations of corruption while also seeking to tout its contribution to the improvements that had taken place in the country since it took over government. The problems, however, did not only relate to governance, but also to identity. For the first time the party faced an election without the presence of one of its most effective campaigners, the founding father of the democratic republic, Nelson Mandela, who passed away on 5 December 2013, just as the party's campaign got underway. The ANC's challenge, therefore, was to invent a new way of campaigning, without Mandela, which would also entail downplaying the scandal around its president, whilst accentuating its positive record in government.

Added to the ANC's problems was the disarray in its youth league and the entry of a new political party, the Economic Freedom Fighters (EFF), into the electoral process. The EFF is a splinter party, which broke away from the ANC shortly before the 2014 elections, just as the Congress of the People (Cope) had done before the 2009 elections. In its electoral debut Cope won 1 256 133 of the 17 389 246 votes cast (7.42%) and became the third-biggest party after the ANC and the Democratic Alliance (DA). A substantial number of those votes came from the ANC, reducing its electoral support from 69.69% in 2004 to 65.9% in 2009.

Cope's initial success showed that the ANC was vulnerable to splinter groups. The formation of the EFF rekindled that concern. The party had two factors in its favour: a prominent leader and a possible constituency. Although his popularity had not been tested, the EFF's leader, Julius Malema, was certainly conspicuous – he had attracted newspaper headlines almost daily since becoming president of the ANC's Youth League in 2007.

His party targeted South Africa's poor and unemployed with a populist message that not only threatened to eat into the ANC's constituency, it was also likely to capitalise on popular disgruntlement with the incumbent. More significantly, the party would test the resonance of populism in South Africa's public imagination.

As for Cope, the 2014 election was to decide its fate. Its impressive electoral debut was quickly followed by an ugly and a protracted power struggle between two of its founders, Mosiuoa 'Terror' Lekota and Mbhazima Shilowa, who faced each other repeatedly in court either to interdict each other's conferences or to face charges of siphoning party funds. The power struggle precipitated the resignation of leaders of the party, including Bishop Mvume Dandala, who had been Cope's presidential candidate and parliamentary leader. Dandala represented the moral leadership the party had offered the South African public but the unflattering spectacle of the infighting within the party detracted from its moral rectitude and its promise to the electorate of an honest alternative to the ANC.

The initial sign of voters' disapproval of the goings on within Cope was

registered in the 2011 local government elections, when the party performed poorly, especially in its strongholds, such as the Nelson Mandela Bay Metro. The 2014 election would determine whether the party would be resuscitated or condemned to death.

Like Cope, the newly formed Agang-SA assessed the readiness of the black community to sever the class coalition that had historically defined black politics. Formed by a former academic and a businesswoman, Mamphela Ramphele, Agang-SA targeted the black middle class, while also seeking to transcend race. The party was unashamedly middle-class and freemarket oriented, which was unusual for a party led by someone who had been part of the liberation movement – Mamphela was a member of the Black Consciousness Movement (BCM). Agang-SA's performance, therefore, would provide further insights not only into the difficulties of a new party contesting elections, but also into the readiness of society to embrace trans-racial politics.

Agang-SA was not the only party that laid a claim to trans-racial politics. The Democratic Alliance is fond of claiming that it is the most non-racial party in South Africa and has made non-racialism one of its critical objectives, especially in an attempt to overcome a racially exclusive past and a persistent association with whiteness, which solidified, especially under its previous leader, Tony Leon, whose leadership style and rhetoric consolidated the party's support amongst whites and coloureds but did not do as well amongst Africans.

Recruiting Africans became then DA leader Helen Zille's primary objective. Her background put her in a good position to do so. She had once been a journalist for a progressive media house and speaks some isiXhosa as well. In order to pursue that objective, soon after taking over the party, Zille reconfigured it to include young black people in its leadership in both Parliament and the provincial government. For instance, Lindiwe Mazibuko became the party's parliamentary leader and Mmusi Maimane its national spokesperson. Maimane has since succeeded Zille as leader of the party.

The 2014 election would indicate whether or not Zille's strategy was bearing fruit. Under her leadership the party had won its first outright victory in the Western Cape Province, where she is premier and Patricia De Lille mayor of Cape Town. But the challenge was to extend the party's influence beyond the Western Cape, which is predominantly coloured and has the largest concentration of white people, into provinces that are predominantly African. Its performance in such areas would not only indicate whether the DA's strategy was working, but also determine the future of the party as an alternative to the ANC in national government.

In other words, the fifth election, marking the 20th anniversary of South Africa's democracy, was to be the country's most competitive to date. The

governing party was vulnerable, while the official opposition was on the ascendant. Inevitably, the fierce contest played itself out in the media. The public broadcaster, the South African Broadcasting Corporation (SABC), had previously been repeatedly accused of bias in favour of the party-in-government. Members of the SABC Board are nominated by Parliament and approved by the president. Thus, they are often accused of being sympathetic to the majority party, which effectively appoints them.

In addition to the usual suspicion, events within the SABC heightened concerns about political manipulation. The previous Minister of Communication, Dina Pule, for instance, appointed a wholly unsuitable person, Hlaudi Motsoeneng, to the post of Acting Chief Operating Officer (COO). A probe by the Public Protector revealed that Motsoeneng had lied about having passed his matriculation examinations. Despite this, Motsoeneng seemed to be more influential than the Chief Executive Officer, Lulama Mukobo, and the board combined. When it was revealed that he had lied about his qualifications, the board attempted to suspend him but failed to secure political support for the move. Instead, it was, itself, eventually forced to resign. Mukobo, too, resigned, amid reports that she had been sidelined, while Motsoeneng performed the duties of CEO.

Motsoeneng's links to the party-in-government are the only reason he was appointed to a position he clearly did not deserve. The fact that even the board could not suspend him and that a duly qualified CEO was driven out by frustration brought on by Motsoeneng usurping her powers is a further indication that he enjoys political protection and favour. If that was the case, what did his political benefactors expect in return for the appointment? This concern was exacerbated when he accused the independent media of being unpatriotic in their criticism of government and promised to increase positive reporting about government, what others have dubbed 'sunshine journalism', creating concerns that Motsoeneng would use his position to benefit the ANC in the run-up to the elections.

The SABC was not the only public institution to raise fears of collusion with the ANC. The Electoral Commission of South Africa, popularly known as the 'IEC', was a subject of similar concern, sparked by the conduct of its chairperson, Pansy Tlakula. Following the submission of a complaint by the leader of the United Democratic Movement (UDM), the Public Protector found that Tlakula had unfairly influenced the awarding of a lease contract to her business partner, Thaba Mufamadi, who was, at the time, an ANC member of Parliament.

Her actions not only violated the procedures that govern tender processes, they made it appear that she was too close to the ANC. If she could influence the awarding of the contract to an ANC MP, what else might she do, opposition leaders asked. They further claimed that her conduct compromised the independence

of the commission. The Public Protector agreed with the opposition parties and recommended that the matter be referred to the Electoral Court, which should consider the possibility of dismissing Tlakula.

This was the first time a member of the commission had been charged with unethical conduct and the first such case over which the Electoral Court had been called upon to preside. The case was complicated by the fact that at the time Tlakula committed the transgression she had been CEO of the commission, not a commissioner, so it was not clear whether or not the Court, which is empowered to preside over disputes involving commissioners, could also hear cases involving a transgression committed before a person became a commissioner. The Tlakula case, therefore, was significant in two ways – it would set a precedent and it would determine whether acts such as that of which Tlakula was accused might impair public confidence in the impartiality of the commission.

The fifth election, therefore, was not only significant because of the milestone that was the 20th anniversary of South Africa's democracy and the fact that it was the first election to take place after the death of Nelson Mandela, it posed serious questions that had to do with the founding values of the country's democratic society as well as the vibrancy of the institutions that are critical to the health of its democracy.

The articles in this issue of the *Journal of African Elections* cover each of the many issues highlighted above and reach insightful conclusions. Susan Booysen looks at the impact on the ANC of the various challenges it confronted and shows how the spread of the organisation's electoral support is changing as a result.

Sithembele Mbethe ascribes the ANC's continued decline, among other factors, to the formation of the Economic Freedom Fighters. She goes on to argue that the EFF's relatively impressive performance shows the resonance of populism and that the party itself has reconfigured parliamentary democracy.

However, Ivor Sarakinsky and Ebrahim Fakir warn that, historically, splinter parties have not been successful, although the EFF, as a breakaway to the left, may prove more resilient than the more-or-less centrist Cope.

Agang-SA, another new party, did not perform anywhere near as impressively as the EFF. Mashupye Maserumule, Ricky Mukonza, Nyawo Gumede and Livhuwani Ndou explain the party's dismal performance. They attribute the difference in how the two debutants performed to political experience, campaigning and the constituencies each party targeted.

While other opposition parties struggle to survive, Shauna Mottiar singles out the DA as the best-performing opposition party. She explains the party's stunning rise, but also warns that it may battle to grow beyond its current support base because of its failure to deal sufficiently with the racial question. Though the party has attempted to reconfigure its racial outlook and address issues that

affect black people, Cherrel Africa believes racial stereotypes continue to play a prominent role in the DA's conduct, especially in the Western Cape, where it is the largest party. According to Africa, therefore, the DA's attempts to reach out to other racial groups lack substance.

Sarah Chiumbu and Antonio Ciaglia pay particular attention to the way the SABC covered the election campaign and the manner in which the regulator, the Independent Communications Authority of South Africa, dealt with the complaints that came before it. They suggest that the appropriate legislation should be reviewed to ensure that it promotes an open and fair competitive election environment.

Still on the public institutions, Mcebisi Ndletyana draws attention to the way the IEC managed the elections, focusing particularly on the impact of the Pansy Tlakula saga on the commission and its implications for South African institutions and democracy in general.

ELECTION 2014 AND THE ANC'S DUET OF DOMINANCE AND DECLINE

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ABSTRACT

The African National Congress (ANC) result in South Africa's national and provincial elections of 2014 sings in two voices – 'extraordinary repeat victory' and 'monolith in gradual decline'. The fact that the party continued to dominate, with 62% of the national vote, was a significant achievement in this fifth set of national-provincial elections in democratic South Africa. In none of these elections has the ANC polled below 60%. Yet, from whatever angle its result is analysed, decline and decay are evident. The national result trend is one of serial decline over the last three elections. The opposition challenge came from both left and right and the ANC took losses on both flanks; turnout was down, as many of its supporters chose abstention over vote-switching; the ANC became more dependent on rural votes in an urbanising South Africa and results in the metropolises suggest further degeneration, unless the party invents turnarounds. A trend reversal remains possible, yet would be exceedingly difficult given the extraordinary campaign that was required to bring in the 62% in 2014.

INTRODUCTION

Time stood still for the ANC in Election 2014. Judgements of shortfalls, deficits and malfunction in its 20 years in power were suspended and it was the time to recognise the party as having made a substantive difference to the face and texture of South African politics and society. It was the time to remember the ANC's role in the liberation struggle, the time to affirm that it is better trusted than opposition parties. Yet, it was also borrowed time. The party was being given another chance to put quality into delivery statistics, jobs into the promises of job opportunities, become more accountable and bring in exemplary leadership.

Much was changing on the ground, both in politics and in the electorate. Election 2014 was the stage for the ANC to show how a strong, prolonged and well-resourced campaign could deliver an above-60% result in the face of adversity. This result materialised, but the election served notice that the earth was slowly moving beneath the ANC. For the second time in a row the party suffered a four percentage point decline in national election results – from 70% in 2004, to 66% in 2009 and 62% in 2014. It could no longer be taken for granted that the bulk of South Africans' hearts and votes automatically belong to the ANC.

In no election since 1994 had the ANC had to work so hard, against such odds to keep itself elevated as a political family, held together by a thread of struggle history. The thread had become fragile. In the face of the travails of 20 years in power and substantial corruption the liberation dividend was no longer automatically associated with the party. The election result showed how both middle and working classes, who had been beneficiaries of the ANC's rule, had become willing to vote against the party.

This article dissects the story of the ANC in Election 2014 in four parts. It begins with the phenomenal election campaign, which was well resourced and nurtured by the celebration of both 20 years of democracy and the life and passing of Nelson Mandela. The party's 2012 centenary launched the 2014 campaign and its message, the 'Good Story' of transformation and delivery over 20 years anchored it. Secondly, the article analyses the campaign machinery that carried the 2014 quest and explores how an ANC that was no longer boosted by a unified Tripartite Alliance and powerful Youth League came to rely on large numbers of volunteers to fill much of the space. Thirdly, the article turns to the election results, dissects the trends and explores the explanations. Finally, it considers the implications of the result, which was a resounding electoral victory, with large national margins over opposition parties, yet with disquieting implications for the ANC. In an urbanising South Africa, its support base had become more rural, it had fragile outright majorities in major metropolitan centres, the KwaZulu-Natal vote bonuses of recent elections had started drying up and ANC majorities in protest communities were increasingly brittle. The analysis draws on the author's 2013-14 research into voter attitudes and on continuous monitoring of election-related developments.

THE ROLLING ANC CAMPAIGN

The ANC conducted a substantial campaign in adverse conditions. The 'Good Story' of 20 years of ANC government delivery and transformation was the top-line message. It was incontrovertible that South Africa is a changed, improved place, and the message meshed readily with national and government narratives.

Second-line was that the ANC remains the hope, the liberator and the party that is bigger than any contemporary stain on its name. This bond had to be renewed and brandished. The third line was that policies had to be presented as generating hope, especially for employment and relief from extreme poverty, and be as radical as possible in order to withhold campaign oxygen from the newly-formed Economic Freedom Fighters (EFF). Fourth-line was that there had to be sufficient reassurances that the ANC and its leadership were attending to corruption and that a page had been turned. This extended into the 'Hands off Zuma' campaign by the ANC in KwaZulu-Natal (KZN), unapologetic in its belief in its own son, with a long history, in trying circumstances, in the ANC as liberation movement and as a maligned and unfairly persecuted deputy-president of the country (see Ngalwa 2014a).

It was a long-haul campaign that fused with the centenary celebrations that started in January 2012, with mobilisation around ANC president Jacob Zuma's re-election and the party's national conference in Mangaung in December 2012; the long illness and passing, in December 2013, of Nelson Mandela and the national celebrations of 20 years of democracy. The four months of intense campaigning that started in early 2014 were merely the final stretch.

All the currency generated by this string of powerful events was used in the ANC's interactions with voters and opposition parties. The party had to counter multiple obstacles to its reputation as a 'caring and competent' former liberation movement and governing party. The main controversies that had to be countered centred on:

- Continuously failing economic policies and especially failure to reduce unemployment rates;
- The arms deal and charges against Zuma of personal corruption, racketeering and money laundering, which have persisted throughout his terms in office. The Democratic Alliance (DA) persevered and the Seriti Commission started its investigations into the controversial arms deal, while Zuma's first term ended with his escaping an impeachment debate in Parliament;
- The shooting by police of striking miners at Marikana and how this could square with a caring and accountable governing party;
- The debacle of the unauthorised landing at Waterkloof Airforce Base of a private plane carrying guests attending the wedding of a member the Gupta family, which is known to be close to Jacob Zuma, and how it displayed special privileges for special citizens, and thus inequality before the law;

- The unfolding controversy around the high cost of the ‘security features’ installed at the president’s private homestead in Nkandla in KZN, which raised issues of presidential accountability and drew condemnation in a report compiled by the public protector;
- An increase in violent community protest, coupled with local government and local representation failures; and
- Severe labour disputes, including the prolonged strike in the platinum belt, which resulted in the decline of the National Union of Mineworkers and the Congress of South African Trade Unions (Cosatu).

ANC campaigners conceded that it was a demanding campaign to run (ANC elections head Malusi Gigaba in Musgrave, 2014; in Marrian 2014).

Campaigning and the state of the ANC-people bond

The ANC worked hard to persuade existing supporters to stay on board and boasted that it would increase its support across the provinces (Booyesen 2013b). In defensive rather than expansive mode, it had to shore up its core constituencies. In this context, the minorities were largely inconsequential additions to the campaign.

While it tried to win over coloured voters, using arguments of DA racism, early in the campaign it stated that it would be a ‘waste of time’ to canvass whites (Du Plessis & Ndlangisa 2013). Zuma’s words (2014a) at the official 20 years of democracy celebration showed how difficult it was for the ANC to keep alive the hope of getting a job, and hinted at the odds against the ANC adding new working-class support:

Over the past 20 years employment, both formal and informal, has grown by around 5.6 million people, which is far faster than was the case previously. More work however still needs to be done to expand the capacity of our economy to absorb more people, especially the youth.

South African voters, who, in large numbers, continued to *want to believe* in their ANC, bolstered the campaign. Given its liberation legacy and performance in transforming the country, supporters were largely prepared to continue loving their family-like party, despite a lack of regard for its leadership and government (Booyesen 2013a). Incumbency and patronage had become interlocked with the notions of the caring parent. Then-MP Ben Turok (interview with Ndenze 2014b) confirms the contemporary variations on the continuous bond: ‘... the African

people of South Africa love the ANC. They don't love Zuma. The ANC is your family. The ANC is your neighbour, the ANC is your mother and father.'

The ANC largely still benefited from the culture among its followers (Booyesen 2011) come election time to close ranks against an opposition party of choice and re-celebrate 1994. Nevertheless, the entry of the EFF to the left meant that the ANC had to refocus to counter both the DA and the EFF, despite its contention that it was unperturbed and used to 'a new opposition party per election'. It had seen the heydays of the United Democratic Movement (UDM) and the Congress of the People (Cope), both modest, one-election wonders. The EFF, however, was speaking to a growing audience of largely young and disaffected voters, was withholding new first-time voters from the ANC and had more legitimacy amongst the ANC's target audience than the predecessor split-off parties.

On the ground ANC campaigners were confronted with citizens who were critical of campaign promises and absentee representation (see Booyesen 2013a). They confronted ANC leaders, interrogated them and insisted on explanations for insufficient or uneven delivery (most would close ranks and vote ANC at a later stage). ANC leaders used 'dirty tricks' when the going got tough. Nomvula Mokhonyane told protesters in Bekkersdal that the ANC did not need their 'dirty votes'; Malusi Gigaba called the DA a 'party of demons'; Fikile Mbalula averred that the Western Cape was 'run by witches' and that 'tokoloshes' were needed to run the DA's provincial government out of power; Baleka Mbete suggested that the struggle spirits would deal with those who were disloyal and Jacob Zuma and Cyril Ramaphosa warned voters that their ancestors would turn on them if they do not vote ANC (see *The Sunday Independent*, 13 April 2014, p 4; *City Press*, 13 April 2014, p 3; *The Star*, 20 April 2014, p 4). A member of the KZN ANC provincial government told voters: 'Nxamalala [Zuma] has increased grants, but there are people who are stealing them by voting for opposition parties' (see Hans, Jansen & Padayachee 2014).

ANC supporters again showed that they do not automatically blame the organisation for the shortcomings of its leaders and leaders-in-government and ANC campaign strategists protected the president from being booed at rallies by audiences who wanted answers about issues like Nkandla or corruption rather than the official campaign narrative of the 'Good Story'. Zuma had been the object of booing at the memorial service for Nelson Mandela held in Gauteng in December 2013. In an effort to avoid a repeat sudden changes were introduced in campaign schedules, rallies with Zuma as the key speaker were minimised (see, eg, Ngalwa 2014b), he was moved to safer forms of campaigning and no-shows were induced (see Ngalwa 2014c).

The huge Siyanqoba national and provincial rallies became controlled events, with the audience seated in provincial blocks and records kept of who from

which regions was attending. According to Turok (2014) '... the extraordinary measures taken to screen and control the crowd when the ANC released its election manifesto in January in Nelspruit may be a measure of how uneasy the leadership feels in the face of public discontent.'

Convergence with ANC centenary and the state's 20 years of democracy celebrations

The ANC's centenary celebrations in January 2012 were the de facto foundation of the rolling 2014 election campaign. The basic message was that it was the ANC that had brought liberation and far-reaching progress in a continuous liberation process. Failures in the first two decades of ANC governance were mere small diversions in the greater historical project. The story was one of progress, hope and trust.

Jacob Zuma, as incumbent ANC and South African president, took centre stage during the year-long festivities to remind South Africans not to forget the link between liberation and the ANC. The celebrations doubled as much of Zuma's campaign for re-election as ANC president in Mangaung in December 2012. By now Zuma could hardly be extricated from the ANC, even if it was clear that his presence was reducing its support, perhaps by as much as five percentage points (Pollster interview 2014).

ANC secretary-general Gwede Mantashe saw attacks on Zuma as efforts to destroy the ANC and defended the president as the symbol of the ANC, the head of a snake: 'If you want to kill a snake you crush its head ... The party is not something to play around with' (Ndenze 2014c).

The campaign gained substantial benefits from its links with the government's all-encompassing celebrations of 20 years of democracy (see section on state resources below). The way that a multitude of government departments presented the feats of 20 years articulated perfectly with the ANC's 'Good Story'. The best part of this story for the ANC was that vast amounts of state funds could be channelled legitimately into campaigns that doubled as the ANC election campaign.

The passing of Nelson Mandela

The passing of an iconic leader of the ANC's struggle against apartheid oppression, who had become the symbol of the democratisation and reconciliation process of 1994, was manna from heaven for the ANC's election campaign. The attention focused on Mandela frequently highlighted all that came to be seen as virtuous

about the ANC. The ANC could be promoted as the embodiment of Nelson Mandela (see Ranchod 2013, pp 161-63).

There were several reports, backed by personal communication (Mandela family member 2013), confirming that Nelson Mandela, for an amalgam of reasons including family disputes and ANC political resourcefulness, was medically sustained to live from July to December 2013. The time of his passing served the ANC's election campaign. It came during a relatively quiet spell prior to the main campaign period and left December 2013 for major memorial services and respectful mourning. It also came just prior to the finalisation of the ANC's candidate lists. The focus on Mandela helped elevate the ANC campaign above the reaffirmation of Zuma as the face of the ANC's election quest.

The 'Good Story' – heart of the ANC's campaign message

The ANC's campaign message was 'a Good Story to tell' (see Seery 2014; Figure 1) in which 'us' (those experiencing the changes) are contrasted with 'them' (those who are not telling the truth about South Africa today). It ended with the line 'Together we move South Africa forward'. Despite criticism of this 'Good Story' as a half-truth and despite the dark side of the story, the narrative became ingrained in the 2014 campaign. No South African, even those hostile to the ANC, could disagree with aspects of the 'story': South Africa, warts and all, was a better place than it had been in the apartheid days.

This core campaign message refocused negative pre-election debates concerning the ANC. As the ANC's head of elections, Malusi Gigaba, remarked in an interview:

We knew we were not going to outcompete negative public debate and discourse about the ANC. We didn't even try to contest all the negative views that were being peddled at the media level. Our focus was getting down to the voters

Shoba 2014a

The 'Good Story' covered the entire 20-year period of ANC rule – the ANC would not be drawn on what proportion had been accomplished in the time of Zuma – and voters were reminded that Zuma had assumed power in the aftermath of the 2008 global economic meltdown.

The 'Good Story' complicated opposition party campaigns. The DA had hoped to extend its support (more substantially than it eventually did) into the black-African voter bloc to capture disaffected ANC support. It could not risk alienating potential converts by being hostile to the early days of democracy.

Instead, it focused its campaign on the woes that had befallen South Africa and the ANC under Zuma’s rule. ANC campaigners countered that the DA had also criticised the ANC in the pre-Zuma days.

The ANC was also aware that voters liked the party better than they liked its leadership (see Booyesen 2013a). This became an essential part of the second-tier messaging. The South African Communist Party (SACP) ran poster campaigns urging citizens to vote ANC for the sake of Mandela and for the sake of Chris Hani. Zuma’s face featured only on a modest portion of the posters, contrasting with the 2009 core poster, in which a confident-looking Zuma took up all the space.

Figure 1
ANC leaflet summarising the ‘Good Story’, the core message of campaign 2014



'Making Nkandla go away'

The ANC conducted its powerful campaign in the face of the recognised weaknesses of number one on its list, its president and repeat presidential candidate, Jacob Zuma, the most damaging of which related to the Nkandla issue. Much strategy went into minimising the impact of Nkandla, appealing to an electorate that largely regard the ANC as a bigger entity than its individual leaders (Booyesen 2013a). In the end, the Nkandla-Zuma factor detracted from ANC support but did not *fatally* wound the party-movement's endorsement. The most significant impact of this was felt in Gauteng, where the ANC's vote dropped from 64% to 55%.

The ANC maintained that voters were preoccupied with issues of basic service delivery and did not care about Nkandla. This contradicts the findings of a 2013 research project, which showed that citizens were hugely concerned about Nkandla; not to the extent of generally taking their vote away from the ANC, but certainly in ways that detracted from the legitimacy and credibility of the party (Booyesen 2013a). Campaign coverage featured a host of reports of ANC leaders on the campaign trail being confronted by angry voters about corruption in government (see, eg, Seale 2014).

Gigaba shed light on how the ANC made Nkandla go away (see Marrian 2014). He argued that opposition campaigns that attacked Zuma backfired because the ANC was bigger than Zuma and that elections could not be treated as a referendum on Zuma. He also told Shoba (2014a) the DA's 'Ayisafani [the ANC is not the same]' advertisement was 'stupid' and in fact boosted the ANC: the DA 'invested millions of Rands of their own money on campaign adverts about the ANC. At that moment we in the ANC just had to sit back and say: "Oh, they are campaigning for us ..."'

Gigaba explained (see Marrian 2014) that the ANC began fashioning its Nkandla message in late 2013, before Public Protector Thuli Madonsela's report on the upgrades was leaked to the media. Subsequently the ANC emphasised the inter-ministerial report, which exonerated Zuma. Once the public protector's report was released in March 2014 the ANC used the inter-ministerial report to counterbalance the public protector's findings.

This approach was illustrated on the campaign trail in Mpumalanga. Zuma asserted that the opposition parties focused on Nkandla because they had no policies. 'All they say is iNkandla, iNkandla, iNkandla. This is because they have nothing to offer.' He claimed that the only thing the opposition parties knew about was taking matters to court and asked, 'how can we respect such people?' Zuma also maintained that Madonsela's report

didn't say the president misused money ... it did say there was something unclear with those who built and bought material ...

Government asked the Special Investigating Unit to investigate ...
the people who should be investigated.

Ndenze 2014a

Experts disagreed. The shielding of Zuma 'was a showcase of failing to address a political crisis in a very critical time before elections', argued political commentator Ibrahim Saleh. He added, however, that the ANC was like a religion, and even if members are horrified they are unlikely to change their religion (Dodds 2014).

ANC CAMPAIGN MACHINERY

By the time of Election 2014 the ANC had formidable resources, yet it had lost its unambiguous organisational high ground. The campaign apparatuses that pushed into the election battle were structurally weakened compared with those of previous elections. There had been crucial changes in the Tripartite Alliance; the youth, veterans and women's leagues were all incapacitated to some degree and luminaries and stalwarts fell by the wayside. Despite a growth in membership the SACP was no match for the organisational power of a strident Cosatu. Despite these organisational problems, the ANC pulled off a campaign of note. Two crucial replacement apparatuses came into effect – volunteers and a campaign drawing on state resources, including staff, projects and programmes, and advertising associated with the celebration of 20 years of democracy.

Cosatu and Numsa

Cosatu had long been essential to the ANC's campaigns, providing foot soldiers and resources through its organised formations but in 2014 Cosatu was divided and its powerful general secretary, Zwelinzima Vavi, had been silenced by the ANC for campaign purposes.

In addition, from late 2013 onwards, Irvin Jim, the general secretary of the National Union of Metalworkers of South Africa (Numsa), an affiliate union in the Cosatu federation, had warned that the union would not campaign for the ANC if the National Development Plan (NDP), which Numsa had rejected, featured in its election manifesto.

An ANC-led pre-election intervention delivered an accord that prevented further fallout at election time. Gigaba conceded that Cosatu infighting and Numsa's decision not to campaign for the ANC had affected the ANC campaign (see Marrian 2014). Subsequently, Numsa faced possible expulsion from Cosatu, standing accused of resisting Cosatu resolutions, for example, in not supporting the ANC in the elections.

The leagues, the stalwarts and the luminaries

The three ANC leagues played reduced roles in the ANC's campaign in 2014 with the ANC Women's League (ANCWL) largely subdued and the ANC Youth League (ANCYL) non-existent, except for a marginal role played by the Youth Task Team, appointed to reconstruct a league in the place of the imploded body that had been led by Julius Malema and others who had left the ANC to form the EFF. In the past, and particularly in Election 2009, the ANCYL had been an election stalwart, driving grassroots campaigns and doing much of the footwork. The task team failed to activate the 4-million 'born-frees' (first-time voters born after 1994).

The Umkhonto weSizwe Military Veterans Association (MKMVA) had split roughly a year prior to the election. The split-off Umkhonto weSizwe War Veterans' Union (MKWVU) contested the election through the vehicle of the South Africa First political party, which had minimal resources and organisation and forfeited its election deposit. The MKWVU alleged (and substantiated) corruption in MKMVA (see Bailey 2012). The MKMVA put the fallout down to internal squabbling over positions and promised to mobilise South Africans to vote for the ruling party: 'We will occupy our defence posts and mobilise the people of South Africa to vote for the African National Congress' (Stone & Gernetzky 2013).

Luminaries, among them Nobel Peace Laureate Archbishop Emeritus Desmond Tutu, declared that they would not support the ANC because it had lost its moral authority. 'I will not vote for them ... I say it with a very sore, very heavy heart because on the whole they have tended to be close to the kind of things we dreamt about,' he told a newspaper reporter (Smith 2014). Veteran and struggle stalwart Mavuso Msimang (2014) referred to the ANC's handling of the Nkandla affair as embarrassing and asked the ANC to 'put a stop to the cancer that causes power to be abused'. Others, such as former Cabinet minister Ronnie Kasrils and former deputy minister Nozizwe Madlala-Routledge, campaigned for a non-ANC vote (with exceptions) or a 'no vote'.

Volunteers and door-to-door outreach operations

ANC volunteers in their 2013-14 manifestation were a new formation, mobilised from mid-2013 onward. Volunteers had played a substantial role in previous elections, specifically in 2009, but their 2013-14 profiling was distinct. They were organised in each province, with huge launches and toolkits of typical queries and appropriate answers (Booyesen 2013b). Jacob Zuma described them as an 'important additional structure in the ANC'. The 2013 launch statements referred to them as disciplined, no-stipend, campaign implementation forces activated at voting district level and subject to ANC branch executives.

The brigades were baptised in the names of icons of the armed struggle (Booyesen 2013b). Gauteng's 6 000-strong Moses Kotane Brigade was launched in Johannesburg in June 2013. The Western Cape had the Chris Hani Detachment 5 000 Volunteers Campaign. Volunteers were well integrated into KZN ANC politics, in the form of the Volunteer Corp Movement – called 'a re-launch of the 1952 Volunteers of Inkosi Albert Luthuli'.

Gigaba noted that

the biggest strength in the ANC lies in its ground capacity ... the existence of the sheer force of troopers of the ANC, who can get into every household and mobilise everyone. We relied on our volunteers to carry our message across ... That was the heartbeat of our campaign.

Shoba 2014a

In his address at the final Johannesburg rally Zuma (2014b) asserted that 'ANC leaders and volunteers have visited every corner of the country, humbly engaging our people'. The ANC claimed to have reached its targeted potential voters at least three times in the course of the campaign. Part of the outreach formula was to let Zuma himself go to carefully selected houses, as was the case in his door-to-door outreach in Mpumalanga and the East Rand of Gauteng (see Ndlangisa & Harper 2014). Volunteer action extended into the ranks of municipal functionaries with control over local resources.

ANC elections manuals covered the final year of the extended campaign cycle. Activities were organised in phases, with the objectives of identifying potential ANC voters, ensuring that eligible citizens acquired identity documents, getting them registered in cooperation with mobile Electoral Commission of South Africa (IEC) units and getting them to the polls on election day (ANC Gauteng 2013). The phases were:

- Laying the foundations, nominations and research on the communities that will be canvassed, up to July 2013;
- Back to the people, until the end of 2013, doing the first round of outreach, listening and taking and answering questions;
- Mayihlome [prepare for battle], until mid-April, including voter registration and cooperation with the Department of Home Affairs to issue identity documents, followed up with registration, where necessary in cooperation with IEC mobile units;
- Siyanqoba [we are wining], mid-April until election week, mobilisation that included meetings in parks and community precincts, handing out pamphlets and putting up posters in workplaces; and

- Election week, reminding voters to vote, or to transport them to polls. Taxi-transport was put in place and T-shirts and refreshments were often waiting for voters as they finished voting.

The ANC's strategy included obstructing opposition party campaigns. A Community Agency for Social Enquiry (Case) report gave a detailed analysis of the tactics (Case 2014). Among the incidents recorded was an attempt to prevent the EFF from holding its closing rally at the Atteridgeville Stadium in Pretoria, where the local authority faked essential stadium maintenance work after the EFF had booked and paid its deposit. More indirectly, at the exact time that the DA launched its 2014 election manifesto in Polokwane, a large contingent of ANC National Executive Committee members embarked on a door-to-door campaign in the province's five regions.

Resources

The ANC's expensive, high-profile campaign benefited not only from public resources but also from ample organisational funding. The total cost of the campaign is estimated at around R500-million. Hunter (2014) cited an ANC report that referred to the party's campaign having cost R450-million. That figure might not be exhaustive. The ANC spent in excess of R17-million on television advertisements alone (Speckman 2014); more than three million T-shirts were procured; a dedicated social network team went on the election trail with party leaders and officials; millions of election leaflets and pamphlets were produced and taxi services were procured to transport voters to the polls.

The ANC might have been weakened on some fronts, but in no preceding campaign had the state been as enabled to play a role. Multiple national and provincial government departments delivered services and handed out food parcels and other 'gifts' as close as possible to election time and campaign visits and the celebration of 20 years of democracy created high levels of awareness of the government's achievements.

Print and electronic media were deluged with celebratory advertisements and billboards and advertorials and building wraps amplified the message (see Pillay 2014). No opposition party could compete.

A range of advertisements also reinforced the images of the ANC's leadership. One of these was that of the South African National Defence Force, which carried pictures of defence force commanders-in-chief in the past 20 years, ending with the face of Zuma and the slogan '20 years of freedom and democracy' (see, eg, *The Sunday Independent*, 14 April 2014, p 5). This security sector contribution to the ANC's campaign was supplemented in the last two weeks of the election

campaign with visible security cluster visits to protest hotspots. The cluster issued statements about securing peaceful elections for the whole country, while, in essence, safeguarding the ANC in its campaigning.

State agencies were also de facto election agents, with a rapid succession of official openings in the last three months of the campaign showcasing the ANC's delivery record. For example, in April 2014 President Zuma launched the Umzimvubu water project in the Eastern Cape, and the De Hoop dam in Limpopo (see Velaphi 2014). Schools, houses, bridges and power stations were officially opened, accompanied by generous community celebrations. The government budget for food relief grew by an additional R200-million (to a total of R419-million) in the election year (Ndlangisa 2014).

The South African Social Security Agency (SASSA) and provincial departments delivered truckloads of campaign gifts (such as food parcels, blankets and bicycles) to communities in advance of campaign visits by ANC luminaries (see, eg, Aboobaker 2014; Olifant, Naidoo & Hlongwane 2014). For many of these events people dressed in ANC gear were bused in (see Du Plessis & Ndlangisa 2013). 'We are the real election agents,' remarked a senior SASSA official (2014) in a pre-election interview.

RESULTS

The ANC's 2014 election results were a 'Good Story' with an adverse side. Given the adverse electoral context, which often related directly to the ANC as an organisation and its leadership, its above-60% result was a feat and contrasted with pre-election debates about the party, in particular its leadership and organisational ethics. The result must, however, also be interpreted with caution. It confirmed the ANC's serial decline and revealed the extent to which the party required massive resources and campaigning to sustain itself above 60%. The winning 62% was also unevenly constituted.

Two of the ANC's biggest electoral assets are the fact that it is the repository of the electorate's trust and the fact that voters separate party and leaders, affording higher value to the party (Booyesen 2013a). Opposition parties made inroads into the ANC base, testifying to some shifting trust, but still lagged by large margins (Figure 2). Zuma's words (2014c) in response to the result rang true: '[T]his election victory has re-confirmed just how deeply rooted the ANC is in the hearts and minds of the overwhelming majority of South Africans.' Yet, Zuma (2014c) also over-interpreted the result as signifying that South Africans condoned Nkandla:

[t]hose parties who spoke so violently in Parliament ... spent more than a year discussing my homestead Nkandla, [i]nstead of telling

us what they'll do for the country. They remind me of Shakespeare ... 'It is a tale / told by an idiot, full of sound and fury, / signifying nothing.'

Table 1
National Results: Proportional Party Support across Nine National and Local Elections, 1994-2014

| Parties with national representation | 1994 National | 1995/6 Local | 1999 National | 2000 Local ** | 2004 National | 2006 Local *** | 2009 National | 2011 Local **** | 2014 National |
|--------------------------------------|---------------|--------------|---------------|---------------|---------------|----------------|---------------|-----------------|---------------|
| ANC | 62.6 | 58.0 | 66.4 | 59.4 | 69.9 | 67.7 | 65.9 | 62.9 | 62.2 |
| DA (DP+NP*) | 22.1 | 21.5 | 17.0 | 22.1 | 12.4 | 13.9 | 16.7 | 24.1 | 22.2 |
| EFF | - | - | - | - | - | - | - | - | 6.4 |
| IFP | 10.5 | 8.7 | 8.6 | 9.1 | 7.0 | 8.4 | 4.6 | 3.6 | 2.4 |
| NFP | - | - | - | - | - | - | - | 2.4 | 1.6 |
| UDM | - | - | 3.4 | 2.6 | 2.3 | 1.98 | 0.9 | 0.6 | 1.0 |
| FF+ (FF+CP) | 2.2 | 2.7 | 0.8 | 0.1 | 1.0 | 1.0 | 0.8 | 0.4 | 0.9 |
| Cope | - | - | - | - | - | - | 7.4 | 2.2 | 0.7 |
| ACDP | 1.2 | 1.4 | 0.8 | 0.4 | 1.6 | 1.2 | 0.8 | 0.6 | 0.6 |
| AIC | - | - | - | - | - | - | - | - | 0.5 |
| ID | - | - | - | - | 1.7 | 1.4 | 0.9 | - | - |
| Agang SA | - | - | - | - | - | - | - | - | 0.3 |
| PAC | 1.3 | 0.7 | 1.2 | 1.2 | 0.7 | 1.2 | 0.3 | 0.4 | 0.2 |
| MF | - | 0.4 | 0.3 | 0.3 | 0.4 | 0.3 | 0.3 | 0.4 | 0.1 |
| Azapo | - | - | 0.2 | 0.3 | 0.3 | 0.3 | 0.2 | 0.2 | 0.1 |
| UCDP | - | - | 0.8 | 1.0 | 0.8 | 0.8 | 0.4 | 0.2 | 0.1 |

Notes: * In some instances the IEC website combines the support for the DP and NP / NNP; the current table does not dissect it; ** Stated by the IEC website to be the percentage for the PR component of the local vote; *** Stated by the IEC website to be the percentage for the 'Party overall'; **** Percentages on the PR ballot.

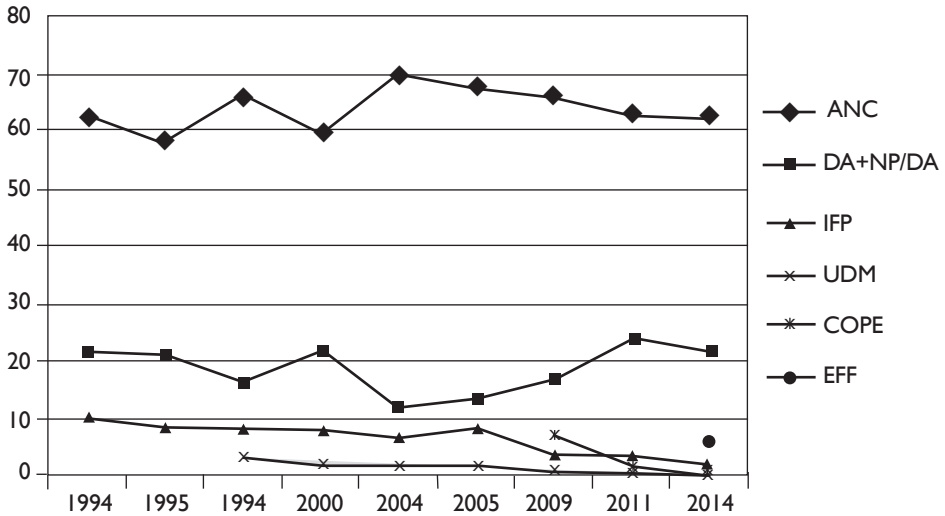
While confirming the serial decline in ANC election results over the past three elections, the details (Table 1; Figure 2) also show that the 2014 result was at roughly the same level as the 2011 local election result. However, the local and national results work on distinct dynamics. In two consecutive national elections the ANC had declined by 4 percentage points at a time by 2014. Table 1 shows that the ANC does about 2 to 3 percentage points worse in the local election *that follows the national*. If this trend persists the ANC can be expected at best to touch 60% in the 2016 local elections. The DA generally gets better results in local than in national elections. The EFF in local election 2016 will mostly detract from the ANC vote, but will also keep some disaffected voters away from the DA.

In the 2009, 2011 and 2014 elections the ANC depended on a growth in support in KwaZulu-Natal to bolster its national averages. However, since 2011 this effect has become less robust.

The rest of the analysis centres on six anchors that illuminate the ANC's 2014 result and also posit cautionary points for the ANC in future elections.

- The ANC is registering a national trend of decline; the 2014 election is the second in a row in which this has happened (and the fourth consecutive election if one includes local elections);
- Reduced levels of turnout nationally and provincially were a form of alternative non-ANC voting, to the extent that they can be differentiated from apathy or total rejection of the system;
- Voting trends across the provinces varied and in the two most populous provinces, KwaZulu-Natal and Gauteng, the ANC had differing fortunes – in KZN it was salvaged, while, in Gauteng, although it retained a slim majority, it suffered a major dent;
- The voting tendencies of the middle classes affected the outcome, especially in the metro areas of Gauteng, and they will affect the ANC's future prospects;
- In the context of South Africa becoming a highly urbanised country, the metros delivered hair-raising results: either the ANC lost its outright majority or came close to losing it; and
- Reduced support for the ANC in trouble spots, which ranged from substantial concentrations of EFF support in Gauteng townships, to a handful of ANC ward losses to the EFF in North West informal settlement and mineworker communities. (One of the three wards won by the EFF was Madibeng Ward 26, which included Wonderkop, the site of the Marikana massacre. The other two wards in which the EFF emerged as the winner were in the Rustenburg municipality.)

Figure 2
Elections 1994-2014 National and Local Result Trends for Main Political Parties



Note: Figure 2 focuses on the main parties; several other small parties hover in the 0.1 to 2 % support band.

The duet of ANC dominance and decline

Election 2014 confirmed the ANC as the dominant party In South Africa. It won 62.15% of the vote, the support of about 11.5-million of 18-million voters and 249 of 400 National Assembly seats. This is impressive by most standards, yet it raises questions if one considers the party’s famed liberation-movement invincibility, the amount of effort and resources required to leverage this continued dominance and the qualitative changes the opposition has undergone. Hence, the result of Election 2014 was the story of a gradually diminishing juggernaut (Figure 2) rather than another routine endorsement.

The ANC won 213 827 fewer votes nationally in 2014 than it had in 2009 (and 235 559 votes fewer across the provinces) – a 1.84% decline if calculated in relation to the 11.7- million votes the ANC won in the previous national election. However, a total of 2.2-million names were added to the voters’ roll between the 2009 and 2014 elections. Taking these into account the ANC’s real national loss translated into a 10.4% decline (Faull 2014; February & Faull 2014).

This drop means that nationally the difference between the ANC and the largest of the opposition parties (the DA) slipped to just less than 40 percentage points for the first time since 1994. In 2004, at the peak of the ANC’s national

electoral power, the gap between it and the DA was 57 percentage points – a reduction therefore of close to 20 percentage points.

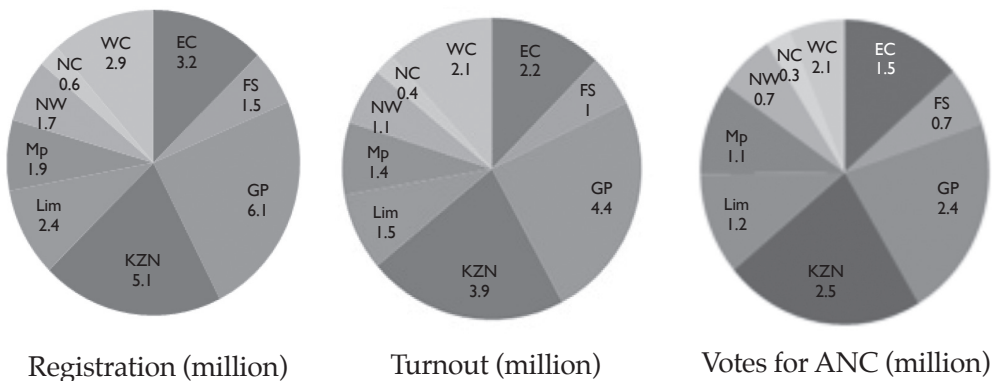
Table 2
ANC Results Relative to Voting Population

| Voting populations | Election | | | | |
|-----------------------------|--------------------|-------|-------|-------|--------|
| | 1994 | 1999 | 2004 | 2009 | 2014 |
| Voting age population (VAP) | 22.7m | 22.6m | 27.4m | 30m | 32.7m* |
| Number of registered voters | No Registration | 18.2m | 20.7m | 23.2m | 25.4m |
| VAP registered percentage | | 80.4% | 75.4% | 77.4% | 77.7% |
| Turnout percentage | | 89.3% | 76.7% | 77.3% | 73.5% |
| Number of valid votes cast | 19.5m | 16.0m | 15.6m | 17.7m | 18.4m |
| Turnout percentage of VAP | 86.0% | 71.8% | 57.8% | 59.8% | 57.1% |
| VAP percentage for ANC | 53.8% | 46.9% | 39.6% | 38.8% | 35.0% |

Source: www.elections.org.za, various windows

The ANC’s national decline from 2009 to 2014 of about 4 percentage points must be seen in the context of Cope’s implosion, which released the bulk of the 7% of 2009 national support back into the electoral marketplace. Cope lost a total of 1.19-million votes in this election and it is likely that at least 3 of the 7 percentage points reverted to the ANC. According to Kimmie, Greben & Booyesen (2010), 4 of the 7 percentage points Cope had won in 2009 had their origins in ANC support. Without this correction the ANC vote might have fallen below the 60% mark.

Figure 3
Provincial Breakdown of the ANC’s 2014 Vote in Relation to Voter Registration and Turnout



The effect of the downturn in turnout

According to Melber (2014) 'there is another, hidden story [to the election], documented by a 16% drop in the voter turnout over the last twenty years'. The turnout rate in the four elections since 1999 has been 89.3%, 76.7%, 77.3% and 73.5%. Of a total of 25-million registered voters (with an estimated 10-million eligible voters, mainly the 'born frees', not bothering to register) one-quarter did not go to the polls in 2014, which means that the ANC governs with the active consent of only 35% of South Africans of voting age (Table 2).

Turnout had several types of impact on the ANC result (Figure 3). From previous research (Booyesen 2013a) we know that ANC voters consider abstention as a mild form of opposition against their party. When they feel angry with or disaffected from the ANC they are (still) more likely to abstain than to switch to an opposition party. The author's detailed analysis of ward results shows that the ANC's top performances in terms of numbers of votes won came from wards with high turnout levels, many of them in the metropolitan areas of KwaZulu-Natal. In contrast, the wards in which the EFF gained its highest vote proportions tended to be those in which there had been a below-national-average turnout. Lower voter turnout nevertheless also muted the ANC's electoral slippage, given that disaffected voters did not add their votes to opposition party tallies.

The impact of the 'Sidikiwe' campaign, in protest against the current ANC, was uncertain. Some of the gains of the opposition parties might have been marginally linked to Sidikiwe. The proportion of national spoilt votes remained consistent – 251 960, only minimally higher than the 1999 figure (the percentage of spoilt ballots in 2014 was 1.4%; 1.6% in 1999). Kasrils remarked that 'Sidikiwe!' succeeded in that 'we have created a national debate about blind loyalty [to the ANC]' (Forde 2014).

Differential provincial turnout affected the ANC result tangibly. In both Limpopo and the Eastern Cape the 2014 turnout was 6 percentage points down from that in 2009, and it was down by 5 percentage points in each of the Free State and Mpumalanga. The declines in these four provinces thus exceeded the 3.8 percentage point national drop. The changes are, nevertheless, dwarfed by the turnout in the 'big two', Gauteng and KwaZulu-Natal. The turnout in Gauteng was 76.5% (4 percentage points lower than 2009, yet still exceeding the national average). That in KwaZulu-Natal's was 76.9% (4 percentage points lower than in 2009 but also still above the national rate). Thus the ANC continued to increase its share of the vote in KwaZulu-Natal but its share in Gauteng declined dramatically.

The changing ANC proportions in the provinces

The ANC's provincial proportions of the vote were up in four and down in

five provinces. This was a nominal improved on 2009, when KZN was the only province in which the ANC increased its share. The 2014 provincial increases, however, were minor and only KZN added significant numbers. The ANC's KZN vote went up by 274 579 votes from 2009 to 2014. This is modest, considering that the number of registered voters had increased by 2.2-million, yet it dwarfed the ANC's increases in the other provinces. The other three provinces with proportional increases were the Eastern, Northern and Western Cape.

The ANC won 22% of its national votes in each of Gauteng and KZN, showing the extent to which the politics of these two provinces led, on the one hand, to the erosion and, on the other, to the increase in the ANC's share of the vote in Election 2014: Gauteng contributed much of the decline, and KwaZulu-Natal, for the third election in a row, went counter to the trend and brought in substantial numbers of additional votes.

Table 3
ANC National and Provincial Election Results 1994-2014

| All first-row figures in columns 2-6 are percentages and second rows are vote totals; figures in columns 7-8 are percentage points | | | | | | | |
|--|-----------------|-----------------|-----------------|-----------------|----------------|---------------------|---------------------|
| ELECTION | 1994 % | 1999 % | 2004 % | 2009 % | 2014 % | Change 2009-2014 | Change 1994-2014 |
| NATIONAL | 62.65 | 66.35 | 69.69 | 65.90 | 62.15 | -3.75 | -0.5 |
| PROVINCES | | | | | | | |
| Eastern Cape | 84.4 (2.5 m) | 73.8 (1.6 m) | 79.3 (1.8 m) | 68.8 (1.6 m) | 70.8 (1.6m) | +2 | -13.6 |
| Free State | 76.6 (1.0 m) | 80.8 (881 k) | 81.8 (827 k) | 71.1 (735 k) | 69.7 (721k) | -1.4 | -6.9 |
| Gauteng | 57.6 (2.4 m) | 67.9 (2.5 m) | 68.4 (2.3 m) | 64.0 (2.7 m) | 54.9 (2.6m) | -9.1 | -2.7 |
| KwaZulu-Natal | 32.2 (1.2 m) | 39.4 (1.2 m) | 47.0 (1.3 m) | 63.0 (2.2 m) | 65.3 (2.5m) | +2.3 | +33.3 |
| Limpopo | 91.6 (1.8 m) | 88.3 (1.5 m) | 89.2 (1.4 m) | 84.9 (1.3 m) | 79.0 (1.2m) | -5.9 | -12.6 |
| Mpumalanga | 80.7 (1.1 m) | 84.9 (959 k) | 86.3 (959 k) | 85.6 (1.1 m) | 78.8 (1.4m) | -6.8 | -1.9 |
| Northern Cape | 49.7 (201 k) | 64.3 (211 k) | 68.8 (219 k) | 60.8 (246 k) | 63.9 (279k) | +3.1 | +14.2 |
| North West | 83.3 (1.3 m) | 80.0 (1.0 m) | 80.7 (1.1 m) | 72.8 (784 k) | 67.8 (764k) | -5 | -15.5 |
| Western Cape | 33.0 (706 k) | 42.1 (668 k) | 45.3 (709 k) | 31.6 (621 k) | 34.0 (737k) | +2.4 | +1 |

The dividend of the gradual Inkatha Freedom Party (IFP) breakup continued to benefit the ANC. As the ANC became established in national electoral politics it also gained ground in KwaZulu-Natal, where it finally overtook the IFP in 2009. This progress continued in 2014. This time around the rise of the National Freedom Party (NFP), an IFP split-off party formed in 2011, aided the ANC nationally by splitting the remaining IFP support. The NFP was, nevertheless, a two-edged sword for the ANC. From the time of the 2011 local election it intercepted a proportion of the departing IFP support, thereby constraining the ANC's growth.

Caught between middle-class ambiguity and working-class slippage

Reflecting on the result patterns of the 2011 local elections Fakir & Holland (2011) speculated that new class solidarities were emerging. This was reflected in the fact, among others, that a small percentage of socially upwardly mobile black South Africans had voted for the DA and raised the question of 'what disincentives social mobility represents for the ANC's continued political hegemony'. The 2014 results confirmed that the ANC was increasingly subject to the fracturing of both its middle- and working-class voting blocs.

The middle classes, argues the Gauteng ANC (2014), '... in this phase, are part of the motive forces of fundamental change. They are a by-product of the ANC's transformation agenda'. Yet the ANC noticed that the middle classes, including those who had benefited from ANC policies, did *not all* feel obliged to continue voting ANC. While the ANC continued to receive high-profile electoral endorsements from many of the newly enriched beneficiaries of its 20 years of rule, the 2014 results (especially in Gauteng) were a wakeup call about the middle classes' increasing willingness to vote against the party. Gwede Mantashe expressed the ANC's disappointment:

We describe the forces of the revolution as those who stand to benefit from change and those who are prepared to defend change ... If they vote for anybody else, it should not be because they are revolting because of an incident ... I find it strange for someone in the black middle class to neglect a party that promotes BEE and employment equity.

Heard 2014

The black middle classes were particularly important to the ANC in its Gauteng contest, as acknowledged in its own assessment of the performance of the Gauteng ANC in which it noted signs of multi-class snubbing of the party (ANC Gauteng 2014, p 6; Shoba 2014b) and emphasised the need to reverse these threats to ANC hegemony.

'The ANC needs a comprehensive strategy to deal with [the middle-class] constituency, especially in the province where the black middle strata ha[ve] significant social, economic and political weight in determining the balance of power,' the party notes, naming as areas for attention the hostile reception of e-tolling on the province's roads, the cost of living, corruption and the slow pace of economic transformation. In the document the ANC also observes that while the working class generally sustains its electoral support for the party, large numbers voted against it in 2014, enabling the EFF to win 'an average of 10% of the vote in working-class townships, including the suburbs'.

These general electoral trends did not, however, cancel out the availability of many from both the 'ordinary middle classes' (the lower rungs of the middle class) and the highflying independently rich, or those enriched by black economic empowerment (BEE), to endorse the ANC. Many in these categories continued to see the party as a struggle icon and/or governing party that had earned their ongoing loyalty, others viewed it as a vehicle of opportunity for employment or enrichment.

At an event hosted by the Progressive Professionals Forum (PPF, a brainchild of the ANC), the contours of the party's vision of the new middle-class dynamic was sketched (see Poplak 2014). The PPF, along with the ANC's Progressive Business Forum, paraded professionals and aspirant BEEs in electoral endorsements of the ANC. The message was that the ANC brings prosperity to its associates. This message was also the theme of a pre-election ANC beach festival hosted by contentious tenderpreneurs S'bu and Shauwn Mpisane, with its slogan 'I'm young, smart and I vote ANC' (Mbuyazi 2014; Sosibo 2014), another demonstration of the rewards given to the ANC by the middle classes it indulges.

The urban-rural trap and endangered metro support

Trends in urbanisation, levels of ANC support typically linked to urban-rural status and differential urban and rural turnouts have an adverse impact on ANC support. The South African population is becoming more urban, while the ANC's urban vote has declined in comparison with its more stable rural vote.

Census 2011 calculated that 62% of the population of 51.8-million was urban. In contrast, among registered voters, 56% were urban and 44% rural; this proportion could increase for a closer match to the overall population. In addition, urban election turnout rose from 76% in 2004 to 80% in 2009, then returned to 76% in 2014. In comparison, rural turnout started higher than urban in 2004 (at 78%), declined to 75% in 2009 and declined further (to 70%) in 2014 (see February & Faull 2014). The ANC is thus at an inherent disadvantage for the future.

Table 4
The ANC's Metro Decline – Select Cases

| Metros | Figures from the provinces | | |
|---------------------------|----------------------------|----------|----------------------------|
| | 2009 (%) | 2014 (%) | Percentage point gain/loss |
| Tshwane | | | |
| ANC | 60.0 | 51.0 | -10.6 |
| DA | 25.1 | 31.3 | +8.7 |
| EFF | - | 11.4 | +10.1 |
| Johannesburg | | | |
| ANC | 62.4 | 53.6 | -10.1 |
| DA | 21.8 | 29.8 | +10.6 |
| EFF | - | 10.2 | +11.5 |
| Ekurhuleni | | | |
| ANC | 66.8 | 56.4 | -11.7 |
| DA | 20.0 | 26.9 | +6 |
| EFF | - | 10.7 | +10 |
| Nelson Mandela Bay | | | |
| ANC | 49.6 | 49.2 | -0.8 |
| DA | 28.1 | 40.2 | +12.7 |
| EFF | - | 4.3 | +4.2 |

Source: www.elections.org.za, various windows

The ANC's greatest metropolitan vulnerability in 2014 was in Gauteng (see Table 4), a province in which more than 90% of the population live in the metros. Metropolitan results in other provinces – apart from the Eastern Cape's Nelson Mandela Bay – showed small declines only. The other ANC metropolitan results were, for 2009 and 2014, respectively and in percentages: Cape Town: 31.3 and 31.1; eThekweni: 66.3 and 64.6; Mangaung: 64.6 and 64.4; and Buffalo City: 67 and 66.9. The latter three metros all include notable tracts of rural areas.

In 2014 the ANC received 47.3% of its vote from rural South Africa, compared with 46.5% in 2009 and 48.7% in 2004; with 52.7%, 53.6% and 51.3% as the matching urban percentages (February & Faull 2014). These internal rural-urban proportions have thus been relatively stable. However, when compared with the proportion of the national vote won by the ANC, urban decline stands out. Its proportion of the overall South African rural vote has remained relatively stable, only declining from 73% in 2004 to 71.3% in 2014. However, there has been

serial urban slippage: in 2004 the party won 67.8% of the urban vote, declining to 61.3% in 2009 and 55.8% in 2014 (see February & Faull 2014). In contrast, the DA's support is overwhelmingly urban, and the EFF made some of its main inroads in Gauteng's urban areas.

Trouble-spot damage

In protest communities generally the ANC lost more support than it did in communities that had not experienced protest in the six months prior to Election 2014. Overall, while support did not collapse, decline was evident and, in most instances, was greater in trouble spots than it was in non-protest communities (Booyesen, De Waal, Ittmann & Schmitz 2014). Several of the protest hotspots had also been prone to violent pre-election resistance to IEC voter registration and other electoral preparations, along with public embarrassments for the ANC during campaign visits.

It was tough going for the ANC in a range of protest-prone trouble spots. A widespread result in these protest areas was that although the ANC won the voting districts, it did so with reduced margins (O'Donovan 2014). In some instances turnout was low, in others opposition parties fared better than they did nationally. The ANC followed a dual strategy in its efforts to minimise damage. On the one hand, ministers in the justice, crime prevention and security cluster made a series of high-profile visits across provinces and claimed responsibility for stabilising the areas ahead of the elections. Many voters felt intimidated by the high security force presence, which included soldiers (see Mkhwanazi 2014), which promoted the image that the ANC government was in control but also contributed to a lower turnout.

On the other hand, the ANC made low-key visits to protest areas after initial hostile receptions, campaigning strategically and thereby minimising damage. Gigaba explained the approach (Shoba 2014a):

We went there [after the initial clashes with ANC representatives] when we had done our homework, even in Bekkersdal. After all the hype in Bekkersdal, we quietly campaigned. We quietly campaigned in Rustenburg among the miners. We engaged people away from the glare of the media ... We engaged people directly and talked to influential individuals and turned them around, and used those individuals to continue engaging the masses of our people.

CONCLUSION AND IMPLICATIONS FOR THE FUTURE

The ANC continued to display impressive levels of dominance, nationally and in seven of the nine provinces, in the 2014 election, yet evidence of decline was scattered across the electoral landscape. This evidence was manifested in serial slippages in national proportions; in reduced turnout, provincial decay showed Gauteng as an Achilles heel and KwaZulu-Natal as the redeemer running out of steam; the ambiguity of the middle classes and damage to working-class support caused concern, along with increasing dependence on the shrinking base of rural votes, while fragility (albeit not collapse) ruled in protest communities. There was also concrete evidence of the ANC being in a quandary in the metropolitan areas, especially, but not only, in Gauteng.

ANC dominance persisted, but with doubts about its sustainability. While the party was far from being annihilated or losing power, it was unambiguously on the pathway to gradual decay. The DA is on a modest forward march, accumulating bigger proportions with each election and mildly pushing back the racial ceiling. The EFF added injury through its feats in ANC catchment areas and its potential to reach out to young and disaffected voters, on whom the ANC will depend should it hope to reverse 2014 declines. This situation may change, but both in Election 2014 and in its immediate aftermath there was little evidence of the ANC positioning itself for a reversal of the decline trends this article has analysed.

If the trend persists of the ANC generally winning a lower percentage of vote in local elections than in national elections, it is likely to slip below 60% in 2016. The message from Election 2014 was that the party's power and hegemony may soon be under serious threat. As Ndletyana (2014) asserts, '[a] calamitous fall is unlikely to set in dramatically. It will be incremental, but soon harden into a downward trend. The likely loss of three metros ... will herald that fatal turning point in 2016.'

The ANC circa 2014 benefited from an unsurpassed, possibly unsurpassable, election campaign. Should it be unable to leverage as much for its 2016 local and 2019 national-provincial campaigns the damage will be tangible – and the result below 60%. Much of contemporary ANC power depends on it being seen to be the winner and in control of the renewal of its hegemony. With results that veer towards the loss of more of its outright majorities the decay will gain momentum.

In many respects the ANC's downward change appears gradual but relentless, given the disaffection among certain core voting blocs and the fact that in the post-election period it was sinking deeper into its pre-election problems. Yet the party is known for reinventing itself, for, on occasion, self-correcting. The question is whether it can dig deep and do what is best for the party and whether incumbent leaders have the ability to rise above self-interest.

If clear signals of such a turn do not emerge, the metros will fall to opposition parties and will be followed by Gauteng. Without control over the economic centre, and with its fortunes anchored in rural South Africa and KwaZulu-Natal, the ANC will become a party with marginal electoral margins, yet entrenched in and fused with the state.

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THE ECONOMIC FREEDOM FIGHTERS

*South Africa's Turn Towards Populism?*¹

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ABSTRACT

The Economic Freedom Fighters (EFF) party has made an impact on South African politics since it was launched in 2013. After the general election in 2014 the EFF became the third-largest party in the National Assembly and the official opposition in North West and Limpopo provinces. Some commentators have raised concerns that the EFF's success represents a turn towards a dangerous populism in South African politics. This article seeks to analyse the EFF as a populist party by arguing that it fits into a global pattern of populism in electoral politics. It uses the category of 'political style', as developed by Benjamin Moffitt and Simon Tormey (2014), to discuss the brand of populism espoused by the EFF. The article argues that the performative elements of the EFF's politics – its uniform and rhetoric, as well as its engagement with national and provincial legislatures – have had the effect of sparking a debate about the relevance of the country's political institutions 20 years into democratic rule.

INTRODUCTION

The Economic Freedom Fighters (EFF) party was the big story of South Africa's 2014 election. Led by the erstwhile president of the African National Congress Youth League (ANCYL), Julius Malema, the EFF captured the public imagination and visually transformed the political landscape. Their red berets became ubiquitous at political meetings, township funerals and on urban streets across South Africa. Because of the political personality of its leader, the EFF dominated the media and public discourse far more than would normally be expected for a

1 Portions of this article have appeared in Kujenga Amani (forums.ssrc.org/kujengamani/2014/05/05/south-africa-2014-elections/#.VEaDBvldUW1) and the EISA *South Africa 2014 Election Update*, issue No 9.

party that had only been in existence for such a short time. Yet despite this triumph of form and imagery, the substance of the EFF's politics remains disputed.

Political analyst Steven Friedman dismissed the party's prominence as being 'a case of media hype over substance', arguing that the EFF's theatrics were being confused with actual influence over the electorate (Friedman 2014) and Ebrahim Fakir (2014, p 5) described the EFF as 'a hodge-podge of different ideological and political strains melding the incendiary politics of "radical blackness" with the seeming elements of socialism'.

While the party appeared to be radical in its approach, Fakir continued, 'it is essentially an empty rhetoric captured in the politics of spectacle, where even complex ideas get pared down to mere slogans'. The party's strategies of 'nationalising the commanding heights of the economy (mines, banks and large factories to the rest of us), expropriating and redistributing land seized by "white thieves" in a process of grand theft, without compensation, and distributing unused state land' were, ironically, he wrote, 'part of the policy arsenal of the apartheid era National Party'.

Various commentators from both the right and the left of the political spectrum dismissed the party as fascist and warned of the dangers it presents in a context of socio-economic hardships caused by high unemployment (Fogel 2013; *Sunday Independent* 2014; Whelan 2014). The label fascist is inflammatory and tends to preclude balanced debate because of the emotions it evokes. However, an examination of the EFF's politics is necessary to understand its place in South African politics and its future prospects.

This article argues that the EFF fits into a global pattern of populism in electoral politics. It uses the category of 'political style', as developed by Benjamin Moffitt and Simon Tormey (2014), to discuss the brand of populism espoused by the party. It argues that the impact of the substance of the EFF's politics is secondary to the impact of its political performance and populist political style on the content of current political debate in South Africa.

The article begins with a brief discussion of Moffitt & Tormey's concept of political style. It then goes on to discuss the EFF as a populist party, examines its ideological position and moves on to assess the party's election campaign and its performance in the elections. It then highlights how the EFF's populism is playing out in both the national and provincial legislatures and closes with some thoughts on its prospects for longevity and what it will take for it to achieve its goal of challenging the ANC's electoral dominance.

CONCEPTUAL NOTES: POPULISM AS POLITICAL STYLE

The past decade has seen a rise in populist politics across the globe. The rise of political movements of 'the people' against 'the elite' can be seen in a diverse range

of contexts – from the Tea Party in the United States to the Front National in France and the Red Shirts in Thailand. In the discourse, populism is generally regarded in a negative light as implying an emotive politics that explains phenomena in simplistic rather than holistic terms and encourages people to suppress or override their rationality. As Mudde (2007, p 542) points out, populism also refers to political opportunism – ‘policies with the aim of (quickly) pleasing the people/voters’. Mudde (2007, p 543) defines populism as

an ideology that considers society to be ultimately separated into two homogenous and antagonistic groups. ‘The pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the *volonté générale* (general will) of the people.’

Scholars have attempted to explain populism in a variety of ways, focusing on political ideologies (see Mudde 2007), organisational forms (see Weyland 2001) and types of discourse used by populists (see Laclau & Mouffe 1985; Panizza 2005). However, given the wide variety of populist organisations that do not fit the archetype in any of these categories the concept has been highly contested and its explanatory utility placed in doubt. Populism seems to be merely a convenient label used to dismiss *those whose politics we do not agree with*.

Moffitt & Tormey (2014, p 386) address this problem by introducing the perspective of populism as ‘political style’. This allows for a focus on the performance of politics and the way it creates political relations. Moffitt & Tormey (2014) ‘seek to acknowledge the collapsing of style and content in these “spectacular” times’. They quote Frank Ankersmit, who argues that ‘style sometimes generates content, and vice versa’ (Moffitt & Tormey 2014, p 388).

This acknowledgement of the mutually constitutive relationship between style and content in populist politics is significant in the context of the EFF, which has developed a distinctive style but has been accused of lacking substance. A conceptual approach that enables us to make the connection between the EFF’s political style and the content of its politics is compelling. As Moffitt & Tormey (2014, p 388) contend, ‘the contemporary political landscape is intensely mediated and “stylised” and as such the so-called “aesthetic” or “performative” features are particularly (and increasingly) important.’ Another benefit of Moffitt & Tormey’s approach is that it does not require an understanding of populism as an ideology to assess it as a political style. Much of the debate about the EFF has been about where to place it on the ideological spectrum, with those opposed to the party dismissing it as right-wing or fascist and those sympathetic to it characterising it as left-wing and progressive. These opposing caricatures do not assist us in understanding the EFF’s politics, its appeal to voters or its possible impact on

South African political life. This article is based on the assumption that a focus on the performative elements of the EFF's politics sheds light on its brand of populism.

Moffitt & Tormey (2014)'s model has three main elements, which are discussed below.

Appeal to 'the people'

What distinguishes populists from other political organisations is their evocation of the people as 'the true holders of sovereignty', as opposed to an exploitative or corrupt elite. The elite or political class are constructed as the source of some crisis or breakdown that is based on or has resulted in the people being let down, exploited or poorly governed. According to Moffitt & Tormey (2014) populists distance themselves from the elite or power bloc in several ways, including the adoption of popular language, gestures and fashion. Populists make claims of being the true voice of the people. The EFF's founding logic is that it represents the poor, marginalised masses of South Africa that continue to be exploited by capital and those who hold political power.

Crisis, breakdown and threat

The driving force of populism often comes from perceived crisis, breakdown or threat. These can be related to some collapse of relations between citizens and their representatives as well as economic hardships or social developments. Moffitt & Tormey (2014, p 392) argue that 'the effect of the evocation of emergency in this fashion is to simplify radically the terms and the terrain of political debate which is reflected in the tendency towards simple and direct language.' Framing incidents as emergencies enables the immediate and decisive action favoured by populists as opposed to the slow and technical process of modern governance. The EFF was formed out of crisis after its leader, Julius Malema, and its head of policy, Floyd Shivambu, were expelled from the ANC Youth League (ANCYL) in 2012. Since its establishment the party has received its impetus from various other crises, including the Marikana massacre, anti-government protests in several communities and the controversy over the development of the president's residence at Nkandla.

'Bad manners'

Populist discourse is coarse. As Moffitt & Tormey (2014, p 392) put it, 'much of populists' appeal comes from their disregard for "appropriate" ways of acting in

the political realm'. They mark themselves as the practitioners of a kind of low politics that is opposed to the high politics of the elite. In challenging the rules and conventions of politics and the institutions through which politics is conducted and mediated, they set themselves apart from the elite and identify themselves as part of the people. This can be seen in the EFF's 'revolutionary' dress code and its adoption of old military language from the days of the liberation struggle, which appears out of place in democratic politics. The EFF's disdain for parliamentary rules and its challenging of the legitimacy of parliamentary conventions are a part of the same phenomenon.

Moffitt & Tormey's framework provides a useful lens through which we can examine the EFF's populism. The next section discusses the formation, ideological foundations and political style of the party.

THE EFF AS A POPULIST PARTY

The EFF, formed in July 2013 as a breakaway ANCYL faction, merged with like-minded political formations including the September National Imbizo (SNI), whose leader, Andile Mngxitama, has explained the organisation's ideology as 'black consciousness, pan-Africanist'.

Those EFF leaders whose political formation took place within the ANC – Julius Malema, Floyd Shivambu and Mbuyiseni Ndlozi – brought into the party a foundational commitment to the Freedom Charter, whose principles, they argue, have been betrayed by the ANC since 1994.

The party's founding manifesto explains that its socialist commitment comes from an appreciation 'of the role played by the fathers and mothers of South Africa's liberation movement' and states that the party 'draws inspiration from the radical, working class interpretation of the Freedom Charter' (EFF 2013a). The suggestion is that this interpretation differs from the presumably conservative, elitist interpretation of the current ANC.

The two sections of the Freedom Charter used as the foundation of the EFF's manifesto are that 'South Africa belongs to all who live in it' and that the national wealth of South Africa (minerals, banking and industry) 'shall be restored to her people'. According to the EFF, this will be done by nationalising 'mines, banks and monopoly industries' (EFF 2013a).

The cardinal pillars of the party's manifesto are:

- Expropriation of land for equal redistribution, without compensation;
- Nationalisation of mines, banks and other strategic sectors of the economy without compensation;
- Building state and government capacity, which will lead to the abolition of tenders;

- Free quality education, healthcare, housing and sanitation;
- Massive protected industrial development to create millions of sustainable jobs, the introduction of minimum wages in order to close the wage gap between rich and poor and the promotion of rapid career paths for all people in the workplace;
- Massive development of the African economy and a move from reconciliation to justice on the entire continent; and
- Open, accountable, corruption-free government and society without fear of victimisation by state agencies

When the EFF joined forces with the SNI it adopted the black consciousness rhetoric (inspired by Steve Biko)² and pan-Africanism (inspired by Robert Sobukwe),³ as well as a critique of the post-colonial comprador state (inspired by Frantz Fanon).

In an interview Mngxitama explained the decision to unite with the EFF, saying that 'it became useless and childish to insist on developing a politics outside of the space Malema was operating in, because he had already appropriated [the left] agenda, our politics' (Sosibo 2013).

When asked about the contradiction between the SNI's black consciousness and Africanist agenda and the EFF's Charterist stance (and the non-racialism it implies), Mngxitama argued that the EFF's insistence on expropriation of land and wealth without compensation inherently contradicted the notion of non-racialism in the Freedom Charter and aligned the agendas of the two organisations. Following the merger, Mngxitama was responsible for drafting the party's election manifesto.

While the founding manifesto is couched in the race neutral language of workers' struggles and economic emancipation, the election manifesto is far more explicit in its focus on black struggles and the need for black economic emancipation and empowerment. This is not to argue, as some (mostly white) observers have done, that the EFF is a racist party (for nuanced discussion on this see Duncan 2014 and Harvey 2014). Rather it is to point out that the leftist, class-focused analysis that defined the party's rhetoric when it was launched has been replaced by an awareness of South Africa's class struggle as shaped by race and an alignment with aspirations of black self-determination and empowerment.

This is why, although much was made of the EFF's support among disenfranchised, economically marginalised black (male) youth, the party's

2 Anti-apartheid activist and founder of the Black Consciousness Movement, who died in police custody in 1977.

3 Anti-apartheid activist and founder of the Pan Africanist Congress (PAC), which broke away from the ANC in 1959.

message resonated with a sizeable portion of the (mostly) young black middle class who live in closest proximity to white South Africans and experience racism daily in their workplaces and leisure and living spaces. It is this constituency that sees the degree to which economic transformation has not been achieved in corporate boardrooms, newsrooms and university lecture theatres. The EFF recognised this by including a commitment in its election manifesto to improving the working conditions of black professionals like doctors, academics, lawyers and engineers who face racial discrimination in the work place.

Using Moffitt & Tormey's terminology, the EFF's appeal is to 'the people', defined as black Africans, who are variously referred to as the powerless black majority, the working class, the black majority and, specifically, poor black people. This group is placed in opposition to historically advantaged white capitalists and the newly advantaged ANC elite. The EFF's diagnosis of South Africa after 1994 is that black South Africans have become a 'voting, but powerless majority' because true economic and social power still resides in white hands. The people are therefore the historically disadvantaged black majority, who continue to be marginalised in the democratic dispensation. The people are exploited both by the white capitalist class that has not relinquished power since 1994 and by the corrupt, black elite that sold out during the negotiated settlement.

One of the ways in which the EFF identifies itself with the people is through clothing. The party's signature red beret, harking back to the revolutionary fervour of icons like Che Guevara and Thomas Sankara, is intended to distinguish it from the ANC and to connect it to the purity of genuine revolutionary struggle. Furthermore, the EFF's full range of uniforms – miners' overalls for the men and domestic workers' uniforms for the women,⁴ are a direct identification with the working class.

While they often mock the EFF's penchant for spectacle, both the ANC and the official opposition, the Democratic Alliance (DA), introduced their own berets during the election in response to the ubiquity of the EFF's headgear.

The EFF has used crisis, breakdown and threat effectively in its political strategy. The party's official launch was held in Marikana in October 2013. Julius Malema had been a frequent visitor to the platinum belt township following the brutal police killing of 34 miners in August 2012. The decision to hold the launch there gave the EFF the chance to emphasise some of its key messages. Marikana, the party maintains, symbolises what appears to be an ANC sell out to big capital, its failure to protect the interests of one of its largest labour constituencies, mineworkers, and its susceptibility to the excesses of force that are a feature of authoritarian regimes.

4 An examination of gender in the EFF's politics is a rich subject for future research.

As the first 'massacre' of the democratic dispensation, Marikana will go down in history as a source of shame for the ANC in government. By choosing to launch its party at the site of the tragedy, the EFF could give impetus to its agenda of being the revolutionary alternative to what it argued was a politically compromised governing party.

ELECTION CAMPAIGN AND PERFORMANCE

The EFF's nascent ideological identity as well as a distinctive rhetorical and symbolic position enabled it to run an effective campaign, aimed at establishing its identity as a 'party of the people'. The party consistently attempted to place itself in the position of revolutionary vanguard against a reactionary ANC-led government and other conservative forces. The EFF's populist political style was evident throughout the campaign as it used an appeal to the people, various crises and a test of the limits of appropriate political discourse to differentiate itself in the electoral market.

The party made use of both conventional and unconventional modes of campaigning. The conventional modes included election posters featuring leader Julius Malema, door-to-door campaigns in communities across the country, large rallies held in all the provinces and a television advertisement that took advantage of the free airtime offered by the South African Broadcast Corporation (SABC).

Among its non-conventional methods, the use of protests stands out. Using crisis to drive populism, the EFF took up the causes of communities engaged in service delivery protests against the ANC government in various provinces. Apart from an ongoing presence in strife-torn Marikana, it participated in protests in Moretele in the North West. After police officers shot at protesters, Julius Malema urged the community to continue protesting against the government. He was quoted by the *Mail & Guardian* newspaper as saying, 'I was told by EFF officials in North West that you would be marching. They said the officers here are used to killing people and we have come to join you so that they may kill us also' (Maromo 2014). This direct reference to placing himself in the same position as 'the people' of Moretele, is in keeping with the party's populist political style. Malema encouraged the people to march every day until they received services from the government, an apparently obvious solution to an evidently complex problem.

The EFF was also able to capitalise on protests in Relela, near Tzaneen, in January 2014, where demonstrations against poor policing in the area turned violent. After three people were shot dead, allegedly by police, Malema promised the community legal assistance and urged them to vote for the EFF to attain a better life. He was quoted saying, '[f]rom today, Relela belongs to the EFF' (Tau 2014).

In the months preceding the 2014 election EFF leaders became regular visitors to Bekkersdal, near Westonaria in Gauteng. Bekkersdal was the site of numerous

protests as the community called for the municipality to be disbanded because of alleged mismanagement of funds and corruption. EFF leaders in Gauteng, notably its candidate for premier of the province, Dali Mpofu, visited the community to express their support for the people's grievances. This included holding the Gauteng launch of the party's election manifesto in the area (Mathebula 2014), supporting the occupation by community members of vacant land owned by Rand Uranium mining company (Sapa 2014a) and encouraging protesters to continue fighting for 'water, electricity and housing' (Lekgowa & Simelane 2013).

The EFF used 'guerilla' tactics even in cases where it attempted more conventional campaign methods. The party's campaign advertisement was banned by the national broadcaster for inciting violence because it called for the physical destruction of the controversial e-toll gantries on Gauteng's highways. Following the ban, the EFF laid a complaint with the Independent Communications Authority of SA (Icasa), which upheld the SABC's decision (*Legalbrief Today* 2014). The party organised a march to the offices of the SABC to protest both the ban and Icasa's ruling – thus using the ban itself as a campaign tool and linking it to the grievances and methods of struggle of ordinary people. According to media reports, about 300 Bekkersdal residents joined the EFF's march (Mitchely 2014).

The EFF's aggressive campaigning style clearly touched a nerve in the ANC, whose youth wing disrupted EFF events and attempted to prevent some of the party's rallies from taking place. The ANC-aligned South African Students Congress (Sasco) attempted to disrupt an address by Julius Malema at the University of South Africa in September 2013 (Sapa 2013b) and Malema was forced to leave an event at the University of KwaZulu-Natal in April 2014 after it was disrupted by ANC supporters (Sapa 2014b).

Another element of the EFF's campaign was its challenge to the rules and leadership of the Independent Electoral Commission (IEC). In February 2014 the party launched an urgent application against the IEC, President Zuma and the minister of home affairs, hoping to interdict the IEC from claiming the registration fee required to contest the provincial and national elections. The party argued that the R200 000 national fee and the R45 000 fee for each province (a total of R605 000 for full participation) was prohibitively expensive for new parties and excluded poor people from the democratic process.

The urgent application was dismissed (with costs) and the party found the funds to register to contest nationally, as well as in all nine provinces (Whittles 2014). This challenge and the refusal to cooperate automatically with election conventions and rules that have evolved since 1994 is another aspect of the EFF's populist political style. The 'bad manners' displayed by the EFF in the IEC case, under the pretext of championing the interests of poor people, was just a precursor

of what was to come after the election, when the party took up its seats in the national Parliament and provincial legislatures.

The EFF's performance in the elections

The character and impact of the EFF featured prominently in the debate about whether the 2014 election would bring with it a grand realignment in South African politics to counter the dominance of the governing ANC and the DA's continued hold over opposition politics. The ANC won the election with 62.15% of the vote, receiving a convincing mandate to govern the country for the next five years. This was, however, a decline of about three per cent from the 65.9% it had won in 2009. The DA consolidated its position as the official opposition, with 22% of the vote, a five per cent increase from 2009. Both the DA and the EFF made inroads in Gauteng's metropolitan municipalities, which potentially bodes well for the DA's ambitions to govern the City of Johannesburg or Tshwane municipality in coalition after the 2016 local government elections.

The EFF emerged as the big winner among the new entrants, winning 6.35% of the vote, which gave it 25 seats in Parliament. It also became the official opposition in Limpopo and North West. While this performance falls short of the party's unrealistic hopes of winning more than 50% of the vote, it is a respectable showing for a party that was less than a year old when it contested its first election. The major new entrant in the 2009 election, the Congress of the People (Cope) won 7.4% of the vote in that election with greater resources than the EFF and the benefit of easily accessible protest votes following the ANC's divisive Polokwane conference.

While the EFF had a ready constituency of Julius Malema supporters from his days in the ANCYL and of supporters of the SNI, the new party had to build a constituency from below to have a realistic chance of contesting the elections both nationally and in each of the provinces. The results show that the party succeeded in establishing a broad support base, countrywide.

Table 1
National Election Results 2014 and 2009

| Party | 2014 % vote | Seats | 2009 % vote |
|-------|----------------|-------|----------------|
| ANC | 62.15 | 249 | 65.89 |
| DA | 22.23 | 89 | 16.6 |
| EFF | 6.35 | 25 | N/A |

An analysis of the results in the major metropolitan municipalities and in some of the protest areas targeted by the EFF sheds more light on the success of the party's campaign. The election in Gauteng was hotly contested in 2014. The ANC in the province does not support the presidency of Jacob Zuma and was one of the leading forces behind the presidential candidacy of Kgalema Motlanthe at the party's Mangaung conference in 2012.

With the high number of disgruntled ANC supporters in the province and a citizenry largely dissatisfied with the performance of the provincial and metro governments, opposition parties viewed the province as a key battleground. In addition, Gauteng has the highest number of registered voters in the country, so a good performance in the province can have a significant impact on a party's national performance.

The EFF won 10.31% of the vote in Gauteng compared to the ANC's 53.58% and the DA's 30.78%. The ANC's result was a decline of more than 10% from the 64.76% it had won in 2009 and it is likely that the EFF eroded some of the ANC's support, particularly among (both poor and middle-class) young black voters. The decline in support for the ANC was exacerbated by a lower voter turnout than in the previous election. The DA's improvement from 21.27% in 2009 to 30.78% in 2014 can be explained in part by the implosion of Cope, which lost most of the 7.78% it had won in 2009, dropping to a mere 0.49% of the vote.

The results in the Gauteng metros were especially contentious given the upcoming local government elections in 2016. If the trends set in the 2014 poll continue, the ANC will have a tough time holding on to control of the three largest metros in the country's richest province. In Ekurhuleni, where the EFF held its election manifesto launch, the party won 10.65% of the vote compared to the ANC's 56.41%. In the City of Johannesburg it received 10.15% and in Tshwane 11.43%. An interesting factor in the Gauteng results is the evidence of vote splitting, with the ANC winning a slightly higher percentage of the vote in the national poll (54.92%) than in the provincial poll (53.59%) and the DA performing better in the provincial election (30.78%) than in the national one (28.52%). This indicates that a small percentage of voters split their vote between different parties for the two different levels of government.

In the North West and Limpopo provinces the EFF won enough votes (10.74% in Limpopo and 13.21% in North West) to become the official opposition in the provincial legislatures. In both cases it unseated Cope, which performed dismally compared to 2009. Limpopo is Julius Malema's home province and one of the EFF's strongholds. However, it is also the province in which Malema's company, On-Point Engineering, is alleged to have fraudulently received tenders for construction work (Nicolson 2012).

Table 2
Gauteng Results 2014 and 2009

| Party | National % | | Provincial % | |
|-------|------------|-----------|--------------|-----------|
| | 2014 vote | 2009 vote | 2014 vote | 2009 vote |
| ANC | 54.92 | 64.76 | 53.59 | 64.04 |
| DA | 28.52 | 21.27 | 30.78 | 21.86 |
| EFF | 10.26 | N/A | 10.3 | N/A |
| COPE | 0.51 | 7.78 | 0.49 | 7.78 |

Source IEC

Table 3
Ekurhuleni Results 2014

| Party | National (%) | Provincial (%) |
|-------|--------------|----------------|
| ANC | 56.41 | 55.07 |
| DA | 26.88 | 29.05 |
| EFF | 10.65 | 10.61 |

Source: IEC 2014

Table 4
City of Johannesburg Results 2014

| Party | National (%) | Provincial (%) |
|-------|--------------|----------------|
| ANC | 53.63 | 52.28 |
| DA | 29.76 | 32.37 |
| EFF | 10.15 | 10.13 |

Source: IEC 2014

Table 5
City of Tshwane Results 2014

| Party | National (%) | Provincial (%) |
|-------|--------------|----------------|
| ANC | 50.96 | 49.31 |
| DA | 31.32 | 33.75 |
| EFF | 11.42 | 11.51 |

Source: IEC 2014

Table 6
Limpopo Results 2014 and 2009

| Party | National % | | Provincial % | |
|-------|------------|-----------|--------------|-----------|
| | 2014 vote | 2009 vote | 2014 vote | 2009 vote |
| ANC | 78.97 | 85.27 | 78.60 | 84.88 |
| DA | 6.60 | 3.71 | 6.48 | 3.48 |
| EFF | 10.27 | N/A | 10.74 | N/A |
| COPE | 0.82 | 7.21 | 0.86 | 7.53 |

Source: IEC 2014

Table 7
North West Results 2014 and 2009

| Party | National | | Provincial | |
|-------|-----------|-----------|------------|-----------|
| | 2014 vote | 2009 vote | 2014 vote | 2009 vote |
| ANC | 67.79 | 73.84 | 67.39 | 72.89 |
| DA | 12.59 | 8.70 | 12.73 | 8.24 |
| EFF | 12.53 | N/A | 13.21 | N/A |
| COPE | 0.76 | 8.43 | 0.80 | 8.33 |

Source: IEC 2014

Malema's support in the province appears not to have been much affected by the controversy. The DA increased its support, perhaps largely on the back of the decline in support for Cope. In the North West, the province in which Marikana and other platinum mining towns are situated, the EFF, not surprisingly, performed very well. Malema visited the platinum belt several times and the EFF developed cooperative relations with the Association of Mineworkers and Construction Union (AMCU), which has played a leading role in the labour unrest in the mines there.

Performance in protest hotspots

Given the EFF's strategy of campaigning in areas hit by protest, it was expected that it would perform particularly well in those areas. However, a detailed

examination of the results shows that while this was the case in some areas, the EFF did not significantly erode the ANC's support.

For instance, in Bekkersdal, the ANC was the top performer in every voting district, winning well over 50% of the vote. The EFF performed better in those areas in Bekkersdal directly affected by protests than in those that were not, winning between approximately 15% and 20% of the vote in all but one of those areas. While some analysts had predicted a fall in voter turnout in areas affected by pre-election protests, in Bekkersdal this turned out not to be the case.

Table 8
Bekkersdal Results 2014

| Station Address | National | | Provincial | | |
|-----------------------------------|-------------|-------------|-------------|-------------|-----------------|
| | ANC votes % | EFF votes % | ANC votes % | EFF votes % | Voter turnout % |
| AME Church* | 66.5 | 17.46 | 63.02 | 19.98 | 69.31 |
| Paul Nel Hall | 68.22 | 14.55 | 68.15 | 14.15 | 64.09 |
| Kgothlang High School | 59.57 | 18.19 | 51.29 | 18.06 | 71.63 |
| Maputle Primary School | 60.74 | 18.33 | 56.96 | 21.67 | 86.23 |
| Ipeleng Primary School | 71.71 | 17.56 | 69.59 | 20.00 | 73.28 |
| Bekkersdal Development Hub | 76.93 | 8.04 | 75.30 | 8.45 | 64.48 |
| Thambo Base Section | 78.8 | 5.75 | 79.22 | 10.07 | 46.14 |
| Holomisa Tent | 81.8 | 8.10 | 82.09 | 8.15 | 50.11 |
| Tambo Soccer Field | 80.15 | 8.49 | 77.91 | 9.67 | 55.58 |
| TOTAL | | | | | 63.95 |

Source: IEC 2014; Ndletyana, Tchereni, Maimela & Lerakong 2014

*Bold represents areas directly affected by protests

Table 9
Relela Election Results 2014

| Station Address | National | | Provincial | | |
|------------------------------|-------------|-------------|-------------|-------------|-----------------|
| | ANC votes % | EFF votes % | ANC votes % | EFF votes % | Voter turnout % |
| Relela Community Hall | 86.48 | 8.72 | 84.63 | 9.16 | 55.11 |
| Mabje-a-Kgoro Primary School | 92.31 | 5.13 | 91.56 | 5.52 | 71.17 |
| Matokane Secondary School | 89.68 | 4.76 | 91.23 | 4.39 | 69.57 |
| Semapela Secondary School | 92.52 | 4.91 | 92.64 | 6.18 | 66.01 |
| Sethong Pre-School | 90.00 | 6.67 | 88.6 | 8.77 | 70.44 |
| Sethong Primary School | 90.31 | 7.59 | 90.40 | 7.73 | 66.21 |
| Setheeni Pre-school | 92.21 | 5.19 | 93.46 | 5.88 | 85.33 |
| Motupa Kgomo Primary School | 89.96 | 7.41 | 90.26 | 7.68 | 69.97 |
| Mokutupi Primary School | 92.26 | 6.71 | 92.27 | 6.44 | 62.02 |
| Pholo-ya-Hlaba Primary | 89.23 | 7.86 | 90.15 | 7.42 | 77.63 |
| TOTAL | | | | | 66.65 |

Source: IEC 2014; Ndletyana, Tchereni, Maimela & Lerakong 2014

The pre-election protests in Relela appear to have had a minimal effect on support for the ANC in the area, where it received overwhelming mandates in all ten voting districts, winning about 90% of the vote. The EFF received the second-highest support in all ten voting districts, but still won less than 10% of the vote. Therefore, contrary to Malema's pre-election campaign hopes, Relela does not belong to the EFF.

POPULISM v PARLIAMENTARY DECORUM

The EFF's populist political style has found full expression in the party's activities as parliamentary opposition to the governing ANC. In both the national Parliament and various provincial legislatures the EFF has tried to establish itself as the party of the people, challenging the rules of the game and rejecting agreed conventions of appropriate political conduct.

EFF MPs wore bright red overalls and domestic workers' uniforms to the first sitting of the National Assembly, in which Jacob Zuma was officially elected by members for another term as president of the Republic. Party MP Hlengiwe Maxon defended the party's red attire, saying:

This is the dress of domestic workers ... We are trying to tell people that we are from the Economic Freedom Fighters, we are here for the workers and the poor. We are sending a message to say that the Parliament for the people is not a Parliament for the elite. So the workers at home, when they see us dressed like this, they will know they are represented.

Makinana & Underhill 2014

The EFF's dress in Parliament was not merely a provocative fashion choice, it was a challenge to the 'Western' conventions upheld in South Africa's Parliament and the compromises made during the negotiated settlement that led to democracy. In July the party was barred from entering the Gauteng provincial legislature because its members, wearing their standard uniform of red overalls bearing the party's motto, 'asijiki [we are not turning back]', were dressed 'inappropriately'. According to the secretary to the legislature political insignia is not allowed on the legislature premises and this is the primary reason EFF members were barred from the building (Goldhammer 2014).

The EFF successfully transformed the seemingly inconsequential dispute over clothing into a broader debate about the ongoing legacy of colonialism and the terms by which the end of apartheid was negotiated. Malema argued that the reason his party members were barred from the legislature was that the ANC leadership was ashamed of workers and was treating the Economic Freedom Fighters as poorly as they treat their domestic workers at home. He dismissed the argument about an appropriate dress code thus:

To you proper is white, to you proper is European. We are not white, we are going to wear those uniforms ... We are defying colonialist

decorum. We are not English-made. We are workers, and we are going to wear those clothes and we are unapologetic about it.

Pillay 2014

Some observers see the EFF's challenge to the dress code as a legitimate questioning of the compromises made to attain formal democracy (Bunsee 2014). Following a two month stand-off, the EFF put its case before the South Gauteng High Court and won the right to wear its uniforms in the Gauteng legislature (EWN 2014). This is a political and propaganda victory for the party.

This notion of challenging the foundations of the 'elite pact' that resulted in the present democratic order was expounded upon by Malema in response to President Zuma's State of the Nation address in June 2014. Malema's speech denounced white supremacy, emphasised the similarities between the ANC and the DA and stated that the ANC had 'murdered' the miners at Marikana (Malema 2014). Malema was ejected from the house for refusing to retract this remark. The rest of his party's MPs walked out with him, whistling and hurling comments as they exited. Parliamentary walkouts and similar disruptions appear to have become a signature move of the EFF.

The party is currently in a stand-off with Parliament after a similar incident took place in August 2014, when President Jacob Zuma was answering questions in the National Assembly. Malema, dissatisfied with Zuma's response to a question about the Public Protector's report on her investigation of the upgrades of Zuma's residence in Nkandla, insisted that Zuma answer whether he was going to repay the amount spent on the upgrades. Following a heated exchange between National Assembly Speaker Baleka Mbete and EFF MPs about their conduct, the speaker suspended the session and threatened to have EFF members forcibly removed from the chamber when they refused to leave.

EFF members remained in the chamber chanting 'pay back the money!' at Zuma and then at the media surrounding them after he left (ENCA 2014). These events were followed by a press conference held by the crime prevention and security cluster of ministers, who announced plans to secure Parliament and prevent any future disruptions. This unprecedented move prompted concerns about the apparent breach of parliamentary independence and a violation of the separation of powers set out in the Constitution of the Republic (Hartley 2014).

A disciplinary hearing set up by Parliament's Powers and Privileges Committee (PPC) to hear evidence about the incident, summoned 20 EFF MPs to appear before it, but, on 7 October 2014 Malema led a walkout from the hearing, claiming it was impossible for his party's members to receive a fair hearing from the ANC-dominated committee (Makinana 2014a). In an interview with the *Mail & Guardian*, party spokesman Mbuyiseni Ndlozi stated 'We are not giving up

on Parliament, but we are there to transform it ... Walking out is a contestation of a decision that says that, whatever you decide, it is not going to be binding' (Makinana 2014b).

The committee continued without the EFF's participation and submitted a concluding report on 3 November 2014 in which it found all 20 EFF members guilty of the charges against them and recommended a 30-day suspension without pay for 12 of them, including Julius Malema and Floyd Shivambu (Parliament of SA 2014). The PPC's report has been criticised by opposition parties, who called the committee process 'procedurally flawed' and maintained that it amounted to a 'political hatchet job by the ANC' on the EFF (Sapa 2014d). The EFF is seeking to challenge the report in court but has come up against the Western Cape High Court Judge President, John Hlophe, who, the party alleges, has refused to allow the matter to be heard in that court (EFF 2014a). At the time of writing the matter had yet to be resolved.

The PPC disciplinary hearing did not discourage the EFF from its strategy of challenging the ANC and the president in Parliament. On 13 November 2014 riot police were called into the National Assembly to remove an EFF MP, Ngwanamakwetle Mashabela, who had refused to retract a statement that President Jacob Zuma is a thief and a criminal (Davis 2014). This followed seven hours of filibustering by opposition politicians to prevent Parliament from adopting a report that found the president innocent of wrongdoing in relation to the building of his residence at Nkandla. The unprecedented move of calling public order police into Parliament, as well as the decision to switch off the live parliamentary TV feed, led to concerns about the ANC's commitment to democratic institutions and about Parliament as a site of robust public debate (Suttner 2014).

Moffitt & Tormey's concept of the constitutive relationship between political style and political substance is relevant to understanding the EFF's first few months in Parliament. While some observers have dismissed the party's behaviour as a series of publicity stunts that are interfering with important legislative business, it could be argued that the EFF's challenges to the conventions of the system are opening space for a substantive debate about the relevance of the current political institutions to addressing the challenges South Africa faces. Inadvertently, the EFF is testing the commitment of the ANC to these institutions by showing how quickly the governing party resorts to force and possibly undemocratic means to maintain control and exercise its governing mandate and authority. The EFF's actions have also placed it in the position of most-vocal opposition party in Parliament and have turned the spotlight on Parliament for the first time since the early days of South Africa's democracy. The renewed public interest in Parliament (even if only to see politicians fighting each other) is a positive development.

In spite of this, it is already clear that maintaining a consistently 'revolutionary' stance will not be easy for the new parliamentarians. After EFF MPs refused to use Parliament's medical scheme, arguing that all government officials should use public services, it was revealed that Malema's son would continue to attend a private school instead of moving to a public one (Sapa 2014c). Clearly, the party's stated intention and the actions of its leadership show the challenges of consistency between political message and individual behaviour.

While in their rhetoric they may claim to be 'of the people', the trappings of power and comfort appear to be difficult to resist. The extent to which the EFF can negotiate between these two poles will play a significant role in deciding the future of the party. The fact that Julius Malema reached an agreement with the South African Revenue Service to settle his tax debt of R16-million and his apology for accusing the taxman of acting on instructions of the ANC, is another example of the limitations of radical rhetoric and the ultimate necessity to play by the rules of the system, in order to have any chance of acquiring real political power within it (Jadhoo & De Lange 2014).

THE EFF'S LONG-TERM PROSPECTS

The EFF faces two main challenges to its sustainability as a political party and its ability to make its populism an influential political force in South African politics.

The first challenge will be how it navigates the dull everyday work of Parliament, away from the spotlight of the National Assembly chamber. The three functions of the South African Parliament are oversight over the executive, representing the views of South Africans and making and passing laws. While all four democratic parliaments have performed the first two functions with varying levels of efficacy, they have all been proficient at the third.

The process of debating and amending laws introduced by the executive is a key responsibility of parliamentary committees and various pieces of legislation have been fundamentally transformed, often for the better, through the committee process, with Parliament acting to counter the whims of a sometimes over-zealous executive.

Prominent examples from the fourth Parliament include the Protection of Personal Information Bill and the Protection of State Information Bill, which emerged in a far better state than they were when they were introduced. The EFF's ability to develop research capacity, to work with knowledgeable interested parties and to adhere to the discipline of committee structures will be critical to determining its success as a parliamentary opposition.

The second challenge is the extent to which the party will be able to build a self-sustaining party structure. In spite of its rhetoric of being of 'the people' its

leaders were not elected in an open contest or at any elective conference. All new parties in democratic South Africa have, of necessity, had unelected leaders in their infancy and the EFF is no different. Julius Malema has raised concerns about the existence of ANC-planted moles in the party who are being used to disrupt it.

According to Malema the party put in place temporary leadership structures to strengthen it and enable it to prepare for its first elective conference (Kgosana 2014). In a demonstration of the underlying tensions in the party's structures, on 10 October 2014 several disgruntled EFF members announced the formation of a breakaway party (Raaff 2014). While this may have turned out to be inconsequential, it indicated the necessity for the party to formalise its structures and develop party machinery.

The party held its first 'National People's Assembly' from 13 to 16 December 2014 at the University of the Free State, where it elected a new central command team and developed policies to take the party forward. The event started on a calm and disciplined note, with Julius Malema asserting his control over the party with a detailed political report and a warning to those who sought to disrupt the organisation. However, the second day was characterised by conflict as members of some provinces disputed the process used to elect the party executive. In an unexpected move, Andile Mngxitama and another prominent EFF MP, Khanyisile Litchfield-Tshabalala declined nomination to the central command team, apparently for reasons of conscience, revealing tensions within the leadership structures of the party. Whether these tensions will become the seeds of destruction within the party remains to be seen (Poplak 2014).

The party's first elected central command team is as follows:

- President and Commander in Chief: Julius Sello Malema
- Deputy President: Floyd Nyiko Shivambu
- Secretary General: Godrich Ahmed Gardee
- Deputy Secretary: Hlengiwe Hlophe-Maxon
- Treasurer: Magdeline Moonsammy
- National Chairperson: Dali Mpfu

A notable aspect of the people's assembly was the emphasis on political education. The party spent a significant portion of the conference teaching delegates about ideology, history and leftist economics, with the apparent intention that they go back into their communities and spread the message of the EFF. This is explained in the declaration of the People's Assembly, which states:

Political education of all our members shall be the priority of the movement at all times, because we accept the observation by Thomas

Sankara that a soldier without political and ideological training is a potential criminal ... We shall ensure to cover every corner of South Africa, village to village, township to township, suburb to suburb, kraal to kraal, city to city, and everywhere where there is human life to speak and preach the message for economic freedom in our lifetime. We will use all modes of transport to get to where we should preach the message of economic freedom. We will use bicycles, donkey-carts, cars, lorries, trucks, buses, trains, planes, helicopters, ships, boats and all forms of transport spreading the word for economic emancipation in our lifetime.

EFF 2014c

This use of education to build the party one person and one community at a time will probably be the key to its longevity and continued growth as a political force.

CONCLUSION

This article has argued that the EFF fits into a global pattern of populism in electoral politics. Using the terminology of political style as developed by Moffitt & Tormey, it examined the EFF's political ideology, its electoral campaign and its subsequent parliamentary performance to make sense of the party's populist politics.

The EFF's political style has clearly struck a chord with a portion of the South African electorate, enabling it to have had an impact on the politics of the Gauteng province and raising the stature of the EFF to official opposition in the North West and Limpopo provinces.

Furthermore, the party has used its engagement in legislative politics to challenge the foundations of South African democracy and to advocate a different kind of representative politics. The article has argued that the performative elements of the EFF's politics – the uniform and rhetoric, as well as its engagement with national and provincial legislatures – have had a substantive effect on politics, sparking debate about the political institutions of democratic South Africa and their appropriateness for the country's current circumstances.

The EFF ended 2014 by establishing itself as a political party and has set up the structures necessary to grow its membership and pursue its vision for South Africa. It faces the challenge of growing its support base sufficiently in 2015 to be a real contender in the 2016 local government election.

The People's Assembly ended on a revolutionary note, threatening to occupy land and mines – the test the party faces is to what extent this strategy delivers real gains for its supporters. It further remains to be seen whether the EFF will have a positive effect on the further consolidation of democracy.

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A BRIEF HISTORY OF FACTIONALISM AND NEW PARTY FORMATION AND DECLINE IN SOUTH AFRICA

The Case of Cope

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ABSTRACT

There is little analytical literature on the theory and empirical analysis of party factionalism that leads to splits and the formation of new political entities. The existing theoretical literature identifies factors and processes that are split-enabling. When coupled to the dynamics of organisational change, these conceptual tools provide a unique framework for analysing party-political dynamics in South Africa from an historically comparative perspective. This analysis identifies key trends in party splits in both 'white' and 'black' politics, which serves to illuminate more recent developments with regard to the realignment of opposition politics in South Africa. A conceptual framework combining organisational theory with the literature on party factionalism and party splits has facilitated our case-study focus on the formation, electoral performance and decline of the Congress of the People (Cope) as an opposition party in South Africa. We argue that Cope emerged from factional disputes within the ANC and has subsequently largely been shaped by the dynamics of its split and formation from the ANC, despite its attempt to break ties with the parent party. Existing analyses of Cope examine its performance in terms of policy, electoral and oppositional performance, while the approach this article adopts is to argue that the process of Cope's formation significantly shaped the conditions of its future internal dynamics and political performance.

INTRODUCTION

The emergence of the Congress of the People (Cope) from the bitter conflict marking the ANC's 2007 Polokwane Conference requires careful analysis. While Jacob Zuma triumphed over Thabo Mbeki and his allies, the formation of a new political party out of that milieu appears, at one level, to be unique. The intensity of the leadership dispute, the high-level status of the main players with the prosecutorial agencies investigating Zuma, suggest that this was all a contingent moment in South Africa's recent democratic history.

In all political parties, decisions are made in terms of constitutions and rules and there are winners and losers. Competition over positions and contests over policy occur in all parties. Usually they are mediated and contained through the systematic processes defined by the parties' rules and procedures. Losers have two options: resign should they deem the position and policy outcomes unacceptable, or accept the decision, seek to tweak it, and work to build a constituency within the party cadre-ship and supporters; or change things at the next available platform or opportunity as defined in the decision-making processes and structures of the party or at the next conference.

Intense wrangling and high-stakes gambits are a feature of all political party leadership contests around the world. Where these have sufficient outlets and platforms for the airing and expression of difference and are conducted and systematised through appropriate and adequate processes of inclusive decision-making, distribution of positions and resources within the party across factions and cleavages and appropriate conflict management, mitigation and containment processes, parties are able to maintain a degree of cohesion and unity. In the absence of platforms for expressing difference, or distribution of positions, or bargained outcomes on policy and when the differences among members and leaders are too great, there is an extensive and prolonged sense of grievance. This sometimes finds expression in behaviour outside the rules of the commonly agreed game (party constitutions and processes). When the stakes for position, either leadership or policy, are so high that leaders and members conspire to give them effect and make them binding, without following the agreed upon rules, new issues of conflict are introduced and layered on to existing ones. This tests and undermines the very set of rules that binds the members and leaders together in an organisation and manifests in splits, splinters and breakaways, often leading to new political formations.

There is nothing unusual about this in the comparative study of political party formation. What is important in this process, for an analysis of Cope, is the difference between a party forming to represent neglected constituencies or to address ignored issues and challenges in society and one that is a splinter from

an existing party, in this case, the African National Congress (ANC). This has salience for locating an understanding of Cope within its own genesis, as well as for the processes of splits and the subsequent decline within the party.

Parties formed to represent neglected constituencies or to address ignored issues and challenges in society engage in a positive type of political entrepreneurship and identify and build a constituency as their power base in society in order to address identified social challenges. The Workers Party in Brazil or Green parties in Western Europe are good examples of this. A break from the parent party leads to a very different type of politics, with precarious prospects for success. As a splinter, the new party cannot escape its association with the parent party and the nature of the ensuing political and identity contests, as well as leadership struggles and policy disputes, shape the nature and character of the new entity.

While emerging from a parent party, the new entity tries to differentiate itself from that party in order to attract votes. This type of political entrepreneurship usually entails claiming to represent the true values and vision of what the new party refers to as the now misguided original parent party. An example of this is the 1981 formation of the Social Democratic Party out of a split from the Labour Party in the United Kingdom. Parties that come into being premised on a split from the parent tend to experience initial success. However, over time, they either evaporate or join up with other smaller parties to form new entities that remain on the margins of a democratic political party system. Perhaps one exception is the Liberal Democrats in the United Kingdom, a merger of the Social Democratic Party and the Liberal Party in 1988.

While most splinter parties emerge from parties in opposition, the case of Cope is interesting as it arose from a breakaway from the ANC, the party in power. The study of Cope, including its emergence and performance in elections, is an important contribution to the literature on party splinters. Our approach has been to adopt a macro perspective on Cope's formation and subsequent electoral performance. The first section of this analysis engages with the body of theoretical literature dealing with splits, splinters and breakaways leading to new political parties and is aimed at illuminating the second section, which deals with the genesis of Cope. It is followed by an overview of party splits in South Africa since Union in 1910. This will provide some historical insight into the patterns of party formation in South Africa. The next section will examine the context and reasons for Cope breaking away from the ANC. It will attempt to establish whether personality clashes, contests for leadership, a new ideology and politics caused the split and whether the importation of these issues shaped the new party. The fourth section analyses Cope's electoral performance in the 2009 national, 2011 municipal and 2014 national elections. This data will enable

an assessment of Cope's longer-term sustainability and contribution to the South African body politic.

CONCEPTUAL FRAMEWORK: PARTIES, FACTIONS AND SPLITS

The first comprehensive analysis of internal party dynamics is presented by Sartori. He develops a framework for the analysis of factions in parties in a chapter entitled 'The Party from Within'. Here it is asserted that there is no such thing as a uniform party and that factions, tendencies and groupings are a feature of all political parties. Sartori (2005, pp 65, 66, 93) goes as far as declaring that 'the nature of a party is in the nature of its factions (2005:65, 66, 93). After defining 'faction', Sartori identifies four factors that, individually or in combination, cause factions to come into being. At the same time, factions in a party are not static and their character changes over time in response to the identified determining variables. Sartori (2005, pp 67-70) lists these variables as: organisational, motivational, ideological and left-and-right. Factions take an organised form; there are reasons, interests and principles that lead to their formation; they are based on ideas as well as ideals and they are also informed by positioning in relation to influential policy positions of the party. All of this is dynamic and Sartori (2005, p 68) is at pains to stress that one factor might act as camouflage for another, making it difficult to untangle the 'real' determining variables when analysing intra-party dynamics. While the earlier writers on parties emphasised fusion, Sartori focuses in his categorisation of parties on managed fission, thereby illuminating their dynamic and complex nature.

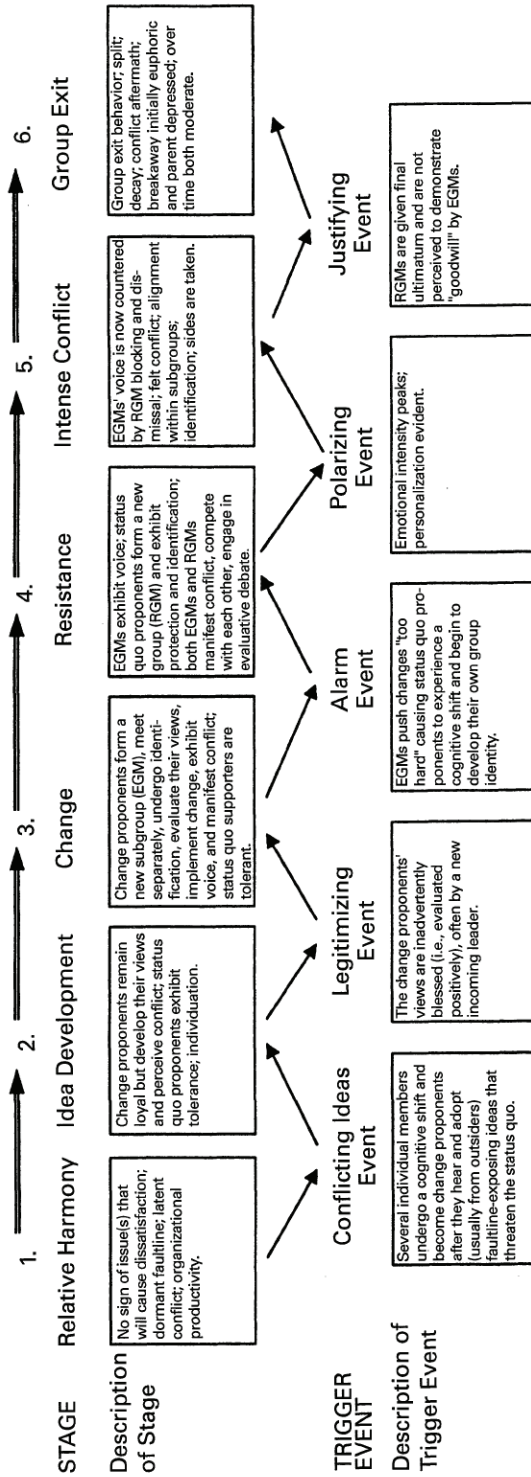
Sartori (2005, pp 82-7) then situates these dynamics within a broader context of what he calls 'the structure of opportunities'. In particular, he examines the 'intra-party electoral system' or the rules that regulate how politicians in a party compete for leadership positions and office. Sartori (2005, p 86) emphasises the importance of these rules, declaring: 'There is no exaggeration, therefore, in asserting that the intra-party electoral arrangements are, for the career-seeking politician, his routes to incumbency, or his pathways to success.' In other words, factions can estimate their respective strengths in terms of the decision rules, while distorting such rules to their advantage in electoral contests (Benton 2007, p 61). This is the 'invisible' dimension of deep internal party politics and the 'visible' dimension of such politics is only slightly exposed through 'inter-party electoral competition'. Factional and alliance politics is like an iceberg, the bulk occurs out of public sight, with only the tip, the outcome of a contest, being visible. These insights into factions and the rules for holding internal electoral contests provide a powerful understanding of the way in which parties function and, as will be argued below, why they sometimes split.

More recent literature on intra-party factionalism examines in a more complex manner the impact of this phenomenon on political parties. There is a broad consensus that factions have positive consequences for parties (Boucek 2009, p 476, Carty 2004, p 14, Verge & Gomez 2012, p 671). These positives include strengthening internal party processes, enabling the party to appeal to a broader constituency, contributing to better decision-making, integrating diversity into manifestos, moderating party leaders' responses to issues and facilitating coordination within parties. In clarifying the effects of factionalism, Boucek (2009, pp 469-78) distinguishes among three different types of factionalism: cooperative – consensus-building dynamics; competitive – polarisation caused by disagreements and different preferences and degenerative – perverse incentives and mismanagement leading to actions that may destroy the party or lead to splits. Again, the variables are contingently inter-related and a dispute over policy could be a proxy for, or lead to, a leadership contest (Carty 2004, p 20). For Boucek, the first two types of factions are positive and only the latter has, obvious negative consequences for the party itself. However, it is one thing to describe factional dynamics within parties and another to explain why parties either disintegrate or split due to factionalism. This framework on factionalism is important for an analysis of party splits as it serves as a foundation for developing a theory of party splintering, an area of political analysis that has not received much attention (Asal, Brown & Dalton 2012, p 95; Dyck & Starke 1999, p 792). While factionalism may be considered a split-enabling condition, more work is needed to provide a theory of why splits occur. The basis of such theorising is found in the discipline of organisation theory and Hirschman's exit/voice/loyalty/neglect (EVLN) paradigm.

According to this model there are four behaviours in organisations: exit is the severing of ties with the parent organisation, voice denotes proposing changes to improve the organisation, loyalty means waiting for others to address a problem in the organisation and neglect refers to lowering the level of participation in the organisation (Dyck & Starke 1999, p 794). One of the criticisms of this approach is that it does not examine the process where one behaviour changes into another, with exit being the focus of analysis. Various writers develop stage and process flow models of this with the identification of relevant causal factors associated with such behaviour change. Dyck & Starke (1999, p 806) propose a six-stage model, while other writers present a five-stage model explaining why organisations split (See Figure 1).

Dyck & Starke (1999, p 811) also identify conditions and interventions that might reduce conflict, and thereby prevent the breakaway, with transparency in the development of new ideas, mediation and external unifying events being important. However, literature cited by Dyck & Starke (1999, p 793) identifies

Figure 1



* EGMs = exiting group members; RGMs = remaining group members.

four features of the breakaway organisation that forms after the group exit stage: It is formed by a group rather than an individual, the founding group members have experience working together, the founding group comes from a similar parent and the ideas of the new group are based on ideas emanating from the parent organisation. There is more recent literature on the formation of new political parties in this context, with attempts to define more precisely what is meant by 'new' (Zons 2013, Barnea & Rahat 2010). While these studies are overly descriptive, they also give arbitrary criteria for the classification of new political parties. Therefore, the four factors identified above are more useful in examining the nature of political parties formed out of a breakaway from a parent party.

What this theoretical discussion of political party factionalism shows is that unless properly managed, factionalism has negative consequences for the organisation and can lead to dysfunction and breakaways. In this regard, leadership and unexpected events are key variables in intensifying or managing factional behaviour in organisations. The former is much easier to identify, analyse and predict. The latter is the dreaded 'unknown unknown', or contingent event, that places organisations at the mercy of what Machiavelli (1985, p 130) called 'fortune', 'the arbiter of half the things we do, leaving the other half or so to be controlled by ourselves'. Such events expose organisational faultlines and leadership either builds consensus or its absence contributes to splits and breakaways.

This is relevant to a study of Cope as, during the interregnum in 2007 at Polokwane, the proposal to extend the term of office of the ANC president, not the Republic of South Africa president, blew open the factionalism that had been bubbling under in the ANC for some time. The birth of Cope lies in this context, as does its decline, susceptible as it was to its own factionalism, expressed through its leadership, identity, institutional, and organisational cleavages – many of which were imported into it from the political culture of the ANC, the party movement from which it had split.

BRIEF OVERVIEW OF POLITICAL SPLITS IN SOUTH AFRICA, 1910-2002

An examination of party splits in South Africa provides some insight into the dynamics of such breakaways and also shows some important trends that are relevant to an analysis of Cope. In particular, a breakaway party has to receive significant support and hold a meaningful number of seats in Parliament if it is to survive. An examination of the dynamics in the National Party (NP) demonstrates why it serves as a counter-example to the literature on party splits that suggests that resulting parties '... most commonly ... often disappear' (Asal, Brown & Dalton 2012, p 98).

After Union, and under an essentially white franchise, the South African Party (SAP) emerged as the majority party in the first Parliament. Shortly thereafter, the tensions of former enemies in the Anglo Boer War being in the same government came to the fore. In January 1914, the National Party, led by General J B M Hertzog, was formed in Bloemfontein. It articulated a position of South African autonomy and equal language rights for English and Afrikaans. It also stood against South Africa siding with England and participating in World War 1 (Davenport 1984, p 175). Over the next 20 years, the NP increasingly grew its support at successive elections and, by 1933, had tripled its initial support among the electorate.

In 1933 Hertzog took the NP into the fusion government, an alliance of the SAP, the NP and other parties. This progress stumbled in 1935, when D F Malan led a breakaway from the NP and formed the Gesuiwerde (purified) NP. This was in response to Hertzog agreeing to join a fusion government with the SAP and other parties in 1933, partly in response to an economic crisis. In the 1938 election the NP under Malan held 27 seats, the same number the newly formed NP under Hertzog had received in the 1915 election. In the 1943 election, Malan's NP had increased its seats to 43 and in the 1948 election it won the majority of seats with an overall minority national vote, thereby forming the government and ushering in the policy of apartheid.

Between 1948 and 1969 the NP was coherent through strong leadership and clear policy objectives, namely, the implementation of apartheid. However, in the late 1960s factionalism emerged, with a small grouping, led by Albert Hertzog, the son of General Hertzog, breaking away to form the Herstigte (reconstituted) Nasionale Party in 1969. This was in response to Maori members of the New Zealand rugby team being allowed to tour South Africa and to the National Party government under B J Vorster establishing diplomatic ties with other African countries. The motive behind the breakaway was to stand firm on racial separation and apartheid policy, in contrast to small pragmatic shifts being allowed by the former parent party in power.

In successive elections, the HNP established the ignominious record of never winning a single seat in Parliament. Similarly, in 1982, there was a more significant breakaway from the NP when the Conservative Party, led by Andries Treurnicht, was formed. This party was against any reform of racial policy and focused its opposition on the NP's implementation of the Tri-Cameral Constitution in 1983 that brought whites, Indians and coloureds into some form of consociational arrangement. The Conservative Party grew its support in successive elections, but was never able to challenge seriously for power.

White opposition to the NP in the post-1948 period also exhibited factional behaviour and splits, resulting in the formation of new political parties. In 1959,

a grouping left the United Party (UP) and started the Progressive Party (PP). A small number of members of the Liberal Party, formed in 1953, left their parent and joined the Progressive Party shortly after its formation. This new party proposed a more liberal approach to the rights of blacks in South Africa, who did not have franchise rights under apartheid. In pursuing a liberal agenda, the PP had a small number of members in Parliament and for some time only one member, namely Helen Suzman. This liberal party underwent numerous changes as it amalgamated with others leaving the UP and successively changed its name to Progressive Reform Party and then to the Progressive Federal Party (PFP). The PFP lost its status as the official opposition after the 1987 election and was replaced by the CP, discussed above. More recently, the PFP further changed its name and absorbed other parties, to become the Democratic Alliance (DA), currently the official opposition in South Africa.

Breakaways were not just a feature of 'white' politics in the pre-1994 era of racial discrimination and a racially-based franchise. The South African Native National Congress was formed in Bloemfontein in 1912, a year before the NP, to mobilise against the 1913 Land Act. The name of the organisation was changed in 1923 to the African National Congress and, despite differences and tensions within, was remarkably unified for a long time. This was due to its campaigning against discriminatory policy and an increasingly repressive environment, with the authorities acting every more oppressively against opposition movements. This was demonstrated in the mass-based Defiance campaigns in the 1950s, culminating in the drafting of the Freedom Charter in 1955 (see Lodge 1983 for details). The Freedom Charter marked the culmination of efforts by a range of organisations representing all racial groups in South Africa. This success in unifying opposition to apartheid across racial lines, ironically, initiated a process of factionalism that would lead to a split and the formation of a breakaway party, the Pan Africanist Congress (PAC), in 1959.

The PAC was born and pursued an Africanist opposition agenda, objecting to the role of whites and communists in the earlier Defiance campaigns. It succeeded in mobilising large numbers of people around destroying passes, identity documents that had to be carried by all blacks, proving that they were allowed to be in white areas. Following the police shooting of pass protesters at Sharpeville and the mass marches on Parliament in Cape Town in 1960, the ANC and PAC were banned and forced to operate underground and from exile. In exile, these organisations were more-or-less coherent, with tensions being managed, and no major splits or breakaways occurred. With the democratisation of South Africa in 1994 all the resistance movements had to adapt to a democratic and electoral mode of politics. Some members were expelled from the ANC and thereafter established new political parties. The United Democratic Movement (UDM) and

then the Economic Freedom Fighters (EFF) are examples of such parties. In the post-1994 period, the most significant breakaway and formation of a new political party was that of Cope in 2008.

There has also been one example of party split and schism in post-apartheid South Africa, that of the DA. However, unlike the situation in Cope, as this article will show, despite a schism in the party there were no splits and splinters from the DA. Those who left the party followed one of two options: either joining an established political formation, the ANC or leaving organised politics altogether. Others remained within the DA to build its institutional and organisational establishment. Following Boucek's (2009, pp 469-78) scheme of three different types of factionalism, it is clear that within the DA the factionalism was cooperative, as opposed to the competitive and degenerative forms of factionalism that appeared to be the path followed in Cope. We dwell briefly on the DA for comparative purposes, before turning attention to Cope.

Originally, the formation of DA as a political entity represented a marriage of convenience between the Democratic Party (DP), the New National Party (NNP) – successor to the apartheid-era National Party – and the lesser known Federal Alliance (FA). In 2000, the DP reached a merger agreement with the FA and the NNP, finding its precedent in the simple fact that the two main parties shared an overriding commitment to being an effective opposition party to the dominant ANC and, in the Western Cape, excluding the ANC from governing, despite it having gained the highest proportional votes in the 1999 General Election in the Western Cape. The ANC's 43% was insufficient for the party to form a government on its own and it was unable to persuade the DP or the NNP to form a coalition government with it (Fakir 2001). The NNP then turned as a coalition partner to the DP – to whom it had lost significant electoral support in the 1999 elections. After the 1999 general election, the NNP and the DP entered into an electoral pact to keep the ANC out of the government of the province. The pact served as the platform for the start of a formal alliance, amalgamating the membership of both parties at representative institutions into a single caucus, although the parties continued to exist as separate legal entities, and later contesting the 2000 local government elections under the aegis of a single Democratic Alliance banner (Fakir 2001). The pact between the NNP and the DP to form the DA was at once a pre-electoral alliance between the NNP and the DP, leading to a phased amalgamation into a single entity at national and provincial level, and an actual government coalition in the sense that it contested the local government elections of 2000 as a political party itself and all representatives elected under its aegis were representatives of a single political party, the DA.

The relationship within in the DA between the former DP and the NNP was uneasy, 'split down old party lines resulting in a fierce political fight between the

former DP and the former NNP' (Smith 2001). It broke down towards the end of 2001, when the NNP leader, Marthinus van Schalkwyk, took the NNP into an alliance with the ANC. To begin with the NNP was in a weak bargaining position, since it had performed poorly in the 1999 election apart from in the Western Cape. Van Schalkwyk, under pressure from NNP public representatives, and faced with the risk of the imminent collapse, calculated that an alliance with the DP seemed plausible. Given the ascendancy of the DP in opposition politics at the NNP's expense after the 1999 elections, any collaboration or alliance with the DP into the DA would take place on the DP's terms. This would, however, at least provide an organisational vehicle for the survival of the NNP and its values, and potentially provide an opportunity for rebuilding, even if it at the time the NNP would be sublimated within the DA. As things transpired, this revealed itself to be a horrible miscalculation on the part of the NNP. The remaining virtue in the formation of the DA for the NNP lay in the realignment and strengthening of opposition politics.

Initially, the merger seemed to pay off, since it appears to have enthused voters. In the December 2000 local government elections the DA won 22% of the vote compared to the ANC's 59%. The DP had enjoyed far greater popular support at the time of the merger, and had ultimate control over the DA. The NNP component, however, had a larger signed-up membership and this introduced a fissure which was never resolved. This fissure centered on whether representation at the anticipated DA congress should be determined by electoral strength (as the DP contingent wanted) or paid-up membership, which would have been to the benefit of the NNP (Myburgh 2007).

The lack of common values, disparate and divergent ideological persuasions, the absence of a coherent political strategy, the lack of an integrated policy platform and a broader clash of cultures resulted in the emergence of one crisis after another within the first year of the formation of the DA (Fakir 2001).

Internal strife was sparked by adverse publicity caused by a street-naming scandal in which Peter Marais, DA mayor of Cape Town, who was an NNP strongman, drove a process by which Adderley and Wale Streets in the Cape Town city centre would be renamed after Nelson Mandela and FW de Klerk respectively. It was alleged that Marais had engaged in a fraudulent process of marshalling public support for the street-renaming process by submitting lists of public supporters of the move, which were alleged to have been forged, manufactured and fraudulent (Jolobe 2007, p 85).

Subsequent to these allegations, the leadership of the DA at the time, together with the Western Cape premier and Marais, agreed to establish a commission of enquiry under Section 106 of the Municipal Structures Act, headed by Judge

Willem Heath (Jolobe 2007). Heath found Marais had 'misinformed the public' and 'stated an untruth' to Democratic Alliance leader Tony Leon about the numbers supporting his proposal. The Heath Commission also found that he had not performed the functions of his office 'in good faith, honestly and in a transparent manner' and did not act at all times in the best interest of the municipality', 'had compromised the credibility and integrity of the council, and that two unicity councillors committed fraud in the process' (Heath Special Consultants 2001, pp 71-82). These findings resulted in the suspension of the councillors, disciplinary processes for two council staff and the suspension of Marais as mayor.

From here on, however, two parallel party processes, in addition to the governmental process to deal with this matter, were instituted in an attempt to get rid of Marais altogether. For its part, the DA established a three-person dispute resolution committee to determine whether Marais had broken the new DA party rules. Simultaneously, Tony Leon bypassed the dispute resolution committee and instructed his deputy to fire Marais, while also writing directly to Marais, asking him to resign and suggesting that his failure to do so would result in a motion of no confidence in him being put to the DA's National Management Committee (NMC). At that management committee meeting Marais was dismissed. In addition to the street-naming scandal, Marais was accused of abusing his mayoral perks in a variety of ways. Marais was subsequently vindicated by the Cape High Court when he challenged the NMC decision to fire him as mayor and expel him from the DA. The judge ruled, among other things, that only the municipality could remove a mayor from office and that therefore the NMC'S decision to fire the mayor was beyond its power and was to be set aside (Jolobe 2007). Marais subsequently returned to his mayoral chambers, but he, Van Schalkwyk and others from the NNP walked out of the DA a few days later.

The street-naming saga and the political controversy that followed revealed the lack of a clear political and policy strategy, the absence of a shared ideological vision and the consequent inability to develop a common commitment to a shared base of values (Fakir 2001). The culmination, an acrimonious public spat between DA leader (Tony Leon of the DP) and deputy leader (Marthinus van Schalkwyk of the NNP) revealed the organisational, leadership and institutional vulnerabilities of the DA at the time.

This heralded within the DA a period of uncontained competitive and degenerative factionalism, which resulted in the inability to moderate the divergent approaches of party leaders and responses to issues. It also demonstrated that the policy approaches and preferences of the different leaders diverged significantly, in that, in contrast to the DP's traditional liberal posture, the NNP contingent within the DA felt ever more uncomfortable with the emergent liberal

individualist economic strategy, which, it felt, discriminated against those who did not have the means to take advantage of an open and 'free economy', preferring models of state intervention and welfarism that was closer to the ANC's.

Having left the DA, the NNP came to a working agreement with the ANC. Following the NNP's defections, the DA lost control of both Cape Town and the Western Cape Province to the ANC. In considering whether in the early days of the formation of the DA potential cracks and schisms had an effect on the party, it would be instructive to account for the view of the party's then leader, Tony Leon, as well as to consider its electoral performance in the aftermath of the schism. Asked whether the decision to form the DA had been worth it, Leon replied ambivalently:

I think that although it caused a huge amount of grief, we have consolidated the opposition and the NP has disappeared completely. Maybe we should have tried to destroy them at the polls. That would also have had costs. There are no free choices in politics; generally one has to choose between the worse and the less worse.

Myburgh 2007

The DA was unable to shake off the damage caused by the breakup of the alliance and its aftershocks, and won only 12.4% of the vote (50 seats in Parliament) in the 2004 elections, not that much more than it had won in the 1999 elections when it had 9.6% of the vote (38 seats). It also appeared to have failed to make any inroads among black voters, which it had anticipated.

It is immaterial now, whether the disciplinary processes would have resulted in later procedural and legal expulsions, or whether the walkout of some DA members to join the ANC was pre-emptive. Organisationally, what is distinct is that no actual expulsions occurred in the fallout within the DA, even though there was a putative expulsion, which was overturned by the courts. The DA, for various reasons that will be explored briefly below, displayed fragmentation, rather than a split, proper. It later arrested the fragmentation and, unlike Cope, displayed tendencies towards opposition consolidation rather than decline.

This consolidation may continue into the future and may prospectively include an incorporation of Cope into its fold, as has already been the case with some Cope members. The DA has increased its electoral support in every successive election since 1999 and has, since 2006, institutionally incorporated the Independent Democrats (ID). It has also increased its support among the minority communities of South Africa and modestly increased its support amongst African voters (Fakir & Holland 2011). It has further consolidated its policy trajectory and,

unlike Cope, whose political platform and policy positions are vague, unclear and indistinct from those of the ANC, the DA has policy positions that coalesce around clearly defined themes that focus on privatisation of public enterprises through market reforms, deregulation of the labour market and a reduced role for the state in economic affairs.

Also unlike Cope, and building on the inheritance of the organisational strength of the DP, the DA has managed to build a well-defined decision-making process, an efficient party machinery, with periodic elections for leadership renewal, a constitution its members accept and whose provisions they respect, a raft of well-developed, if inappropriate policies, a branch structure and operationally effective caucuses in representative institutions. Because of this it has not yet suffered the fate of organisational split and has, instead, displayed organisational cohesion and institutionalisation.

The DA, therefore, found its genesis most properly as both a pre-election alliance and as a coalition government. What possibly saved it from complete breakdown was that it had not constituted itself legally and formally as a party at national and provincial level and was able therefore to consolidate the remnants of the NNP that remained within it into both a coherent political programme as well as a formidable organisation, leading to its institutionalisation as a party. Notwithstanding its early fragmentation and fracturing after botched internal disciplinary processes and legal proceedings, the early split in the DA can most aptly be characterised as party fragmentation rather than a party split. In contrast, Cope, after mirroring a similar set of internal contests, disciplinary processes and legal proceedings, was unable to achieve any consolidation, instead displaying tendencies towards decline after the split from the ANC.

This brief overview of breakaway parties, party fragmentation, splits and schisms in South Africa attempts to sketch a pattern and trajectory of breakaway parties and contrast it with parties in which internal contestation and schism did not give rise to breakaway parties. This has been done to provide an understanding of the prospects of breakaway parties in the context of South Africa's complex political history. In 'white' politics, breakaways to the left and right appear to have gained traction amongst their constituencies. At various times such breakaways succeeded in attracting sufficient support to emerge as significant opposition parties in the NP-dominated white parliament. In 'black' politics, breakaways to the left seem to have been more successful, as was the case of the PAC, although the party did not survive exile as well as the ANC did. This may mean that Cope, as a more-or-less centrist party, is unlikely to gain traction over time in the South African political landscape. Rather, new left parties, like the EFF, at least in rhetoric, may gain the traction to increase support and seats in Parliament so as to emerge as meaningful, as opposed to marginal, political parties.

THE SPLIT IN THE ANC AND THE FORMATION OF COPE

The story of the split in the ANC post-Polokwane in 2007 is well documented and the facts will not be repeated here (Southall 2009; Booysen 2009; Ndletyanya 2010; Kotzé 2012). Instead, an attempt will be made to illuminate the dynamics of factionalism pre-Polokwane leading up to the split and then the formation of Cope in 2008 to contest the 2009 election. At one level, the split was driven by the differences between the two main protagonists, Thabo Mbeki and Jacob Zuma (Gilder 2012, pp 10, 17). The circumstances that appear to have intensified these divisions also consolidated groupings inside the ANC, with members choosing sides. The first step in this process was the removal of Zuma as deputy president in 2005 based on the conviction of Zuma associate, Schabir Shaik, on corruption charges relating to the arms deal. This had the effect of intensifying factionalism in the ANC, with clear camps becoming further entrenched as the controversies over the National Prosecuting Authority investigation of Zuma continued. The pro-Zuma faction perceived these actions as political and consolidated its power within the ANC, while the pro-Mbeki camp was increasingly placed on the defensive.

In the build-up to the Polokwane Conference the Mbeki camp proposed a revision of existing ANC policy, attempting to separate the office of ANC president from the presidency of the country, as elected by Parliament. The Mbeki camp thought his consolidation of a third term of office as ANC president would allow for the containment of the Zuma camp, which was destined to take over the presidency of the country in the 2009 election, when the ANC was again expected to win an overall majority in Parliament. This was an unexpected deviation from ANC practice, where the head of the ANC was also considered to be the head of state. In effect, the Mbeki camp was proposing the creation of two centres of power, hoping to capture the ANC as an organisation as a means of controlling the ANC in government.

This strategy would have enabled Mbeki to circumvent the constitutional provision limiting the person holding the office of country president to two terms. This 'new idea' was at the centre of the open factionalism demonstrated at the Polokwane Conference, where, for the first time, factions mobilised openly in the contest for positions in the ANC. At Polokwane Jacob Zuma replaced Thabo Mbeki as ANC president and, as the latter's camp was decisively defeated in the elections, Mbeki's supporters would now have limited career prospects inside the ANC.

This unsatisfactory situation, where ANC and national electoral cycles did not coincide, meant that there was an 'interregnum', during which the ANC president was not the president of the country. These two centres of power coupled to the clear change in the balance of power within the ANC led the party's National

Executive Council to recall Mbeki as president of South Africa in September 2008, replacing him with Kgalema Motlanthe. When the ANC won the 2009 election Jacob Zuma became the country's president.

Mbeki's decision to resign as state president may have served as a reconciliatory gesture to re-unite the ANC's factions. However, shortly after Mbeki's recall, the divisions in the ANC manifested themselves as a clear split and breakaway when Mbeki supporter and soon-to-be Cope leader, Mosiuoa Lekota (a former ANC Cabinet minister and former chairperson of the ANC), announced a divorce from the ANC. Between November and December 2008 those leaving the ANC mobilised support and held a convention and an electoral process that resulted in the formal establishment of a new political party, the Congress of the People.

One of the puzzles in the emergence of Cope is the fact that Thabo Mbeki did not formally join the nascent party, or show any overt support for it. Many analysts appear to have believed that he welcomed the formation of Cope, especially after his mother, a long-standing ANC and South African Communist Party member, joined the new party. This belief remains speculative, since there is no definitive evidence that Mbeki was actually involved in the formation of Cope or supported it once it was established. There have been attempts, tacit in our view, to 'link Mbeki to providing policy input and direction, to Cope' (Jika 2011), and vehement denials issued by Mbeki's spokesperson about Mbeki being a member of Cope, and re-iterating that Mbeki remained an ANC member.

There are at least three possible reasons why Mbeki avoided aligning himself with Cope:

- His defeat at Polokwane in the ANC presidential contest might have been an embarrassment and therefore a significant disincentive for his continued involvement in party political life;
- As the driver of the New Programme for Africa's Development (Nepad), Mbeki was instrumental in entrenching a two-term limit for heads of state and could not be seen to be trying to get back into politics via a new political vehicle; or
- Mbeki possibly could not make the emotional break with the ANC which had shaped him for almost his entire life.

Perhaps the fact that Mbeki welcomed the formation of Cope lay in his support for the principle of multiparty democracy and the emergence of a new party to participate in South Africa's young democracy.

The origin of Cope as a fragment of the ANC is a significant factor in determining its performance as a political party (Kotzé 2011). Ndletyana (2010)

summarised Cope's posture as focusing on 'morality, constitutionalism and meritocracy'. Cope set itself up as a non-racial social democratic party, distinct from the ANC and established to address the impasse over socio-economic development and quality government services. In reality, however, it was unable to distinguish itself from the ANC and was reminiscent of the ANC's position as an all-embracing broad church (Booyesen 2009, p 179). Its programme was typical of those of breakaway parties in that it held onto symbols, events and policies related to its parent body, while claiming to be their true guarantor. While now opposing the ANC, Cope also claimed to be a bastion of values and policies the ANC had lost sight of, or deviated from. Thus it did not present anything new, or an alternative to the ANC, but presented itself as the custodian of true ANC tradition and values.

The trajectory of the breakaway from the ANC and the formation of Cope illustrates the theoretical points discussed above. First, Mbeki's suggestion that the positions of ANC president and state president be separated marks the way party rules and conventions are interpreted and modified in the heat of factional battles. Moreover, as Sartori (2005) notes, the strategic use of rules reveals the deep-seated, subterranean conflicts within parties.

Having lost the election for ANC president, Mbeki was left in a vulnerable position as state president, leading to his recall from office and the reinforcement by the Zuma-dominated ANC of the past practice of ensuring that the two positions were held by the same person.

Similarly, the events leading up to the split in the ANC and the formation of Cope also illustrate the process model of breakaways developed by Dyck & Starke (1999). In terms of 'Idea Development', Mbeki's removal of Zuma as deputy president in 2005 indicated an intention to prevent Zuma from succeeding him after the 2009 election. This catalysed factional identity and choosing of sides by ANC members, which kick-started the following stages of change, resistance, conflict and, finally, exit.

The propagation by the Mbeki camp of a new approach to the role of ANC president by separating it from the office of state president sparked intense resistance from the now-dominant Zuma camp, resistance that intensified and climaxed at the Polokwane Conference. With leadership at the centre of the conflict, there was little prospect of a mediated reconciliation of the factions. This left the defeated faction with few options, resulting in its exit from the ANC. This process analysis of the split attempts to illuminate, rather than describe, the formation of Cope, by indicating that it follows a pattern similar to other examples set out in organisational theory approaches to splits and breakaways. Nonetheless, having broken from the ANC, Cope had to fight elections to see whether citizens

perceived it as separate from the ANC or as the protector of the values and policies that the ANC once stood for, but from which it had now deviated.

In 2009 Cope used the slogan, 'A new agenda for Hope and Change for all', with a manifesto that included

defending the constitution and rule of law, eradication of poverty, economic growth, job creation, protection of the environment, quality globally competitive education, good health care, reducing crime, empowering women, youth development, strengthening of families and to unite to make South Africa better place.

Kotzé 2011, p 175

Cope's 2011 local government manifesto set out to address a series of issues and challenges in society that had been ignored. According to Kotzé (2011, p 79), Cope's election manifesto aimed to address the alleged impasse in socio-economic development and the provision of quality government services. There was little there to distinguish Cope from any other political party, and the manifesto reads, in various ways, very much like that of the ANC. Regardless, Kotzé 2011, Booysen 2009 and Ndletyana 2010 position Cope as an entrepreneurial party. However, caution must be exercised in interpreting Cope's establishment in hindsight, without due regard for its origins in the factional ideological, policy and leadership contestation within the ANC. Its formation had more to do with factionalism and leadership contests within the ANC than with those who established it being political entrepreneurs setting out to identify and address latent, new and unnoticed issues in society.

The new party cannot escape its association with the parent party, and the nature of the ensuing political and identity contests, as well as leadership struggles and policy disputes, shape the nature and character of the new entity. While it emerges from a parent party the new entity tries to differentiate itself from that party in order to attract votes. This type of political entrepreneurship usually entails claiming to represent the true values and vision of what the new party now refers to as the misguided original parent party.

COPE'S LEGAL WRANGLES AND THE SEEDS OF DECLINE.

After splitting from the ANC, Cope, held its inaugural congress in Bloemfontein on 16 December 2008. Here Mosiuoa Lekota was appointed president and Mbhazima Shilowa, a former ANC provincial premier, was appointed deputy president. At the congress, Cope adopted its inaugural constitution. Because its leaders

were appointed rather than elected, clause 2.9 of the party's 2008 constitution provided that

The inaugural Congress of the Congress of the People shall agree by Resolution that the First National Congress of the Party shall be held within a maximum of 2 years, following the establishment of Party structures at branch, regional and provincial level as well as the Congress of the People Chapters in accordance with the provisions of this Constitution.

It is in this particular clause that the seeds of leadership contestation and subsequent party fracture and fragmentation lay, precipitating an almost four-year battle for leadership of the party.

In line with its inaugural constitution Cope attempted to hold an elective conference from 27 to 30 May 2010. The conference was planned amid emerging tensions in the party over leadership bids by Lekota and Shilowa, with accusations of fraud and corruption levelled by Lekota against Shilowa. In a compromise bid to avoid court action to call off the planned conference, the Congress National Committee (CNC) decided a week before the conference to focus the party's attention on policy matters rather than to make the conference an elective one. At the conference, however, delegates passed a resolution that it be held as an elective conference, sparking a walkout from the Lekota faction.

At a press briefing on the day of the conference Lekota again levelled accusations of 'fraud, corruption, and patronage committed with public funds at both the national level and various provinces, against his rival Shilowa' (News24 2010).

Despite the walkout and the fact that Lekota and his supporters were vehement that the conference not proceed, the Shilowa faction continued to hold a conference, going as far as passing a vote of no confidence in Lekota. In effect, this purported to elect Shilowa, as interim president, giving rise to competing claims to be Cope's legitimate president. Sparking allegations that this was a malicious move by Shilowa to eject Lekota from Cope, Lekota, in response, approached the courts to prevent what he alleged to be the hijacking of Cope. The court ruled in favour of Lekota, suggesting that 'Shilowa's election was in contravention of the spirit of the resolution taken by Cope's CNC'. In addition, the court granted Lekota the relief he sought, interdicting Cope from conducting elections for four months (News24 2010). Shilowa appealed the judgement, making it clear that the party's leadership of Cope was likely to be determined by the courts rather than by its members.

As it turned out, Shilowa lost the appeal and the court reinstated Lekota as the party's leader, stating that Shilowa's nomination to the position was unconstitutional. In the intervening period a further congress was held, on 15 and 16 December 2010, at Heartfelt in Pretoria, at which it is claimed that Shilowa was elected president of Cope. But by February 2011 Shilowa had been expelled from the party and as a Cope member of Parliament after a party disciplinary hearing had found him guilty of 'wrongfully authorising the transfer of R5-million from the parliamentary allowance accounts to Cope party accounts and of submitting the party's financial statements to Parliament knowing that they contained material misrepresentations'. It also found him guilty of authorising a payment of more than R2-million 'for purposes that were not legitimate or permissible' (Cope statement, February 2011).

This gave rise to a further court case, which traversed the entire gamut of issues listed here and resulted in a final set of judgements which confirmed all Lekota's contentions against Shilowa. In a final judgement, Acting Judge Watt_ Pringle (*Congress of the People and Mosiuoa Lekota vs Mbhazima Shilowa and others*) found, among other things, that :

- The interim leadership's term of office did not end on 16 December 2010;
- No legitimate new CNC was elected in December 2010 at Heartfelt;
- There is no finding to the effect that Lekota was relieved of his duties as office bearer or representative of Cope; and
- There is no finding to the effect that Lekota started a parallel leadership structure, declared himself President, and refuses to recognise Shilowa as President of Cope.

These findings confirmed Lekota's leadership of Cope, nullified Shilowa's claim to leadership and served to legitimate Shilowa's expulsion as both a member of Cope and as a member of Parliament.

Though there are similarities between what happened in the DA in its early formation, as described above, the DA was, perhaps, saved by the fact that it was a pre-election alliance at national and provincial level and a coalition government at the local level. The fragmentation of the DA was arrested by the voluntary nature of one of the partners leaving, thereby avoiding prolonged leadership contests and possible court action. This was aided by the fact that DA members had two exit options, while Cope appeared to be a vehicle for disgruntled former ANC members who had lost their positions in the parent party. This contributed to the decline of Cope, rather than the fragmentation that was germane in the DA.

COPE'S ELECTION PERFORMANCE BETWEEN 2009 AND 2014

Table 1
Cope's performance in the 2009 national election

| | Total number of votes | Percentage share of votes | Total number of seats / total seats | Percentage of seats |
|---------------|-----------------------|---------------------------|-------------------------------------|---------------------|
| National | 1,311,027 | 7.4 | 30/400 | 7.5% |
| Eastern Cape | 308,439 | 13.67 | 9/63 | 14.2% |
| Free State | 120,018 | 11.61 | 4/30 | 13.3% |
| Gauteng | 323,327 | 7.78 | 6/73 | 8.2% |
| KwaZulu-Natal | 44,890 | 1.29 | 1/80 | 1.25% |
| Limpopo | 112,325 | 7.53 | 4/49 | 8.1% |
| Mpumalanga | 37,789 | 2.91 | 1/30 | 3.33% |
| North West | 89,573 | 8.33 | 3/33 | 9% |
| Northern Cape | 67,416 | 16.67 | 5/30 | 16.6% |
| Western Cape | 152,356 | 7.74 | 3/42 | 7.1% |

Source: Compiled from data from the Electoral Commission of South Africa

In the general election of 2009 Cope won 7.4% of the vote, a remarkable achievement for a new party. In the local government election of 2011, however, it won a mere 2.22%, although it won 11.7% of the vote in the Northern Cape. However, the turnout for the general election was 77.3% of registered voters, while, in 2011, for the local government elections, it was 57.6%, so Cope's performance could be said to mirror proportionately its performance in the 2009 elections.

In fact, the party already appeared to be shedding support because of its internal schisms and in Gauteng the drop in support between 2009 and 2011 was cataclysmic. It is possible that many potential Cope voters simply did not vote in 2011 and that there was a real decline after the prolonged and acrimonious court cases that began in 2010. However, the party's most dramatic decline took place between the 2011 local government elections and the 2014 national elections.

Moreover, given that political effectiveness, representation and institutional presence matters more for political effect than percentage support, especially in mixed member proportional voting systems such as that used in South Africa's local elections, the 2011 local government elections results confirm two long-held postulates. First that Cope's support is spread across the country. Governance effectiveness is measured by concentration of representation and Table 2 shows

Table 2
Cope's performance in the 2011 local government elections

| | Total number of ward votes | | Total number of PR votes | | Total number of ward votes +PR Votes | | Total number of seats across municipalities as a proportion of total number of municipal seats per province | Total number of municipalities in which Cope is represented out of total number of municipalities in province |
|----------------------|----------------------------|--------|--------------------------|--------|--------------------------------------|--------|---|---|
| | Votes | % | Votes | % | Votes | % | | |
| National | 274 074 | 2.1% | 296 624 | 2.2 | 570 698 | 2.1% | | |
| Eastern Cape | 65 980 | 3.74 % | 76 564 | 4.37 | 142 544 | 4.05 % | 56 of 1 415 seats (3.9%) | Represented on 22 of 39 councils (56%) |
| Free State | 23 881 | 3.19% | 28 042 | 3.73% | 51 923 | 3.46% | 25 of 623 seats (4%) | Represented on 16 of 20 councils (80%) |
| Gauteng | 30 199 | 0.99 % | 33 683 | 1.10% | 63 882 | 1.04% | 11 of 1 013 seats (1%) | Represented on 8 of 10 councils (80%) |
| KwaZulu-Natal | 8 826 | 0.32% | 9 181 | 0.33% | 18 007 | 0.32% | 137 of 1 633 seats (8.3%) | Represented on 2 of 61 councils (3.2%) |
| Limpopo | 41 340 | 3.59% | 44 330 | 3.88% | 85 670 | 3.74% | 42 of 1 074 seats (3.9%) | Represented on 21 of 25 councils (84%) |
| Mpumalanga | 9 922 | 1.06% | 10 475 | 1.11% | 20397 | 1.08% | 8 of 797 seats (1%) | Represented on 6 of 18 councils (33.3%) |
| North West | 21 406 | 2.61% | 22 919 | 2.80% | 44 325 | 2.71% | 24 of 761 seats (3.1%) | Represented on 16 of 19 councils (84.2%) |
| Northern Cape | 41 912 | 11.79% | 41 941 | 11.78% | 83 853 | 11.79% | 47 of 370 seats (12.7%) | Represented on 25 of 26 Councils (96%) |
| Western Cape | 30 613 | 1.78% | 29 489 | 1.72% | 60 102 | 1.75% | 20 of 748 seats (2.6%) | Represented on 17 of 25 Councils (68%) |

Source: Compiled from data from the Electoral Commission of South Africa

how thinly represented Cope is in local councils. Curiously, it also demonstrates that only in two provinces (KwaZulu-Natal and Mpumalanga) does it not have representation in more than 50% of councils. In the majority of instances it is represented on 80% of councils.

In contrast, Table 3 details the complete decline of Cope and, contrasted with the findings of Table 2, demonstrates not only a percentage aggregate decline but a decline in representation and support across the country.

Table 3
Cope's performance in 2014 national elections

| | Total number of votes | % share of votes | Total number of seats / total seats (seats lost) | % of seats |
|---------------|-----------------------|------------------|--|------------|
| National | 123 235 | 0.67 | 3 / 400 (lost 27) | 0.75 |
| Eastern Cape | 26 129 | 1.20 | 1 / 63 (lost 8) | 1.5 |
| Free State | 16 516 | 1.63 | 0 / 30 (lost 4) | 0 |
| Gauteng | 21 652 | 0.49 | 0 / 73 (lost 6) | 0 |
| KwaZulu-Natal | 5 968 | 0.16 | 0 / 80 (lost 1) | 0 |
| Limpopo | 2 573 | 0.86 | 1 / 49 (lost 3) | 2 |
| Mpumalanga | 4 288 | 0.32 | 0 / 30 (lost 1) | 0 |
| North West | 8 692 | 0.80 | 0 / 33 (lost 3) | 0 |
| Northern Cape | 15 218 | 3.60 | 1 / 30 (lost 4) | 3.3 |
| Western Cape | 12 520 | 0.59 | 0 / 42 (lost 3) | 0 |

Source: Compiled from data from the Electoral Commission of South Africa

In 2014 Cope managed to retain only three provincial seats in total, one each in the Eastern Cape, Limpopo and the Northern Cape, a fraction of the 36 seats it had won across the nine provinces in 2009. In the National Assembly it retained only three of the 30 seats it had held since 2009.

CONCLUSION

As demonstrated by Southall (2009), Booysen (2009), Ndletyana (2010) and Kotzé (2012), Cope's decline can be attributed to several different factors, including a vague and indistinct ideological persuasion, the absence of a coherent political strategy, the lack of an integrated policy platform, and a vicious leadership contest

without sufficient internal institutional development and conflict mitigation structures and processes as well as a lack of access to resources.

Primarily, however, we argue that its decline can be traced to its origins within the factional contestation in its parent party, the ANC. Unlike the DA, Cope was unable to extricate the remaining leadership and membership from a vague policy approach and squabbling over positions, nor to agree on processes and procedures. It was also unable to isolate its members from its vague and indistinct ideological and policy cleavages, nor insulate its members and voters from a bitter leadership battle.

As the judge observed in handing down his findings in one of the Cope court cases, 'I can only hope that this proved cathartic to the large, attentive and good natured gallery, because it certainly lengthened the trial' (AJ Watt-Pringle, *Cope and Mosiuoa Lekota vs Mbhazima Shilowa and others*, para 93.6, p 43).

Unlike antagonists within the DA, who had two exit options, antagonists in Cope had a proliferation of options, including returning to the parent party, the ANC, which appears to have been the most significant contributor to its decline. The multiple court cases as well as identity and leadership fracture and expulsions contributed to the overarching importation of political conflict from the parent party.

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THE IMPENDING COLLAPSE OF THE HOUSE OF MAMPHELA RAMPHELE

Agang SA

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ABSTRACT

In the 2014 general elections Agang SA won 52 350 votes (0.28% of the 18 654 771 votes cast) and only two seats in the National Assembly. The electoral performance of the newly-formed party was dismal, especially in comparison to that of its fellow debutant, the Economic Freedom Fighters (EFF). This article explores the reasons for Agang SA's poor performance and concludes that they may include both the fact that its political message did not resonate with the wider population and the fact that its campaign strategy was ineffectual. However, it would seem that the main reason for the party's failure was that it was formed around the character and personal successes of one individual – its founder, Dr Mamphela Ramphele. Ramphele's reputation wittingly or unwittingly shaped the character and orientation of Agang SA, and her political indiscretions compromised its electoral potential. The future of Agang SA is bleak and its collapse almost inevitable.

INTRODUCTION

Twenty years into democracy new political parties continue to emerge, with the aim of challenging the African National Congress (ANC), which, since 1994, has dominated South African politics. Their emergence and participation in electoral politics must be understood as a feature of democracy in praxis.

Agang SA entered the political space with great fanfare, largely because of its high-profile founder, Dr Mamphela Ramphele. Under her guidance the party fashioned itself as a credible political alternative to the existing parties and vowed to achieve the promises of the liberation struggle, which, it argued, remain unfulfilled. Its campaign strategy largely targeted members of the black middle class, who were disgruntled with the ANC but would not consider voting for the Democratic Alliance (DA) or any other political party.

This article attempts to understand the reasons for Agang SA's dismal performance in the elections by interrogating the context of its emergence and existence, its political message and campaign strategy and other related factors. In a broader context this exercise contributes to the discourse on why some political parties are able to survive for centuries, while others fail to stand the test of time. In other words, while the birth of some parties generates interest and hope among citizens some disappear into political oblivion.

Agang SA clearly falls into the latter category and the collapse of the house of Mamphela Ramphele is imminent. But what does this mean for the formation of new political parties in South Africa? Is the space for their existence necessarily foreclosed by the ANC's domination of the political scene? Is the political market saturated and, if not, why do new political formations mostly appear unable to exploit it? These questions are examined in the course of an attempt to answer the main question – why did Agang SA perform so badly?

UNDERSTANDING AGANG SA

Agang SA was established on 18 February 2013, although its first official congress only took place on 22 June of that year. The standing of its founder, Mamphela Ramphele, is incontestable. She is a well-known anti-apartheid activist, a medical doctor, an academic, a businesswoman and a former managing director of the World Bank. Agang SA, for which she raised R30-million, began as a civil society movement and was subsequently transformed into a political party that could be described as a charismatic party with elements of a programmatic party. Charismatic parties are defined here as those whose political essence embodies the personality of their founder or founders. Their founders and leaders are usually drawn from the academy, religious formations, business, labour, royalty

or simply middle-class elites, and their survival depends on their leaders, who usually use their personal wealth to capitalise them. Charismatic leaders regard the political parties they have founded as their property (Kitschelt 1995, p 449).

Programmatic parties, on the other hand, are established on the basis of the programmes crafted to define their existential essence and used to establish a relationship between themselves and the voters. Programmatic parties are action-oriented and differ from clientelistic parties, which are 'characterized by an unequal balance of power' in which the 'patrons and clients are tied to durable relationships by a powerful sense of obligation and duty' (Hopkin 2006, p 2). Kitschelt (1995, p 449) observes that clientelistic parties violate fundamental democratic principles, giving preference to their constituencies in the allocation of state resources – a tendency in the ANC to which Agang SA was vehemently opposed.

Charisma and programmatic orientation may complement each other, enabling new parties to sustain themselves and eventually prosper. However, clientelistic parties cannot survive in a democratic setting. In Ramphele, Agang SA had a charismatic leader. Its programmatic orientation is expressed in the philosophy of progressivism. This appeared to be a winning formula.

In its campaign Agang SA detailed how it intended to unlock the development potential of South Africa, naming its programme SMART 5Es and maintaining that 'Empowerment, Education, Entrepreneurship, Effective Government and Employment' are critical to the development of the country. Its configuration as a political formation transcends the binary logic of being defined as either a charismatic or a programmatic party – it is a combination of the two.

The passion associated with the articulation of its programmatic offering exemplified a commitment to live up to the name Agang, a Sotho phrase meaning 'let us build', a phrase that punctuated Ramphele's pronouncements throughout the election campaign. Agang SA was formed to build South Africa. Beyond its literal meaning, Agang is about the collective effort to make a success of something, which, in the case of this new political formation, is South Africa.

Some caution against deriving a political party's significance from its name, arguing that in many cases parties act contrary to the meanings of their names. But naming a party correctly is very important for identity and political capital-building. Agang SA views itself as a party that seeks to build a 'stronger democracy in which citizens will be at the centre of public life' (Agang SA 2013).

An important variable in trying to understand a political formation is its ideological disposition. So, the question is: What is the ideology of Agang SA? The question is not easily answered, its ideology has never really been clear. However, some analysts, comparing it with the extreme left-leaning Economic Freedom Fighters Party (EFF), characterise it as being centre-right. But what does

this mean? In some instances Ramphela made pronouncements that presuppose leftist politics. For instance, in addressing university students in the Western Cape, she stated that the party supported free tertiary education – a statement at odds with the nature of a centre-right party.

On its website and in its founding documents Agang SA identified anti-corruption and progressivism as its ideological orientation. But are these really aspects of ideology? An ideology is a system of ideas that undergird a particular economic or political theory, from which the form, character, identity and relevance of a political formation to social reality is derived. To assume an anti-corruption stand in campaigning is necessary, as it demonstrates dissatisfaction with the status quo. However, an anti-corruption stand is not an ideological expression and cannot, therefore, be used as the basis of a political party.

Agang SA conflated anti-corruption with ideology, but an anti-corruption stance does not give a political party an ideological identity. In fact, almost all the major political parties that stood in the 2014 general elections proclaimed themselves to be against corruption. So, the question still persists: What is Agang SA? Perhaps the answer lies in progressivism.

In his book, *History of the Idea of Progress*, Robert Nisbet (1980) describes progressivism as a philosophy whose proposition is that science, technology, economic development and social organisation are important aspects of human development. Is there any significance in defining progressivism as a philosophy? Does this presuppose that philosophy differs from ideology? If indeed it does, did Agang SA establish itself on the basis of a philosophy rather than an ideology? Is this how political parties are created?

Any attempt to answer these questions must start with definitions. Heywood (1997, p 41) defines ideology 'from a social-scientific viewpoint' as a 'more or less coherent set of ideas that provide a basis for organized political action, whether this is intended to preserve, modify or overthrow the existing system of power relationships'. He explains the function of ideology as being to 'offer an account of the existing order, usually in the form of a world view; provide a model of a desired future, a vision of the good society; and outline how political change can and should be brought about' (Heywood 1997, p 41).

In *Consciencism* Kwame Nkrumah (1970) defines philosophy as the 'instrument of ideology'. This means ideology and philosophy are not the same thing. However, a crude distinction between ideology and philosophy to the point of binary opposites trivialises their significance in the continuum of knowledge (Maserumule 2011, p 209). Nkrumah (1970, p 66) explains that ideology is the function of philosophy, while philosophy is the theoretical basis of a particular social order. This explanation is consistent with Heywood's view that 'at a fundamental level, ideologies resemble political philosophies' (1970, p 41).

Nisbet (1980, p 4) writes that 'no single idea has been more important than the idea of progress in Western civilization for three thousand years'. In invoking progressivism as its ideological disposition is Agang SA not conflating philosophy with ideology? Can a political party assert its political identity on the basis of a philosophy rather than an ideology? On the basis of the theory of political party formation the answer would have to be 'no'. Ideology is important for party political identity and political capital-building. It is used to map the 'problematic social reality and matrices for the creation of collective conscience' (Geertz 1964/1973, pp 218-219).

It would not be surprising if Agang SA, under the charismatic leadership of Ramphela, was more philosophical than ideological in its political outlook and this would explain its programmatic orientation? Ramphela is an esteemed academic and the orientation of an academic is to seek the truth. This is the function of philosophy. In addition, some of the party's policy pronouncements indicated that Ramphela's position as an executive at the World Bank may have influenced the ideological essence of the policy position of Agang SA (Bodirsky 2014e). For example, its positions on labour and on the role of government in the economy reflected a centre-right orientation (Mngxitama 2013), defined as 'less state intervention in the markets and more private role in the functioning of the market mechanism' (Alkin 2010).

As Cristobal Kaltwasser (2013) explains, 'centre-right parties are programmatic' in their orientation. The notion of centre-right appears to be a euphemism for liberalism. But it could also refer to the ideological disposition of a party that gravitates towards the right of leftist politics.

Does the above exposition assist in answering the questions 'What is Agang SA?' and 'How can it be understood as a political formation?' This article defines the party simply as a charismatic centre-right party with strong programmatic orientation and liberal pretensions.

William Gumede (2014) makes a very important observation which authenticates the definition of Agang SA in these terms. The centre-right ideological orientation, he writes, is characteristic of 'most of the existing opposition parties and new parties formed after 1994' in South Africa, including Agang SA, which 'are to the right of the ANC and its mass black support' (*Mail & Guardian*, 10 January 2014). The article now proceeds to analyse Agang SA's performance in the 2014 general elections.

PERFORMANCE

The party initially aimed to win 5% to 6% of votes cast, but this aim became more optimistic as the election date drew closer. In an interview, Ramphela said she

expected her party to win between 10% and 15% of the vote or more. She based her expectation on the passing of ANC icon Nelson Mandela in December 2013 – four months before the elections (*News24live*, 13 January 2014).

Ramphele also spoke of what she termed ‘shifting political space’, which, she believed created an opportunity for the opposition. She referred specifically to the rifts within the Tripartite Alliance (the ANC, the Congress of SA Trade Unions – Cosatu, and the South African Communist Party). One of Cosatu’s strongest affiliates, the National Union of Metalworkers of South Africa had declared publicly that it would no longer support the ANC.

Agang SA, she said, would target about 13-million voters who were disgruntled with the ANC but did not consider any of the other opposition parties an option. The ‘uncertainty of conditions’ – a situation where the efficiency of minority parties creates uncertainty about electoral outcomes – does not exist in South Africa. It refers to instances where ‘a minority would be able to win over a section of the majority party to moderate its behaviour in office and protect the interest of all’ (Giliomee, Myburgh & Schlemmer 2001, p 162).

The DA, which became the official opposition party in 1999, and whose percentage of voter support is increasing, still does not have sufficient numbers to create the ‘uncertainty of conditions’ – a mission that Agang SA appropriated to itself and failed dismally in its pursuit. In the eyes of millions of South Africans the DA is a white party with which the majority of black South Africans would find it difficult to associate. In South Africa race still influences voter behaviour. Agang SA interpreted this as a political opportunity. However, it failed dismally to seize it (*News24live*, 13 January 2014).

Ramphele’s expectation of how her party would fare in the general elections was not ambitious, especially in the context of the relatively impressive performance of some of the post-apartheid political formations that had contested elections for the first time, notably the United Democratic Movement (UDM), the Independent Democrats (ID) and the Congress of the People (Cope). In 1999 the UDM won 3.43% of the votes cast; in 2004 the ID won 1.73% and in 2009 Cope won 7.42%. This indicates that, despite the hegemony of the ANC, there is an opportunity for new political formations in post-apartheid South Africa. However, the challenge has always been sustaining their existence. This challenge is dealt with extensively below. At this point it suffices to point out that, compared to the post-apartheid opposition parties referred to above, which all started relatively well, Agang SA, in entering electoral politics for the first time in 2014, performed dismally, winning a mere 0.28% of the total votes cast (52 350 of 18 402 497) – a far cry from its pre-election target of 5-6% – and being allocated only two seats in the National Assembly.

By contrast, the EFF, which was established in the same year, won 6.35% of the vote, giving it 25 seats. Even a little-known political party called the African Independent Congress (AIC), without a national profile or a leader of Ramphela's stature, performed better than Agang SA, winning 0.53% of the vote and receiving three seats in the National Assembly. Agang SA came 11th of the 29 parties that contested the elections, avoiding complete obliteration from the national political radar by a very small margin. Its performance in the provinces was equally dismal (see Table 1).

Table 1
Agang SA's performance in the provinces

| Province | Party votes | Valid votes | % Party Votes |
|---------------|---------------|-------------------|---------------|
| Eastern Cape | 2 372 | 2 180 464 | 0.11 |
| Free State | 2 065 | 1 014 663 | 0.20 |
| Gauteng | 18 258 | 4 382 163 | 0.42 |
| KwaZulu-Natal | 0 | 3 836 009 | 0.00 |
| Limpopo | 5 197 | 1 462 186 | 0.36 |
| Mpumalanga | 1 705 | 1 336 259 | 0.13 |
| North West | 4 736 | 1 088 450 | 0.44 |
| Northern Cape | 0 | 422 431 | 0.00 |
| Western Cape | 6 398 | 2 121 153 | 0.30 |
| Total | 40 731 | 17 843 778 | 0.23 |

Source: Electoral Commission of South Africa 2014

The party did not win even 1% of voter support in any of the provinces, received no votes at all in KwaZulu-Natal and the Northern Cape and failed to reach the required threshold for representation in any provincial legislature. This failure is surprising in the light of a poll conducted by IPSOS South Africa in 2013, which gave it 2% support in the provinces (IPSOS South Africa 2013).

Financial services group Nomura had predicted that it would receive about 6% of the vote (Montalto 2013) and, as stated above, Ramphela had forecast 10-15% percent. Rejecting the results of less optimistic surveys held closer to the elections, by which point the hype attending the party's formation had already begun to fade, Agang SA maintained that it would become the third-largest party in South Africa, displacing Cope, which had clearly lost the confidence of most of the 1 256 133 people who had voted for it 2009.

What led to Agang SA's dramatic collapse? It had a leader with outstanding credentials, its manifesto was geared more towards implementation than

ideological rhetoric and it focused on the types of actions that make nations prosper. Its programme was tangible, visible and realistic, fulfilling Kitschelt's criteria for success (Kitschelt 1995, p 449). Only weeks before the elections two independents analysts, Ian Cruickshanks and Michelle Pingo de Abreu, assessed the economic viability of Agang SA's manifesto and the turnaround plan it had proposed for the country and described it as realistic and realisable within the existing budget allocations.

The party had analysed the political market to determine the space for its existence and had targeted the 41% of eligible voters who had not voted in 2009 elections, or who were disgruntled with the ANC but did not consider the DA or any other party as an option (Ramphele, *News24live*, 13 January 2014).

The death of Nelson Mandela, challenges within the Tripartite Alliance and the extent to which Cope had betrayed the people who had voted for it in 2009 presented an opportunity for Agang SA to do well and its political message was carefully crafted to avoid the blunders of opposition parties in many African countries who failed to acknowledge even the visible achievements of the ruling party.

Agang SA seems to have realised that blind criticism of the party in power does little to generate voter trust and offered a positive assessment of the ANC. In one campaign speech Ramphele (2014) conceded that

[w]e have a government that promised a better life for all. And it has succeeded. Of that there can be no doubt. Since 1994, there are tarred roads where there were none before. There are more schools. There is electricity in homes. We have rights that we did not have before. And yes, we can vote.

It takes extraordinary political courage for a party to publicly pronounce on the achievements of the party in power and this should have counted in Agang SA's favour. To advise it on its strategy the party had engaged the services of Benenson Strategy Group, the group believed to have helped US president Barack Obama to win the 2008 presidential election (Sapa, 23 June 2013).

The party also used modern campaigning strategies, employing social media to lure mostly young voters. It had a Facebook page and a Twitter account on which its message was shared at the click of a button and developed a website where information about the party was readily accessible. The Agang SA News website contained news that promoted the party and informed people of its campaign programme.

Two months before the elections an online presence effectiveness survey that analysed the websites and social media presence of political parties indicated that

Agang SA had a 52% on-line presence, below the DA's 58% but well above the ANC's 46%, Cope's 35% and the IFP's 21% (*News24*, 4 February 2014).

UNPACKING AGANG SA'S ELECTION PERFORMANCE

The flaws in Agang SA's political message and campaign strategy are the subtext of the bigger challenge that inhibited its electoral potential – the fact that it was formed around the character and personal successes of Dr Mamphela Ramphele. In the words of Philip Machanick, the party's former spokesman,

Mamphela Ramphele put an enormous amount into founding this movement. She travelled the length and breadth of South Africa to establish support for a new party, and raised 30 million in cash donations based purely on her own good name.

City Press, 11 July 2014

Her own good name! What did this mean? Was it a 'gift of grace', 'authority of revelation', or an 'Alfa-individual' exemplifying heroism, 'exceptional sanctity' and exemplary leadership (Tucker 1968, p 731)?

Leaders of charismatic parties are revered and any attempt to challenge them is necessarily an attack on the party. Their downfall is the downfall of their parties, which are built on their personalities. Charismatic parties are vulnerable. They are a threat to their own existence because their future depends on the impulses of their leaders and the faults of the leaders are a liability to their parties.

The party's failure can largely be attributed to Ramphele's political indiscretions. Her public flaws compromised its electoral potential. During her 'listening campaigns' Ramphele created huge expectations about her ability to tackle the ills of society. In this pursuit, as Mncube (2013) observes, she 'seems to believe that she has exemplary leadership qualities that can save South Africa from its immediate demise'. However, eventually her balanced critique of the ANC deteriorated and she began to resort to less temperate language, as exemplified in the following:

A better life has also produced load shedding, tenderpreneur politicians who have abused our trust, who continue to lie, cheat and hide. Money being stolen from citizens so that broken schools and hospitals cannot be fixed. Our rand is collapsing, making the life of citizens harder every day. This is not the country our heroes struggled for. Mandela, Biko, Kathrada, September and thousands of others would be disappointed.

Ramphele 2014

Agang SA began to expose faults in the way the ANC-led government managed public affairs, arguing that the ANC had not fulfilled the aspirations of the liberation struggle and should therefore be replaced. This message was expressed in the party's slogan, 'restoring the promise of freedom'. Despite its attempt to avoid unsystematic criticism of the ANC, Agang SA began to attack the governing party, thus aligning itself with most of the other opposition parties, whose campaign strategy consisted largely of attacks on the ANC rather than on a more positive focus on what they offered as an alternative.

Like the EFF and the DA, Agang SA portrayed the ANC government as corrupt and as abusing power and public resources. It, too, cited scandals such as the incident in which the Gupta family, with its close ties to Jacob Zuma, was allowed to land a private plane carrying wedding guests at the Waterkloof Airforce Base and the R248-million of public funds spent on so-called security upgrades to Zuma's private residence in Nkandla, KwaZulu-Natal.

Like the other parties, Agang SA also condemned the government's handling of the prolonged strike in the platinum belt and the massacre of 34 striking miners by members of the South African Police Service as well as the increase in the number of service delivery protests that had taken place on Zuma's watch (Mbulawa 2013). Unemployment figures, which fluctuated around 24%, and continued inequalities also did not help matters (Bodirsky 2014).

Such a state of affairs required strong leadership, Ramphela contended, presenting herself as the solution. Agang SA positioned itself as a party willing to tackle corruption and able to attend efficiently to all the governance issues. Among the party's campaign posters was one that read, 'Send the strongest anti-corruption team in politics to parliament, Vote Agang'. In one of her campaign messages Ramphela stated that 'our candidates believe in a clean, competent government, with zero tolerance towards corruption' (IOL 2014).

Among the candidates on the party's list were Paul O'Sullivan, a forensic investigator by profession, and Mike Tshisonga, former deputy director-general of the Department of Justice, both of whom well known for their fight against corruption. Their inclusion in the party list was intended to demonstrate the seriousness of the party's anti-corruption message. Despite the appropriateness of the messages, however, few voters were attracted to the party, which appeared to be merely reiterating information that had been in the public space for some time. It is not enough to establish a party on the basis of a concern about corruption, history has shown that parties that have managed to sustain themselves have been those with a clear ideological position that resonates with a broad section of society.

To assert its legitimacy Agang SA invoked the martyrs of the liberation struggle and freedom to justify its political course. The names of anti-apartheid

icons such as Nelson Mandela and Steve Biko featured consistently in Ramphela's public pronouncements. In using them Agang SA was contesting the ownership of the struggle against apartheid. This was not a strategic move. Agang SA does not have a history of liberation struggle. However, its leader has. She was active in the Black Consciousness Movement, working closely with its leader, Steve Biko.

Ramphela's invocation of anti-apartheid icons could be seen as an act of desperation, but it was not a clever move. A new political formation should create its own history in order to acquire political capital and build its identity. In the minds and souls of South Africans Mandela and other leaders of the ANC Ramphela invoked are part of the political capital of the ANC. To invoke their names for anti-ANC purposes exposed her to accusations of opportunism. Agang SA was dismissed as a party without history, claiming the history of other organisations for its political ends. Ramphela was dismissed as having moved away from the Black Consciousness Steve Biko had stood for – Biko had detested liberalism and Agang SA styled itself as a charismatic centre-right party with strong programmatic orientation and liberal pretensions.

Ramphela's major mistake, though, was the confusion created when she agreed to be named as the presidential candidate for the DA. Her dalliance with the DA, an avowedly liberal party, and her agreement to be its presidential candidate was a strategic blunder that dealt Agang SA a fatal blow and vitiated its electoral potential. Ramphela appeared not to have discussed with her colleagues her plans to associate Agang SA with the DA, let alone her decision to become its presidential face. Like the rest of the country they learned about it through the media and neither they nor the party's members and potential supporters forgave Ramphela – effectively, she destroyed the party she had created.

ANC secretary-general Gwede Mantashe's description of Agang SA as stillborn was no exaggeration. The euphoria about its existence faded before it could cash in on it and it squandered its opportunity to benefit from being a new party without baggage, participating in the elections for the first time.

Ramphela's evident belief that there was no need to consult her colleagues about her decision is typical of the leaders of charismatic parties. As Kitschelt (1995) and Hosu (2012) explain, charismatic leaders find it hard to operate within a democratic setting, hence they tend to be dictatorial in their approach. While some get away with it, Ramphela did not. She was forced to withdraw from the agreement with the DA after pressure from within her party.

In the aftermath of the debacle she contended that she had merely entered into a 'partnership' with the DA and the move had not required consultation. She even insinuated that Mandela would have done the same – a very unlikely scenario. Mandela believed in collective leadership within an organisation that maintains its internal cohesion through democratic centralism. In her political

affair with the DA Ramphele laid bare her inadequacies with regard to political leadership, acumen and sense of judgement.

As Gareth van Onselen (3 February 2014) put it:

In the real world, for all her virtues, the public was exposed to many of Ramphele's flaws. When it comes to politics, it turns out, the empress has no clothes. Yet all Zille seems to be able to see is royalty dressed in the finest robes money can buy; the robes she wore in days gone by.

Ramphele alienated those potential voters who were disappointed in Cope but were not looking to the ANC or any other existing political party as an option. Her behaviour confused the political market. For the question was, if Ramphele stood as the DA's presidential candidate what would happen to her party. She appears not to have understood that she could not be the DA's presidential candidate unless she joined the party, effectively conflating the two parties and depriving potential voters of an alternative to the DA.

Her flirtation with the DA created a political conflict of interests which damaged Agang SA. Following a rebellion within her own party Ramphele withdrew from the deal, but the damage had been done and Agang SA was trounced at the polls.

In courting Agang SA DA leader Helen Zille had seen an opportunity to woo black voters to her party, which is largely perceived as a white party. When the deal fell apart she attacked Ramphele as a person who cannot be trusted. The public spat between the two leaders did not enhance the image of either party, exposing the fact that both were desperate for power, not unlike their common foe, the ANC.

In another incident Ramphele again exposed herself to criticism with an 'unstrategic' public attack on the ANC's economic empowerment policies, from which she conceded she had benefited, to the tune of some R55-million. Her disclosure of her wealth prompted some to question the veracity of her party's promise to remedy the plight of the poor. She retorted by again invoking Mandela's name: 'I am one of the leaders of this country, as with President Mandela, who was not poor.' Her constant references to Mandela to extricate herself from sticky situations was another act of desperation.

Also on the subject of personal wealth, Ramphele called on President Zuma to declare publicly what he was worth. Government responded with a statement that, as head of state Zuma declared his financial interests following the prescribed protocols of government. This frustrated her attempt to deflect public attention from her disastrous detour as the leader of Agang SA.

Ramphele's indiscretions in the public space became an electoral liability for Agang SA, with her blunders perceived as those of the party. Because of its charismatic nature Agang SA also failed to build up its organisational capacity – it did not have well-organised structures advancing its political work and failed to provide voters with a party with which they could identify. Ramphele could not be everywhere, which explains why the party failed to win votes in KwaZulu-Natal and the Northern Cape (see Table 1).

As argued above, the theme of Agang SA's political message, what came to be known as the SMART 5Es, was sensible and the party's packaging had a programmatic orientation. However, Ramphele's public flaws and the liability of the party's recent entry onto the political stage compromised the effectiveness of the message (Freeman, Carrol & Hannan 1983) because, unlike more established parties, Agang SA had no record to fall back on and had not yet built up a legacy of trust.

As Kitschelt (1995) explains, lack of experience in governing makes new parties less attractive to voters. This is because, as Boulding (2004, p 136) puts it, like people, organisations exist 'not only in time and space but in history'. A history of political organisation is an important part of the political capital required to contest elections.

This does not necessarily mean that the space for new political formations is foreclosed? In the light of the glaring blunders most dominant parties commit, which alienate their followers, the political market is not saturated. However, opportunities have to be created, which requires political ingenuity and sophistication, not merely a desire to defeat a dominant ruling party in a contest for state power.

Most new political formations enter electoral politics before the market is ripe for new entrants, in other words, before they can ensure that their mapping of the 'problematic social reality and matrices of collective conscience' is embedded in the minds and souls of the voters (Geertz 1964/1971, pp 218-219). This is a very important 'function of systematic factual assertions about society' and 'aesthetic and moral statements about human situation' (Birnbaum 1960, p 91).

Agang SA was too quick to launch itself as a political party to contest elections that were scheduled to take place a year after its birth. Parties that are conveniently established in the face of a looming election raise questions about the genuineness of their political projects and are frequently charged with seeking the affluence of public office rather than making their goal the creation of a good society. The capacity of South Africa's opposition parties to challenge the ANC's dominance is depleted by their multiplicity and by the fact that they tend to put out similar political messages. The political space is therefore not necessarily foreclosed by

the hegemony of the ANC but by the multiplicity of opposition parties singing the same political hymn and failing to co-operate with each other.

In order to create a political market new parties should establish themselves in a way that seeks to align opposition politics strategically and should contrive collectively to present a better vision for society than that created by the dominant party (Downs 1957, pp 96, 147).

Despite Ramphela's pronouncements on the realignment of opposition politics the parties' efforts remain scattered. Agang SA contributed to this problem. Following its failed marriage with the DA, it went to the polls alone and was reduced to yet another small party on the periphery of South African politics. So, what does the future hold for it? Before answering this question it is important to refer to its ideological disposition.

Agang SA is defined in this article as a charismatic centre-right party with a strong programmatic orientation and liberal pretensions. It envisaged a growing economy driven by renewed investor confidence, accelerated investment and higher quality skills and education levels. This is consistent with its philosophy of progressivism. It maintained that government's role is to create an enabling environment for the private sector to create jobs and generate wealth (Agang SA 2014, p 13). To do this it envisages a minimalist state that is in sync with a capitalist state. Is this not at odds with some of the leftist policy positions of its leader, which, among others, included free tertiary education? How can free tertiary education be achieved in a capitalist state?

Proponents of a capitalist state argue that a government that governs the least is the best government. It contends that the role of government should be limited to creating a conducive environment for non-state actors such as business and civil society to perform their roles. This is a neoliberal logic reminiscent of the structural adjustments programme of the Bretton Woods Institutions, of one of which, the World Bank, Ramphela had been a managing director. The global financial meltdown exposed the limitations of a minimalist state, proving Francis Fukuyama's thesis that neo-liberalism marks 'the end point of man's ideological evolution and the universalization of Western liberal democracy as the final form of human government' (1992, p 4).

In invoking neo-liberal templates in her political messaging Ramphela demonstrated adherence to an idea whose time has long gone. In the words of Cristobal Kaltwasser (2013), 'it is an anachronism to strictly defend the neoliberal model ... to continue to oppose citizen demands for equity-enhancing reforms and a better functioning democracy'. In an article titled 'If ANC's Rivals Are All Right, What's Left?', William Gumede appears to share Kaltwasser's view. As he writes, 'the majority of black voters, in terms of economic beliefs, appear to be on the mainstream left, even if they may be socially or politically conservative', yet the

‘existing opposition parties and new parties formed after 1994 [in South Africa] are to the right of the ANC and its mass support’ (*Mail & Guardian*, 10 January 2014).

What he is suggesting is that the economic orientation of the centre-right parties is irrelevant to the majority of black votes and Agang SA is one of those parties. Does this suggest that leftist parties such as the EFF have a more promising future than centre-right parties? Perhaps this explains the EFF’s good showing in the 2014 general elections. But is the notion of centre-right necessarily the antithesis of the leftist leanings in relation to certain aspects of the economy? As explained above, centre-right may also mean an ideological disposition towards the right of leftist politics and not a contradiction of leftist politics.

Since the global trend in terms of the future of the ideology gravitates more towards the centre-left, not the extreme leftist posture of the EFF or the centre-right of Agang SA and the DA, post-apartheid opposition parties in South Africa are inappropriately positioned ideologically. The centre-right has a reputation for achieving economic growth, but it is also notorious for its inability to achieve equity in the distribution of public resources.

In the light of the placing of Agang SA as a centre-right party, who might have voted for it had Ramphela not more-or-less single-handedly destroyed its prospects?

POTENTIAL VOTERS

As detailed above, the polls, political commentators and Ramphela herself initially forecast a range of possible results, ranging from 2% to Ramphela’s optimistic 10%-15%. Where were these voters expected to come from?

The party itself forecast that its supporters would come from the 41% of voters who had declined to vote in the 2009 general elections. The reasoning was that these voters were disgruntled with the ANC but would not consider voting for any of the existing opposition parties. Analyst Somadoda Fikeni agreed with Ramphela. Many studies had suggested that support for the ANC among the middle class (the relatively affluent population group concentrated largely in the urban areas) was declining. As Ndletyana explains (Zibi 21 June 2013), middle-class voters easily switched ‘allegiances as they are likely to question the state’s performance’, despite the fact that some depended on the state of their income.

In addition, Agang SA appeared to have had its eye on disgruntled former supporters of Cope, which was in the process of disintegrating. As Songezo Zibi (21 June 2013) explained, Cope ‘has lost the confidence of its core voters – those disillusioned with the ANC under Jacob Zuma’s presidency and who are looking for an alternative’. This created a political market, which, had Ramphela acted adroitly, she might have captured. Just the day before the launch of Agang SA

Zibi (21 June 2013) opined that Cope ‘voters are likely to form the core of Agang SA’s targeted audience’.

The disgruntled ANC and Cope voters formed part of a much more diversified demographic base that Ramphela envisaged for Agang SA. Her speech at the time of the party’s launch was crafted to appeal to a very broad audience. She intended to attract a variety of groups, among them ‘the poor, dispossessed, slacktivists on Twitter [and Facebook] who can’t bring themselves to vote for the DA’ (Britten, 18 February 2013), women in the rural communities of Limpopo and Eastern Cape and the middle class in Gauteng (Marrian, 7 August 2013). Agang SA ‘would build a bridge between generations and reach out to all South Africans, young and old’ (Marrian, 22 June 2013).

Her strategy appeared to be to broaden the party’s electoral prospects, not to confine its appeal to a particular segment of society. Her statement that ‘after almost 20 years the country’s leaders had failed to deliver on the promise of freedom for which so many fought and died’ was intended to galvanise those disgruntled voters, hence the clichés that punctuated her persuasive rhetoric: ‘twenty years is too long; no more time; enough is enough; it is time to bring down the curtains on this government!’

Paul Whelan, in an opinion piece for *Business Day* (25 June 2013), titled ‘Agang SA Promises Something Entirely Believable’ wrote:

Ramphela wasn’t rushing in where even fools fear to tread. She knows her prime target in these times is not the loyal, but the gathering of disloyal. Few are voters at the moment; they probably abstain. Fewer still are disloyal because of specific policies, which is why it is pointless to offer specific alternatives that are hostages to fortune. Agang SA’s strategy is to appeal to the growing number of floating voters – put in more familiar terms, to the gatvol, irrespective of colour, creed, gender, age or party affiliation.

In the black townships and rural areas Ramphela tried to appeal to the poor and to those who had issues with the quality of the public service. She talked to those still forced to use the bucket toilet system and those living in squalid conditions on farms about ending ‘the humiliation and disrespect of our apartheid past’. In directing the party’s message to this group, Agang SA hoped to capture the black vote. However, her disapproval of the use of violence, which characterised most service delivery protests, weakened her potential grip on this segment of society, creating an opportunity for the EFF, which, with its extreme leftist politics appears to encourage just such violence. In the event, it was the EFF that stole

Agang SA's electoral thunder, especially among the poor and the dispossessed in the townships and rural areas.

Ramphele's affluence and her dalliance with the DA engendered doubt in the minds of the poor about the genuineness of her intention to address their plight and the party's centre-right position exacerbated scepticism among those in the lower social strata, while endearing her to those inclined to mainstream right ideologies. She spoke about mechanising mining and agriculture to optimise efficiency, control input costs and achieve a highly skilled workforce' (Zibi, 21 June 2013), thus raising fears of the possibility of job losses.

In these circumstances it was unlikely that Agang SA would attract the vote of the poor and the marginalised. According to Gumede (10 January 2014), 'the majority of black voters, in terms of economic beliefs, appear to be on the mainstream left'.

Another factor is that many of those in the lower economic strata receive state social grants. Since the ANC came into power in 1994 the numbers of people receiving such grants have reached close to 15 million, a substantial proportion of those who had registered prior to the 2014 elections.

Mcebisi Ndletyana (Zibi, 21 June 2013) underscored this point in his contention that, 'despite the credibility of its leader, Agang SA may find the going very tough [as] many people cannot easily forget that their survival is sustained by state benefits which they receive under the ANC government'.

Agang SA appears to have been aware of this reality and this segment of society appears not to have been its strategic gaze. Instead, as one of its officials indicated, its primary focus was on the youth, especially those who would vote for the first time in 2014, and it used modern technology to lure these voters. Underscoring the strategic significance of the youth, in an interview with the *Financial Mail* Ramphele said her decision to enter electoral politics was largely inspired by the insistence of the young people of South Africa, quantified as constituting millions of voters, who could 'be casting a ballot for the first time likely less burdened by loyalties to the ANC' (Zibi, 21 June 2013).

At the launch of Agang SA Ramphele urged the youth of South Africa to 'vote for the future and not the past'.

AFTER THE ELECTION

Ramphele left Agang SA soon after the election as a result of deepening internal divisions, taking with her a substantial number of followers and leaving the party without its *raison d'être*, its founder's reputation.

She was succeeded by Mike Tshisonga, a former deputy secretary of the ANC and chairperson of the South African Civic Association in Meadowlands

(Kuenda 2010, p 45), who has a fairly low political profile, though he is known to have exposed corruption in the liquidation industry and the Department of Justice, where he moved through the ranks from clerk of the court to deputy director-general.

However, Tshisonga was suspended from the party for not carrying out its mandate in Parliament and for bringing it into disrepute. He retorted by threatening legal action and it seems that the squabbles within the leadership of Agang SA are destined to play themselves out in the courts. As the Cope experience indicates, settling internal political issues in the courts is unwise, especially for a party whose survival, following the departure of its anchor, is hanging by a thread.

Following Tshisonga's suspension, Agang SA deputy president, Andries Tlouamma, took over as acting president. Tlouamma, a former chairperson of Cope in Gauteng, appears to be making a practice of leading failed political projects.

CONCLUSION AND PROGNOSIS

This article has examined the reasons for Agang SA's dismal performance in the 2014 general elections and ascribed them to the fact that the party was formed around the character and personal success of its founder, Dr Mamphela Ramphele, whose demeanor wittingly or unwittingly shaped the party's character and orientation, thus making it vulnerable.

Agang SA's failure to attract voters can be attributed to Ramphele's political indiscretions, which compromised its electoral potential and threaten its existence.

In Parliament the party is dwarfed by the performance of the EFF and its most proactive action to date has been the tabling of a motion of no confidence in President Zuma and the Speaker of the National Assembly, Baleka Mbete. Tlouamma filed papers in the Constitutional Court requesting that the motion of no confidence in Zuma be decided by secret ballot and that the Speaker be declared unfit to preside over the proceedings of Parliament because she has shown bias in handling the issue of the vote of no confidence.

The issue is very important to parliamentary politics but because of Tlouamma's lack of the public profile it does not get as much media or public attention as it might have.

The inevitable conclusion that can be drawn from the failure of Agang SA's election bid and the subsequent turmoil within the party is that the collapse of the house of Mamphela Ramphele is imminent. Agang SA may not make it back to Parliament after the 2019 general elections.

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THE DEMOCRATIC ALLIANCE AND THE ROLE OF OPPOSITION PARTIES IN SOUTH AFRICA

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ABSTRACT

In the 2014 election the Democratic Alliance (DA) strengthened its electoral support nationally as well as in the Western Cape province, where it governs. It gained over a million new national votes, increasing its total from 2 945 829 in 2009 to 4 091 548 in 2014. It also unseated the Inkatha Freedom Party (IFP) as official opposition in KwaZulu-Natal and became the official opposition in the Eastern Cape, Mpumalanga, Northern Cape and Free State, while strengthening its opposition status in Gauteng from 21.86% of the vote in 2009 to 30.78% in 2014. In the Western Cape it gained 59.38% of the vote, an increase from 51.46% in 2009. This article considers whether the DA's 2014 electoral gains suggest a strengthening of opposition politics in South Africa. It focuses on whether the DA meets the obligations of an opposition party with regard to providing an institutional space for counter-political elites to organise and providing a viable alternative to the ruling party together with facilitating debate over political issues and public policy while also performing an oversight role.

INTRODUCTION

In what has largely been referred to as a party-dominant system, with the African National Congress (ANC) gaining the majority of South African electoral support in five consecutive democratic elections, the Democratic Alliance (DA) has proved to have significant staying power, entrenching its electoral support. In the 2014 elections the DA won 22.23% of the national vote, a significant increase from its original 1.73% in 1994. A survey of its election results since 1994, depicted in Table 1, reveal the steady growth of its support.

Table 1
DA National Election Results 1994-2014

| Year | Number of votes | % of votes | Seats in Parliament |
|------|-----------------|------------|---------------------|
| 1994 | 338 426 | 1.73 | 7 |
| 1999 | 1 527 337 | 9.56 | 38 |
| 2004 | 1 931 201 | 12.37 | 50 |
| 2009 | 2 945 829 | 16.66 | 67 |
| 2014 | 4 091 584 | 22.23 | 89 |

Source: IEC and EISA Websites: <http://www.elections.org.za/content/Elections/National-and-provincial-elections-results/> <http://eisa.org.za/WEP/souresults2004.htm>

Further to this the DA has retained its support base in the Western Cape, which it captured from the ANC in 2009. This is in contrast to the Inkatha Freedom Party (IFP) in KwaZulu-Natal, which lost the province to the ANC in the 2004 election. Table 2 depicts DA and ANC election results in the Western Cape over the last five elections.

Table 2
DA and ANC Election Results Western Cape 1994-2014

| Year | DA % | ANC % |
|------|-------|-------|
| 1994 | 6.64 | 33.01 |
| 1999 | 11.91 | 42.07 |
| 2004 | 27.11 | 45.25 |
| 2009 | 51.46 | 31.55 |
| 2014 | 59.38 | 32.89 |

Source: IEC and EISA Websites: <http://www.elections.org.za/content/Elections/National-and-provincial-elections-results/> <http://eisa.org.za/WEP/souresults2004.htm>

Do the DA's electoral successes suggest a strengthening of opposition politics in South Africa? Does the DA meet the obligations of an opposition party with regard to providing an institutional space for counter-political elites to organise and offer a viable alternative to the ruling party together with facilitating debate over political issues and public policy while also performing an oversight role

(Jung & Shapiro 1995)? This article considers these questions in the light of the 2014 election results. It begins with a brief background to the DA, then considers the role of opposition parties in a democracy, as posed by Courtney Jung and Ian Shapiro, linking this to an assessment of the DA's electoral gains.

BACKGROUND

The DA has its roots in liberal South African politics, centred, during the apartheid era, in the Progressive Party (PP). The PP (later the Progressive Federal Party – PFP) was a persistent parliamentary critic of apartheid policies. Following an amalgamation with other liberal parties and splinter groups the PFP was constituted as the Democratic Party (DP) in 1989. After the transition to democracy the DP formed an alliance with the New National Party (NNP) in 2000 and changed its name to the DA. The alliance suffered various setbacks, however, resulting in a group of senior NNP members breaking away to join the ANC in 2004.

The former leader of the DA, Tony Leon, is thought to have built a foundation for vocal opposition politics, while his successor, Helen Zille, has the task of re-positioning the party away from being merely an opposition party to becoming a 'party of the government' (Southern 2011, p 283).

Tony Leon's 1999 'Fight Back' campaign was designed to appeal to minority concerns and encourage them to participate in politics. It stressed the party's dedication to political opposition and its consistent record of refusing to cooperate or align with the ANC. In this sense it would 'fight back' against crime and against policies affecting minorities, such as affirmative action. The campaign resulted in the DA strengthening its white-based support among middle-class English-speaking South Africans and absorbing former supporters of the NNP, but failing to make significant inroads into black, coloured and Indian communities (Jolobe 2009, p 134). In 2006, at a DA federal council meeting, it was noted that the party could only grow as a political force if it increased its support among black voters. The council noted that the party had so far failed to articulate any of the concerns of this constituency (Jolobe 2009, p 136).

Under Zille's leadership this led to the DA working to revamp its image to appeal to all South Africans, regardless of race and ethnicity. The revamp included using various patriotic symbols such as the South African flag, images of cross-racial groups of people and employing all 11 national languages (Southern 2011, p 287). Election campaigns involved the use of struggle songs and chants as well as the invocation of struggle stalwarts such as Mahatma Gandhi and Nelson Mandela (Jolobe 2014, p 58). The party also worked on changing the racial composition of its leadership, promoting young black leaders to key party positions. Added to this the campaigns of 2009 and 2014 were significantly broadened to include a focus

on eradicating poverty, providing education and health, fighting corruption, incentivising job creation and distributing shares to ordinary people to increase competition and bring down prices (DA election manifestos 2009 and 2014).

The 2014 election manifesto, for example, focused on the DA's pro-poor concerns, claiming that 76% of the Western Cape budget is spent on poor communities, that matric pass rates in the poorest schools in the Western Cape have increased from 56.9% to 73% and that 99.1% of households have access to piped water, 93.4% to electricity and 96.9% to sanitation. The manifesto also claimed that the city of Cape Town has 'the smallest gap between rich and poor of any city in the country' (DA *Election Manifesto* 2014, p 3). Election results in 2009 suggest that the DA, while making inroads in majority coloured communities in the Western Cape, still failed to increase its support among black voters (Jolobe 2009). The results in 2014, however, suggest that the party has started to attract black voters, though not at a rate that would threaten ANC hegemony (Jolobe 2014).

The DA's rise to power in the Western Cape was evident in the 2006 local elections, where it ran a close race with the ANC, securing 285 council seats to the ANC's 315, but attaining plurality in Cape Town, with 42.7% of the vote and 90 out of 210 council seats (Jolobe 2009, p 136). Because the ANC did not achieve controlling majorities in most of the municipalities in the Western Cape there was a proliferation of municipal-based coalitions in the province.

In the city of Cape Town the DA entered into a six-party coalition, which was only secured later, when it was joined by the Independent Democrats (ID) (Jolobe 2009). In the 2009 election the DA secured the province with 51.46% of the vote, which increased to 59.38% in 2014. Its support base in the city of Cape Town also grew between 2009 and 2014 – from 50.9% to 59.3% (Jolobe 2014, p 68). Indeed the DA's electoral support grew in most major cities between 2009 and 2014.

THE ROLE OF OPPOSITION PARTIES

The DA constitution endorses an independent and effective opposition, loyal to the constitutional order, as essential to the promotion and preservation of democracy (Democratic Alliance Federal Constitution 2012, s 1.2). The party further pledges itself to 'being an effective opposition when not in government' (Democratic Alliance Federal Constitution 2012, s 1.5.2.4). In *Polyarchy, Participation and Opposition* Robert Dahl argues that opposition, rivalry or competition between a government and its opponents is an important aspect of democratisation. A key characteristic of democracy is the continuing responsiveness of government to the preferences of its citizens, facilitated by opportunities for citizens to formulate their preferences, communicate these preferences through individual or collective

action and have these preferences weighed equally in the conduct of government (Dahl 1973, p 2).

Stressing the importance of opposition in democratic politics Courtney Jung and Ian Shapiro (1995, p 272) argue that the role of opposition is threefold. The first is functional in that should a government lose an election there is the possibility of a peaceful handover of power among elites. Opposition parties are therefore sites for counter-elites to form and campaign as potential alternative governments. Should opposition parties not be perceived as realistic alternatives to the government of the day, the possibility of turnover is diminished and crises for the government are likely to become crises for the democratic state.

The second role of opposition is to legitimise the democratic political order. In this sense institutional space is created to ensure that discontent and dissatisfaction can be directed at the government of the day rather than at the democratic regime itself. So, the right to criticise and compete against the government, to influence legislation and the bureaucracy and to seek recourse through the courts is not forfeited.

The third role of opposition is to ensure the presence of healthy political debate. Opposition encourages competition over ideas among elites and counter-elites, which leads to demands for reason-giving and coherence in public debate. This, in turn, empowers groups or individuals who have an interest in 'asking awkward questions', 'shining light in dark places' and 'exposing abuses of power'.

CONSOLIDATION OF OPPOSITION?

The DA's steady electoral gains are impressive in the context of South Africa's dominant-party democracy but do they signify a genuine consolidation of the DA's opposition status? In the run-up to the 2009 election 27 municipal ward seats were contested in by-elections in the Western Cape. These were the result of internal ANC factional conflict, which led to it vacating some seats and having its members expelled from others. The DA was therefore able to make significant gains at the local level in the province. These gains included the city of Cape Town, rural municipalities Citrusdal, Drakenstein and Theewaterskloof, the coloured township of Mitchells Plain and the white lower-middle-class area of Parow (Jolobe 2009: 139). The gains were built on in the 2009 election, when the DA won a majority in the Western Cape, winning 51.46% of the vote and becoming the first post-apartheid opposition party to win a majority in the Western Cape. Significantly, the ID seemed to be losing members of its coloured support base to the DA, polling only 4.68% of the vote in the province (Akokpari, 2009, p 189). Likewise, the Congress of the People (Cope) had failed to live up to opposition expectations, polling only 7.74% of the vote in the province (Akokpari 2009, p 189).

In the city of Cape Town DA support was 50.9% compared with the ANC's 32.8%. The DA also had a good showing in Mitchells Plain (80.9%) (Jolobe 2009, p 145), as well as in the coloured majority suburbs of Belgravia Estate, Crawford, Grassy Park, Kensington and Lavender Hill. It also made gains in Manenburg, but not in Gugulethu, Langa, Khayelitsha, Mandela Park or Victoria Mxenge, which remained ANC strongholds, as did black majority suburbs such as Nyanga, Philippi, Imizamo Yethu and Samora Machel.

Nationally the DA increased its portion of the national vote by 16.7% and recorded growth in every province: by 37.6% in the Eastern Cape, 39.8% in the Free State, 28.3% in Gauteng, 39.3% in KwaZulu-Natal, 26% in Mpumalanga, 36.7% in the North West and 44% in the Northern Cape (Jolobe 2009, p 143). Of the 1 014 628 new votes it received, however, 43% came from the Western Cape and a further 211 816 from the northern suburbs of Johannesburg. Support for the DA in major black townships across South Africa was minimal (Habib & Shulz-Herzenberg, 2011, p 195). The 2009 election results suggest that the DA was able to retain its original white middle-class support base (Kotze 2001) and consolidate support among the coloured constituency, but did not make significant gains in attracting the support of black voters.

The DA made further gains in the 2011 local government elections, performing strongly in Cape Town, Johannesburg, Tshwane and Nelson Mandela Bay. It had also entered into an agreement with the ID, following which ID leader Patricia de Lille joined the Western Cape DA provincial cabinet and later served as DA mayor of Cape Town. In the 2014 election the DA maintained control of the Western Cape with 59.38% of the vote. It gained over a million new national votes, going from 2 945 829 in 2009 to 4 091 548 in 2014 (Jolobe 2014, p 67) and increasing its vote in most metropolitan areas. It further unseated the IFP as official opposition in KwaZulu-Natal, where it increased its share of the Indian vote, attracting members of the Minority Front (MF) and making inroads into former MF strongholds such as Chatsworth. In this sense the DA's gains in Indian support could be linked to the weakening of the MF.

The DA also became the official opposition in the Eastern Cape, Mpumalanga, Northern Cape and Free State and strengthened its opposition status in Gauteng from 21.86% in 2009 to 30.78% in 2014 (Quintal 2014). Most importantly, it claimed to have attracted 760 000 black votes, a figure arrived at 'using 2011 census data and its own ward profiles' (Whittles 2014). A close look at the DA's performance in black constituencies in Cape Town reveals, however, that these gains are minimal. In Site C Khayelitsha, for example, the party's vote share only increased from 0.2% to 1.1% and similar results were recorded in sections of Gugulethu and Philippi (Jolobe 2014, p 67).

Other metropolitan areas, such as Nelson Mandela Bay, Johannesburg and Tshwane, followed the same pattern. What this does suggest, however, is that the DA has begun to become more visible in black constituencies. This is evident also in the campaigning tactics of some of its leaders. The party's then national spokesman, Mmusi Maimane, for instance, vigorously toured townships in Gauteng (Munusamy 2013). If the DA is increasing its support among black voters it is questionable whether it is, in fact, drawing them away from the ANC. As has been pointed out, even if it is, the numbers are not sufficiently high to threaten the ANC's hegemony (Jolobe 2014, p 57). Indeed, Collette Shulz-Herzenberg (2014, p 28) shows that despite continued growth and the fact that the DA remains the only opposition party to have increased its vote share, its support, in general, among all eligible voters has grown slowly over the past 20 years and accounts for only 13% of the voting-age population (VAP).

AN ALTERNATIVE TO THE RULING PARTY?

A consistent explanation for the DA's inability to appeal to black voters and establish itself as a viable opposition force or a site for counter-elites to form and campaign as potential alternative governments (Jung & Shapiro 1995) is that voting in South Africa takes place along racial lines. In this sense, political activities and electoral preferences are determined by South Africans' racial location in society and based on 'identities', in the sense that allegiance is determined by voters' perceptions of who speaks for them rather than by policy preferences or the content of party programmes (Giliomee & Simkins 1999; Friedman 2009, 2014).

Indeed, a 2011 Afrobarometer survey, based on a nationally representative random sample of 2 399 South Africans, found that 44% of respondents identified with the ANC and 10% with the DA. The survey revealed that the DA draws supporters mainly from urban areas and the ANC, while also drawing from urban areas, has a large following in rural settings. Furthermore, 56% of respondents who identified with the DA speak Afrikaans and one-third speak English, while those identifying with the ANC speak all official languages, with isiZulu (24%) and isiXhosa (23%) in the majority.

Survey results also showed that 29% of DA identifiers went on to post-matric studies while only 7% of ANC identifiers did likewise. The DA profile also indicated that 83% of its identifiers have never gone without food while the figure in this category is lower for the ANC, at 59% (Graham 2012).

A recent *City Press* examination of voting demographics revealed that voting in the 2014 election seemed to take place along racial lines. Athlone in Cape Town, for example, has a 93% coloured population, 89.14% of which voted for the DA. The Indian population of Chatsworth in Durban is 92.5%, of which 25.3% voted

for the MF while 89.14% voted for the DA. The predominantly black population of Dobsonville, Soweto (99.2%), voted predominantly for the ANC (76.15%). Likewise, the majority white population of Waterkloof in Pretoria (69.1%) showed a 72.3% support for the DA (*City Press*, 11 May 2014).

Another rather obvious reason why the DA has been unable to attract a strong following among black voters is that it is simply not perceived by the majority of the electorate as a realistic alternative to the government of the day. A survey of 3 009 respondents between the ages of 15 and 34, carried out in April 2013, found that 52% of black respondents believed that the DA would bring back some form of apartheid and 26% of Indians, 21% of coloureds and 19% of whites shared the view that if victorious in an election, the DA would bring back apartheid (*Mail & Guardian*, 23 April 2014). This distrust has, to an extent, been compounded by perceptions of the DA and by the party's confusing stance on critical policy issues.

The 'Know Your DA' campaign launched ahead of the 2014 elections aimed to eradicate this distrust. Its strategy was to 'wrestle control of the DA's narrative from other parties' and give it some measure of 'struggle credential'. To this end it featured the role of the Progressive Party and Helen Suzman in opposing apartheid and Zille's own opposition to apartheid in her journalistic capacity, in which she exposed the reasons for the death of Steve Biko in custody, as well as the fact that she had sheltered anti-apartheid activists from the police (Davis 2013). This tactic was not received very well, however, with a regular DA blogger arguing that it attempted to equate becoming a politician or 'freedom fighter' out of choice with the long struggle of black people for their humanity and dignity.

'Many black people like me,' he wrote, 'are in shock and utter disgust' (Cibane 2014). There were similar negative reactions to the party's views on black economic empowerment (BEE). A large DA poster in Johannesburg showing a smiling black man in a safety hat with the caption: 'We support BEE that creates jobs not billionaires' was deemed insulting to black people and, it was argued, suggests that the DA would prefer to see black South Africans as 'labour, not as owners of the means of production' (Hlongwane 2013).

The DA's stance on the policy issues that have the greatest impact on the voters it is trying to attract has also been confusing and a possible contributing factor to its alienating a broader support base. This was particularly the case with the Employment Equity Amendment Bill which deals with demographic diversity in the work place. In October 2013 the DA voted in favour of the Bill in the National Assembly but a couple of weeks later withdrew its support. In a newsletter entitled 'A plane crash that should have been avoided', Zille said the turnabout was due to the party 'dropping the ball'. She explained that the DA could not support legislation that 'is based on racial coercion ... will

undermine growth, reduce jobs, drive away investment and work against black empowerment'. Using the metaphor of a plane crashing, she likened the incident to a lack of 'communication' and 'teamwork' (Zille 2013). According to media reports the turnabout caused some friction between Zille and DA parliamentary leader Lindiwe Mazibuko, who has argued for a stronger stance within the party on black economic empowerment and affirmative action (Pressly 2013).

Indeed, reports surfaced of a face-off between black leaders in the DA (the 'black caucus') and the 'old guard' on the issue (Makinana, Mataboge & Pillay 2013). A number of black DA members argued that they were uneasy about the party's approach to affirmative action and believed it to be confusing voters, especially given that 'these two bills are the most important to the black people we are targeting'. Zille maintained that 'There is nothing progressive about coercion that reinforces racial quotas determined by unelected officials. It's Verwoerdian social engineering' (Makinana, Mataboge & Pillay 2013).

The incident resulted in the defection of eight DA councillors to the ANC, suggesting that the loyalty of black DA supporters might still be precarious (Lodge 2014). Indeed, the DA faced a barrage of criticism from various quarters for its initial support of the Bill. The South African Institute of Race Relations stated that it was 'betraying the non-racial principles for which it historically stood'. Former DA leader Tony Leon commented (by tweet) that the Bill is 'illiberal, racially coercive and anti-economic growth' (*Politics Web*, 10 November 2013). In his newspaper column Leon (2013) maintained that the DA was 'scared of having the race and anti-transformation labels stuck to it' and added that should the party support the Bill 'we just have two versions of the ANC and voters no longer have a real choice' (*Politics Web*, 10 November 2013).

The question whether the DA offers a genuine alternative is pertinent with regard to its policies towards the poor and among 'service delivery' protesters. The Cape Town 'toilet wars' suggest that among residents of Cape Town's informal settlements perceptions of the DA are decidedly negative. A series of protests in Cape Town in 2013 involving the throwing of human waste on the steps of the legislature, at the airport and on the N2 highway in opposition to sanitation conditions among the poor are significant. The sanitation system in contention is portable toilets, which the Western Cape provincial secretary of the SA Youth Council compared with apartheid's 'tshemba' toilets or the 'bucket system', 'an affront to the human dignity of black people' (Robins 2013). Zille was personally targeted during a visit to Khayelitsha in June 2013 when protesters, unperturbed by police presence, poured human waste over the car she was travelling in.

What must have been more disturbing for Zille were placards which read 'Zille must not come here with a legacy of apartheid in our Ward 98. Can you

relieve yourself in a bucket as a human being?' (Mposo 2013) and comments such as 'Enough is enough, the bucket toilets are the DA's way of bringing back apartheid ... We want to show the whole world that the city is not providing services to black people' (Mposo 2013).

The 'poo protests' were a continuation of ongoing 'toilet politics' in Cape Town. In 2011 a judgement was handed down in the Western Cape High Court stating that the city of Cape Town had violated the right to dignity. The city had constructed 1 316 unenclosed toilets in Makhaza, Khayelitsha, claiming that it had an agreement with residents that they would build the enclosures themselves. The court held that the unenclosed toilets were inconsistent with the mayor's and the city's constitutional duty to provide the poorest of the poor with their basic needs (*IOL News* 29 April 2011).

The Social Justice Coalition (SJC) argued that the construction of open toilets reflected the dire lack of meaningful communication between the city and the inhabitants of Cape Town's informal settlements (*Mail & Guardian*, 27 October 2010), while the DA claimed that the African National Congress Youth League (ANCYL) had initiated the campaign to discredit it (Templehoff 2012). A 2014 South African Human Rights Commission report found that the city's long-term use of temporary sanitation facilities violated the rights of Cape Town's poor and working-class communities. The investigation resulted from a complaint by the SJC, which opposed Cape Town's outsourced chemical toilets service plan (Social Justice Coalition Press Release, 16 July 2014).

'Service delivery' protests are by no means confined to the Western Cape – they are a feature of South African local politics all over the country. But the toilet wars suggest that Cape Town protesters don't believe a DA-led government has much more to offer the poor and working classes than one led by the ANC. Further to this point, it seems that protesters believe they have more recourse with the ANC than with the DA.

Protest opposing poor services and again, open toilets, in ANC-governed areas such as Rammulotsi township in the Free State province in 2011, for example (Templehoff, 2012), directed frustrations at *local level management* rather than *directly at the ANC*.

Protesters in Cato Manor, Durban, summed the position up this way: 'There's no challenge to the ANC. We don't, for example, want the DA in power. We were born and bred ANC we don't want another home' (Interview with Cato Manor protesters, 26 September 2013, Cato Manor). For all intents and purposes, therefore, it would seem that the DA is not perceived as a realistic alternative to the government of the day, thus reducing the possibility of electoral turnover (Jung & Shapiro 1995).

A VIABLE OPPOSITION SPACE?

So, if the DA is not considered a viable alternative to the ruling ANC does it serve as a possible institutional space for dissatisfaction to be directed at government rather than at the democratic order (Jung & Shapiro 1995)? Its near merger with AgangSA and the fact that it received support from the shack dwellers' movement, Abahlali baseMjondolo (Abahlali), ahead of the 2014 election are useful ways of considering this.

In late January 2014 the DA announced that Agang would be integrated into the party and that its leader, Mamphele Ramphele, would be the DA's presidential candidate. Ramphele was quoted as saying, 'When we started Agang we said we are very anxious to see a rearrangement in South African politics ... the country is hungry for change.' (*Mail & Guardian*, 28 January 2014). The merger was, however, short lived. In early February the DA announced that Ramphele had reneged on her commitment to incorporate Agang's branches and members in the DA and to serve as the DA's presidential candidate (*Mail & Guardian*, 3 February 2014). Ramphele explained that 'millions of South Africans would not vote for the DA' because 'people are trapped in race-based politics' (*Mail & Guardian*, 3 February 2014). The ANC noted that the DA's attempt to 'rent a black' had lost it credibility, while further affecting the credibility of Agang (*Mail & Guardian*, 3 February 2014).

The failed merger suggests two things. The first is that the DA doesn't seem very committed to its own black leadership in that it promoted someone from outside the party to stand as presidential candidate rather than favouring someone from inside the party, especially given that there are many eligible candidates.

Under Zille various young black people had been promoted to key leadership positions within the party. Among them were parliamentary leader Lindiwe Mazibuko, national spokesman Mmusi Maimane, chairman of south Gauteng Khume Ramulifho, chairman of north Gauteng Solly Msimanga, city councillor Johannesburg Makashule Gana and eThekweni city councillor Mbali Ntuli. The failure to appoint one of them as the party's presidential candidate contradicts the DA's contention that it is a party where members can rise to the top on the basis of merit (Friedman 2014a).

Secondly, the failed merger suggests that the DA is not viewed as a viable institutional space from which to challenge the ruling party. Agang pledged itself to abide by South Africa's founding democratic values but also to make good on the promises made by that democracy: 'After nearly twenty years the country's leaders have failed to deliver on the promise of freedom' (Ramphele Launch Speech, 22 June 2013).

Since Agang had started as a 'platform' and had later formally constituted itself as a political party the decision to merge with the DA was probably made

to strengthen the movement. After having 'learned to listen to her members', however, Ramphele concluded that 'a white party remains white' (*Mail & Guardian*, 3 February 2014). Added to this Ramphele noted that the English-speaking white supporters of the DA could not understand the inequities visited on the majority of black South Africans and that the DA was complacent and trapped in its inability to realise that poverty can be eradicated (Ramphele 2013). The implication is that the DA is unlikely to deliver on democracy and the promises of freedom in South Africa because those to whom the promises have been made are unlikely to support the DA in an election.

This contention is supported by comments made by S'bu Zikode, leader of Abahlali in KwaZulu-Natal, when he explained his movement's decision to endorse the DA in the 2014 election. Abahlali has long been known for its 'no vote' campaign. He argued that '[w]e do not agree with the DA fundamentally on many core issues. This decision is not one that is based on ideology. Poor people do not eat ideology. Nor do they live in homes that are made out of ideology' (Tshabalala 2014). Abahlali's decision to support the DA was strategic and designed to 'weaken' the ANC and 'vote it out of power'.

An Abahlali activist interviewed in Durban explained that 'some of our members feel that we should [in elections] remove the ANC just to show them that they are not bigger than the people' (Interview with Abahlali activist, 13 March 2014, Durban). When asked, however, if this meant possible support for the Economic Freedom Front (EFF) as the new player in the field with a more pro-poor policy leaning, the activist said: 'The EFF is not an option, just like the NFP (National Freedom Party), it's one of those born yesterday, die tomorrow parties. It would be like throwing your vote in the bin' (Interview with Abahlali activist, 13 March 2014, Durban).

The implication here seems to be that the DA is considered to have some staying power as an opposition party and would, for this reason, be the best strategic choice. Furthermore, the DA engaged with Abahlali 'courteously' and has probably been easier to approach than the ANC, given the history of clashes between the ruling party and the shack dwellers movement in Durban. But Zikode is clear: 'Our endorsement of the DA does not mean that we are now members of the DA' (Tshabalala 2014).

Not all Abahlali members were comfortable with the decision to back the DA. Western Cape branch members pointed out that the DA-run city of Cape Town treats shack dwellers 'with contempt' (Knoetze 2014). Abahlali's endorsement of the DA, therefore, suggests temporary strategic action rather than any potential long-term alliance or a continued institutional space for directing discontent and dissatisfaction at the government (Jung & Shapiro 1995). Indeed, Abahlali 'advances the politics of the poor and working class ... [by] build[ing] inside and outside of the electoral space ... a politics of dignity not a politics of power' (Tshabalala 2014).

OVERSIGHT STRATEGIES

The DA has a good record of encouraging competition over ideas among elites and counter-elites, which leads to demands for reason-giving and coherence in public debate as well as to oversight (Jung & Shapiro 1995). This is particularly the case with regard to corruption in the public sector. Of course, it is a useful springboard for the party to advertise its own record of unqualified audits for the city of Cape Town.

In a 2013 press release, the DA stated that South Africa had dropped down the Transparency International Corruption Perception Index. It noted that irregular expenditure in national departments had doubled, from R11-billion in 2009/2010 to R22.1-billion in 2010/2011 and R28.3-billion in 2011/2012. Also, wasteful expenditure had tripled from R437-million in 2009 to R1.5-billion in 2010/2011 and R1.8-billion in 2011/2012 (DA Press Release, 2013). The DA's position is that the government has done very little to reduce corruption and that the president himself has been involved in corruption and has managed to avoid accountability.

Among several incidents of corruption linked to President Zuma the DA listed the R206-million 'security upgrades' to his private home in Nkandla and the illegal landing at Waterkloof Airbase of a private aircraft carrying guests to the wedding of a member of the wealthy Gupta family, known to be intimates of the president. The DA is still trying to ascertain reasons for the fact that more than 700 charges of corruption and fraud involving President Zuma were dropped.

The party has used various processes to bring the perpetrators to account. In the case of the Nkandla investigation by the Department of Public Works, which was not released to the public, it filed a Promotion of Access to Information Application (PAIA), which was unsuccessful. It then took the matter to the Western Cape High Court (Makinana 2013). In relation to the Gupta scandal, the DA requested Parliament to establish an ad hoc committee to investigate the incident, but the request was denied (*Mail & Guardian*, 15 October 2013).

The DA's probe into the suspension of the corruption charges against President Zuma included a lengthy pursuit of the records that had led to the suspension of the charges in 2009. In 2011 the High Court ruled in favour of the National Prosecuting Authority (NPA), who argued that the decision was not eligible for review and that the DA had no *locus standi* in the matter as its interests were party political and not legal (*Mail & Guardian*, 15 February 2012). The DA appealed and the five-year court battle culminated in 2014, when, after six court applications, the Supreme Court of Appeal ordered the NPA to hand over the 'spy tapes' at the centre of the decision and full records pertaining to the decision to drop the charges (Rabkin 2014).

The DA's focus on accountability for corruption is impressive in that it has utilised various mechanisms and processes to expose illegalities and call for accountability. It does so, however, in the context of a free press, which has a record of exposing corruption, and in the context of functional Chapter 9 Institutions such as the Public Protector. Other opposition parties, among them the EFF and Cope, have also played a significant oversight role with regard to the ruling party. In this sense the DA is but one of the spaces for 'asking awkward questions', 'shining light in dark places' and 'exposing abuses of power' (Jung & Shapiro 1995).

CONCLUSION

This article argues that the DA's electoral gains do not necessarily reflect a strengthening of opposition politics in South Africa. This is mainly owing to the fact that the DA, despite its steadily increasing electoral support, shows little sign of attracting a large enough constituency amongst black voters. In large part, and in the context of the role of the opposition according to Jung & Shapiro, this is because the DA is not viewed as a realistic enough alternative to the ruling party, nor is it considered by those who oppose the ANC as a viable opposition space.

The DA's limitations in constituting a genuine alternative to the ruling party can be linked to the voting patterns of South Africans, which still occur along racial lines, with a majority of voters identifying more closely with the ANC. Various perceptions of the DA as a 'white' party which would 'bring back apartheid' further compound these limitations, as does the party's stance on policy issues such as the Employment Equity Bill, which would have a negative impact on its minority constituencies but further national goals of transformation.

In terms of the DA as a viable opposition space, both its near merger with Agang and the nature of its endorsement for the 2014 elections by Abahlali suggest that it is still viewed with some suspicion and constitutes, at best, an uncomfortable space for directing dissatisfaction towards the ruling party. The DA does, however, contribute to overseeing the government, using various mechanisms to this end, and the 'spy tapes' incident is an example of this. This goes some way to furthering healthy political debate, demanding accountability and encouraging competition over ideas among elites and counter-elites.

In the run-up to the 2016 local government elections the DA will no doubt continue its quest to move beyond the 'racial ceiling', but commentators argue that it has a number of internal challenges to deal with in the interim. Among these are its current lack of capacity, evidenced by advertisements of various vacancies among its parliamentary staff, compounded by the loss of leaders such as parliamentary leader Mazibuko, CEO Jonathan Moakes and federal youth leader Mbali Ntuli.

The DA's 'strategic drift' is also likely to impede its attempts to consolidate itself as a genuine opposition force. Commentators argue that the party has placed too much focus on tactics, thus sacrificing long-term goals. These include its uncritical endorsement of the National Development Plan and its relentless 'get rid of Zuma' campaign. These tactics also suggest that the DA suffers from some uncertainty about its principles, its stance on affirmative action, being an example (Van Onselen, 2014).

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REPRODUCING TOXIC ELECTION CAMPAIGNS

Negative Campaigning and Race-Based Politics in the Western Cape

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ABSTRACT

The 2014 election in the Western Cape was once again a high-stakes, fiercely-contested affair. Political parties saw the Western Cape as an 'open race' and the province became the centre of vigorous campaign efforts in the lead-up to the election. The African National Congress (ANC), which had lost control of the province because its vote share dropped from 45% in 2004 to 32% in 2009, hoped to unseat the Democratic Alliance (DA), which had won in 2009 by a very narrow margin (51%). The ANC felt that it had done enough to regain control of the province, especially in light of deep-seated disillusionment in many communities and the violent protests that took place prior to the election. While the ANC maintained its support base, winning votes from 33% of the provincial electorate, the type of identity-based campaign it pursued combined with other factors to work to the DA's advantage. Despite the fact that the DA also engaged in race-based campaigning it won 59% of the provincial vote. This was obtained at the expense of small parties, who received negligible support in the 2014 election. Only the Economic Freedom Fighters and the African Christian Democratic Party won enough votes to obtain a seat each in the provincial legislature. This article examines electoral dynamics in the Western Cape, which saw the consolidation of DA support in the province. It focuses on the 2014 election campaign and the extent to which the negative campaign cycle evident in previous elections continued during the 2014 election campaign.

INTRODUCTION

Election outcomes in the Western Cape have been examined through analyses of the 'coloured vote'. Breytenbach (1999, p 117), for example, argued that the

coloured vote was of special significance 'because the outcome of the Western Cape hinged very much on this factor', while a decade later Butler (2009, p 81) noted that in the run-up to the 2009 election the African National Congress (ANC) leadership became alarmed about 'the major realignment of Coloured voters in the province'. Coloured voters do form the majority of the provincial population in the Western Cape – in the 2011 census 49% of the people of the province described themselves as 'coloured'. The Western Cape is also the only province where three different political parties (namely the New National Party – NNP, the ANC and the Democratic Alliance – DA) have held power. The reason for the alternation of power is said to lie with the coloured majority in the province (Africa 2010, p 1).

These analyses provide a good starting point for understanding election outcomes in the province. As elsewhere in the country, race and other forms of identity remain important. South Africa remains a highly racialised society. Not only do historically defined 'race' groups in the Western Cape continue to be confronted with very different forms of persuasion and different information networks, they also have vastly different life experiences. In the democratic dispensation significant efforts have been made to uplift the lives of people impoverished by apartheid. However, life opportunities are still, to a large extent, racially structured. The province, therefore, provides a potent environment for race-based mobilisation and campaign efforts.

Unfortunately these explanations also do not take us very far. Indeed Hoeane (2004) has provided a comprehensive critique of explanations premised on the racially-based motivations of coloured voters in the Western Cape. Hoeane (2004, p 148) asserts that

the historical reality that the coloured people in the province are not wedded to one political party indicates that to ascribe emotive and racialised explanations to the behaviour of 'coloured voters' in the Western Cape is to limit analysis.

Not only, as Hoeane indicates, is this a very limited analysis, it is also a problematic one because it opens up the space for political parties to behave as they see fit in their attempts to attract voters. When the demographic characteristics of the electorate are regarded as the primary determinant of electoral strategy, political parties resort to attack politics and appeals to prejudice and stereotypes. This racially-based explanation of election outcomes has fed into the choices, rhetoric and behaviour of political parties (Africa 2010, p 2).

Rather, the character of campaigns can best be understood through an examination of the interaction between the key electoral role players. According to Buchanan (2001, p 365), three sets of actors are critical to election campaigns – candidates, the media and voters. Buchanan argues that candidate incentives

(of electoral victory) combine with media incentives (the need for peer respect, novelty, immediacy and the pressure of sustaining or increasing readership figures) and with certain traits of the electorate (such as alienation and indifference) to invite and offer rationalisations for the use of manipulation and deception. According to Buchanan (2001, pp 366-370) the difficulties of motivating an often indifferent and inattentive public invite candidates to appeal to narrow self-interest and to emotions like fear, prejudice and anger as well as 'emotional appeals that covertly trigger racial resentment'. Media incentives evoke campaign coverage practices (such as a focus on the most dramatic and conflictual features of the campaign) and discourage extensive or detailed substantive coverage of policies.

The mutually-reinforcing, symbiotic relationship between journalists and candidates drives journalists to produce 'spectacle' news: a genre requiring dramatic or entertaining stories with a focus on evaluating personalities rather than policy-making abilities. Buchanan (2001, p 368) further indicates that 'aggressive campaign rhetoric, even when it conveys factual information potentially useful to voters, reinforces the well-documented public distaste for candidates, politics, parties and government'. Buchanan thus provides a useful model for understanding the campaign environment. Destructive patterns of engagement also manifest in a particular way between incumbent parties and opposition parties. Typically, incumbents defend their record, while the opposition challenges or attacks the record of the incumbent. This is a necessarily conflictual mode of engagement.

To what extent has this destructive pattern of engagement been evident in election campaigning in the Western Cape? This article examines the 2014 election campaign in the province and the extent to which the negative campaign cycle evident in previous elections continued in 2014. It will show that this has been the dominant mode of engagement and that it is exacerbated by attempts to capture the coloured vote. Since 1994 political parties have used race-based campaign strategies with varying degrees of success. Initially, the National Party (NP) achieved success by using racially inflammatory rhetoric to tap into the fears of voters in the Western Cape. This success was short lived because the events which unfolded after that victory contradicted the key message delivered by the NP because campaign messages on their own are not sufficient to persuade voters, they also interact with political developments which occur at both the provincial and national level.

ELECTORAL TRENDS IN THE WESTERN CAPE SINCE 1994

Campaigning in the Western Cape has been characterised by aggressive appeals to race-based fears. In 1994 the ANC put a particularly aggressive spin on the nationally-run 'attack, contrast and endorsement' campaign, emphasising the

attack component of the campaign with a series of advertisements asserting that the National Party's economic policy was responsible for the unemployment that had 'struck at the heart of coloured, African and Indian communities in the Western Cape' (Eldridge & Seekings 1995, p 15). Attention was paid to the NP's past record of forced removals, corruption, involvement in 'third force' activities, covert operations it undertook, its backing from 'Witdoek' vigilante leaders and the fact that Hernus Kriel, the NP's candidate for premier of the province was responsible for the notorious Section 29 law, which related to detention conditions (Eldridge & Seekings 1995, pp 15-16).

The NP in its campaign also capitalised on the highly-racialised fears of voters in the province. The vast series of endorsement-type advertisements for the NP utilised images of terrorism, intimidation, burning of collaborators, boycotts and strike action, referring to 'the comrades' as being responsible for violence in the country. The negative depiction of the ANC as a violent and dangerous party that would plunge South Africa into a state of chaos was bolstered by events surrounding the squatter occupation of houses built for coloured people (Giliomee 1994, pp 66-67).

The NP's campaign messages about the ANC's involvement in boycotts, strikes, arson and other acts of violence fell on fertile ground and convinced voters in the Western Cape that the ANC would allow the country to descend into anarchy. This tactic resulted in the NP winning an outright majority of 53.3% of the provincial vote ahead of the ANC's 33%. In the 1994 election the Democratic Party (DP) hardly featured because the election had assumed the character of a presidential race between Nelson Mandela of the ANC and F W de Klerk of the NP (Welsh 1994, p 107). The DP only won 6.6% of the provincial vote.

The 1999 election saw a realignment of politics in the province. The NNP lost its majority status, receiving only 38.4% of provincial votes despite having adopted a new name and a multiracial focus. The NNP manifesto for 1999 professed that the party was the most multiracial party in South Africa, representing 'a broad and inclusive South African patriotism that transcends race, language and religion' (New National Party 1999, p 213). The new focus also sat uncomfortably with the NNP's emphasis on protecting minority rights and its decision to change its name signalled an admission that it had erred and needed to improve.

The ANC in the province also took a softer approach, with appeals for voters simply to give it a chance. As Lodge (1999, p 66) indicates, particular emphasis was placed on 'listening'. Party leaders concentrated on meetings with select groups of community and religious leaders, while branch members focused on household visits. The ANC's campaign efforts might have helped it somewhat, however, the shift in power was largely due to the fact that voters in the Western Cape watched as ANC incumbents at national level led South Africa into a new

era under the leadership of international icon Nelson Mandela. The NNP, on the other hand, lost F W de Klerk as leader and was shamed by the flood of appalling revelations to the Truth and Reconciliation Commission (Breytenbach 1999, p 119).

While both the NNP and the ANC softened their campaign approach in the 1999 election the DP decided on a more aggressive strategy. Under the leadership of Tony Leon it built this strategy around 'robust opposition', with a focus on government failings, incompetence, corruption and a lack of urgency (Schrire 2001, p 142). According to Welsh (1999, p 91) the DP, in 1996, began to fashion a new approach to election campaigns, which involved the presentation of two clearly competing visions: the ANC's collectivism and the DP's democratic liberalism. This formed the basis of its 'fight back' campaign in the 1999 election.

The DP doubled its share of the vote in the Western Cape to 12% and, in the end, a NNP/DP alliance kept the ANC out of power despite the fact that the ANC had won 42.1% cent of the vote. F W de Klerk's successor, Marthinus van Schalkwyk, became the new premier of the Western Cape. The Democratic Party and New National Party announced in June 2000 that they would join up as the Democratic Alliance, with the aim of building a political movement that would effectively challenge the ANC for political power (Lodge 2002, p 157). The merger was short lived, with the NNP extricating itself from the new political formation in November 2001.

In 2004 the inconsistencies in NNP rhetoric finalised the demise of the party. Its support base was decimated by its incongruent and internally inconsistent campaign messages as well as by organisational difficulties. By 2004 the NNP, in coalition with its former arch-enemy the ANC, preached a campaign message that completely contradicted its messages of 1994 and 1999. On the other hand, the ANC ran a largely positive campaign, celebrating ten years of democracy. It emphasised its achievements, acknowledged its shortcomings and drew attention to its strength, experience and commitment.

The main thrust of the ANC's 2004 campaign was that it was the only legitimate party able to improve the lives of ordinary South Africans. A key message related to its partnership with 'the people' in pursuing this goal. The theme of 'a better life for all' and the presentation of the role of the ANC in ending apartheid as well as the importance of contracts and partnerships with various social actors was consistent with previous campaigns. As Lodge (2005, p 117) indicates, the language used also revived the 'people-centred' rhetoric of the Reconstruction and Development Programme. In 2004 the ANC focused on presenting itself as competent in its role as the government of the day. The message that 'the tide has turned' became institutionalised, indicating to voters that the ANC-led government had been successful in ushering in change in South Africa (Booyesen 2005, p 131).

The ANC won 45.3% of the vote in 2004 and took control of the provincial government in the Western Cape under the premiership of Ebrahim Rasool. Meanwhile, the DA's support base in the Western Cape climbed to 27.1%. The DA contended that a vote for the NNP in 2004 was as good as a vote for the ANC. It contrasted itself with the ANC and with other opposition parties, communicating the message to voters that other parties lacked sound policies, competence and integrity or that they simply served to fracture the opposition.

The primary theme of the DA's 2004 campaign was 'South Africa deserves better'. The party's campaign style was marginally softer than it had been during the 1999 'Fight Back' campaign. However, the ambiguous subtext of slogans such as 'Vote DA for real change' raised questions about whether the change from apartheid to democracy was artificial. As Booyesen (2005) argues, the slogans were interpreted 'as being polarizing'. Edigheji (2004) went as far as saying that the DA had predicated its election campaign on 'fear-mongering' and 'alarmism'.

In 2009, with the NNP absorbed into the ANC, the contest in the Western Cape was between the DA and the ANC. The DA's campaign, consistent with its previous hard-hitting messages, took place in a completely different political context. National events between 2004 and 2009 had created a situation in which the party's messages were much more salient to voters in the Western Cape. These events included the protracted and well-publicised corruption trial of Schabir Shaik, a close associate of then Deputy President Jacob Zuma. Shaik was found guilty and the basis of the conviction hinged on payments he had made to Zuma. Following this conviction then president Thabo Mbeki relieved Zuma of his role as deputy president, installing Phumzile Mlambo-Ngcuka as the new deputy president of South Africa.

Mbeki decided to stand for a third term as president of the ANC although he could not be president of South Africa since there is a two-term presidential limit. Jacob Zuma, no longer deputy president of South Africa, stood for election as ANC president. The decision about who would lead the ANC would be made at the party's 52nd national conference. The ANC 'entered a spiral of contestation between Jacob Zuma and Thabo Mbeki centring on issues of succession and incumbency' (Booyesen 2009, p 90). Zuma achieved victory at the national conference in Polokwane, obtaining the vote of 60% of the delegates (Southall 2009, p 4). This resulted in a situation where Mbeki was president of South Africa while Zuma was president of the ANC.

In September 2008, a little more than six months before the 2009 general elections, Judge Chris Nicholson delivered a high court judgement which inferred that Mbeki and senior members of his Cabinet had interfered with the work of the National Prosecuting Authority with regard to a decision to prosecute Zuma (Jolobe 2009, p 139) on multiple counts of fraud. The judgement provided the basis

for a vote of no confidence in Mbeki. Following Mbeki's televised resignation as the president of South Africa, ANC deputy president Kgalema Motlanthe became South Africa's acting president. As Butler (2009, p 69) points out, the unprecedented defeat of an incumbent ANC president was followed by a wave of instability, during which officeholders were 'recalled' and perceived Mbeki loyalists purged.

These national political developments had a very damaging effect on perceptions of President Zuma and the ANC among voters in the Western Cape. An Afrobarometer survey conducted in late 2008 revealed that only 13% of respondents in the province said they trusted Zuma 'always' or 'most of the time' (Africa 2010, p 19).

The events also led to the resignation of several ANC members and the formation of the Congress of the People (Cope) under the leadership of Mosiuoa Lekota and Mbhazima Shilowa. In addition, ANC structures in the Western Cape were beset with their own problems. Even before the formation of Cope in 2008 there were reports of internal battles between factions aligned to former premier Ebrahim Rasool and then provincial secretary Mcebisi Skwatsha (News24, 2005). Months after Mbeki was recalled as president of the country Rasool was told to resign as premier and was replaced by then Finance Member of the Executive Council (MEC) Lynne Brown (Makinana & Williams 2008).

In 2009 the Western Cape ANC campaign mirrored the party's national campaign, which focused on putting Jacob Zuma into power as South Africa's president. The theme was 'Working together, we can do more'. However, these efforts were completely overshadowed by the national events outlined above. Meanwhile, the DA ran its 'One Nation One Future' campaign under the new leadership of Helen Zille, former mayor of the City of Cape Town. Its message could be summarised by the slogans of two campaign posters: 'Vote to win' and 'Stop Zuma' (Daniel & Southall 2009, p 237). Messages about the challenges to democracy posed by a Zuma-led government and ANC dominance now resonated with voters in the Western Cape and the DA received an outright majority, securing 51.4% of the provincial vote. The ANC's portion of the vote declined to 32%.

DEVELOPMENTS SINCE 2009

After the DA seized control from the ANC in the 2009 elections governance in the province became highly conflictual and relations between the DA and the ANC in the Western Cape reached new levels of dysfunctional competitiveness. Besides policy differences and the usual vigour with which incumbent and opposition parties engage each other, a toxic level of acrimony and hostility has permeated exchanges between the two parties.

The fact that the ANC's provincial power was usurped by the DA in 2009, combined with racially structured inequality in the Western Cape, has provided a fertile ground for mobilisation and protest action. While thriving in many respects, the Western Cape has many inter-related complex developmental challenges. Many areas are regarded as major international tourist attractions, Cape Town won the 2014 World Design Capital title and the City of Cape Town has been rolling out its MyCiti bus service, with many new routes and bus services introduced into the city and surrounding areas.

Yet inequality is a major problem in the province. Irrespective of claims and counter-claims about which city in South Africa is the most unequal, the fact is that people living in township areas of the Western Cape face many socioeconomic challenges, including a shortage of adequate housing and backlogs in the provision of basic services. Apartheid-era spatial planning fuels many of these problems (Wainwright 2014).

The province has been plagued by service-delivery protests. In 2012 farm workers embarked on protest action for higher wages and improved working conditions. The violence that erupted in many farming towns resulted in the loss of lives (Underhill 2013). Following the farm worker protests, dissatisfaction in the townships of Gugulethu, Khayelitsha and Nyanga gave rise to what was termed the 'poo protests', in which protestors threw faeces on the stairs of the provincial legislature of the Western Cape and later at Cape Town international airport (Davis 2012).

Thousands of people took to the streets marching through the Cape Town city centre, damaging many businesses. Leaders of the landless people's movement argued that protests seem to be the only way to get the leadership of the province to pay attention, because 'once in power they turn against the voters'.

Smook 2009

The 'poo protestors' held several protests during which national roads had to be closed (Williams 2014).

The ANC in the province has accused the DA of being uncaring, inaccessible and unresponsive to the poor, highlighting, in particular, the disparity between rich and poor (Fransman 2014). The DA, in turn, accused the ANC of trying to destabilise the province and sabotage its governance efforts. The DA was convinced during the farmworkers' protest that the ANC was deliberately stimulating anger in order to push its political agenda (Davis 2012). It also blamed the ANC for fuelling protest action, while the ANC blamed the DA for not dealing adequately with the socioeconomic issues faced by township residents.

Given the scale of violence in the province, a number of religious groups and civil society organisations in the Western Cape released a declaration on 26 November 2013 signed by well-known religious leaders such as Archbishop Emeritus Desmond Tutu and the current Archbishop of Cape Town, Thabo Makgoba, as well as by many religious academics. The declaration called for the faith community to take the lead in restoring the democratic values being denied 'by political leaders who are trying to make the Western Cape ungovernable' (Independent Online 2013a). The political environment in the province became toxic between 2009 and 2014 and the Western Cape has been marked by extraordinary levels of distrust and political tension. This volatile situation led the Electoral Commission of South Africa (IEC)'s Western Cape provincial electoral officer, Courtney Sampson, to say that 'the climate of desperation in some areas could be a threat to election proceedings' (Geach 2014a).

The ANC faced continued challenges in the run-up to the 2011 local government elections. ANC offices in Cape Town were stormed by protestors angry about the list process (Independent Online 2013b) and former ANC Deputy President Kgalema Motlanthe admitted that internal upheavals had caused the party to lose 40 wards in the Western Cape (Mtyala 2011). The fallout from the 2011 elections continued well after they were concluded. An internal ANC task team investigating allegations of irregularities in the list process looked at 10 wards in Cape Town and three in the Overberg and found that the processes leading to the nominations of Mzwakhe Nqavashe from Ward 40 and Coetzee Ntotoviyane from Ward 42, both in Gugulethu, had been flawed and recommended that the party begin the processes afresh (Coetzee 2013). In another incident, Western Cape ANC provincial chairperson Marius Fransman had to be rescued by his bodyguards after being attacked in Oudtshoorn following a meeting to replace the town's mayor, Gordon April (Barnes 2013).

The 2014 list process also presented significant challenges. The final list included Mbulelo Ncedana and Moegamat Majiet, both of whom had left the ANC to join Cope when it was formed (Hartley 2014).

While many voters in the Western Cape might not have been aware of the trials facing the ANC in the province, they would most likely have followed national events, which also created a challenging environment for the country's ruling party. Most notably, there has been sustained controversy and a significant public uproar about the Public Protector's findings regarding the inappropriate use of funds to upgrade President Jacob Zuma's private residence in Nkandla in KwaZulu-Natal.

Events such as the televised death of community activist Andries Tatane in 2011 at the hands of police in the Free State and the lethal use of force in August 2012 that resulted in the deaths of 34 Lonmin mineworkers, shot and killed by

police officers in what has become known as the 'Marikana Massacre' highlighted issues of community frustration and police brutality. In addition, civil society organisation Right2Know led a highly visible campaign against the Protection of State Information Bill (popularly known as the 'secrecy bill'), while rights organisation Section 27 highlighted inefficiencies in the public school system, particularly the non-delivery of textbooks in Limpopo (Africa 2014b).

The ANC also came in for increased criticism from its own supporters and, indeed, from former party leaders. The dissatisfaction was so pronounced that former Intelligence Minister, Ronnie Kasrils, among others, embarked on the 'Sidikiwe, Vukane, We are fed up' campaign, urging voters either to spoil their votes or to vote for one of the smaller parties.

The party also faced criticism from the Congress of South African Trade Unions (Cosatu) over the rollout of highway tolling fees in Gauteng and over sections of the National Development Plan. The National Union of Metalworkers of SA (Numsa) strongly criticised the ANC and President Zuma and decided not to endorse the ruling party in the 2014 election (Africa 2014b).

The DA, on the other hand, consolidated its Western Cape support base in the 2011 local government elections. The party received a boost when the Independent Democrats (ID), formed by Patricia de Lille, originally of the Pan Africanist Congress (PAC), was absorbed by the DA prior to the 2011 elections. The ID had managed to win three seats in the 2004 and 2009 Western Cape provincial elections. In 2010 the party signed an agreement that would see it merge with the DA (Jolobe 2014, p 137). Patricia de Lille was invited into the Western Cape DA provincial cabinet and was later elected DA mayor of the City of Cape Town (Jolobe 2014, p 138).

While DA parliamentary leader Lindiwe Mazibuko and the party's Gauteng premier candidate, Mmusi Maimane, managed to achieve national profiles that enhanced the party's credibility, the DA's main challenge has been to shed its image as a party concerned only with 'elite interests' and to adopt a coherent position on its stance on affirmative action. Party leader and Western Cape Premier Helen Zille was forced to apologise for confusion about the party's position on employment equity (Williams 2014). While the ill-fated deal struck with Agang SA, in which Agang leader Mamphela Ramphele agreed to become the DA's 'presidential candidate', earned Helen Zille some harsh criticism, the party's leaders managed the fallout by presenting a united front at a press conference held to explain the failed merger.

THE 2014 ELECTION CAMPAIGN

A total of 26 provinces contested at provincial level in the 2014 elections in the Western Cape, making it the most competitive province. As outlined above, the

2014 campaign took place in the context of deep-seated disillusionment in many communities. Furthermore, the fact that the DA had won the 2009 election by a very narrow margin made the contest particularly fierce. Political parties saw the Western Cape as an 'open race' and the province became the centre of vigorous campaign efforts in the lead-up to the election.

Most political parties supplemented their national campaign plans with strategies specifically aimed at reaching voters in the province. Parties targeted particular groups such as farming and fishing communities as well as areas affected by gang violence. Posters belonging to the DA, ANC, EFF, Agang SA, Cope, the Patriotic Alliance (PA), the National Freedom Party (NFP) the Inkatha Freedom Party (IFP), the United Democratic Movement (UDM) and the Freedom Front Plus (FF+) lined the streets in the suburbs of the Cape Metro and other towns in the province. Door-to-door campaigning and large public gatherings featured prominently.

The African Christian Democratic Party (ACDP) held its official campaign launch at the beginning of March (Norton 2014) and hosted various meetings across the Western Cape. The party's president, Kenneth Meshoe, went on a five-day walkabout in the province, meeting with churches, communities and businesses. The ACDP also deployed members of Parliament Cheryllen Dudley and Steve Swart, as well as a member of the provincial legislature, Grant Haskin and councillors Ferlon Christians, Demi Dudley and Gerald Siljeur in the province to meet with communities, walk the streets and address churches (ACDP 2014).

The EFF engaged in some novel forms of campaigning, among them hosting a 'Western Cape Social Revolution Party' at a Long Street, Cape Town, club (EFF 2014). In January the party's leader, Julius Malema, gave an address at Khayelitsha's Mew Way hall (Damba 2014) and the party's official campaign launch was held in Delft on 15 March. Malema also visited the West Coast, the Overberg and Mitchells Plain (Coetzee 2014).

The ANC invested a significant amount of time and energy on its campaign efforts in the Western Cape. As early as October 2013 it sent two of its senior members to strengthen its volunteer campaign, with Public Enterprises Minister Malusi Gigaba and Home Affairs Minister Naledi Pandor going to Khayelitsha to engage with ANC door-to-door election campaign volunteers (Kobokana 2013). The ANC's Western Cape manifesto launch was held on 18 January at Delft stadium, with deputy secretary general Jessie Duarte as the main speaker (ANC 2014). One newspaper article noted that the ANC was 'pulling out all the stops to win back the Western Cape'. In fact, President Zuma spent his 72nd birthday in a Cape Flats community, holding a rally at Vygieskraal Stadium, Athlone, as part of his birthday celebrations (Phakathi 2014a).

Members of the ANC's Women's League and of the provincial executive committee engaged 'with South Africans across the Western Cape as part of their

non-stop election campaign', embarking on door-to-door activities and listening to the concerns of community members (ANC 2014).

In addition, former Western Cape premier and current South African ambassador to the US, Ebrahim Rasool, went on a 'whistle stop' tour of Cape Town in a bid to convince the middle-class electorate, especially Muslims, to vote for the ANC (Kemp 2014). Provincial ANC leader Marius Fransman was also particularly active in his campaign efforts. During his campaign tour of the Cape farmlands and the West Coast, he addressed farmworkers at a rally near De Doorns on 22 April, lashing out at the DA and accusing it of siding with farm owners instead of workers (Geach 2014b).

The ANC's campaign centred on the 20th anniversary of democracy in South Africa. The party's theme for 2014 was that it had 'a good story to tell', a message that was introduced in President Zuma's pre-election State of the Nation address and was the golden thread woven through all the party's election campaign messages. A key theme emerging from the ANC's campaign in the Western Cape was that the people of the province needed to be rescued from the DA's racist governance. Gigaba criticised the DA's policies on land, saying the party 'wanted land to remain in the hands of a white minority' (Etheridge 2014) and Fransman told farmworkers at a rally near De Doorns that 'apartheid still reigned in the Cape farmlands' (Geach 2014b).

On 19 March Gigaba is reported to have told Cape Town residents at a packed meeting in the O R Tambo Hall in Khayelitsha that the DA 'are not the devil's brothers. They are not the devil's relatives. They are the devils themselves. And so our modern-day devils, two-legged as they are, are liars and cannot face the truth' (Etheridge 2014). Meanwhile, Sports Minister Fikile Mbalula compared the DA's governance in the Western Cape to witchcraft and urged residents to summon the help of tokoloshes. Speaking in Nyanga on the occasion of the 35th anniversary of the death of Solomon Mahlangu, an ANC operative who had been sentenced to death for murder during the apartheid era, he said:

this thing of witchcraft is when a witch does nothing for the people but they still get re-elected. This is what we find ourselves in here in the Western Cape. We are being governed by witches ... these witches are oppressing us, they are trampling on us. Where are the tokoloshes and the [sangomas] so that we can chase these witches away?

Koyana 2014

Linked to the theme of saving the Western Cape from racist governance were campaign appeals designed to attract the coloured vote. President Zuma told supporters at his birthday celebrations that

the Western Cape needs a government that will treat the people of the Western Cape equally. Enough is enough with the neglect of predominantly African and Coloured areas in this province ... There's nothing to fear. The ANC is your family.

Cronje & Van Schie 2014

Some leaders chastised voters in the province. After a two-day visit to the Cape Flats Gwede Mantashe said coloured people would remain a minority if they did not define themselves properly. He reportedly said:

You call yourself a minority. You are governed by a minority all the time. It's a mindset. We must liberate ourselves ... and appreciate you are part of a majority ... One thing we are not going to do is give coloureds presents. Coloured people must play their role and earn their responsibilities. They must earn it among all of us.

News24, 2014a

The ANC's call for the support of 'smaller political parties' to win back the DA-led province was shunned, with Cope leader Mosiuoa Lekota saying that his party had formed coalitions with the DA in the Western and Northern Cape because of the 'strong position taken by both parties to deal decisively with rampant corruption and maladministration' (Coetzee 2014).

The DA ran a highly visible national campaign complemented by strategies specifically aimed at reaching particular groups such as farming and fishing communities as well as areas affected by gang violence. Many of the ANC's problems (the Public Protector's report on Nkandla and the textbook crises in Limpopo in particular) provided the party with rallying points for its 'Western Cape Story' campaign, which was launched on 8 March at Blue Downs Stadium in Cape Town (DA 2014c) at a rally attended by about 4 000 people wearing blue T-shirts emblazoned with the DA logo (Geldenhuis 2014). According to the DA, the Western Cape story 'highlighted the great strides made in the province since 2009' (Democratic Alliance 2014b).

Much of the DA's strategy was focused on refuting the ANC's 'good story' message while simultaneously highlighting the party's achievements in the Western Cape. While delivering her State of the Province address, Helen Zille asserted that 'we have the best story to tell' (Makinana 2014). The party's campaign slogan was 'Together for change, Together for jobs' (Democratic Alliance 2014a).

On 26 March Zille launched the DA Braille Manifesto at the League of the Friends of the Blind in Grassypark, in an effort to attract support from voters with disabilities (Democratic Alliance 2014d). On 6 April she led a march in Mitchells

Plain against gang violence and drug abuse, to highlight efforts of the DA-led City of Cape Town municipality to combat these social ills (Sesant 2014). The march also served to launch billboard messages showing Mayor Patricia de Lille and other prominent Capetonians promoting the campaign to combat gang violence and drug abuse, as issues that continue to affect communities in the Cape Flats.

Two weeks later, on 19 April, Zille again addressed an anti-drugs and gangsterism march in Manenberg (News24, 2014b). DA Western Cape leader Ivan Meyer and party provincial deputy Theuns Botha hosted an election rally in Hartenbos, close to George, on 12 April to get the DA message across and to consolidate party support that had been tested in the area in recent by-elections (Phakathi 2014b). On 17 April Zille delivered a speech at a small harbours picket in Hout Bay, where she addressed fishing communities in an effort to allay fresh fears that proposed government policies on the allocation of fishing quotas would negatively affect the livelihoods of many in the fishing communities (Democratic Alliance 2014c).

The DA issued a pamphlet specifically aimed at coloured voters and quoting former ANC Director General of Labour, Jimmy Manyi, who, in 2010 had said that there was an over-supply and an over-concentration of coloured people in the Western Cape. The DA pamphlet, captioned 'The ANC wants to stop you from getting a job, or a promotion', indicated that the ANC had issued new employment regulations which would 'prevent thousands of Coloured people in the Western Cape from getting jobs' (DA 2014c).

Under the draft employment equity legislation companies with more than 150 employees would have to use the national economically active population demographics to determine the equity targets of their top and senior management as well as their professionally qualified staff. The DA argued that this would clash with provincial racial demographics and marginalise certain race groups from the workforce in the Western Cape (Watters 2014).

In reaction to this, lawyers for the ANC in the Western Cape sent a letter to Helen Zille demanding a retraction of the pamphlet, arguing that it constituted a violation of the Electoral Act and the Electoral Code of Conduct and that it was 'clearly geared to divide communities on racial lines, and cause serious discontent amongst voters and possible voters' (Mjongile 2014)

The ANC also strongly criticised the DA's 'Western Cape story', arguing that Zille had not kept her promises and had not delivered to poor communities. For example, ANC Deputy President Cyril Ramaphosa accused her of neglecting delivery in the province, saying that 'wherever we go, they [people in the Western Cape] are crying tears because of poor service' (SAPA 2014). The ANC felt that it had done sufficient to regain control of the province, especially in the light of deep-seated disillusionment in many communities and the violent protests which had taken place prior to the elections.

The DA also ran an aggressive campaign against smaller parties, distributing pamphlets and running a series of radio advertisements pointing out that a vote for any opposition party other than the DA, was a 'wasted' vote. In one pamphlet the party used a graph to point out that it had won the Western Cape by a mere 1.5% of the vote and that a vote for a small party could result in an ANC-led coalition taking back the Western Cape. It further pointed out that abstaining could benefit the ANC.

VOTER TURNOUT

Despite the perpetual mudslinging between parties there was an increase in voter turnout and the 2014 election in the Western Cape was more competitive than that in 2009. As seen in Table 1 a large proportion of eligible citizens in the province registered to vote. When the voters' roll was certified in March 2014 by the IEC 2.9-million of 3.8-million eligible voters had registered – a registration level of 78% (IEC 2014a). On election day 2.1-million people (73% of registered voters in the Western Cape) cast their ballot. While this represents a slight decline in turnout from the 75% in 2009, participation as a proportion of the eligible voting-age population increased slightly from 53% in 2009 to 57%. There was a negligible proportion of spoilt ballots (0.88%).

Table 1
Voting Age Population, Registration and Turnout in the Western Cape

| | Eligible voters | Registered population | Percentage registered | Valid votes cast | Percentage turnout based on eligible population | Percentage turnout based on registered population |
|-------------|-----------------|-----------------------|-----------------------|------------------|---|---|
| 1994 | 2 405 919 | NA | NA | 2 137 742 | 88.85 | NA |
| 1999 | 2 317 171 | 1 864 019 | 80.44% | 1 587 978 | 68.53 | 85.19 |
| 2004 | 3 024 207 | 2 220 283 | 73.41% | 1 582 503 | 52.32 | 71.27 |
| 2009 | 3 746 547 | 2 634 439 | 70.31% | 1 987 777 | 53.05 | 75.45 |
| 2014 | 3 771 271 | 2 941 333 | 77.99% | 2 140 090 | 56.74 | 72.76 |

Sources: Africa 2014a; www.electionupdate.org.za; IEC 2014

RESULTS

The Democratic Alliance emerged from the elections significantly strengthened. The party increased its majority in the Western Cape, winning 59% of the vote in 2014 compared to 51% in 2009 (see table 2). The DA remained the ruling party in the provincial legislature, holding 26 of the 42 seats, up from their previous term when they had occupied 22 seats.

The ANC maintained its level of support in the Western Cape, with 33% of voters casting their ballot for the party compared to 32% in 2009. The ANC thus maintained the 14 seats it had won in 2009.

Table 2
Western Cape Provincial Results (1994-2014)

| Party | Total number of votes | | | | |
|---------------|-----------------------|----------------|-----------------|------------------|------------------|
| | 1994 | 1999 | 2004 | 2009 | 2014 |
| DP/DA | 141 970 7% | 189 183 12% | 424 832 27% | 1 012 568 51% | 1 259 645 59% |
| ANC | 705 576 33% | 668 106 42% | 709 052 45% | 620 918 32% | 697 664 33% |
| EFF | NA NA | NA NA | NA NA | NA NA | 44 762 2% |
| FF/FF+ | 44 003 2% | 6 394 0.40% | 9 705 0.62% | 8 384 0.43% | 11 587 0.55% |
| ACDP | 25 731 1% | 44 323 3% | 53 934 3% | 28 995 2% | 21 693 1% |
| ID | NA NA | NA NA | 122 867 8% | 92 116 5% | NA NA |
| UDM | NA NA | 38 071 2% | 27 489 1,75% | 14 013 0.71% | 10 199 0.48% |
| COPE | NA NA | NA NA | NA NA | 152 356 8% | 12 520 0.59% |
| NP/NNP | 1 138 242 53% | 609 612 38% | 170 469 11% | NA NA | NA NA |

Source: IEC 2014

This consolidation of DA support thus came primarily at the expense of smaller parties in the province. There was a sharp decline in support for Cope, which lost the three seats it had won in the Western Cape legislature in 2009. Its support

in the province declined from 8% in 2009 to 0.6% in 2014 following a damaging public battle for the leadership of the party. The ACDP's support base also dropped – from 2% in 2009 to 1% in 2014. This secured the party only one seat in the provincial legislature, down from the two seats it held after the 2009 election. The EFF managed to win only 2% of the vote in the province, securing one seat in the provincial legislature.

As seen in Table 3, other small parties in the Western Cape received negligible support in the 2014 election. Parties such as Agang SA and the Patriotic Alliance (PA) did not feature at all. Agang SA won 0.3% while the PA won 0.4%.

It would appear that the DA's campaign against smaller parties, evident since 2004, yielded results in 2014. The growth of the DA in the Western Cape must also be seen in the context of the NNP's demise and the growing set of challenges that has faced the ANC since 2007. The DA also ran a campaign as the provincial incumbent, with the message that it 'had the best story to tell'. This simultaneously highlighted its record of governance in the province and its criticism of the ANC nationally and in other provinces. In terms of the final election result, the DA was not punished at the polls for the use of race-based campaign rhetoric such as publishing the pamphlet criticising employment equity legislation and the comments made by Jimmy Manyi in 2010.

The ANC, however, seems to have paid a price for resorting to identity politics. Once it was ousted from power the party became far more confrontational in its approach. In stark contrast to its 1999 and 2004 campaigns, it chastised Western Cape voters and implored them to liberate the province from 'racist governance'. While this may have mobilised its core supporters, the strategy proved counterproductive in that it probably alienated middle-ground voters across the spectrum, working to the advantage of the DA.

Further research would be needed to assess whether the DA's strengthened position is primarily an anti-ANC/EFF vote or is the result of growing loyalty to the DA, positive perceptions of the party's performance or strategic voting based on the premise that it is better to vote for a party that does not face the same capacity constraints as other opposition parties. Some voters might have felt that they needed to counter the electoral dominance of the ANC or they may have been concerned about the extent of support for Julius Malema's newly-formed party, the EFF. Thus, the radical platform upon which the EFF contested might have galvanised DA supporters even though most of the DA's campaign efforts were directed against the ANC.

There does appear to be growing loyalty to the DA in the province. Data from an Afrobarometer survey conducted in 2011 shows an increase in party identification among voters in the Western Cape from 48% in 2008 to 61% in 2011. Of the 61% who indicated that they felt close to a political party 49% said they felt close to the ANC and 45% said they felt close to the DA (Afrobarometer 2014).

Given the DA's victory in the province, it would appear that a proportion of the electorate are voting for the party although they do not 'feel close' to it. Irrespective of whether the changes that have occurred were due to voters switching allegiance or to differential turnout, the outcome has been dramatic.

Table 3
Western Cape Provincial Results

| Party | Number of votes | % votes |
|--|------------------------|------------------|
| African Christian Democratic Party | 21 696 | 1.02% |
| African Independent Congress | 6 508 | 0.31% |
| African National Congress | 697 664 | 32.89% |
| African National Party | 1 249 | 0.06% |
| African People's Convention | 1 291 | 0.06% |
| Agang South Africa | 6 398 | 0.30% |
| Al Jama-Ah | 13 182 | 0.62% |
| Azanian People's Organisation | 844 | 0.04% |
| Congress Of The People | 12 520 | 0.59% |
| Democratic Alliance | 1 259 645 | 59.38% |
| Economic Freedom Fighters | 44 762 | 2.11% |
| First Nation Liberation Alliance | 635 | 0.03% |
| Independent Civic Organisation Of South Africa | 11 949 | 0.56% |
| Indigenous Peoples Organisation | 1 180 | 0.06% |
| Inkatha Freedom Party | 1 078 | 0.05% |
| Kingdom Governance Movement | 490 | 0.02% |
| National Freedom Party | 763 | 0.04% |
| National Party South Africa | 2 694 | 0.13% |
| Pan Africanist Congress Of Azania | 3 591 | 0.17% |
| Patriotic Alliance | 8 510 | 0.40% |
| Peoples Alliance | 440 | 0.02% |
| Sibanye Civic Association | 478 | 0.02% |
| South African Progressive Civic Organisation | 642 | 0.03% |
| United Christian Democratic Party | 1 158 | 0.05% |
| United Democratic Movement | 10 199 | 0.48% |
| Vryheidsfront Plus | 11 587 | 0.55% |
| Total Valid Votes | 2 121 153 | 100.00% |
| Spoilt Votes | | 18 937 |
| Total Votes Cast | | 2 140 090 |

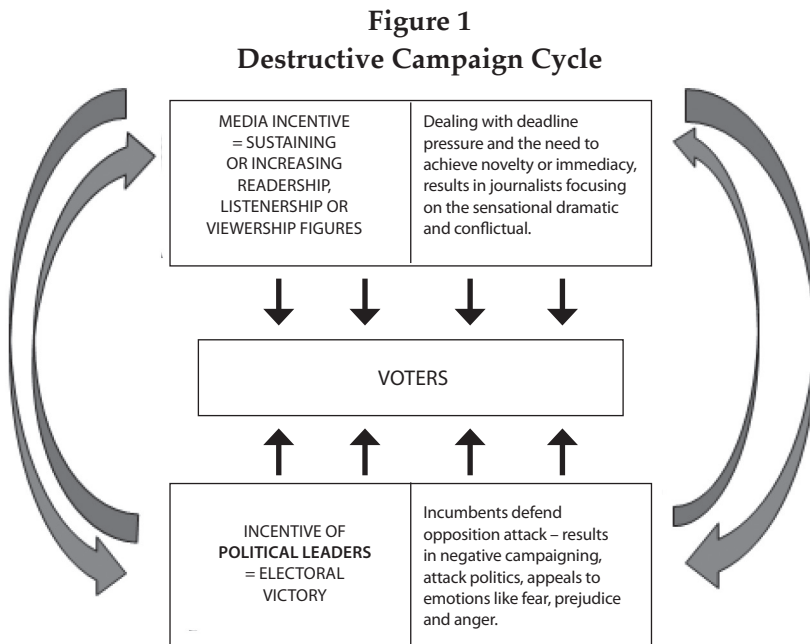
Source: Independent Electoral Commission.

CONCLUSION: REPRODUCING DESTRUCTIVE PATTERNS OF ENGAGEMENT IN THE WESTERN CAPE

The campaign in the Western Cape once again degenerated into a series of negative race-based appeals, with politicians and political parties discrediting one another. All the parties that contested the election in the Western Cape signed the 2014 electoral code of conduct indicating their agreement that ‘elections require an environment wherein there is free political activity, where all political parties are able to canvass support without fear or hindrance’ (IEC 2014c). However, as the election date draws closer parties find it hard to refrain from engaging in inflammatory campaign rhetoric (Africa 2014a). In 2014 parties accused each other of racial mobilisation and denied that they were practising it, even as they went ahead and engaged in inflammatory campaign rhetoric.

As indicated above these destructive campaign tactics are based on explanations which view voter choices as primarily determined by the characteristics of the voter. In addition to having a polarising effect, race-based strategies are quite simply ineffective if they do not resonate with public sentiment about provincial and national political developments. Yet the past five democratic elections in the province have reproduced a similar toxic campaign environment.

The work of Buchanan (see Figure 1) helps in unravelling the reasons why campaigning in the Western Cape assumes the same toxic patterns of engagement.



Source: Adapted from Buchanan 2001

Parties in the role of opposition typically resort to negative campaign appeals couched in racial terms. This is compounded by the way in which the media frames news stories about the 'coloured' vote as well as its preoccupation with conflict and hostility between parties and party leaders. While these conflicts may be newsworthy, in many instances such reporting contributes to negative campaign strategies used by parties in an attempt to secure media attention.

It is for this reason that Africa (2010, p 1) argues that it is not primarily the *nature* of the electorate but political developments (both national and provincial) as well as the behaviour and campaign efforts of political parties that provide a more plausible reason for the dramatic political changes in the Western Cape.

As Swanson & Mancini (1996, p 1) argue, politics is 'always persuasive, forcing us consciously or subconsciously to interpret, to evaluate and to act'. Such persuasion inherently involves agency on the part of the recipients, who must assimilate and consider the information being presented to them. This leads to the question of *what* voters are interpreting and evaluating. They are, of course, interpreting and evaluating the words *and actions* of political parties and leaders. Despite the obvious limitations of identity-based politics, as well as its damaging effects, it is hard to see how this narrative will change in future elections.

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PUBLIC SERVANT OR CENSOR?

The South African Broadcasting Corporation in the Era of Political Television Advertising

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ABSTRACT

Political television advertising is becoming an important feature of democratic elections and essential to election campaign strategies. In this article we take a close look at the role the South African Broadcasting Corporation (SABC) is playing in the new era of political television advertising ushered in in 2009. We focus our analysis on the banning by the SABC of election advertisements by two major opposition political parties before the 2014 elections. The country's regulator, the Independent Communications Authority of South Africa (Icasa) upheld the decision of the SABC when the two parties filed complaints. The banning of the advertisements and Icasa's decision are assessed on two important principles for public broadcasting – editorial independence and public accountability. We argue in this article that the action by the public broadcaster undermines freedom of expression and the credibility of both the SABC and Icasa, especially when contextualised within other controversial editorial decisions taken by the broadcaster over the years. Further, we argue that laws governing political advertising in South Africa are constitutionally problematic and contain contradictions in how they should be applied and implemented by both broadcasters and Icasa. We conclude by arguing for a review of these laws.

INTRODUCTION

South Africa held its fifth general election on 7 May 2014 to elect a new National Assembly and provincial legislatures.¹ Although 33 parties registered for the election, the campaign was waged among three major parties – the governing African National Congress (ANC), the Democratic Alliance (DA) and a newcomer, the Economic Freedom Fighters (EFF). The ANC, supported by its Tripartite Alliance with the Congress of South African Trade Unions (Cosatu) and the South African Communist Party (SACP), has won the majority of seats since 1994. With the economy in decline and an increase in service delivery and labour protests² since the last general election, in 2009, the stakes were very high in the 2014 election. Another important, if not symbolic aspect of the election is that it marked the 20th anniversary of South Africa's transition from apartheid to democracy.

This article analyses the banning by the South African Broadcasting Corporation (SABC) of election advertisements placed by two political parties, the DA and the EFF. We have chosen to focus on the SABC because it is, for many in the country, the only source of news and information. It therefore plays a critical public information role, which is necessary for democracy.

South Africa has four television companies – the SABC, the free-to-air Etv, the Digital Satellite Television (DSTV) and TopTV. Although all broadcasters, both commercial and community, are obliged to ensure that the public receives adequate information during elections, public broadcasters have a primary obligation in this regard. Public information about elections is provided through news, current affairs programmes, special election programmes and direct access political broadcasts. In this article we focus on television political advertising, whose informative effect in ideologically contested elections such as that in South Africa in 2014 exceeds that of television news and current affairs (Zhao & Chaffee 1995). Television is also a medium that, to a greater degree than others, relies on quickly understandable sound bites (Glaser & Salmon 1991).

Thus, political television advertisements convey political issues in an efficient and easily digestible way (Freedman, Franz & Goldstein 2004). Studies have also suggested that advertising allows candidates to reach uninterested and unmotivated citizens, those who pay little attention to news reports, debates and other campaigns (Kerns 1995, cited in Sindane 2010, p 24). Political advertising

1 The country follows a proportional representation with closed list system approach in both national and provincial elections. Voters elect parties, not individual candidates. The president of the country is nominated by a party and elected by the National Assembly after the elections (Kotze 2009).

2 At the time of the elections in May 2014, 80 000 miners in the platinum-producing region of the Northwest province, who are members of the Association of Mineworkers and Construction Union (AMCU), had been on strike for nearly four months. In 2012 during a strike at Marikana Lonmin Platinum Mine 34 miners were gunned down by police and 10 other people died in various ways.

is also important to political parties as it gives them control over their messages, unlike news coverage and debates, whose content is determined, mediated and controlled by media houses (Kaid & Holtz-Bacha 2006). Such control is particularly tight in the case of newscasts, as electoral controversies and political events are brought to public attention via journalistic mediation: indeed, the journalists directly shape coverage by calibrating the tone – selecting one form of language over another.

Increasingly, therefore, political parties around the world are relying on political television advertising and, more recently, social media, to communicate with and persuade voters to accept their leadership.

Political television advertising is a relatively new phenomenon in South Africa. It was introduced during the 2009 national and provincial elections and therefore there is very little research on the subject. The study by Sindane (2010) remains the only substantive research. In this study Sindane analyses the phenomenon and its implications for democracy, by focusing on images and discourses in the advertisements. Her concern is to determine the extent to which South Africa's political advertisements on television commodify politics. Previous research on political advertising in South Africa focused on billboards, newspapers and radio (eg, Fourie & Froneman 2003; Fourie 2008). Our article, therefore, departs from previous studies by focusing on the SABC's handling of political television advertising and on the regulations that apply to it.

Regulations for political advertisements on television were drawn up by the regulator, the Independent Communications Authority of South Africa (Icasa) in 2008. A key element of Icasa's regulations prohibits the editing or altering of party advertisements and the rejection by broadcasters of an advertisement without sound reasons (Sindane 2010). Controversially, in the 2014 elections, as this article discusses, the SABC banned advertisements from the DA and the EFF on the grounds that they had the potential to incite violence. This decision was upheld by Icasa after the two parties lodged complaints with the regulator.

We argue that the banning of the advertisements undermines freedom of expression and the credibility of both the SABC and Icasa. The bans should not be looked at in isolation, but form part of other controversial decisions the public broadcaster has taken over the years that impinge on its editorial independence. We further argue that laws governing political advertising in South Africa are over broad and constitutionally problematic and a review is necessary to avoid entrenching a worrying precedent for future decisions about party political advertising. In addition, the way in which these regulations are applied and implemented by both Icasa and the SABC is highly contradictory.

The article is structured as follows: first we map out literature on media, elections and political advertising. Secondly, we discuss the theoretical framework

underpinning our analysis and arguments. Thirdly, we provide the context of television political advertising in South Africa. Fourthly, we analyse critically the banning of the DA and EFF advertisements and the implications of the banning for the SABC's editorial independence and public accountability. We conclude by discussing the need for a reform of South Africa's electoral laws and offer suggestions about how this can be done.

MEDIA, ELECTIONS AND POLITICAL ADVERTISING: MAPPING THE MAIN ARGUMENTS

One of the basic requirements to be met by a liberal democratic regime is the ability to carry out regular, free, and most importantly, fair elections (Dahl 1973; Morlino 1998). Fair elections clearly involve the necessity to provide citizens with fair, balanced, and objective information to enable them to come to an informed and rational decision about which leader or party to vote for. Media, therefore, play an indispensable role in the proper functioning of democracy.

Much research (Hallin & Mancini 2004; Strömbäck 2008; Esser & Strömbäck 2014) shows that the communication media are becoming increasingly important in influencing the way in which the democratic process today unfolds. In this respect, some scholars (Seymour-Ure 1974; Hallin & Mancini 2004; De Albuquerque 2013) have noted that the media should no longer be conceived of as merely a neutral tool, a channel of communication by and through which politicians disseminate their proposals and make their agendas publicly known. Rather, the media have become key players in the democratic game (Altheide & Snow 1979; Butler & Ranney 1992; McQuail 1992; Mazzoleni & Schulz 1999).

The impact of the media on the political process is particularly evident during elections. Although in this time of digital technology the traditional media are not the only source of information during elections, they still play an important role in informing the citizenry and influencing the political agenda, particularly in developing countries, where the majority of people still rely on mass media for information.

The media play varied roles in enabling full citizen participation during elections, *inter alia*, educating voters about how to exercise their democratic rights, providing a platform for political parties to communicate their message and debate each other and monitoring and scrutinising the electoral process.

The impact of the media on the political process in any country is particularly evident during election campaigns. There are a number of reasons for this. Some of them are inherently part of the phenomenon of electoral advertising or campaigning, whereas others pertain to – and are a consequence of – the profound changes that are currently facing the way in which politics today is communicated to citizens.

With respect to the first set of reasons, it should be noted that election campaigns are among the most contentious moments in the political life of a democratic country. It can be said that during the campaign phase the issues that divide the players (the political parties) are far greater than those that unite them. In other words, during the campaign the political debate is likely to evince higher levels of polarisation than are evident during non-election periods. The reason for this is that the actions of the political parties are primarily – if not uniquely – aimed at maximising popular consensus, in the hope that this support will translate into electoral success. It is not by chance that one of the most common and effective terms used to signify electoral competition in modern democracies is *horse race* (Serini, Powers & Johnson 1998; Hallin 1992).

In addition to the inherent characteristics of electoral competition, in the past decade election campaigning has undergone significant changes, which have caused the media to become even more influential in the way campaigns are fought. A considerable number of scholars refer to these transformations by making use of concepts like *personalisation* and *spectacularisation* (Kriesi 2012; Poguntke & Webb 2007; Glaser & Salmon 1991; Swanson & Mancini 1996; Xifra 2011). While Western democracies are facing the downside of political personalisation and the *Americanisation* of election campaigning (Swanson & Mancini 1996; Xifra 2011), in many African countries issues of political patronage, media polarisation and ethnicity still remain major concerns during elections and, as a result, there is very little research in Africa focusing on political advertising and its effects on democracy during elections. The overwhelming majority of research into political advertising has been conducted in the United States, where the phenomena of personalisation and spectacularisation highlighted above are most evident.

Some scholars (McNair 2011; Merritt 1984; Kaid 2008) have raised concerns about the effects of political advertising on political processes, with some of them raising a number of concerns about the introduction of the term advertising (and the logic that underpins its functioning) into the politic sphere. More specifically, it is argued that the development of political advertising would contribute to the reinforcement of a process of commodification of politics, which some authors see as hardly compatible with a well-functioning, healthy democracy.

In this regard it is particularly worth reporting the role political advertising, according to McNair (2007, p 89), plays in today's democracies, as it illustrates the process of transforming politics into a commodity to sell.

Advertisements function, therefore, by making commodities mean something to their prospective purchasers; by distinguishing one product from another, functionally similar one; and by doing this in a manner which connects with the desires of the consumer.

Narrowing the focus of our argument, another aspect worth highlighting is that advertising per se, irrespective of whether or not it is of a political nature, has a natural connection with commercial television. Indeed, advertising is one of the major sources of income for most commercial broadcasters. It is even more vital for free-to-view broadcasters, which is to say, those privately-owned commercial networks that do not provide pay-per-view content and do not rely on viewers' subscriptions (Curran 1981). Therefore, political advertising involves a contradiction that is not easy to solve.

On the one hand, this tool for political promotion is naturally intertwined with commercial broadcasting. On the other, it is not ordinary advertising, it is political advertising, which automatically bestows on it a dimension of public interest and significance (Kaid & Holtz-Bacha 2006). Such a contradiction is further exacerbated if attention shifts from commercial broadcasting to public service broadcasting. In fact, in this case, according to the welfare state theory that inspires the birth and establishment of public television, television viewers should no longer be seen as consumers but as a public, whose general interests need to be pursued and achieved (Calabrese & Burgelman 1999). As can be easily imagined, the necessity to cater to public interest is likely to collide with the logic on which political advertising builds. Therefore, because of the several critical aspects related to political advertising on television, which have been brought out so far (a low degree of editorial control over political messages, a tendency to favour the development of a process of political commodification and a contradiction between political advertising and public interest), regulation plays a crucial role in shaping the way in which advertising processes and procedures play out.

Regulatory approaches, however, are not uniform across the world, as democratic countries have paved different and sometimes divergent roads to regulation of political communication. For example, in the United States (US), there are no specific limitations on the airing of political advertisements on television: parties and candidates are not required to comply with any campaign spending threshold and may purchase as many advertising spots as they consider necessary for their campaign strategy. In addition, as far as advertising is concerned (and consistent with the commercial nature of America's media system), television networks and broadcasters do not have to abide by any particularly strict provisions, they are only compelled to comply with legal requirements of fairness, objectivity and impartiality when covering politics in as 'newscasts, news events, documentaries, and on-the-spot news events' (Centre for Law and Democracy 2012, p 2). While a network that sells an advertising spot to one candidate 'must offer the same amount of airtime, with the same audience size, to all other candidates at the same rate', should the other candidates be unable to afford the expenditure, 'the media outlet is under no obligation to give them airtime' (Centre for Law and Democracy 2012).

The American regulatory framework is among the most 'permissive' in the world (Centre for Law and Democracy 2012). Other countries have a far stricter approach, which often translates itself into a complete ban on political advertising. Not surprisingly, this is the case in one of the countries with the strongest tradition of public service television, the United Kingdom (UK). Unlike in the USA, in the UK a political advertising market has never developed. In fact, paid political advertising is de facto banned (Scammell & Langer 2006). In the UK election advertising takes the form of party election broadcasts (PEBs), 'rationed blocks of free airtime' whose allocation is carried out with the aim of achieving an 'appropriate balance between the parties' (Scammell & Langer 2006, p 68). However, although they differ considerably from political advertisements, PEBs share with them the fact that they do not require any journalistic mediation to be aired. The introduction of a PEB-centred system was considered to be a useful way of untying television election campaigning from the availability of financial resources.

THE SITUATION IN SOUTH AFRICA

Political advertising in South Africa began with the first democratic elections, in 1994, when it was permitted on billboards, radio, newspapers and posters, but was prohibited on television (Sindane 2010). Televised election advertising was believed to be a potent form of persuasion (Teer-Tomaselli 2006). Party election broadcasts, political advertisements (PAs), and the 'equitable treatment of political parties' were first referred to in the Electronic Communications Act (ECA), 2005. This piece of legislation de facto introduced a ban on broadcasting PEBs and PAs (although a set of extremely rigid exceptions applied), and empowered Icasa to regulate election campaigning and ensure that the principle of political pluralism was complied with.

As stated above, political advertising on television was introduced just before the 2009 national and provincial elections. The regulation for PEBs and PAs were promulgated in *Government Gazette* No 31602 of 14 November 2008 as 'Regulations: Party election broadcasts, political advertisements, the equitable treatment of political parties by broadcasting licensees and related matters', Icasa, Notice 1419 and came into force in March 2009.

South Africa's political advertising regulatory framework may be looked at as a hybrid case which can be placed halfway on an hypothetical continuum, whose poles are represented by the American (highest degree of political advertising liberalisation) and British (absolute ban on political advertising broadcasting) models, though, on closer examination, it seems to lean towards the British one.

According to the Electronic Communications Act, Chapter 1, a PEB is 'a direct address or message broadcast free of charge on a broadcasting service and which

is intended or calculated to advance the interests of any particular political party'. On the other hand, the ECA states that the term 'political advertisement' identifies

an advertisement broadcast on a broadcasting service which is intended or calculated to advance the interests of any particular political party, for which advertisement the relevant broadcasting service licensee has received or is to receive, directly or indirectly, any money or other consideration.

Therefore, as can be seen, both PEBs and PAs are primarily intended to 'advance the interests of any particular political party'. However, while the end may be identical, the means by which it is attained differ considerably. In fact, while the broadcasting of PEBs does not involve any cost to political parties and is exclusively dependent on the airtime allocation policy that is implemented, in the case of PAs, political parties must purchase airtime from the broadcasting service licensee in which they are interested.

In this respect, therefore, South Africa's legal framework tends to be closer to that in the US, as in both countries the broadcasting of paid political advertisements is allowed by law. There is, however, a further aspect that is worth highlighting. According to the ECA, only public service broadcasters have an obligation to allocate a certain amount of airtime to broadcasting PEBs.

Commercial and/or community broadcasters are allowed to broadcast PEBs upon request, in which case they must comply with the same set of rules as applies to public television and radio networks. In principle, obliging public service broadcasters to broadcast free-of-charge political messages seems consistent with the public service remit to which these networks are required to adhere. Having said that, the distinction between public service and other (commercial/community) broadcasters cannot be found in relation to PAs. Indeed, in the case of PAs, public and privately owned broadcasters are referred to as 'broadcasting service licensees', without any distinction as to their *nature*.

Therefore, it is interesting to note that, in certain circumstances, public and private networks can (and do) enjoy the same status. However, in view of the anomalous funding model (as opposed to other public broadcasters) upon which the SABC relies, this is only an apparent contradiction. In fact, the broadcaster draws the bulk of its financial resources from the sale of advertising space (SABC Annual Report 2013), thus preventing the SABC from airing political advertisements or compelling it to broadcast them free of charge is likely to put at stake the broadcaster's core business.

As far as airtime allocation policy is concerned, PEBs are distributed among all the political parties 'contesting seats in the National Assembly'. Icasa has set

up a formula for calculating allocation. Because this formula is primarily based on a *pro rata* mechanism (which takes into account the number of seats each party is contesting as well as the number of seats each party holds in Parliament at the time of the election) it tends to give an advantage to those parties that already hold a dominant position in the political spectrum. This tendency is further reinforced by the fact that the major political parties have access to comparatively larger amounts of financial resources to invest in political advertisement broadcasting.

That said, in addition to providing a regulatory and interpretative framework for two different forms of television electoral promotion, Icasa attempts to deal with possible disputes that might arise between political parties and networks. As will be shown, not only did such disputes arise throughout the 2014 election campaign in South Africa, they also inspired a very lively (and sometimes harsh) debate about how effectively the principle of equitable treatment of political parties was implemented by the SABC during the campaign.

In the regulatory framework Icasa reaffirms what is already stated in the Electronic Communications Act of 2005: political advertisements and party election broadcasts can only be aired during the official election period, namely 'the period commencing with the date on which the election day is proclaimed and ending on the day immediately following upon the day on which candidates of any of the political parties are declared elected'. Political parties must submit the advertisements for consideration by the broadcasting service licensees and, while the licensees are not allowed to 'edit or alter' advertisements once they have been accepted, they can reject them, should they not be considered suitable for broadcast.

If a broadcasting service licensee decides to reject a particular PA it must provide Icasa with a written document in which it gives reasons for the rejection. If a party believes that there are insufficient grounds for the rejection it may appeal to Icasa within 24 hours of being informed of the rejection, which is exactly what happened during the 2014 election campaign.

THEORETICAL FRAMEWORK

In order for public broadcasting to be able to accomplish fully its democratic mission it must adhere to a number of requirements. These include editorial independence, public accountability, universal service and access, programme diversity and pluralism. However, two core values that are commonly shared by public service broadcasters worldwide are editorial independence and public accountability (Tleane & Duncan 2003). If the foundations of independence and accountability are not present the ability of the broadcaster to fulfil its public service role will be severely impeded. Hence, the independence and accountability

of a PSB directly affect its functioning. Editorial independence entails making editorial decisions without being controlled by outside forces and this means that programming and related decisions should be free from interference that prevents them from fulfilling their public mandate (Warren 1998, cited in Berger & Juuko 2007, p 95). Public broadcasters are accountable to the public through independent governing and regulatory bodies.

It is of paramount importance that broadcasters operating in a democratic country, irrespective of their public or private status, comply with *editorial independence*. This is especially crucial during particularly controversial phases such as election campaigns. Nevertheless, because of its public nature, public service broadcasting is naturally exposed to a wide range of pressures from political and institutional actors. While a certain degree of involvement by these actors is unavoidable in the sphere of publicly owned media, when state and party intrusiveness is particularly high it can become a threat to editorial independence.

This situation can prove especially worrying in those countries, like South Africa, in which a controversial tool such as political and electoral advertising is allowed on public television and in which public service broadcasting is highly politicised. In fact, if a broadcaster is heavily politicised, providing it with discretionary powers that enable it to decide what is or is not acceptable does not necessarily result in editorial independence. Although the broadcaster might act and deliberate within legal boundaries, it will not necessarily enjoy what Hanretty (2010) calls '*de facto* independence'.

Therefore, a prerequisite for editorial independence is structural independence from political parties and any other bodies who are potentially able to affect a public broadcaster's freedom. A scenario in which broadcasters enjoy a high degree of autonomy but are nonetheless strongly politicised may generate unclear and contentious situations in which suspicions and doubts about the broadcaster's impartiality and objectiveness are likely to emerge, especially, as will be shown, when the main opponents of the ruling party are directly affected by the broadcaster's decisions.

It is important to acknowledge that electoral advertising is a very particular, if not unique, form of political promotion. In this respect, if political advertising is to be allowed on national television, a 'light-touch' approach should be adopted in order to prevent state overregulation in the media sector favouring and fostering the establishment and development of self-regulatory practices. One of the most effective ways in which the state can affect the media is by trying to discipline the sector's activities minutely. A high degree of state intervention / intrusiveness in the media can have significant implications for, and pose serious problems for the degree of freedom and independence enjoyed by those who operate in that system (Hallin & Mancini 2004).

Light-touch regulation can, however, generate an equally blurred regulatory environment if it is not accompanied by the fulfilment of a second principle: *public accountability*, which is another element of public service broadcasting (Hoynes & Croteau, 2002). In this respect, as stated above, privately owned media have a natural tendency to try to attract the largest audience. This objective can (and often does) conflict with the necessity to deliver high-quality content. Although some argue that the media, irrespective of their nature, should aim to fulfil the public interest, private media are not (nor can they be expected to be) strictly accountable to the public.

The case is clearly different when it comes to public service broadcasters, who, ideally, are accountable to the general public. The justification for this principle does not only – and not necessarily – lie in the nature of the source of the network’s funding – not all public broadcasters are exclusively funded from the public purse, most of them rely on a mixed model, with the SABC drawing the bulk of its resources from commercial advertising and sponsorship (Tleane & Duncan 2003; SOS 2012).

The justification for PSB’s special regime of accountability is the process of democratic enhancement to which public television is called on to contribute. However, it is not sufficient to provide solid normative grounds in order for the principle of media accountability to be fulfilled, certain structures need to be established and certain procedures enforced for the mechanism of accountability to function correctly.

In this respect, in today’s democracies a key role is played by independent regulatory authorities such as Icasa, although, here again, the simple establishment of an authority does not guarantee editorial accountability. At least two minimum criteria should be met in order for these bodies to be credible: independence and effectiveness. In this respect, Icasa displays significant flaws.

The Freedom of Expression Institute (FXI) and SOS Coalition: Support Public Broadcasting highlight the institution’s particularly worrying dependence on the government for funding, administration, and the appointment of its members (FXI 2008; SOS 2012). Furthermore, its mandate is characterised by unclear provisions, which raise doubts about how effective it can be in discouraging illicit behaviour. Icasa does not have the power, prior to the submission of an advertisement to the licensee, to determine whether or not it meets the necessary requirements to be broadcast, this evaluation is left exclusively to the broadcaster. Icasa can only act in the capacity of a tribunal, to which the parties can resort should they believe that their rights have been violated and only after the advertisement has been submitted to (and rejected by) the broadcaster.

However, in this case too, the problem of the *tribunal’s* independence arises. Icasa’s strong degree of politicisation is likely to undermine the credibility and

legitimacy of its judgements, especially when they favour the ruling party. Therefore, it is paramount for its impartiality and accountability to be guaranteed if political and institutional actors are to maintain credibility as public servants.

THE BANNING OF THE DA AND EFF ADVERTISEMENTS: IMPLICATIONS FOR EDITORIAL INDEPENDENCE AND PUBLIC ACCOUNTABILITY

According to section 57 of the Electronic Communications Act (2005), election campaigning in South Africa may begin in earnest when the president announces the date of the election. Although parties had already started campaigning for Election 2014 in early 2013, mediated political advertising only started in February 2014, when President Jacob Zuma gazetted the date of the elections.

The ANC, the DA and the EFF dominated the media space. According to research by Media Monitoring Africa, the three parties collectively enjoyed nearly 80% of the media coverage in the seven weeks leading up to the elections. Equally, most of the political advertisements flighted by broadcasters, including the SABC, belonged to these three parties. The DA launched its first televised advertisement, entitled 'Ayisafani iANC [the ANC is not the same]' on 8 April 2014. The advertisement turned the spotlight on police violence, with Mmusi Maimane, the DA's candidate for Gauteng provincial premier, saying, 'the police are killing our people', as a photograph of a police officer firing rubber bullets at two unarmed people is shown. The SABC banned the advertisement on the grounds that it incited violence against the police. The South African Police Service (SAPS) filed a complaint with Icasa, which was upheld, and the DA was ordered to remove the 'offending part' of the advertisement.

The second 'Ayisafani iANC' advertisement starts with Maimane saying, 'they tried to silence us but this is actually what they are afraid of', then focuses on job creation and the growth of the DA over the years. The SABC again banned the advertisement and the DA leader, Helen Zille, intimated that the reason for the ban was the statement 'they tried to silence us'.

The EFF advertisement, 'Now is the Time for Economic Freedom', comments on the mine workers killed by the police in 2012 at Marikana in North West province, the controversial road e-tolls introduced by the government in 2013³ and includes in the text the words 'destroy the e-tolls physically', and the saga

3 E-tolls, intended to fund a R20-billion highway upgrade programme, went live in Gauteng in December 2013 provoking a huge outcry from the public because they were introduced without public consultation. It is argued that SA National Roads Agency Limited and the government did not comply with the law when they introduced the system.

of the public funds improperly used by President Zuma for the renovation of his private residence in Nkandla in KwaZulu-Natal.⁴

The SABC banned the advertisement, which was due to be aired on 20 April, because it contravened section 4(12b) of Icasa's regulations on party elections broadcasts in that the advertisement contained words which were likely to incite unlawful, illegal or criminal acts. The section states that a PEB must not 'contain any material that is calculated, or in the ordinary course, is likely to provoke or incite any unlawful, illegal and criminal act, or that may be perceived as condoning or lending support to any such act'. Both the DA and the EFF lodged complaints with Icasa's complaints and compliance committee, which ruled against the airing of the advertisements unless they were amended to remove the 'offending' text.

THE SABC, EDITORIAL INDEPENDENCE AND ELECTORAL DEMOCRACY

It goes without saying that public broadcasting plays an important role in promoting electoral democracy. This role can only be effectively realised when the broadcaster has editorial independence. In the case of the SABC, editorial independence is compromised by both its legal structure and its funding model. The Broadcasting Act converted the SABC into a public company in 2004, making the state, through the Minister of Communications, the sole shareholder in the corporation. The same Act also created 'public' and 'public/commercial' divisions within the SABC aimed at ensuring financial viability, with the commercial wing cross-subsidising the public wing (R2K 2011). In reality however, both wings of the SABC rely heavily on advertising. The legal structure and funding model means that the SABC is caught between state and commercial interests.

Over the years, the editorial independence of the corporation has been questioned in relation to cases such as the 2006 'blacklisting saga',⁵ the last minute cancellation of an interview by Metro FM in 2009 with three political commentators, the banning of a fast food advertisement depicting the polygamous arrangement of President Zuma and his family, the refusal by the SABC to show a documentary on political satire featuring cartoonist Jonathan Shapiro (known

4 The Nkandla Saga (or Nkandlagate as the media have termed it) refers to the so-called security upgrades at President Zuma's private residence. The country's public protector found that the president had spent more than R200-million of taxpayers' money on the upgrades.

5 In 2006 the *Sowetan* broke a story alleging that the SABC was blacklisting the use of certain journalists and commentators because they were perceived to be unfriendly to then President Thabo Mbeki. The SABC denied the story, but John Perlman, presenter at the time of the *AM Live* current affairs show on SABC station SAfm, confronted the SABC spokesperson, Kaizer Kganyago, on air, confirming that a ban did, indeed, exist. Dali Mpofu, then GCEO of the SABC, appointed an independent commission of inquiry to look into the matter. The commission confirmed some instances of blacklisting and self-censorship.

as Zapiro), the canning in 2013 of the current affairs programme 'Big Debate', the instruction to news staff to not report the booing of President Zuma at the Nelson Mandela memorial event in Gauteng and the failure to flight a pre-recorded interview with Jonathan Shapiro. All these cases seemed to bolster the perception that the ruling party interferes with editorial decisions at the SABC.

The banning of the DA and EFF advertisements once again focused the spotlight on the SABC, but it also draws attention to the role of the public broadcaster in an electoral democracy. A public broadcaster has an obligation to ensure that the public receives adequate information during an election through, news and current affairs programmes, special election programmes, direct access political broadcasts and commercial political advertisements.

It is important to note that the three banned advertisements dealt with critical issues – the Marikana Massacre of 2012, increasing police brutality, the imposition of e-tolls and the Nkandla case. These issues had dominated South Africa's political landscape for some time and the SABC as a public broadcaster should have ensured that the general population had access to a broad spectrum of views on issues of public concern and should therefore have allowed a vibrant debate on these issues in the run-up to the election. According to the MMA's preliminary report on the 2014 elections, the SABC gave four reasons for banning the advertisements:

- 'It is our view that the reference in your television advertisement to police killing our people is cause for incitement to action against the police services.
- 'The Electoral Code of Conduct includes a clause prohibiting the publication of false information about other candidates or parties. We believe this can also be extended to information that has not yet been tested and confirmed in a court of law, such as the allegations in your advertisement regarding the Nkandla matter.
- 'The Code of Advertising Standards Authority of South Africa does not permit attacking another product to promote your own. The ASA does not have jurisdiction over political advertising permitted during the Election Period, but it is our view that the Complaints and Compliance Committee of Icasa, which then assumes jurisdiction, is most likely to apply the same principle.
- 'We are also of the view that the SABC will not permit personal attacks on any party member or leader by any other party, as is being done in your advertisement in respect of President Jacob Zuma. We do not have any concern about generic statements regarding matters such as corruption or lack of service delivery, but do not believe that

it is correct to pin such issues on any specific person, whether the President or anyone else.'

From these reasons it is clear that the SABC had no solid ground for banning the advertisements. In terms of Article 19 of the South African Constitution, 1994, any restrictions on freedom of expression

must be necessary and, given the fundamental importance to a democratic society of free political debate during election campaigns, this implies that an election broadcast may be subject to prior censorship only where it is virtually certain that the broadcast would cause immediate, irreparable and substantial harm.

In respect of the second and fourth reasons, political parties are inclined, due to their nature, to promote partisan views which are characterised by strident tones, particularly during election campaigns. Such views are sometimes likely to result in attacks on political opponents. This is one of the forms in which today's democratic discourse unfolds in advanced democracies, as negative campaigning is conceived of as one of the ingredients of political pluralism.

For example, in the US, a country in which political advertising is one of the primary tools of political promotion, all political parties make use of negative campaigning. The first and third reasons are highly speculative, have no basis in law and give the impression that the SABC is protecting state institutions and the presidency. In its Election Guidelines, adopted in 1999 and used in all subsequent elections, the SABC states that it has 'a primary responsibility to ensure that the needs, questions and concerns of ordinary citizens are covered fully in its broadcasts' and that it will not 'shy away from robust debate on controversial issues'.

PUBLIC ACCOUNTABILITY IN QUESTION: A CRITICAL LOOK AT THE RELATIONSHIP BETWEEN ICASA AND THE SABC

The SABC is accountable to the public through its board of governors and Icasa. The regulator's role is to keep the SABC in check and evaluate whether the broadcaster is fulfilling its public service responsibilities and complying with its charter. The role of Icasa in general elections is articulated in the ECA and includes the promotion of an environment of open, fair and non-discriminatory access to broadcasting services to ensure that a diverse range of sound and television services are provided and developed nationally, regionally and locally.

Icasa's decision to uphold the ban gives the impression that the regulator is shielding the SABC and deferring to political authority (Duncan 2014). While the ruling was technically correct as per s 4(12B) of its regulations and the advertisements amounted to what might be termed 'negative campaigning', the SABC's decision to ban them and Icasa's ruling undermine the freedom of expression guaranteed in the Constitution and remove the opportunity for robust debate expected during elections.

While all parties sign and agree to abide by a code of conduct set out by the Electoral Commission of South Africa (IEC) this should not mean that robust debate and strong views should be discouraged. Indeed, it is during an election period that politicians are more likely to be more strident in their views and critiques of parties. It is during this time that citizens expect to hear political parties asserting and putting their views and policies forward, yet the SABC removed the ability of voters to decide for themselves whether to accept or dismiss the opposition parties' criticism (MMA Press Statement 2014).

Icasa's regulatory oversight of the SABC has been questioned in the past. Govenden (2009), in a study of the authority's effectiveness in its regulation of the SABC, found that Icasa had adopted a regulatory practice that could be considered 'silent', especially in cases of editorial bias towards those in authority and controversial practices like the 'blacklisting' saga mentioned above. Icasa's institutional weakness and lack of independence are among the factors that hinder its ability to regulate the SABC effectively (Govenden 2009 Moyo & Hlongwane 2009; Fokane & Duncan 2002).

TENSIONS IN MEDIA ELECTORAL LAWS AND SUGGESTIONS FOR REFORM

Icasa's decision brought into sharp focus the contradictions and tensions among the various electoral laws in South Africa. While the Electoral Code of Conduct serves as a basis for promoting tolerance by ensuring 'a public commitment that everyone has the right to freely express his or her political beliefs, to challenge and debate the political beliefs of others, and to freely canvass and campaign', the Icasa elections regulations undermine free speech by including broad provisions on incitement to violence. In relation to this, Duncan (2014, n.p) states:

Icasa's regulations, and their recent application, demonstrate that the broadcasting framework is not really designed to facilitate electoral competition: If it was, then it would be much more accommodative of the kind of 'cut and thrust' speech that is usually the stuff of competitive elections.

In addition, Duncan states that, in the case of the DA advertisement, the photograph of police shooting rubber bullets at a protestor had been published before and did not incite violence against the SAPS. Similarly, the EFF's call to destroy e-tolls had been in the public domain since 22 February, when the party's election manifesto was launched, and no violence had resulted from the statement.

A close look at the regulatory framework of PAs and PEBs reveals a considerable imbalance between the nature of the duties by which broadcasters and political parties are required to abide. Broadcasters may reject PAs provided they supply written reasons for doing so. On the other hand, political parties that intend to broadcast an advertisement 'must ensure' that the proposed advertisement does not 'contravene the provisions of the Electoral Act, the Electoral Code, the Constitution, the [Electronic Communications] Act and the Broadcasting Act' and does not incite or provoke unlawful or illegal acts. However, while it is clearly stated which codes and pieces of legislation the political parties should be careful not to contravene, there is no clear indication of how political advertisements should be shaped in terms of form and content.

On the one hand, the lack of more specific guidelines might be intended to provide the parties with the freedom to choose how best to promote their political platform. On the other hand, in doing so, the law gives the broadcasting service licensees a significant amount of discretionary power, enabling them to decide if and to what extent an advertisement complies with the abovementioned provisions and principles and, ultimately, whether or not to broadcast it.

It is not surprising that a normative framework that displays these characteristics is more likely to lead to controversy among the parties when a political advertisement is rejected. The degree of contentiousness is particularly high in South Africa because the country's political spectrum is characterised by an imbalance between the parties as a consequence of its one-party-dominant structure. This is probably the primary reason why the question of the way the television representation of political parties is dealt with is especially crucial.

Understanding the way in which such representation is managed can certainly be helpful in shedding light on how election campaigns are run in today's South Africa. Equally, it can contribute to a better understanding of the role of the media in shaping and influencing the balance of power between South Africa's institutional, political, and social actors.

In view of this scenario a number of elements should be taken into consideration if attempts are to be made in the future to reform South Africa's political and electoral communication structures and procedures.

Firstly, the decision in 2009 to allow the broadcasting of political advertising was a markedly liberal approach to electoral communication. However, if political advertising is to be allowed, the regulations should be shaped accordingly. As

observed above, advertising is a very particular form of political promotion and during elections parties are likely to promote partisan views and attack political opponents. It is therefore suggested that a lighter-touch approach be adopted, allowing political parties more freedom to determine the contents of their advertisements and avoiding automatically considering inappropriate forms of negative campaigning. Introducing light-touch regulation, however, does not necessarily imply adopting a *laissez-faire* approach, such as that in the US.

Secondly, while Icasa does provide a set of broad guidelines and instructions about how political advertisements should be structured, the implementation of the rules (as well as the decision whether or not to broadcast the advertisements) is entirely up to the broadcasters and Icasa may only be brought in when a dispute arises. It is suggested that the regulation that enables the licensee to decide whether or not to broadcast an advertisement be modified and that Icasa should retain the power to conduct an assessment prior to the advertisements being submitted to the licensees. In this way it might be possible to avoid controversies, as the suitability of an advertisement would be assessed beforehand by an impartial, independent party.

Thirdly, in order for the suggested reforms to be credible and effective, Icasa's independence and impartiality should be above suspicion. This is the main reason why, prior to undertaking any attempt to reform the procedure of submission, evaluation, and acceptance/rejection of political advertisements, it is necessary to reshape the provisions that currently regulate Icasa's appointments, administration, and financing.

CONCLUSIONS

The dawn of political television advertising in South Africa has brought new dynamics to election campaigning and has expanded the opportunities for political parties to communicate their message. While, over the years, South Africa has provided a model for public service broadcasting in the region, its independence is increasingly eroded by alleged cases of political censorship and financial mismanagement. The banning of political advertisements discussed in this article raises yet another spectre of censorship and there are indications that the country's media election laws, most specifically political advertising regulation, need to be reviewed. As we have shown, there are tensions and contradictions among the different laws in this field.

This article maintains that the extensively debated cases of the banning of the DA's and EFF's political advertisements cannot and should not be looked at as two unfortunate and isolated episodes. Rather, they seem to fit into a political scenario which displays a number of shortcomings in regard to two particular aspects: the effectiveness of regulation and democratic accountability.

With regard to the first, it should be noted that exceedingly intrusive and minute regulation does not necessarily result in an effective and virtuous system, especially when it comes to political/electoral advertising. Political advertising allows parties the possibility of freely disseminating and publicising their proposals by making use of the language and style of communication they consider most appropriate, and of bypassing journalistic mediation. The particular way in which it works means that political advertising is, by definition, unfit to be inserted into a detailed normative framework.

The complete absence of any mediation between politicians and constituency sets political advertising apart from other strategies of political promotion. For this reason state regulation should not be conceived as replacing journalists as a mediating agency in a crucial process within a country's democratic life, such as election campaigns. There is a need for further study of the regulation of political television advertising in South Africa. Secondly, it has been argued that the potentially beneficial effects that might derive from the adoption of a renewed regulatory framework could be nullified if reforms in regulation are not accompanied by a profound rethinking of the governance and procedures of the SABC – a process that would be essential to the effective implementation and functioning of the mechanism of democratic accountability.

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THE IEC AND THE 2014 ELECTIONS

A Mark of Institutional Maturity?

Mcebisi Ndletyana

ABSTRACT

South Africa's election management body, The Electoral Commission of South Africa (IEC), faced an unprecedented situation in the run-up to the country's fifth elections. Its chairperson, Pansy Tlakula, was found to have behaved in a manner unbefitting an electoral commissioner. Her misconduct raised concerns about whether or not the IEC would manage the elections impartially. These concerns, together with the prescribed censure for conduct unbecoming of a commissioner, led to a clamour for her removal. The proximity of the elections, however, militated against the resolution of the saga, leading to Tlakula staying on to oversee the elections. This article looks at whether the imbroglio had an impact on the reputation of the IEC. To make this determination, the article draws on survey findings about the IEC's administration of the elections. Part of the spotlight falls on how the responsible institutions, particularly Parliament and the courts, handled the problem. The article employs an institutionalist theoretical framework to explain its conclusions.

INTRODUCTION

Since South Africa's inaugural democratic elections, in April 1994, the management of the country's elections has been largely seamless. The novelty of the first elections and the inadequate preparations, occasioned by the haste with which the election was organised, all combined to give the new South Africa a tumultuous electoral debut. Since 1994, however, there have been massive improvements in election management. The improvements derived largely from the establishment of a permanent, fully-staffed electoral management body, the Electoral Commission of South Africa (hereafter referred to as the IEC),¹ sufficient time allowed for pre-poll preparations and the creation of the requisite infrastructure and facilities to run elections.

¹ The commission's documents and staff continue to refer to the organisation as the IEC, which is the abbreviation that applied to its predecessor, the Independent Electoral Commission.

The period leading up to the May 2014 election, however, bucked what had become a post-apartheid trend. During that time the IEC was mired in a controversy that threatened to explode into public protests. The dispute, which involved the chairperson of the commission, Pansy Tlakula, was sparked by her relationship with a businessman, Thaba Mufamadi, a member of Parliament (MP) representing the governing African National Congress (ANC) and chairperson of Parliament's finance portfolio committee.

The matter was referred to the Public Protector, Thuli Madonsela, who, in her report, suggested that Parliament should censure Tlakula, a measure that might result in her removal from office. Some opposition parties actively demanded her removal, citing concerns that, because she had demonstrated bias in a business transaction, she might behave similarly by using her influence over the commission to the advantage of the ANC.

The article focuses on this saga and examines two related issues: the handling of the complaint by the responsible public institutions and its general impact on the public perception and credibility of the IEC. The article tracks the parliamentary process that was initiated to probe and recommend a remedy to the complaint, to its referral to the Electoral Court and to the result. The intention is to discern what the handling of this challenging episode says about South Africa's public institutions and public culture. In doing so, the article shines a spotlight on the specific lessons learnt from the saga and on their impact.

The article also probes whether or not the imbroglio impaired the credibility of the commission. The evaluation is based on recent survey findings, which are compared to previous findings to discern whether there is any demonstrable difference in public perceptions of the IEC and its management of elections. The survey findings are explained using an institutionalist theoretical framework, to account for the commission's current standing in public opinion and, most importantly, for how it fared in the management of the May 2014 elections.

The author relies largely on primary data drawn from official documents gathered from the various public institutions, including the courts and Parliament, which were involved in resolving this saga, as well as from an interview conducted with one of the key opposition party leaders. Secondary literature is used to provide further context and clarity to the analysis and conclusions drawn from the empirical data.

The article is structured in four parts. The first outlines the scandal that engulfed the IEC, the second focuses attention on the concerns of the opposition parties, especially as they relate to the indifferent manner in which the ANC-dominated Parliament addressed the matter. In the third part, the article examines the survey findings on public perceptions of the IEC. The fourth and last part explains the survey findings, with a particular focus on how we should understand the IEC as an institution.

ANATOMY OF THE COMPLAINT AND INVESTIGATIVE OUTCOMES

The complaint against Tlakula involved a lease contract worth R320-million, signed in June 2010 with a property company, Abland, for the IEC's new headquarters, following the expiry of its lease at 260 Walker Street, Sunnyside, Pretoria. The commission moved into the new premises on 13 September 2010 and the building was renamed Election House. It is located within the Riverside Office Park at 1303 Heuwel Avenue, Centurion, Pretoria (Office of the Public Protector 2013).

A report of possible impropriety in the issuing of the lease contract first surfaced publicly in April 2012 in a Sunday newspaper, *City Press*, in an article titled, 'IEC's offices partly owned by the boss's business partner' (*City Press*, 28 April 2012). The allegation itself had been brought to the attention of the Public Protector, Thuli Madonsela, more than six months earlier, on 15 October 2011 by the president of the United Democratic Movement (UDM) and member of Parliament (MP), Bantu Holomisa, who had received the information from a whistleblower within the IEC.

The allegation was that Tlakula had influenced the tendering process in order to benefit Abland. What connected Tlakula to Abland was her business relationship with Thaba Mufamadi, her business partner in another company, Lehotsa Investment. Mufamadi has a shareholding in Abland through another company, Manaka Property Investment. Of particular concern in relation to Tlakula was that Mufamadi was a senior MP representing the governing party, the ANC.

Because of her position as chairperson of the commission, Tlakula's association with an MP of the governing party raised concerns that she might use her position to benefit his party. In a memorandum addressed to the commissioners and forwarded to the Office of the Public Protector on 27 July 2012, a group calling itself 'Concerned Electoral Commission Employees' expressed concerns:

That the trust and respect that South Africans, political parties and the rest of the world have put on us the Electoral Commission is now at stake. One of the questions that may be asked is, if a high profile member of a political party especially ruling party pulls strings of the Chairperson and the face of an organization like the Electoral Commission what is that the party will get from that organization? The much talked-about 'treating all parties equally, impartially and independence issues' of what the Electoral Commission has been known for all the years of its existence are undoubtedly compromised.

That the authenticity and integrity of the work that we do, is likely to start raising questions such as why political party 'A' is winning or losing or that IEC has rigged the election and so on.

We have never before been associated with such questions, but the new developments will undoubtedly make us counted amongst other Election Management Bodies that no longer care about such questions and doubts.

Another fear or concern is that our leaders: Councillors, MPLS, and MPs walk with pride wherever they go as the whole world have never doubted their election which is the phenomenon we see in other countries, particularly in Africa.

cited in OPP report 2013, pp 27-8

Subsequent investigations by the Office of the Public Protector (OPP) and later an audit firm, PricewaterhouseCoopers (PwC), validated the allegation of impropriety on Tlakula's part. For her part, and after more than two years of investigation, Madonsela found that Tlakula was biased both in the manner in which she handled the process and in how she drew up the specifications for the bids, with the clear intention of benefiting Abland.

Firstly, Tlakula had rescinded the original decision of the commission² to award the contract to Menlyn Corporate Park. In doing so, and acting in her capacity as CEO, Tlakula declared that the original process had been carried out improperly. She correctly pointed out that the tender had never been opened up to competitive bidding, but that Menlyn had been invited to make a presentation, based on which it was then appointed. In cancelling the initial award Tlakula was supposedly rectifying a flawed process. She then committed to steering the new tendering process correctly. What followed, however, as the OPP subsequently uncovered, was an even more irregular process.

The initial sign of irregularity was that the application process was unusually short. The bid was advertised for fewer than the required minimum of 14 days stipulated in the IEC's procurement policy. Interested parties had no more than 11 days (7 working days) within which to submit their proposals. Moreover, the advertisement was only placed in newspapers, not in the *Government Tender Bulletin*. Regulations require that such advertisements be placed in the *Bulletin*.

2 The commissioners at the time were Brigalia Bam, Thoko Mpumlwana, Fannie van der Werwe, Herbert Vilakazi and Judge Herbert Msimang.

Abland received preferential treatment from the moment it submitted its application. One of many examples of favours extended to Abland uncovered by PwC's forensic investigation was the fact that the method of Abland's submission did not follow the proper channels. Instead of being physically submitted and posted in the tender box, the submission was emailed. This means it might not even have arrived on time. Two other incidents cited in the forensic report, which was concluded on 14 December 2013, but only made public on 18 March 2014, deserve specific mention.

Firstly, Stephen Langtry, a manager in the CEOs Office, misrepresented the contents of a bid from Kwela City, both in terms of the size of the office space that would be allocated to the IEC and the rental fee. Their bid stated that their premises had a total of 27 000 square metres and that 9 000 of that would be allocated to the IEC as per its requirements. In evaluating the bids, however, Langtry did not make that distinction. Rather, he wrote that Kwela had the entire 27 000 square metres available for the IEC, which made the premises too big for the commission's requirements. Langtry also entered Kwela's rates incorrectly as R116.28 per square metre, instead of the real R102 per square metre with generator or R105 per square metre without generator.

Secondly, the commission wanted 1 April 2010 to be the occupation date, and companies such as Kwela City that stated a date beyond that were disqualified. Yet, once it had been shortlisted and called to make a presentation, Abland changed the occupation date from 1 April to 1 August 2010 and the change did not disadvantage it. Its competitor, Menlyn Park, lost out even though it gave as occupation date 1 April 2010, as required (PwC Forensic Investigation, 14 December 2014).

One reason why it was possible for Tlakula to prejudice others in favour of Abland was that she was in charge of the entire tender process. Whereas the three phases of the process – bid specification, evaluation and adjudication – were often differentiated, in this particular case they were all centralised in the CEO's office. Evaluation of bids and short-listing, for instance, was undertaken by Langtry, a manager in the CEO's office. The presence at the evaluation meeting of other senior managers, such as the two deputy CEOs and the communication manager, made no difference. They endorsed Langtry's evaluating sheet, with all its inaccuracies. This suggests that they had not even read the original submissions, but took Langtry, evaluations at face value.

The Public Protector, therefore, concluded that a conflict of interests led to Tlakula committing irregularities that amounted to misconduct. According to the Electoral Act such an offence constitutes sufficient grounds for removal from the commission. Madonsela did not prescribe the nature of the punishment, instead she suggested that the Minister of Finance institute a forensic investigation to probe the matter further, that the speaker of the National Assembly advise the

president on a course of action and, most importantly, and according to the founding legislation of the IEC, the her report be referred to the Electoral Court for a decision. Only the Electoral Court can preside over a dispute involving a commissioner and recommend to the president what the punishment should be.

PARLIAMENTARY HEARINGS

The events that followed the Public Protector's report proved quite instructive and set a precedent. For not throughout the 20-year history of South Africa's democracy had a commissioner faced possible removal from office due to misconduct. Because of the novelty, and also due to self-interest, numerous and contrasting interpretations were proffered about what should happen.

Following the Public Protector's recommendations about remedial actions, the speaker, Max Sisulu, constituted an ad hoc committee whose purpose was to study the report, deliberate over its recommendations and advise Parliament what to do. The committee, made up of 12 MPs, seven from the ANC and five from opposition parties, sat for just over a month, from 19 September to 24 October 2013. An ANC MP, Lewellyn Landers, was elected chairperson (Parliament: Ad Hoc Committee September 2013).

Once the ad hoc committee had been constituted and its mandate explained, it got down to the gist of its assignment. But MPs were unclear about the application of the IEC law to the Tlakula case, or the powers of Parliament vis-à-vis the OPP's recommendations. DA MP James Selfe, for instance, sought clarity from legal advisors on whether the Electoral Court had jurisdiction to deal with the matter. The uncertainty stemmed from the fact that Tlakula had committed the misdemeanor in her capacity as CEO, not as a commissioner, over whom the Electoral Court is explicitly empowered to preside in the instance of irregular conduct. At issue here, in other words, was whether or not the court could look into a case of impropriety committed by a commissioner whilst employed as CEO. This would turn out to be Tlakula's defence as well, as discussed further below (Parliament Ad Hoc Committee October 2013).

Another MP, Koos van der Merwe of the IFP, wanted to know whether the committee could overturn the recommendations of the OPP in a manner 'similar to [that of] an Appeal Court'. The question was apt, as it related to the nature of the advice sought from the committee. To some degree, this also spoke to the powers of Parliament in relation to the OPP's findings. Was its advice to be limited purely to procedure, or could it extend to overturning the substance of the findings. There was no precedent to guide the committee.

Equally worth noting is the way the committee handled the matter. It not only relied on the OPP's report and on parliamentary legal advice, it also called

on the implicated party, Pansy Tlakula; the Public Protector, Thuli Madonsela, and on some of those who had been commissioners during Tlakula's tenure as CEO, namely Brigalia Bam and Thoko Mpumlwana, to appear before it. Tlakula was called to give her version of what had happened and to defend herself against the OPP's findings, Madonsela to provide clarity on her findings, and the former commissioners to explain parts of the report the MPs found unclear. This procedure was critical as it set a precedent for the way Parliament could handle future OPP reports (Parliament: Ad Hoc Committee October 2013).

Tlakula's testimony deserves special mention because it provides a useful background to the conclusions of the committee as well as to the subsequent findings by the Electoral Court. It revolved primarily around her powers as CEO, a definition of conflict of interests and the powers of the Electoral Court vis-à-vis disputes relating to commissioners (Tlakula, October 2013).

On the issue of the powers of the CEO Tlakula argued that, as the accounting officer, she was empowered to take decisions if she considered it necessary to expedite the work of the commission. In this particular case she had believed that the commission had insufficient time to follow the usual process stipulated for tenders because it had to find new premises in time to start preparing for the 2011 local elections. That was the reason, as noted above, that she had decided, among other things, to shorten the period allowed for submission of bids.

Tlakula denied any conflict of interests, asserting that her business relationship with Mufamadi related to Lehotsa Investment (Pty) Limited, in which she is a co-shareholder and director. That relationship did not extend to Manaka, the company that holds a share in Abland. Because she was not part of Manaka, Tlakula insisted that there was no conflict of interests on her part.

Tlakula's contested the finding on the conflict of interests on the basis that she had not benefited financially as a result of Abland getting the lease contract. That, she maintained, was another reason why she had not thought it necessary to disclose the business relationship to her colleagues when they were processing applications for the lease.

As for the powers of the Electoral Court, Tlakula raised the same matter that had perplexed the MPs, maintaining that it was clear that the Electoral Court had no jurisdiction over the actions of the commission's CEO. Although she was now a commissioner, the allegation related to her tenure as CEO and therefore the court had no right to hear the matter – the only body that had the right to hear the matter was the previous commission, whose term had expired (Tlakula, October 2013).

Despite the fact that she maintained her innocence, she did not want the case to be referred to the Electoral Court but insisted that the matter be settled on a technicality.

The legal opinion sought by the ad hoc committee concurred with Tlakula. Essentially, it advised that there was nothing that either Parliament or the court could do. The lawyers believed it was inappropriate of the OPP to instruct Parliament what do: '... the Public Protector is not authorized to dictate to the Speaker as to how to conduct parliamentary affairs as this would infringe upon the principle of separation of powers and the rule of law.' Moreover:

... the National Assembly is not legally empowered to refer the Public Protector's Report to other forum, including the Electoral Court, as this would impede on the independence, dignity and effectiveness of the Office of the Public Protector. Such conduct would offend the doctrine of legality and might expose the National Assembly to successful judicial challenges.

Ad Hoc Committee, October 2013, p 2

Even if the OPP had such referral powers, 'the Electoral Court lacks jurisdiction to investigate the current Chairperson'.

The committee ruled that Parliament could not follow the OPP's recommendations for remedial action and that the electoral commission and Treasury should 'complete the actions in which they are currently engaged in pursuance of the "Remedial Action" recommended by the Public Protector in this Report in so far as is legally permissible' (Ad Hoc Committee, October 2013, p 3). Parliament thus absolved itself of responsibility for the matter, discouraged any thoughts of referring it to the court and provided no guidance about what Treasury and the IEC could do once the forensic investigation was concluded. The matter seemed poised for stalemate, if not to disappear completely.

Parliament's decision added to the suspicion of connivance between the ANC and Tlakula. The Public Protector's findings that Tlakula had unfairly awarded a lease contract to a senior ANC MP was sufficient to create doubt about the IEC's credibility. This is clear in the abovementioned memoranda written by IEC staff. Parliament's decision not to act smacked of an attempt to protect Tlakula. It appeared even more so when Treasury sat on the findings of PwC's forensic investigation. PwC submitted the report on 14 December 2013. But Treasury released it to the public much later – on 14 March 2014. Even then, Bantu Holomisa maintains that opposition parties forced Treasury into releasing the report. Without their constant pressure, Holomisa believes, Treasury would not have done so.³

To Holomisa, Treasury's behaviour only served to heighten suspicions of collusion between the governing party and the chairperson of the IEC. Accordingly,

3 Interview with the author, 25 August 2014.

together with other opposition parties,⁴ Holomisa called for Tlakula's resignation. If she continued in her position, they argued, the impartiality of the IEC would be in question. The ANC and the official opposition, the DA, opposed the call, saying it would disrupt preparations for the election, which was scheduled for 7 May 2014.

The other four commissioners disagreed, however, insisting that the commission would operate perfectly well without its chairperson. They accepted the remedial action recommended by the Public Protector and insisted that they be implemented. One of the commissioners, Raenette Taljaard, while lauding the parliamentary probe into the OPP's report, expressed dismayed that the process had got that far. She maintained that the appointment of commissioners rested 'on the tacit assumption that IEC Commissioners be people of honour and integrity who would resign if found wanting' (*Mail & Guardian*, 11 October 2013). IEC employees were a lot more direct than Taljaard in their call for Tlakula's resignation. Citing concerns that the credibility of the IEC might be dented by Tlakula's continued stay at the commission, they threatened to strike if she did not resign (*Mail & Guardian*, 11 April 2014).

The contrasting stances of the various political parties are worth noting. At one level, the fact that there were varying interpretations of the law was not unexpected. Neither Parliament nor the courts had ever had to take a decision about the possible removal of an electoral commissioner. The reasoning advanced by the majority party and the official opposition, however, suggested a reluctance to even have the court rule on the matter. Yet there was no harm in following that course of action. If, indeed, the Electoral Court was not empowered to preside over the case, it would simply have said so. But, they didn't even want the process to get to that point.

Concerns that court proceedings involving the chairperson of the commission might disrupt elections did not hold either – elections are run by IEC employees, dispersed throughout the country. The other four commissioners disputed the possibility of disruptions and were keen to have the saga brought to an end.

The source of the reluctance to proceed appeared to lie elsewhere and, in the case of the DA, it is not clear what that source was. With respect to the ANC, however, it is probably that the reluctance was influenced by the party's attitude to Thuli Madonsela herself. Her report was issued at the height of a vitriolic campaign launched by the party-in-government to deligitimise the Office of the Public Protector, accusing Madonsela of malicious attempts to discredit Jacob Zuma's administration. Members of the ANC even hurled insults at her person, ridiculing her looks (see *Cape Times*, 26 August 2013).

4 The other parties were: the Economic Freedom Fighters, the African Christian Democratic Party, Agang SA and the Congress of the People.

The cause of the vitriol was her findings that President Zuma had benefited personally from state expenditure on his rural homestead, Nkandla. Madonsela had found that, in improving security at the president's private home, the state had spent close to R250-million, some of it on items that were not related to the safety of the president. These included a swimming pool, landscaping, a chicken run, a cattle kraal and a reception area within the house. Madonsela recommended that the president reimburse what was spent on items that were intended for his personal comfort and that of his family (OPP March 2014).

Parliament's handling of the OPP's report, therefore, did not lift the cloud of suspicion that was hovering over the IEC. This was not ideal for an election management body. If the outcome of an election is to be credible, the standing of the IEC must be above reproach.

FREE AND FAIR ELECTIONS: PREREQUISITES

Independence is critical to the integrity of an election management body and bestows credibility on the election results. Maphunye (2010, p 61) compares the role of an election management body to that of a referee 'who protects both players and teams against bias, fraud, or any illegal activities likely to compromise the game'. For a post-conflict society such as democratic South Africa, the integrity of an electoral commission is particularly important. Because of the country's history of conflict and the relative newness of the democratic dispensation, trust has not been easy to build. Co-habitation is fairly new, following centuries of racial segregation and animosity. And political parties have not been working together for long enough to consolidate trust in one another.⁵

Recognising the absence of trust in South African institutions, the drafters of the Constitution were particularly emphatic about ensuring the independence of the election management body. For instance, elections are generally administered in one of three ways: independently, by the state, or a combination of the two. The latter entails, among other things, the appointment of independent commissioners to assume a supervisory role, while the actual administration is left to the state. Post-apartheid South Africa opted for an independently administered electoral process. Both commissioners and the bureaucracy of the commission are independent of the state.

The independence of the commission is assured in four ways: constitutional guarantees, the profile of the commissioners, the selection process and financial control.

5 The following paragraphs in this section are drawn from a book chapter titled: 'The Making of the Independent Electoral Commission, 1993-1997' in Ndletyana (Forthcoming: 2015).

The fact that the Constitution asserts the independence of the commission obliges government, or any other party, to refrain from interfering with its operation. In instances where the institution suspects interference, it has recourse to the courts, which will rule in accordance with the law.

Commissioners, who may not be prominent in political organisations, are selected by an independent panel chaired by the chief justice and made up of the chairpersons of the six independent state institutions created by Chapter 9 of the Constitution to support constitutional democracy. Commissioners can only be removed from office on the recommendation of the Electoral Court because of misconduct, incompetence or incapacity. Parliament, in other words can neither appoint nor dismiss commissioners and the commission has complete control over its budget.

These provisions, designed to ensure that election results are accepted by all parties, secure the independence of the commission and its freedom from any political influence or association. But the standing of the body itself is just as critical in bestowing credibility upon the results.

Therefore, the concern that greeted the revelation of Tlakula's close relationship with a senior ANC MP and the fact that she consciously violated the law to award him a contract lease unfairly was not unjustified. If she could do him a favour which helped him to benefit financially, what else might she do?

JUDICIAL INTERVENTION

Following Parliament's decision that nothing could be done about Pansy Tlakula the UDM approached the Electoral Court. On 14 November 2013 Holomisa wrote 'seeking guidance' from the Court on:

- 19.1 whether Adv Tlakula and other senior IEC officials should be let off the hook and they be allowed to avoid taking responsibility for their transgressions.
- 19.2 whether Adv Tlakula is fit to be the Chairperson of the Commission.
- 19.3 which would be the correct body to preside over the matter

The court replied on 19 November, declining the request to offer guidance. But the refusal was not based on the merits of the case, it was based on a technicality. The acting president and chairperson of the Electoral Court explained that:

[t]he powers, duties and functions of the Electoral Court are stipulated in section 20 of the Electoral Commission Act 51 of 1996. Giving advice and guidance to potential litigants is not one of them. The Electoral

Court must operate within the four corners of the relevant statutory provision. To do otherwise could create an untenable situation and would compromise the adjudication powers vesting in the court to hear and determine matters brought before it. It has no powers outside those set out in the Act.

It is therefore suggested that you seek legal advice and guidance from Attorneys Advocates or other suitably qualified legal advisers.

Holomisa did not follow the advice immediately, but waited for PwC to complete its forensic investigation, which it did in December 2013. As stated above, the report, which was handed to Treasury, was only made available to the public in April 2014, at which point, about two weeks before the election, the UDM approached the Electoral Court again.

In her response to the UDM's application Tlakula changed her previous argument that the court could not preside over an allegation of impropriety committed whilst she was a CEO, but could only do so if she had committed the alleged wrongdoing in her capacity as a commissioner. Now, writing to the Court, Tlakula noted:

We submit that the Electoral Court is therefore empowered to make a recommendation to the National Assembly concerning the removal from office of a Commissioner, but only after the Electoral Court has investigated an allegation of misconduct, incapacity or incompetence against the Commissioner concerned.

Correspondence from Mkhabele Huntley Adekeye Inc, April 2014

Having admitted that the court could indeed hear the matter, Tlakula now merely objected to the UDM's argument that the court should hear the case urgently. If it were heard immediately, she argued, it would disrupt preparations for the May 2014 elections.

No good reason exists why the Chairperson of the Electoral Commission should be deflected from her duty to chair the Commission during the forthcoming national and provincial elections. In particular, the removal of the Chairperson from office at this juncture would place the functioning of the Commission in jeopardy. Decisions of the Commission, where not reached by consensus, have to be taken by a majority of Commissioners. Presently, the Commission comprises 5 members. An even number of Commissioners could result in a

deadlock, which is not envisaged or regulated by the Electoral Act or the Constitution

The role of the Chairperson, as one of a Commission of 5 members, is particularly crucial both during the elections and thereafter. In this regard we point out that, within 48 hours of the voting day, any interested party may lodge with the Commission an objection, in terms of Section 55 of the Electoral Act, 73 of 1998, that is material to the determination of the final results of the election. A decision on any such objection is a decision of the Commission. With only 4 Commissioners, the possibility of deadlock is real.

The court agreed that, given the proximity of the elections, there was insufficient time to conduct a proper investigation. It deferred the hearing to 4 June. On 18 June Judge Lotter Wepener handed down a 73-page judgement, stating, *inter alia*:

In my view, the respondent compromised the independence and integrity of the Commission to such an extent that her actions complained of constitute misconduct within the meaning of the Electoral Commission Act. It is conduct which renders her unsuitable for the office of a commissioner and destructive of the very values of the Commission.

This court recommends that a committee of the National Assembly adopts the facts, views and conclusions of the court and that it finds that the respondent has committed misconduct warranting her removal from office.

United Democratic Movement [UDM] and Others v Tlakula and Another, p 72

In other words, the judge set a precedent, ruling that commissioners might be punished for misconduct committed before they were appointed as commissioners. According to the judge, the IEC Act insists on absolute moral probity and thus seeks to prohibit a commissioner from behaving in a manner that places 'in jeopardy his or her perceived independence or *in any other manner* harms the credibility, impartiality, independence or integrity of the Commission (*UDM v Tlakula*, p 16). He further elaborated:

The conduct of the respondent, which may prove to be misconduct on her part, whether during the time after her appointment as

a commissioner or before, would constitute conduct which may harm the Commission ... What is important is the possible effect of the respondent's conduct on the independence, credibility and integrity of the Commission. It would, in our view, be artificial to say that misconduct which came to light after the appointment of a commissioner, which may have impacted on her very appointment – had it been known, and which could have disqualified her from office, cannot be investigated by this court.

UDM v Tlakula, p 16

Despite the scathing judgement, Tlakula refused to resign, choosing instead to appeal to the Constitutional Court to overturn the verdict of the Electoral Court. The Constitutional Court declined to hear the appeal, dismissing the application with costs and stating in its ruling: 'The Constitutional Court has considered this application for leave to appeal. It has concluded that the application should be dismissed, as it bears no prospects of success' (Constitutional Court, 13 August 2014).

PUBLIC PERCEPTIONS OF THE IEC: SURVEY FINDINGS

Surveys conducted by the Human Sciences Research Council (HSRC) since 1998 reveal that public trust in the IEC is fairly high. It was highest in 2009, with 72% of the population expressing trust, while the lowest rating was registered in 2000 at 49%. More people expressed trust in election years, especially in the case of national and provincial elections. From a low of 54% in the 1999 (national) election year, the percentage of people who trust the IEC rose to 69% in 2004 and 72% in 2009 (Roberts 2014).

At the time of writing the results for 2014 were not yet out, but a survey done on election day showed that a massive number of voters approved of the IEC's work. About 97% felt that the election procedures were free and fair and 97% were satisfied that their ballot was secret. Asked to rate IEC officials on different aspects of their services to gauge their efficiency substantive numbers of voters (between 73% and 85%) rated them positively on such aspects as professionalism, honesty, friendliness, helpfulness and knowledge of elections (Roberts 2014b). Based on these findings it is likely that the general survey for the year 2014 will prove that the institution continues to enjoy high levels of trust amongst a large majority of the population.

The fact that the results of the election-day survey suggest that the Tlakula saga did not impair the public image of the IEC raises the question of why this should be so. The answer is twofold. One relates the conduct of the IEC on the

day, the other to the IEC as an institution. As noted above, IEC staff performed in a manner that was perceived to be impartial. The second reason is that the way in which the IEC staff handled the scandal also had an affect on how people perceive the commission.

The fact that the information about possible wrongdoing came from a member of the staff and that the staff pursued the matter and called for action showed their determination not only to unearth wrongdoing but to have the culprit punished. More importantly, the members of the IEC defined Tlakula's misconduct as an anomaly within the commission, from which they wished to distance the IEC.

The whistleblowers were particularly worried about the stain Tlakula's transgression could leave on the commission, a sign that they have not only internalised the values of the commission, but also champion them.

The conduct of the IEC staff epitomises an organisation that has matured as an institution, which is more enduring than a mere organisation.

While institutions put into operation the laws upon which society is founded, compliance with institutional behaviour does not only stem from the laws, it draws on societal norms and values that define acceptable social behaviour. People within institutions then internalise this ethos (North 1991; Ostrom 1986).

Once a particular behaviour is repeated frequently it becomes habitual and requires less supervision or enforcement. People become self-regulating and deviant behaviour, because it is atypical of the institution, attracts disapproval from others. The conduct of the IEC staff, therefore, should be understood from the perspective of ingrained institutional behaviour.

Equally worth noting is that institutions reinforce each other. One institution cannot become vibrant if other similarly important institutions are weak (Hodgson 2003). The resolution of the Tlakula controversy had as much to do with the OPP, the media, opposition parties and the courts, as it had with the IEC staff. It took an opposition party to alert the OPP, which then investigated the complaint without any favour or prejudice. The media brought the saga to the attention of the public and followed the story closely, to its conclusion. The courts took up the matter and brought it to finality. Each of these institutions played a critical role in ensuring that the IEC has been able to rid itself of any elements that might compromise its work and reputation. It's quite possible that if any of these institutions was compromised the Tlakula saga would not have been resolved in a manner that reaffirms the integrity of the commission.

CONCLUSION

This article probed the way in which the recommendations of the Public Protector in relation to the chairperson of the IEC were handled by the responsible bodies.

Attention was paid to the various institutions that are authorised to handle a complaint against an IEC commissioner. The article also examined what the resolution of the IEC saga implied about the IEC as an institution and in terms of its public standing.

The maturation of the IEC as an institution is shown by the fact that staff have internalised its values and take pride in being part of the institution. They are therefore vocal in their defence of the commission and what it stands for. The fact that the Tlakula saga did not affect public perceptions of the IEC confirms that the commission has performed commendably over the years and has engrained itself, in public consciousness as a credible body. For this reason, an isolated act of impropriety failed to undermine its public standing. The behaviour of the staff also affirmed public confidence in the integrity of the commission.

The way the Tlakula saga was resolved is testimony to the vibrancy of other democracy supporting institutions. It took more than the Public Protector to bring the complaint to a conclusion. Opposition parties were instrumental not only in bringing the complaint to light, but also in seeing that it was resolved in the face of the reluctance of the governing party. The media kept the public informed and interested, which alerted the OPP to the importance of the matter. The courts not only provided a resolution, they set a precedent.

As a result, commissioners are not only held accountable for their behaviour while they are commissioners, their prior conduct is taken into consideration. If it is discovered after a person has been appointed to the commission that he or she has behaved in a manner unbecoming of a commissioner, he or she may be removed. The Electoral Court has raised the moral standards to which commissioners are held. This will go a long way towards ensuring that the commission is staffed with individuals of unquestionable moral standing and will thus enhance the integrity of the IEC.

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