



Published with the assistance of  
DANIDA and DFID



Order from: [publications@eisa.org.za](mailto:publications@eisa.org.za)



EISA ELECTION UPDATE SOUTH AFRICA Feb - July 2009

# ELECTION UPDATE SOUTH AFRICA

## February - July 2009



— EISA —

# **ELECTION UPDATE**

# **SOUTH AFRICA**

**February - July 2009**



Published by EISA  
14 Park Road, Richmond  
Johannesburg  
South Africa

P O Box 740  
Auckland Park  
2006  
South Africa  
Tel: +27 011 381 6000  
Fax: +27 011 482 6163  
e-mail: [publications@eisa.org.za](mailto:publications@eisa.org.za)  
[www.eisa.org.za](http://www.eisa.org.za)

ISBN: 978-1-920446-29-1

© EISA

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of EISA.

First published 2010

EISA acknowledges the contributions made by the EISA staff, the regional researchers who provided the invaluable material used to compile the Updates, the South African newspapers and the Update readers for their support and interest.

Printing: Global Print, Johannesburg

# CONTENTS

---

## EDITORIAL

<b>Khabele Matlosa</b>	<b>1</b>
A Historical Overview of the South African Democratic Transition since 1994: Progress, problems and prospects for the 2009 elections <b>Rok Ajulu</b>	<b>3</b>
The Political Environment of Election 2009: Democracy and contestation <b>Susan Booysen</b>	<b>8</b>
South Africa: The State of democracy and its implications for 2009 Elections <b>Rok Ajulu</b>	<b>13</b>
The Workings of the South African Electoral System: Is the playing field level? <b>Dirk Kotzé</b>	<b>16</b>
The ANC and COPE: Fleeting phenomenon or substantive opposition? <b>Susan Booysen</b>	<b>21</b>
Party political contestation and configuration and configuration of power: Likely scenarios of the election outcomes <b>Dirk Kotzé</b>	<b>27</b>
South Africa Elections 2009: political party manifestos on electoral reform <b>Victor Shale</b>	<b>32</b>
Gender in the 2009 South African Elections <b>Gender Links</b>	<b>35</b>
Local Government, the 2009 elections and party manifestos <b>Maureen Maloi and Ebrahim Fakir</b>	<b>42</b>

## NO. 1, 13 FEBRUARY 2009

---

<b>Eastern Cape</b>	<b>45</b>
<b>Free State</b>	<b>47</b>
<b>Gauteng</b>	<b>49</b>
<b>KwaZulu-Natal</b>	<b>53</b>
<b>Limpopo</b>	<b>56</b>
<b>Mpumalanga</b>	<b>58</b>
<b>Northern Cape</b>	<b>62</b>
<b>Western Cape</b>	<b>64</b>

## NO. 2, 27 FEBRUARY 2009

---

<b>Eastern Cape</b>	<b>68</b>
<b>Free State</b>	<b>71</b>
<b>Gauteng</b>	<b>75</b>
<b>KwaZulu-Natal</b>	<b>80</b>
<b>Limpopo</b>	<b>85</b>
<b>Mpumalanga</b>	<b>88</b>
<b>Northern Cape</b>	<b>92</b>
<b>Western Cape</b>	<b>95</b>

**NO. 3, 14 MARCH 2009**

---

<b>Eastern Cape</b>	<b>99</b>
<b>Free State</b>	<b>102</b>
<b>Gauteng</b>	<b>104</b>
<b>KwaZulu-Natal</b>	<b>108</b>
<b>Limpopo</b>	<b>111</b>
<b>Western Cape</b>	<b>113</b>

**NO. 4, 14 APRIL 2009**

---

<b>Eastern Cape</b>	<b>116</b>
<b>Free State</b>	<b>118</b>
<b>Gauteng</b>	<b>120</b>
<b>KwaZulu-Natal</b>	<b>122</b>
<b>Limpopo</b>	<b>125</b>
<b>Western Cape</b>	<b>128</b>

**NO. 5, 30 APRIL 2009**

---

<b>Eastern Cape</b>	<b>130</b>
<b>Free State</b>	<b>132</b>
<b>Gauteng</b>	<b>135</b>
<b>KwaZulu-Natal</b>	<b>140</b>
<b>North West</b>	<b>143</b>
<b>Western Cape</b>	<b>144</b>

**NO. 6, 14 MAY 2009**

---

<b>Eastern Cape</b>	<b>148</b>
<b>Free State</b>	<b>151</b>
<b>Gauteng</b>	<b>155</b>
<b>KwaZulu-Natal</b>	<b>156</b>
<b>Limpopo</b>	<b>158</b>
<b>Western Cape</b>	<b>160</b>

**NO. 7, 30 MAY 2009**

---

<b>Eastern Cape</b>	<b>163</b>
<b>Free State</b>	<b>165</b>
<b>Gauteng</b>	<b>167</b>

<b>KwaZulu-Natal</b>	<b>168</b>
<b>Western Cape</b>	<b>173</b>

**NO. 8, 13 JUNE 2009**

---

<b>Eastern Cape</b>	<b>175</b>
<b>Free State</b>	<b>177</b>
<b>Gauteng</b>	<b>181</b>
<b>KwaZulu-Natal</b>	<b>184</b>
<b>Limpopo</b>	<b>187</b>
<b>Western Cape</b>	<b>189</b>

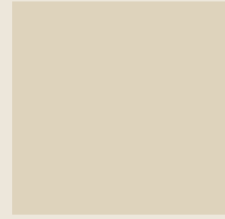
**NO. 9, 27 JUNE 2009**

---

<b>Free State</b>	<b>192</b>
<b>Gauteng</b>	<b>195</b>
<b>KwaZulu-Natal</b>	<b>199</b>
<b>Limpopo</b>	<b>205</b>
<b>North West</b>	<b>207</b>
<b>Western Cape</b>	<b>212</b>
<b>INDEX</b>	<b>215</b>



# ELECTION UPDATE 2009



## EDITORIAL

**Dr Khabele Matlosa** – Director of Programmes, EISA

EISA initiated a project aimed at producing a series of election updates covering the 2009 general elections in South Africa. These updates have now been gathered into the present volume, *South African Election Update: February–July 2009*.

Through the Election Update project, EISA compiles and disseminates information on various aspects of the elections throughout all three phases of the electoral cycle – namely, the pre-voting, voting and post-voting stages. The update provides relevant information around the electoral process and in that way promotes political dialogue among key actors, including civil society organisations, political parties, the election management body and monitors and observers.

The overall goal of the Election Update project is to provide useful information on elections regarding numerous issues emanating from the 2009 general elections in South Africa. The Update provides an in-depth insight into the election processes and gives an account of the extent to which democracy in South Africa has taken root after fifteen years of political transition and nation-building. This project is an attempt to take stock of how what has happened over the last decade of democracy in South Africa is going to be reflected and/or impact on the 2009 elections. The specific objectives of Election Update 2009 include the following:

- to contribute to voter education efforts that are aimed at promoting an informed choice by the electorate;
- to promote national dialogue on elections and in the process inculcate a culture of political tolerance; and
- to influence policy debates and electoral reform efforts through published material.

EISA has been involved in the previous elections in South Africa, especially since 1999. Its main involvement has revolved around promotion of public dialogue on the electoral processes; documentation and dissemination of important election-related information to facilitate an informed choice; and publishing of relevant information with a view to influencing debates, policy choices and electoral reform efforts. In fact, EISA participated fully during electoral reform efforts by the Presidential Electoral Task Team, which was led by Professor F. van Zyl Slabbert, and made substantive contributions during the various public dialogue events that followed between 2000 and 2003. By initiating this election update project, EISA continues its tradition of engaging with elections in South Africa to promote their transparency, integrity and credibility. Only with a clean election will South Africa be able to further deepen and institutionalise its stable constitutional democracy.

Since 1999, EISA has worked closely with other key stakeholders on elections. Firstly, EISA has worked closely with the Independent Electoral Commission (IEC) on a number of aspects including conflict management and voter and civic education. This was the case in respect of the 2009 general elections. Secondly, EISA has also worked closely with civil society organisations on voter education and election observation and monitoring. In particular, EISA and the South African Council of Churches Gauteng have co-ordinated the Gauteng Province on behalf of the South African Civil Society Election Coalition (SACSEC) since 1999. Although EISA collaborated with SACSEC in monitoring the election, it also deployed a regional observer mission to observe the elections. Thirdly, EISA has worked closely with political parties with a view to enhancing their capacity to effectively engage in elections, especially through campaigns and public outreach.

South Africa has been holding democratic elections on a regular basis since its historic political transition of 1994, which ushered in majority rule following decades of oppressive apartheid rule. The apartheid regime was dislodged through a combination of factors culminating in a negotiated political settlement that led to a government of national unity and subsequently the current government, which is



dominated by the African National Congress (ANC). Since its political transition, South Africa has held four democratic general elections (1994, 1999, 2004 and 2009). Local government elections are held separately and thus far the country has held three such elections (1995, 2000 and 2006). The next local government elections are due in 2011. The 2009 general election was the fourth time that South Africans were called upon to freely express their democratic right to choose their leaders who will run national affairs on their behalf for the next five years.

Given the political hegemony of the ANC, the political system in South Africa has evolved into a dominant party system in which the ANC has emerged as the ruling party under conditions of an enfeebled and fragmented opposition. The official opposition party, the Democratic Alliance (DA), has not been able to pose a serious challenge to the ANC dominance.

While the previous elections were interesting as a litmus test of the extent to which the country's democracy was being nurtured and consolidated, the 2009 election was even more fascinating given that political competition was even stiffer with the establishment of the Congress of the People (COPE) – a break-away splinter group from the ANC.

The big question was how COPE would cope with the ANC dominance and how much political weight the ANC would shed as a result of this opposition party. Whether COPE would eclipse the

DA as the official opposition in parliament was also of interest.

Although a total of 150 political parties registered with the Independent Electoral Commission (IEC), fewer parties contested the elections (especially at the national level).

In 2004, out of 75 registered parties, only 37 contested the election and even fewer contested at the national level. The IEC assured the South African electorate that it was ready for the April 22 poll. Registration of voters is a continuous process, so voters registered at IEC offices throughout the country. Over and above the continuous voter registration process, the IEC also embarked upon a deliberately targeted voter registration drive. In preparation for the 2009 poll, the IEC undertook two targeted voter registration exercises.

The first such exercise was undertaken between 8 and 9 November 2008 in which 1,648,189 new registrants were included on the voters' roll. It is instructive that 77.9 per cent of these new registrants were the youth, who are often considered apathetic and disenchanted with politics. The second voter registration exercise took place on 7 and 8 February 2009 throughout the country.

This edition of *South African Election Update* focuses on the institutional framework of elections, with the following special analytical chapters:

- A historical overview of the South African democratic transition since 1994;

- The political environment of Election 2009;
- South Africa: The state of democracy and its implications for the 2009 elections;
- The workings of the South African electoral system;
- The ANC and COPE: Fleeting phenomenon or substantive opposition?;
- Party political contestation and configuration of power: Likely scenarios of the election outcomes;
- South Africa Election 2009: Political party manifestos on electoral reform;
- Gender in the 2009 South African elections;
- Local government, the SA 2009 Elections and party manifestos.

We are profoundly grateful to our research associates who undertook the research and wrote these informative reports on electoral processes in their assigned provinces. Besides engaging the provincial research associates, EISA also commissioned work by four senior scholars and researchers: Professor Susan Booyesen of Wits University; Professor Rok Ajulu of UNISA; Professor Dirk Kotzé of UNISA and Ms Kubi Rama of Gender Links. We are also thankful to all the four senior researchers who worked on general issues relevant to the upcoming elections. Their contributions have greatly enriched this project. Last, but by no means least, we extend our gratitude to DANIDA and DFID for their generous financial support without which this project would not have seen the light of day.

# A HISTORICAL OVERVIEW OF THE SOUTH AFRICAN DEMOCRATIC TRANSITION SINCE 1994

*Progress, problems and prospects for the 2009 elections*

**Rok Ajulu – UNISA**

FIVE YEARS have passed since South Africa's third democratic elections in 2004. Thus, in keeping with its constitutional provisions, it is election time once more in South Africa, and a historic one at that. Historic because the country is going to the polls for the fourth time to reinforce a democratic tradition launched since 1994 and to strengthen embryonic democratic institutions, and to demonstrate that South Africa is indeed on its way to consolidating democratic gains over the last 15 years.

More significantly, it is historic because the recent 'war of attrition' around succession in the leadership of the African National Congress (ANC), the dominant ruling party in South Africa, a contestation which led to the defeat of the incumbent, president Thabo Mbeki, at the ANC congress in December 2007, and ultimately his dismissal as head of state by the newly elected ANC leadership, has placed the continued success of the South African transition more squarely on the debate.

The question has been posited as to whether the South African experiment with democracy and democratic governance is sustainable given the recall of then president Mbeki and the 'war of annihilation' which has been taking place within the ANC since his recall. It has been suggested, in certain quarters, that following the departure of certain key members from the ANC and the formation of a new opposition Congress of the People (COPE), the 2009 elections do present a real possibility of the South African

political system moving away from a dominant party system.

It is against this background that the 2009 South African elections are considered pivotal, as it is contended that they will, to a large degree, define the future of the ANC as a dominant political player, and the sustainability of the democratic project in South Africa. This policy brief examines the prospects for the 2009 elections, and the ways in which the outcome is likely to alter the political landscape, and its probable impact on democratic sustainability and consolidation in South Africa. This is done in two parts: the first part provides a historical overview of elections since 1994; this then provides a background against which the 2009 election is assessed.

## **THE 1994 ELECTIONS IN RETROSPECT**

South Africa's first democratic elections in 1994 were a culmination of four years of protracted negotiations which had begun in 1990 with the unbanning of liberation movements, including the ANC, and a commitment to a negotiated settlement by the then ruling Nationalist Party (NP). The four-year transition period, from February 1990 to April 1994, was characterised by political violence of unprecedented scale even by the standards of South Africa, which had been engaged in low-intensity war over the previous two decades. Not surprisingly, the South African transition process, and the negotiations leading to the elections, attracted a considerable

amount of attention both locally and internationally.

It is against this background that the significance of South Africa's first democratic election must be understood. It not only brought to a close four years of protracted negotiations, an end to unmitigated political violence, and finally closed the curtains on the long chapter of apartheid; the most important single factor is that the elections took place.

Two weeks before the elections, Buthelezi's Inkatha Freedom Party was still threatening a boycott and secession of KwaZulu-Natal. A civil war and the 'Savimbinisation' of South Africa appeared more in the offing than a general election. Fortunately when the time came, peace broke out all over the country and the elections took place in an almost carnival atmosphere.

A total of 19.5 million South Africans cast their votes in that first democratic election. The turnout at 86 per cent was probably the highest in the world. The ANC victory was in any case a foregone conclusion. It polled 62.65 per cent of the national vote, a landslide against its nearest rival, the Nationalist Party (NP), which garnered 20.2 per cent. The Inkatha Freedom Party (IFP) came third, with a 10.54 per cent share of the national vote. These three parties constituted the Government of National Unity (GNU) as agreed under the terms of the 1993 Interim Constitution, with the leader of the ANC, Nelson Mandela, assuming the presidency. Thabo Mbeki of the ANC became the first vice-president, and F. W. de Klerk of the NP

the second vice-president. Mangosuthu Buthelezi of the IFP became the Minister of Home Affairs.

Of the fringe parties the extreme right wing Freedom Front (FF) made a relatively strong showing, given that it was formed only in early 1994, by securing 2.17 per cent of the national vote. The Democratic Party (DP) managed 1.73 per cent of the vote. This was ahead of the PAC, a long-established liberation movement, which was expected to do better than its 1.25 per cent share of the national vote. At the provincial level, the ANC won outright majorities in six of the nine provinces, while the NP won the Western Cape with a clear majority of 53 per cent. The IFP won KwaZulu-Natal with a razor thin margin of 50.3 per cent.

#### **THE 1999 ELECTIONS AS A WATERSHED PROCESS FOR DEMOCRATIC CONSOLIDATION**

The most significant development in the run-up to the 1999 elections was the adoption of the South African Constitution in 1996, replacing the Interim Constitution of 1993. However, the significance of the elections lay in the fact that they were to facilitate a democratic transfer of power from one leader to another. Mandela had decided to step aside after one term and give way to Thabo Mbeki, itself a rare occurrence in African politics. So this was not only a demonstration of the institutionalisation of regular elections, but more importantly, an acceptance of democratic elections as the legitimate framework for the contestation of political power.

The 1999 elections were held ransome by the voter registration controversy, a contestation over which form of identification would be used for purposes of voter registration and, ultimately, for voting. The new democratic regime favoured a single identity document – the bar-coded Identity Document introduced by the previous regime in 1986, which was considered fraud-proof. The minority white

opposition parties, however, rallied behind the old South African Identity Document. Perhaps it needs to be explained that the bar-coded ID was introduced at a time when the apartheid regime was doing away with ‘petty apartheid’, the end of the Group Areas Act, and therefore the introduction of a uniform identification document for all South Africans. Most whites, however, preferred to keep their old apartheid ID well into the democratic era.

The ID controversy, however, captured the reality of a deeply fractured society; at times incapable of reaching consensus on matters of national importance. The controversy divided the country along racial cleavages: the whites rooting for all types of document, the opposition DP going as far as to suggest that people be free to use any kind of registration, including the old pass book.

So passionate were these feelings that the two main white parties – the New National Party (that is, the old Nationalist Party of P.W. Botha and De Klerk, prefixed with ‘New’ from 1998) and the Democratic Party of Helen Suzman – went to the Constitutional Court to force the ANC government to stop using only the bar coded ID for registration purposes. They claimed that in this way the government would disenfranchise millions of people who did not have the bar coded ID.

The judicial system, however, remained unconvinced and the matter was thrown out of court. Once this matter was settled the parties got down to the serious business of canvassing for votes. This took place in an almost festive atmosphere. Missing from the electoral process this time round was the violence that almost derailed the 1994 election.

The 1999 elections also took place against a background of realignment of political forces and electoral support. The New National Party, despite the addition of the magical ‘New’ to its name

remained the political home of the Afrikaner establishment, the coloured and the Indian sections of the electorate. It had failed to broaden its appeal beyond these three nationalities and despite the appointment of token black representatives to its policy-making bodies, it had failed to convince the broader electorate that it had indeed changed. Its performance in the National Assembly, where it was perceived to be fighting to retain the privileges of the old order, had not done its image any good.

The Democratic Party (DP), traditionally the party of South African English liberalism, had shifted to the right, in what might be termed subversive liberalism. Since the beginning of the collapse of the NP, it had been poaching from the NP’s right-wing flank. It promised the white right its determination to restore the ‘merit, justice and honesty’ of yesteryear. Ironically, the preamble to the country’s constitution, adopted by among others the same party at the end of the constitution-making process in 1996, talks of ‘...we the people of South Africa, recognizing the injustices of our past ...’ How the DP reconciled these two statements remained difficult to comprehend. Be that as it may, in their battle over the white vote the two parties effectively bid goodbye to the larger electorate. The elections were contested around three main issues – crime, the economy and the ANC’s record of delivery. In different circumstances the ANC would have been severely taken to task on these three issues. But the ANC had cast itself in the role of rectifying the wrongs of the previous 48 years (or was it 300 years?) therefore the attacks on the ANC policies had basically fallen on deaf ears.

Thus the outcome of the 1999 elections was for all practical purposes a foregone conclusion. The absence of a strong parliamentary opposition meant that the ANC would be returned to power with a majority. And so the ANC’s relentless march to a possible two thirds majority, and a dominant party

status, would be due largely to the fact that South Africa's parliamentary opposition had outlived its purpose. It was estimated at the time that the ANC would win with a margin of between 52 per cent and 63 per cent. In the event, the ANC won with an increased majority of 66.36 per cent compared to 62.65 per cent in 1994. The most notable feature of the result was the dramatic rise of the DP from fourth-largest opposition in National Assembly to the second, in the process displacing the NNP<sup>1</sup> as the main opposition party. Significantly, the DP replaced the NP as the official opposition. The rise of the DP was matched by the dramatic decline of the NNP, which lost close to 3 million voters, and henceforth disappeared into political oblivion.

The IFP also suffered a decline in support, dropping from 10.54 per cent to 8.59 per cent, but precariously held on to power in KwaZulu-Natal with 42 per cent against the ANC's share of 39 per cent of votes. The biggest loser was the PAC, plummeting from 1.25 per cent in 1994 to 0.17 per cent. The remaining fringe parties performed as would have been expected – Bantu Holomisa and Roelf Meyer's UDM garnering 3.42 per cent of the votes, and the United Christian Democratic Party (UCDP) led by Lucas Mangope getting 0.78 per cent. Three other parties made it to the NA: the Minority Front (MF) with 0.30 percent, the Azanian Peoples Organisation (Azapo) at 0.17 percent and the Afrikaner Unity Movement (AEB) with 0.29 percent.

The number of parties represented in parliament almost doubled from seven in 1994 to thirteen in 1999.

At the provincial level, the ANC continued its dominance, this time winning a clear majority in the seven provinces of Gauteng (68%), North West (79%), Mpumalanga (85%), Limpopo (88%), Free State (79), the Eastern Cape (74%), and the Northern Cape (64%). In the Western Cape, the ANC won the largest share of the vote at 42 per cent but

had to contend with a coalition of NP (38%) and DP (12%).

### THE 2004 ELECTIONS

The 2004 elections were yet another demonstration that regular democratic elections had become institutionalised in South Africa's political landscape. Once again the election was fought around three critical issues: crime, the economy, and the ANC's record of delivery. And once again the ANC managed to convince the electorate that it was the party best suited to govern.

The ANC continued its dominance, increasing its support to 69.69 per cent, thus attaining the two-thirds majority that had eluded it in 1999.<sup>2</sup> The DA<sup>3</sup> retained its official opposition status, increasing its support from 9.56 per cent in 1999 to 12.37 per cent. The IFP continued to disappear from the national radar, sinking from 8.58 per cent in 1999 to 6.97 per cent. The NNP was almost wiped out, managing only 1.65 per cent compared to the 6.87 per

cent in 1999. The NNP ultimately disbanded in August 2004, with most of its members decamping to the DA.

The other smaller opposition parties maintained their presence in parliament, neither significantly declining nor increasing in their electoral strength. The Independent Democrat (ID), which was formed when Patricia de Lille, a PAC MP, defected to form the party in the first floor-crossing period at the national level in 2003, participated in its first election and attained 1.73 percent of the vote.

At the provincial level the ANC for the first time governed in all the nine provinces, including the Western Cape (which it ruled in coalition with the NNP) and KwaZulu-Natal, the two provinces that it had failed to win in 1994 and 1999. The DA became the official opposition in six of the provincial legislatures, with the exception of the Eastern Cape, where the UDM retained this status, Northwest (UCDP) and KwaZulu-Natal (IFP).

**Table 1: Elections Results (1994, 1999 and 2004) of major parties represented in the National Assembly**

Party	% votes 1994	% votes 1999	% votes 2004
African National Congress	62.65	66.35	69.69
National Party/New National Party	20.39	6.87	1.5
Inkatha Freedom Party	10.54	8.58	6.97
Freedom Front/ +	2.17	0.80	0.89
Democratic Party/ Alliance	1.73	9.56	12.37
Pan Africanist Congress	1.25	0.71	0.73
African Christian Democratic Party	0.45	1.43	1.6
United Democratic Movement	–	3.42	2.28
United Christian Democratic Party	–	0.78	0.75
Independent Democrats	–	–	1.73
Federal Alliance	–	0.54	–
Minority Front	–	0.30	0.35
Afrikaner Eenheids Beweging	–	0.29	–
Azanian Peoples Organisation	–	0.17	0.25
<b>Others</b>	0.82	0.17	1.04
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: Hoene, 2009

### **THE LOCAL GOVERNMENT ELECTIONS OF 1995/1996, 2000, 2006: ENTRENCHING DEMOCRACY AT THE LOCAL LEVEL**

The electoral system at this level evolved from the PR system, which was utilised in the first election of 1995/1996, to the mixture of FPTP and PR that is currently in use. The changes were promulgated by the Government Municipal Structures Act, 1998 (which restructured local government bodies). This followed major reforms of local government institutions in the run-up to the 2000 poll, which reconstituted municipal boundaries and introduced new administrative structures: Metropolitan, District and Local Councils.

The picture at the local government level reflects the dominance of the ANC at the national and provincial levels, with the party winning 58 per cent of the seats contested nationally in 1995/2006,<sup>4</sup> increasing this tally to 60 per cent in 2000 and significantly winning outright victories in four (Johannesburg, Pretoria, East Rand, Port Elizabeth) of the six metropolitan councils, except Cape Town, which was won by the DA, and Durban, where it failed to achieve an absolute majority.

In 2006, it increased its level of support to 66 percent of seats nationally, the DA coming second with 14.8 percent, the IFP third with 8.1 percent followed by the ID with 2 percent in fourth place while the rest of the major parties registered less than 2 percent support each. The ANC won outright majorities in five of the six metropolitan councils (Johannesburg, East Rand-Ekurhuleni, EThekweni-Durban, Tshwane-Pretoria and Nelson Mandela-Port Elizabeth), with the DA retaining power in Cape Town.

### **A BIRD'S-EYE VIEW OF THE FORTHCOMING ELECTIONS**

Against the background of the foregoing analysis, what are the prospects for the 2009 elections?

What impact are they likely to have on the political system, and to what extent are they likely to alter the political balance of power and the ANC's domination of the political landscape?

Going purely by the overview of the past elections presented here, the ANC support appears unshakable. As we have shown above, the ANC has steadily increased its electoral support from 62 per cent in 1994 to almost 70 per cent in the 2004 election. Its support in the local government elections over the three periods from 1995/6 to 2006 has also increased steadily from 58 per cent to 66 per cent in 2006. This evidence would seem to suggest that this trend is more likely to be repeated rather than reversed.

However, it has been suggested that the 2009 elections will be taking place against a completely changed political environment. For a considerable period now, it has been theorised that a challenge to the ANC's dominance can only come from within; that a break-up of the ANC would splinter the African nationalist block vote, and scatter it in different directions.

The departure from the ANC of the former Defence Minister, and chairman of the ANC, Mosioua Lekota, the former Gauteng Premier, Mbhazima Shilowa, and some lesser-known names to form a new party, the Congress of the People (COPE), to challenge the ANC at the next election appears to have fulfilled this prophecy. On the basis of this development, most analysts are convinced that the 2009 elections are going to be a different ball-game altogether, completely different from the trends that we have sketched above.

In the author's opinion, this newly found wisdom about the imminent collapse of the ANC is based on wrong premises, incorrect analysis, and inadequate understanding of the traditions of politics within the ANC. The false promise of COPE foundation was that it already had 40 per cent support within the ANC. This is

supposedly the 40 per cent of the ANC delegates who voted for the former president Mbeki at the ANC National Congress held in Polokoane, Limpopo. These were ANC delegates participating in ANC democratic processes. There are absolutely no guarantees that were Mbeki to join another party, or come out openly in support of COPE, that the so-called 40 per cent would automatically follow. So the assumed 40 per cent ANC support for COPE is neither here nor there. It surely is not a scientific calculation of political behaviour and voting patterns in South Africa.

Secondly, the ANC has built a robust tradition of democratic culture in its processes. Even during exile, when centralisation had to creep in, vibrant debate remained very much a culture of the ANC. This has invariably created a culture in which breakaways have not been able to harvest a health proportion of the ANC's support base. The PAC is a case in point: it never captured any viable following from the ANC and its performance since the advent of the democratic processes has demonstrated that it is a party shouting in a political wilderness. Holomisa's UDM is similarly a demonstration of how splinter groups from the ANC have not managed to seriously threaten the latter's historical political hegemony.

### **CONCLUSION**

The trends that have been sketched in this article, starting with democratic elections in 1994, are likely to be replicated in the next elections. The ANC will most likely lose the Western Cape Province, not because of the arrival of COPE but because of internal squabbles that have consumed the provincial ANC over the last three years. And, even then, the ANC is still likely to emerge as the largest party in the province.

The smaller parties are unlikely to make any considerable improvement. And even though the DA peaked at the last election, it is likely to make some considerable

improvement picking up support from the white right. Inkatha is losing support and therefore more likely to be cantankerous as the election approaches. Its intolerance of political competition is already fairly visible.

#### ENDNOTES

1 The New National Party (NP) changed its name to the New National Party (NNP) in 1997 after it left the GNU to position itself

in the new dispensation by presenting itself a transformed party.

- 2 The significance of a two-thirds majority is that constitutionally this is the threshold at which a party can change the constitution.
- 3 The Democratic Party (DP), the New National Party (NNP) and the Federal Alliance formed the DA in mid-2000. However, the NNP pulled out of the alliance the same year after a fall-out between it and the DP.
- 4 The first round of elections was held in 1995, except in KwaZulu-Natal, which followed in 1996. The delay was caused by traditional leaders, who rejected elections out of fear that new forms of democratic governance might erode their powers.

#### REFERENCES

- Ajulu, R. 1994/5. 'The South African Election of April 1994.' *Africa World Review*, London.
- Hoeane, T. 2009. 'Political Parties and Party Political Organisation in Democratic Consolidation: The South African Case.' In R. Ajulu (ed.). *Two Countries One Dream: The Challenges of Democratic Consolidation in Kenya and South Africa*. Johannesburg: KMMR Publishers.

# THE POLITICAL ENVIRONMENT OF ELECTION 2009

## *Democracy and contestation*

Susan Booyen – University of the Witwatersrand

*Elections around the world today are marred by pre-electoral conflict and intrigue.*

Ashish Chaturvedi (2005: 189)

THE TWO worlds of South Africa's elections 1999 and 2004, as opposed to the early campaign period of Election 2009, trigger a pivotal question about South African democracy: Were the degrees of acceptance of the rules of the game contingent upon the continuation of the roughly established balance of power between parties, including the undisputed hegemony of the African National Congress (ANC)?

By 2004 much consensus prevailed that South African democracy had consolidated. Elections appeared to be institutionalised and accepted as the 'only game in town' (see O'Donnell and Schmitter 1986: 51-61). Electoral contestation had been largely peaceful; incidents were minimal and had in fact experienced a steep decline in comparison with 1994. The political parties seemed relatively content, in most corners of the country. Opposition parties frequently revelled in decimal electoral advances. The ANC was hegemonic and in a comfort zone of undisputed, effectively unchallenged rule. It celebrated elections as an opportunity to mobilise voters, close ranks and affirm victory over both now-remote apartheid and the low threat of opposition parties eclipsing the ANC.

In 2009 new tests for both the ANC and opposition parties have emerged. For the ANC the test would be to show whether the party is a 'good weather democrat', which

is more likely to play by the rules in conditions of either no or only modest opposition threats. For the opposition parties, the test would be to tailwind the newly emergent Congress of the People (COPE) and use the new political landscape to reinvigorate opposition politics in general.

The rest of this article first positions the present-day analysis in the comparative contexts of conflict in the preceding elections and then offers a brief conceptual schema for a graded analysis of violence, intimidation and related actions in election campaigns. It recognises the legislative and institutional framework for the conduct of party activities in election periods. It then offers an analysis of the trends in contestation in Election 2009, and draws conclusions about the extent to which 'robust' campaigning impacts on South Africa's reputation for free and fair elections.

### **NEW DYNAMICS OF CONTESTATION IN SOUTH AFRICA 2009**

There were mainly two factors that had engendered a changed context of party politics and electoral contestation ahead of the 2009 South African election. First was the emergence of COPE, splitting from the ANC in the aftermath of the Jacob Zuma–Thabo Mbeki contest, intra-movement politics in the wake of the ANC's Polokwane conference, and the ousting of Mbeki. Second was the continued ascendancy of the ANC in KwaZulu-Natal (also see Mottiar 2004), bolstered by the Zuma-Zulu factor of wanting to finally capture remaining Inkatha Freedom Party (IFP) strongholds

in KwaZulu-Natal. Both these phenomena touched on sensitive issues and (re-)exposed raw nerve-endings.

The new dynamics had clear implications for the nature of contestation – whether in 2009 it would be concordant with the largely peaceful political environment of the 1999 and 2004 elections or whether the campaigns would be more 'robust'.<sup>1</sup> The base question was whether elections in South Africa would continue to prevail as 'free and fair'. The new dynamics, virtually by definition, brought the potential for harsher contestation and conflict, on a more systematic level than before. For South Africa the bubble of fairytale elections might have burst. The new dynamics might also have brought South Africa closer to the unwelcome international dual reality that conflict certainly impacts on elections, but that elections frequently also elicit conflict (see Kingsley 2008; Cocodia 2008).

In this context the Elklit and Svensson (1997) checklist on what constitutes free and fair elections (see Table 1) is a reminder that, in the global scheme of things and despite 2009 problems, South Africa remained relatively close to the straight and narrow. According to these authors, 'free' in the pre-election period denotes freedom of movement, speech, assembly, freedom from fear in relation to election campaigning, absence of impediments to stand for election, and equal and universal suffrage. 'Fair' in the pre-election period designates (in relation to party political actions) equal opportunities for political parties and independents

to stand as candidates, an orderly election campaign with the observance of a Code of Conduct, and no misuse of government facilities for campaign purposes.<sup>2</sup>

In the 2008-09 period South Africa retained measures that helped keep vigorous inter-party contestation in check, especially in formal campaign periods. The Electoral Act of 1998 contains a binding Code of Conduct for political parties and their candidates. The IEC also employs the Electoral Court (established in terms of the Electoral Commission Act of 1996), frameworks for election security, and election monitoring and conflict management capacity (see Piper 2004, 45) to manage inter-party relations.

The purpose of the Code is to promote conditions that are conducive to holding free and fair elections, including the promotion of political tolerance, free campaigning and open public debate (Electoral Act 1998, s.1 of Schedule 2).

In terms of the Code parties commit themselves to non-coercive campaigns.<sup>3</sup> It prohibits any

political party from obstructing another’s access to voters, and compels parties to refrain from using language that might incite violence and bring on the intimidation of voters and political parties. According to IDASA (2009) most of the Code appears to obtain to electoral *and* non-electoral periods. Yet, the IEC only brings contesting parties to sign the Code at a time close to the election and only monitors compliance once the election is proclaimed.<sup>4</sup> Political parties thus also used the contentious 2008-2009 period to claim exemption from conditions of the Code.

**CONCEPTUAL SCHEMA FOR THE ANALYSIS OF CAMPAIGN ACTIONS**

For the purposes of this analysis, a three-category typology of illegitimate (or untoward, inappropriate, unfair; also see Piper 2005) political action by political parties, their leaders and supporters is created. The categorisation recognises the inter-linkages between categories and occasional multiple placement pos-

sibilities for specific repertoires that had been manifested. To illustrate, all three categories entail intimidation – either immediate and direct or in residual form. The typology thus comprises the categories:

- Violent rhetoric, hate speech, intimidation;
- Obstruction, limiting access, and both immediate and lagged intimidation; and
- Physical violence, intimidation.

The categorisation also suggests the grey area between the outright unlawful, violent and intimidatory, and conduct that is clear in its intention to undermine, sabotage and intimidate opponents yet cannot be pin-pointed as contrary to democratic electoral demeanour.

‘Intimidation’ and ‘intolerance’ are umbrella concepts that encompass and undergird a range of specific actions. Many possible illegitimate acts have the effect of intimidation. Intolerance signifies the underlying orientation in many of the untoward forms of electoral

**Table 1: Elklit & Svensson’s criteria for free and fair elections**

FREE	FAIR
<b>PRE-POLLING DAY</b>	
Freedom of movement, – speech (for candidates, the media, voters & others), – assembly, – association, – from fear in relation to election & electoral campaign, absence of impediments to standing for election (for political parties and independent candidates), & equal & universal franchise.	Transparent electoral process, election act & system that grant no special privileges to any political party or social group, independent & impartial electoral commission, impartial treatment of candidates by police, army & courts, equal opportunities for parties & candidates to stand for election, impartial voter education, orderly campaign (observance of Code of Conduct), equal access to publicly controlled media, impartial allotment of public funds to parties, no misuse of government facilities for campaign purposes.
<b>POLLING DAY</b>	
Opportunity to participate in the election.	Access to all polling stations for party representatives, accredited observers (local & international) & the media, secrecy of the ballot, no intimidation of voters, effective design of ballot papers, impartial assistance to voters (if required), proper counting procedures, proper treatment of void ballot papers, proper precautionary measures when transporting election materials, impartial protection of polling stations.
<b>POST-POLLING DAY</b>	
Legal possibilities of complaint	Official & expeditious announcement of election results, impartial treatment of any election complaints, impartial reports on the election results by the media, acceptance of the election results by all involved

Source: As summarised from Elklit & Svensson 1997: 32-46



behaviour. Violence is a clear-cut category, which is easily distinguished when it is limited (as this analysis does) to physical violence (as opposed to structural). Violent rhetoric and hate speech form a distinct category, which can prompt acts perpetrated against other parties. At best, it has an intimidatory effect; at worst it triggers violence. Chairperson of the IEC, Brigalia Bam, for example pronounced (in *The Star*, 26 November 2008): 'We are aware of the violent nature of how some people speak ... intolerance is one of the main causes of war.' One of the intermediary categories between violent rhetoric and physical violence is obstructive behaviour such as occupation or invasion of opposition-designated venues or meetings, or singing and chanting (often using threatening or demeaning speech) on the fringes of gatherings. Threats to life are a certain manifestation of intimidation.

In a context such as South Africa in 2009, a preceding environment of actions, which denies the properties that Elklit and Svensson link to 'free and fair' (2008-early 2009), could linger and thereby turn a subsequent, *more* free and fair phase (the formal 2009 campaign period) into a terrain that retains an intimidatory impact, despite untoward behaviour having passed.

#### **CONFLICT TRENDS IN ELECTIONS 1994, 1999 AND 2004**

Incidents of political violence and intimidation, or unfair political practice, in South African elections have been in decline since 1994 (also see Table 3). The first democratic elections emerged from conditions of severe violence. The most extreme was the civil war in the KwaZulu-Natal Midlands, which claimed in excess of 20,000 lives. There were several other mass-killings, including the so-called Shell House massacre, and the bombing of ANC provincial offices in Johannesburg four days prior to the election. There was the continuous threat of a white right-

wing revolt. The general mood on the eve of the election was one of fear that the election could result in a bloodbath. These fears failed to materialise, contributing to the widely held perception of the elections not just as a 'miracle' but as a role model for conflict-ridden societies the world over.

The 1999 elections continued the trend towards peaceful conduct. The issues that parties put forward for dispute resolution indicated the reduced nature of threats to 'free and fair'. Major issues, this time around, concerned infringements on the rights of the competing parties, damage to electoral materials, and intimidation. Many of the reported incidents (see Table 1) concerned the political party-IEC relationships. Only isolated incidents of violence were reported (IEC 1999, 31).

The 'ten years of democracy' elections of 2004 brought a further decline in violence and intimidation. Most of the incidents reported in 2004 concerned problems experienced at registration and voting stations, and were far less about violence and intimidation (EISA 2004b, 7). The 2004 election period is regarded as having experienced only a few major instances of conflict, viz. conflict between rival rallies of the ANC and IFP, and then-deputy ANC president Jacob Zuma being refused access to Gauteng hostels. These trends implied increasing acceptance of the normative framework of liberal democracy.

The reasons for the decline have been manifold. Foremost might have been the acceptance of the culture of party political contestation that results in an electoral verdict

that winners and losers equally accept. South Africa's framework for the management and regulation of political parties and their electoral conduct has equally contributed – both in terms of specific management and sanction for non-compliance, and in furthering a culture of freeness and fairness in contestation.

South Africa thus witnessed a sustained decline in the occurrence of inter-party violence and intimidation (see Table 2). This was widely interpreted as a sign of the consolidation of democracy.

#### **TRENDS IN THE EARLY RUN-UP TO ELECTION 2009**

South Africa is no stranger to inter-party electoral conflict, including in the form of violence and intimidation. Still, stress signals were beamed when in the early run-up to the 2009 elections<sup>5</sup> multiple instances of violent rhetoric, obstruction and break-up of opposing party meetings, intimidation through presence at opposing party rallies, specific threats to individuals, and some physical violence, threatened to change the increasingly (to this point) stable character of South African elections. In the words of the IEC's Bam (quoted in *The Star*, 26 November 2008):

*'The ruling party and the breakaway party will be tested in next year's elections. It is our responsibility to ensure that South Africa does not degenerate, because our democracy is fragile.'*

**Table 2: Trends in complaints and killings in Elections 1994, 1999 and 2004**

Detail	1994	1999	2004
Party political complaints to the IEC	3,594	1,114*	253
Number of persons killed	1,000+	>100	0

\* Of these, 359 (80% of these related to violence and intimidation); KwaZulu-Natal was the province with the most instances, followed by the Eastern Cape

Source: Piper 2004, based on IEC sources; EISA 2004a

The main triggers for mounting levels of intolerance are the rise of COPE and the potentially increasing ANC penetration of IFP strongholds. The fact that the up-to-now dominant and hegemonic ANC felt more threatened in this election than in preceding elections seemed to contribute to less tolerance of opposition campaign activities.

The parties behind most (but not all) of the incidents of outright violence, obstruction or intolerant rhetoric, across several provinces, were the ANC and IFP. The actions were mostly targeted at each other, or by the ANC at COPE. Intolerant rhetoric was also used in exchanges between youth leaders. The DA, during campaigning in KwaZulu-Natal and Gauteng, was also targeted (by the IFP and ANC, respectively). On a number of recorded occasions COPE supporters retaliated, for example in blocking roads to an ANC event, or engaging in 'poster posting wars' with the DA.

The main forms (in relation to the typology of the analysis) and illustrations of these conflicts in the early 2009 campaign period were:<sup>6</sup>

#### **Violent, demeaning rhetoric**

The most notable perpetrators were from the ANC Youth League and its associated regional and local structures. Many of the statements were made in defence of ANC president Jacob Zuma. Statements included 'we shall kill for Zuma', and about the National Authority (NPA) in its legal action against Zuma, as 'the last kick of a stinking and dying horse which will not survive'. A chairperson of an ANC Youth League (YL) branch said: 'People like Terror Lekota [COPE leader] and all those people who want to destroy the history of the organisation ..., they behave like cockroaches and they must be destroyed'. The branch secretary explained 'destroy' as 'we must kill them' (see *The Star*, 26 November 2008). COPE was also a perpetrator, with a COPE youth leader stating that a Zuma government would make 'rapping official'. The IFP Youth

Brigade leader equally stepped into the ring, inviting Malema to 'find boys his own age who will teach him what happens to a loud-mouthed chatterbox imbecile like him'.

#### **Obstruction, intimidation, the creation of no-go areas**

The main instances were in the form of the disruption of COPE meetings, for example in Orange Farm, Verulam, Welkom, East London; the frequent forcible occupation of venues designated for COPE meetings; holding of counter-rallies by the ANC in areas where COPE and the IFP were gathering; and threats by an ANC KwaZulu-Natal leader that the province would be a no-go area to COPE (see *Sunday Times*, 2 November 2008). Legal battles for the naming of the party were related to the obstruction phenomenon (the ANC dropped its opposition to the name).<sup>7</sup>

ANCYL members regularly sang and danced on the sidelines of COPE meetings, for example in Verulam, Orange Farm and Gugulethu. The abduction of a Lekota bodyguard and anti-COPE threats made to him, along with the withdrawal of Lekota's personal security, further compounded manifestations in this category. Due to fears of being purged from positions in politics and government, COPE members would often not publicly express their new party allegiance.

#### **Physical violence**

The early 2009 election period that is being assessed in this analysis offered few incidents in this category. The most notable case was the Nongoma attack by IFP supporters on ANC rally-goers in early February 2009. Nongoma could have been a turning point, even if it also coincided with the formalisation of the election period. By February 2009, notably in the aftermath of Nongoma; ANC and IFP leaders increasingly urged supporters to act in tolerant ways.

The ANC National Executive Committee (NEC) discussed YL

president Julius Malema's conduct, including allegations of inciting violence. Malema was largely gagged, and President Kgalema Motlanthe and Zuma, amongst others, repeatedly called for tolerance and dignified demeanour by ANC supporters.

Whilst the jury remained out on the formal late-February to April phase of the Election 2009 campaign, the tide appeared to have turned. Likely reasons were a realisation that norms of electoral conduct needed to be protected and the reputation of elections in South Africa defended.

Contributing reasons may have included the ANC having been victimised by the IFP<sup>8</sup>, that ANC objectives of subduing COPE having been sufficiently achieved to move into a mode of tolerance, and that the IFP had come under unprecedented pressure to curb intolerance in its ranks.

#### **CONTESTATION AND THE STATE OF SELECTIONS IN SOUTH AFRICA**

The early phases of campaigning for Election 2009 thus saw a rise in actions of intimidation and intolerance, especially in the form of violent rhetoric and obstruction. These actions had the potential to affect South Africa's record of 'free and fair' elections (see Table 3). The most brutal of the early-pre-election violence was perpetrated by the IFP. Yet, the intimidatory rhetoric and actions by some ANC supporters and leaders were as likely to impact on the future character of South Africa democracy.

As the parties by mid-February entered the period of proclamation of the election and formal campaigning, a decline in conflictual behaviour materialised. The South African election campaign, even if still relatively pristine judged by international comparison, might have been pulled back from the brink. The decline in incidents followed in the wake of propagation of tolerance by the ANC, the IFP and IEC. At the time, the interventions

suggested that South Africa was not on an irreversible path to tainted elections and that the epithet of 'free and fair' might remain associated with South African elections.

Yet there remained the challenge of surmounting the likely persisting impact of the preceding actions of intimidation, and the threat and fear

that such actions had generated. Time would have to tell whether lasting damage had been inflicted on democratic foundations of freedom to organise, meet, propagate and recruit.

The *level* and *durability* of the turning away from the untoward incidents of the early campaign

period are the factors that will provide the answers as to whether support for the liberal-democratic norms of freedom to contest was to be contingent upon the nationally dominant and hegemonic party, as well as a strong but threatened provincial party. □

**Table 3: Contestation and the State of Elections in Democratic South Africa**

	<b>1994</b> <b>Emerging from conflict</b>	<b>1999 &amp; 2004</b> <b>The post-conflict elections</b>	<b>2009</b> <b>Partial reversal to conflict</b>
<b>Campaign rhetoric</b> <b>Obstruction</b> <b>Intimidation</b> <b>Physical violence</b>	Conciliatory yet hard-hitting campaigns, many reports of intimidation, multiple instances of protracted violent conflict →	Dominant party rhetoric to delegitimise opposition, IEC legitimacy and general norms entrenched, seeming acceptance of the primacy of elections ↓	Early campaign period evidence of intolerance, hate speech, obstruction and intimidation, but few instances of physical violence ↓
<b>Condition of democracy and elections</b>	Pre-reconciliation and early period in institutionalisation of democracy, but Election Day → builds strong foundation ↑	A growing decline in incidents and apparent acceptance of the rules of the electoral game; democracy appears to be consolidating ↑	Continuous acceptance of elections, but numerous instances of using illegitimate actions to affect the balance of power between parties
<b>Party political context</b>	Certainty of ANC victory, but a question of scale and ranking of the opposition parties →	ANC hegemony is a known factor, its continuous dominance is accepted →	Evidence of ANC hegemony being challenged from within, does not necessarily pose a threat to ANC power, but sensitivity and anger prevail

## ENDNOTES

- The term 'robust' was often used euphemistically for repertoires of action that fall in a grey area between legitimate and inappropriate (violent or intimidatory) contestation or campaigning.
- Other Elklit and Svensson criteria for 'fair' relate to, for example, electoral authority actions (1997).
- The IEC also uses a system of Party Liaison Committees (1998) to manage relations between the IEC and the parties.
- In 2008 there were suggestions that action against COPE supporters could only be declared wrongful once COPE had become registered as a political party.
- The 'early run-up' in this analysis refers to the period from late September 2008 to mid-February 2009.
- This section cites incidents that were gathered from multiple references in news media reports. The cited incidents are illustrations. The listing is not exhaustive.
- The saga around the naming of the new party entailed, first, the ANC objecting to the consultative launch event being called the South African National Convention. Second, the initial choice of the name of South African Democratic Congress had to be abandoned upon the 'Shikota' group's discovery that the name already belonged to an IFP split-off floor-crossing party. Third, after some delay, the decision to use Congress of the People (COPE) followed.

The ANC objected and launched legal proceedings, but finally abandoned their objection. The ANC argued that voters would confuse the new COPE with the ANC's historically significant Congress of the People of 1955, the event that marked the adoption of the Freedom Charter.

8 The IFP also targeted the DA in its KwaZulu-Natal campaign.

## REFERENCES

- Chaturvedi, A. 2005. Rigging elections with violence. *Public Choice*. 125, pp. 189-202.
- Cocodia, J. 2008. Exhuming trends in ethnic conflict and cooperation in Africa: Some selected states. *African Journal on Conflict Resolution* 8(3), 9-26.
- Electoral Act, No. 73 of 1998.
- Electoral Commission Act, No. 51 of 1996.
- Electoral Institute of Southern Africa (EISA). 2004a. *EISA Election Observer Mission Report South Africa. National and provincial elections, 12-14 April 2004*. Johannesburg: EISA.
- Electoral Institute of Southern Africa (EISA). 2004b. *Conflict Management Programme Report: National and provincial elections, 14 April 2004*. Johannesburg: EISA.
- Elklit, J. & P. Svensson. 1997. What makes elections free and fair? *Journal of Democracy*. Vol. 8(3), pp. 32-46.
- Electoral Commission of South Africa (IEC).

1998. Regulations on Party Liaison Committees (R.824 of 18 June 1998). Electoral Commission of South Africa (IEC).
1999. *Report on Conflict Management Committees and Mediation and Arbitration Panels for the National Assembly and Provincial Elections*. Johannesburg: EISA. October.
- Institute for Democracy in South Africa (IDASA). 2009. *A quick guide to the general elections*. Cape Town: IDASA.
- Kingsley, M. 2008. Electoral conflicts in Africa: Is power-sharing the new democracy? *Conflict Trends* 4, 32-37.
- Mottiar, S. 2004. The turnover of power in KwaZulu-Natal: a growing commitment to and engagement with the process. *Journal of African Elections* 3(2), 47-58.

## Newspapers Consulted and Cited

*The Star, The Sunday Times.*

- O'Donnell, G. & P. Schmitter. 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.
- Piper, L. 2005. Minimised but not eliminated: The decline of political conflict. In *South Africa's 2004 election – the quest for democratic consolidation*. EISA Research Report No. 12. Johannesburg: EISA, pp. 31-65.

# SOUTH AFRICA

## *The State of democracy and its implications for 2009 Elections*

Rok Ajulu – UNISA

### INTRODUCTION

The advent of the Congress of the People (COPE), the new party formed by defectors from the ruling African National Congress (ANC), has generated disproportionate interest in the forthcoming general elections. Questions have been raised about the sustainability of South Africa's democratic institutions, especially following the recall of former president Mbeki and the war of succession within the ANC.

More interestingly, fears have been expressed about possibilities of the ANC government expanding its executive powers and deploying these for the intimidation of the opposition and the rigging of the elections as has happened in many African countries. On the other hand, it has been predicted that the formation of COPE from within the bowels of the ANC does present the real possibility of the South African political system moving away from a dominant party system.

These concerns raise a broader question about the state of democracy in South Africa and its implications for the 2009 elections. Perhaps an important question here is whether indeed democratic institutions have taken deep root and built the required legitimacy so as to contribute towards the legitimisation and stabilisation of the political system, or whether the democratic gains of the past 15 years are still capable of being reversed.

This contribution constitutes an attempt to assess the state of democracy in South Africa and its implications for the forthcoming elections. This is organised as follows: it starts with a discussion of the discourses around single party

dominance and the prospects of consolidation. This is followed by an analysis of the architecture of electoral institutions, which provides a springboard for assessing the possibilities of the abuse of those institutions, and a basis for assessing the broader implications for the 2009 elections.

### SINGLE-PARTY DOMINANCE AND THE STATE OF DEMOCRACY IN SOUTH AFRICA

The dominant role of the ANC as a governing party since the advent of democracy has provoked a debate on the extent to which single party dominance has compromised democracy and democratic institutions in South Africa. It has been argued for example that in a context in which one party dominates the political landscape and faces little prospect of electoral defeat as the ANC does, concerns are raised that democracy and governance are more likely to be compromised. Despite provisions and mechanisms in place to protect the constitution and prevent the abuse of power, this view maintains that liberal democracy is being steadily eroded in South Africa and that the dominance of politics by one party and the seemingly bleak prospects for the alternation of power are instead directing South Africa towards mere 'majoritarianism'.<sup>1</sup>

These scholars argue that democratic systems 'rely on institutionalised oppositions, and it is doubtful that any regime could long survive as minimally democratic without them. The argument goes that 'if there is no possibility of an opposition being seen as a

"realistic opposition", an alternative to government of the day, then the likelihood of a turnover of power is diminished and the crises of government are correspondingly more likely to be the crises of the democratic regime ...'<sup>2</sup> Thus, Southall<sup>3</sup> concludes that the absence of powerful opposition signifies the hollowness of South Africa's democracy.

The problem with the theorists of single-party dominance in South Africa is that they fail to make a distinction between dominant parties and authoritarian dominant parties, the latter of which, as Suttner points out, are more likely to create conditions of oppression for their opponents.<sup>4</sup>

The reality is that there is no evidence to suggest that the ANC has deployed its dominance towards undermining democratic institutions. The ANC dominance of elections since 1994 (it has steadily increased its electoral support from 62 per cent in 1994 to almost 70 per cent in the 2004 election); its support in the local government elections over the three periods of local elections from 1995/6 to 2006 (also increasing steadily from 58 per cent to 66 per cent in 2006) has not led to the collapse or fundamental erosion of democracy, such as the turning of the country into a one party state. On the contrary, the ANC has made consistent efforts towards strengthening and consolidating democratic institutions as can be seen from the rigorous manner in which the electoral institutions have been crafted since 1996.

Moreover, as Suttner suggests, one has in South Africa a public sphere where citizens and civil

society engage the state and express a diversity of views, which is another indication of the growing strength of democracy. To this extent, therefore, the state of democratic institutions and particularly the electoral infrastructure do seem to provide some guarantee that a level playing field has indeed been established for the conduct of elections in South Africa. However, let us look at some of these institutions, particularly the electoral institutions, in a bit more detail.

### **THE ARCHITECTURE OF ELECTORAL INSTITUTIONS**

#### **The Independent Electoral Commission (IEC)**

The Independent Electoral Commission (IEC) is the body responsible for managing and administering elections. The IEC was established in terms of the 1993 Interim Constitution and later through the 1996 Act of Parliament. In its vision statement, the IEC declares its main objective as being to 'strengthen constitutional democracy through the delivery of free and fair elections...'

The IEC comprises five Commissioners appointed through a fairly elaborate and rigorous process. The appointment of the Commissioners for the IEC is done by the Constitutional Court, and conducted through five different stages as follows:

- Call for candidates through newspaper advertisements, and short-listing of candidates.
- Interviews of successful candidates conducted by a panel consisting of :
  - President of the Constitutional –Court (Chairperson)
  - Representative of Human Rights Commission
  - Representative of Commission on Gender Equality
  - The Public Prosecutor
- The interview panel then submits the names of eight nominees to the Portfolio Committee

for Home Affairs (PCHA) for recommendation.

- The recommended candidates are submitted to the National Assembly for approval.
- Following National Assembly approval, the names of successful candidates are forwarded to the Minister of Home Affairs for submission to the president for appointment.

This elaborate process ensures that the appointments to the Electoral Commission are transparent and non-partisan and therefore have the confidence of all political players. The body so established, is therefore autonomous and an impartial manager of the electoral process. Furthermore, the Electoral Act of 1998 contains a binding Code of Conduct for political parties and their candidates. The purpose of the Code is to promote conditions that are conducive to holding free and fair elections, including the promotion of political tolerance, free campaigning and open public debate.

Since its establishment, the IEC has managed and conducted elections with impartiality and professionalism that has earned it the confidence of all political and social players. The IEC has in fact become a role model of an Electoral Commission on the continent, and has been invited by a number of countries to assist with their respective election processes.

#### **THE ELECTORAL SYSTEM**

The electoral system that has been in place since 1994 is the List or Proportional Representation (PR) system. Prior to that, the apartheid regime used the British First-Past-The-Post (FPTP) system. The PR system applies only to the national and provincial elections. For the local elections, a combination of the FPTP and the OPR system was preferred. The rationale for this arrangement was the need to maintain some degree of accessibility and accountability at the local level.

The choice of the PR system was,

however, informed by the political expediency of reconciliation. Recognising the exclusionary character of the FPTP, it was felt that the PR system would achieve the objective of deliberately broadening representation at the national and provincial levels, as each vote would count and there would be no winner-take-all outcome. Furthermore, it was recognised that it would be a logistical nightmare attempting to demarcate non-racial constituencies in a country where apartheid social engineering had designated residential areas on a racial basis. Hence, no constituencies were drawn up and the entire country was treated as one constituency. Finally, in order to accommodate all political players, the PR system was deliberately designed to provide for a very low threshold, determined primarily by voter turnout.

#### **THE WORKINGS OF THE ELECTORAL SYSTEM**

As indicated above, under the PR system the whole country is treated as one constituency. Parties contesting elections prepare lists of candidates for the National Assembly as follows:

- A National Assembly List
- Province to National Assembly List
- Province to Province List for the nine provinces

The number of seats a party would win would be proportional to its electoral strength. For example, if a party won 10 per cent of the vote, it would have parliamentary representation proportional to the 10 per cent. At the same time, voters would also choose candidates on provincial ballot for nine provincial legislatures.

As with all PR systems, candidates contest elections not as individuals but as party members, and voters vote for the party and not individuals. This, as has been pointed out by some scholars, can have negative tendencies of alienating voters from their representative.

### LIMITATIONS OF THE PROPORTIONAL REPRESENTATION (PR) SYSTEM

As indicated above, the PR system was introduced as a compromise to accommodate minority interests and obviate the occurrence of single party dominance. Despite the continued dominance of the ANC, it can be argued that the system has indeed achieved the original intention of accommodating minority interests and achieving some degree of political stability.

But the PR system is not without its limitations. One of the consequences of its accommodation is the inevitable proliferation of minority parties and a weakening of the opposition parties, which has been the case since 1994. Furthermore, this may in certain cases result in ethnicisation or racialisation of politics. Secondly, the PR List system invariably removes power from the electorate to the party, which ultimately exercises the powers of drawing up the Lists with the inevitable accusation of manipulation. Ultimately, party candidates become more accountable to the party rather than to the electorate, and therefore minimum links exist between the electorate and public representatives.

It is these perceived limitations which have led to calls for the reform of the PR system. According to some scholars, a more efficacious system appears to be the Mixed Member Proportional (MMP) representation system, where PR is combined with FTPT. This, it is argued, provides a much more effective representation and provides effective linkages between public representatives and the electorate.

### FLOOR-CROSSING

Finally, let us consider the impact floor-crossing has had on the state of democracy. Floor-crossing was not part of the package of the transition agreement. It was only in 2000 after the second election when the smaller parties, assuming that they could erode the dominance

of the ANC in parliament, started agitating for the institution of floor-crossing. Eventually legislation was put in place – The Constitution of the Republic of South Africa Amendment Act of no 18 of 2002 (for local government) and the Constitution of the Republic of South Africa Amendment Act of 2003 (for provincial and national government) – to establish floor-crossing. The two acts provide for two designated window periods, each lasting two weeks, during which public representatives are allowed to cross the floor to another party or to form a new party without losing their seats.

As it turned out, floor-crossing did not benefit opposition parties. The ANC was the main beneficiary. In the floor-crossing period since 2003, the main opposition parties fared badly; the ANC, on the other hand, succeeded in attaining a two-thirds majority in the National Assembly, further undermining the representation of the already smaller parties in the wider political system. Thus, despite its positive attributes, floor-crossing in South Africa has engendered the proliferation of smaller ineffective parties and further weakening of the opposition. Thus it is reasonable to conclude that the opportunistic experimentation with floor-crossing by the opposition parties has not advanced the processes of democratic stability.

### IMPLICATIONS FOR THE 2009 ELECTIONS

Against the background of the foregoing analysis, what then are the implications for the 2009 elections? What impact is the electoral infrastructure likely to have on the elections?

The foregoing analysis would seem to suggest that democratic institutions have taken deep roots and legitimacy, so contributing towards the consolidation of the electoral system. Indeed, it can be argued that South Africa's transition to democracy and the experience of the last three general elections

have been great successes, so that South Africa is now in a position to hold successful elections without any challenges to the legitimacy of the electoral processes and their outcomes. The system appears to have entrenched itself and the professionalism and impartiality with which the Electoral Commission has conducted past elections has earned it legitimacy from all political players and from society at large, witnessed by the high trust ratings the IEC receives in public opinion surveys.<sup>5</sup> Thus it is unlikely that we will witness any possibility of the ANC government expanding its executive powers and deploying them for the intimidation of the opposition, or the rigging of the elections, as has happened in many other African countries.

### ENDNOTES

- 1 Southall, R. 2003a. The State of Party Politics: Struggles Within the Tripartite Alliance and the Decline of Opposition, in Daniel, Habib, and Southall (eds) *State of the Nation: South Africa 2003-2004*, Cape Town HSRC Press, pp. 53-78. Giliomee, H., and C. Simkins (1999) (eds) *The Awkward Embrace: One Party Domination and Democracy*, Cape Town: Tafelberg.
- 2 Jung, C. and Shapiro, I. 1995. South Africa's Negotiated Transition: Democracy, Opposition and New Constitution Order, in *Politics and Society*, p. 272.
- 3 Southall, R., (2003a) The State of Party Politics: Struggles Within the Tripartite Alliance and the Decline of Opposition, in John Daniel, Habib, and Southall (eds) *State of the Nation: South Africa 2003-2004*, Cape Town: HSRC Press, pp. 53-78.
- 4 Suttner, R., (2006) Party Dominance Theory: Of What Value? in *Politicon* 33(3) pp277-207
- 5 68% of citizens trust the IE compared to the 52% that trust National Parliament. Roberts, B., 2008. Between trust and scepticism. Public confidence in institutions, HSRC Review, Volume 6 - No. 1 - March 2008, Human Sciences Research Council, Pretoria.

# THE WORKINGS OF SOUTH AFRICAN ELECTORAL SYSTEM

*Is the playing field level?*

**Dirk Kotzé – UNISA**

THE LEGAL framework of elections normally affects a wide range of factors that will determine whether the playing field is level. First there is the electoral system; secondly, there are the electoral procedures that determine the rules of participation in the election; thirdly, there is the conduct of the participants, which can only partly be regulated by the legal framework; and, finally, there are factors within a broader environment, such as the media, which are in some instances also subject to legal regulations.

The legal framework of elections is exceptionally important, because the risk of violence and disruptions have become much more visible, as recent elections in Lesotho (1998, 2007), Madagascar (2001), the DRC (2006), Nigeria (2007), Kenya (2007) and Zimbabwe (2008) have vividly demonstrated. A relatively new challenge for legal regulation is to manage not only the election campaign and polling day, but also the high-risk period after the election, when the results have to be accepted and implemented. South Africa had a semblance of it after the 1994 general election in KwaZulu-Natal and after 1999's election when coalition governments had to be negotiated in the Western Cape and KwaZulu-Natal.

Why is it important to look at the electoral legal framework in assessing the playing field? Sometimes an election is an end in itself, but in most instances it is a means towards an end. The end should be to improve the quality of democracy in a country. Improving the quality of democracy itself should also lead to the improvement of the socio-

economic well-being of the people. Improving the quality of democracy, however, does not depend solely or primarily on procedural matters (such as elections), but also on the impact of legislation on a society. Moreover, it depends not only on whether the members of parliament are freely elected, but on whether they promote and adhere to the basic constitutional principles and values once they are elected. A third important determinant of the quality of democracy – and pertinent to South Africa – is whether the political system can reach an optimum equilibrium between the demands of representation and of participation.

The quality of elections is therefore also affected by the credibility of elected institutions (i.e. the quality of representatives, their standards of ethical conduct and their ability to address the main societal issues). Though the legal dimension of elections might be acceptable and democratic, matters such as opportunistic floor-crossing, corruption, nepotism and other malpractice by elected representatives can undermine it. Furthermore, defective legal arrangements can be overcome by opportunities for public participation and exemplary conduct by the representatives.

The first and ultimate test of the legal quality of the electoral framework in South Africa is the Constitution, 1996.

## **THE 1996 CONSTITUTION**

In view of the Constitution's status as the supreme law of the land, and therefore constitutional supremacy, it follows that the Constitution

provides the most important indication whether the electoral playing field is level in South Africa. It also implies that all legislative and executive actions in relation to elections have to be constitutional, which gives the judiciary a more prominent status in relation to the legislatures, than in parliamentary systems.

The constitutional provisions relevant for elections are the following:

- Section 1(d): as a sovereign and democratic state, South Africa is founded on a set of basic values, including 'universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness'.
- Section 19 (in the Bill of Rights): every citizen (not 'everyone' as in most of the other Chapter 2 clauses) is free to make political choices. They include the right to form a political party, to participate in the activities of, or recruit members for, a political party, and to campaign for a political party. Every citizen has also the right to free, fair and regular elections for any of the official legislative bodies. Every adult citizen has the right to vote in secret in elections for any of the official legislative bodies. Citizens have also the right to stand for public office and to hold office.
- Sections 46 and 47: they prescribe the electoral system to be used for the National Assembly and the qualifications of candidates.

The electoral system has to be determined by national legislation and it must be based on: a common voters' roll, a minimum voting age of 18 years, and a system that 'result[s], in general, in proportional representation'. To be a parliamentary member, one must qualify as a voter, but will be disqualified if:

- appointed by, or in the service of, the State and is remunerated for it;
- he/she is a member of the other parliamentary house, a provincial legislature or a local council;
- an non rehabilitated insolvent;
- declared to be of unsound mind
- anyone convicted after 1994 of an offence and sentenced to more than 12 months' imprisonment without the option of a fine. The disqualification expires five years after the sentence has been completed.
- Sections 105 and 106: determine the electoral system and qualification of candidates for provincial legislatures. These provisions are a duplicate of those applicable to the National Assembly.

These sections raise a number of important matters. The first is that the Constitution does not identify a specific form of proportional representation as electoral system. For the 1994 and 1999 general elections a PR system based on rigid party lists was used. For the elections thereafter, the Constitution determined that national legislation should be adopted, but after a proper review. Hence the cabinet's appointment of the Electoral Task Team (ETT) chaired by Frederik van Zyl Slabbert. The fact that the only constitutional prescription is that the electoral system should result in proportional representation meant that systems such as the mixed member proportional representation system were not excluded. The mixed systems

as applied in Germany, Lesotho and in local government elections in South Africa were therefore possibilities. The ETT was divided in its recommendations, with a majority report proposing the adoption of a mixed system, and a minority report recommending retention of the status quo. The division within the ETT enabled the government to maintain the current closed party-list PR system. In the 2009 general election, a number of political parties are calling for the adoption of a mixed electoral system, including the Democratic Alliance, the Inkatha Freedom Party (IFP), the Congress of the People (COPE) and the United Democratic Movement (UDM).

A second significant determination by the Constitution is that only South African citizens are extended electoral rights. 'Every citizen' here stands in contrast with 'everyone', which is the form used in relation to all the other Chapter 2 human rights. Political rights are ostensibly limited to nationality and are not general human rights.

A third significant constitutional determination is that citizens have the *right* to free, fair and regular elections. Free and fair elections are therefore not only a noble objective but a right. Once recognised as a right, it must be enforceable. Who has to take responsibility for it? The first possibility is the government, but as the ruling political party it cannot be 'player and referee'. More likely it would be the institutions responsible for managing elections, in other words, the Independent Electoral Commission. Secondly, it could also involve the judiciary (including the Electoral Court), which has to deal with serious electoral disputes.

A further significant constitutional stipulation is that all citizens have the right to vote. Two categories of voters have become controversial in this respect and the focus of litigation. The first is the category of prisoners. Section 24B of the Electoral Act (1998) was an amendment included in 2003 which explicitly

determined that prisoners are disqualified as voters only if they serve a sentence of imprisonment without the option of a fine. It was declared unconstitutional by the Constitutional Court in 2004 (case CCT 03/04). Before the 1999 election the second Electoral Act (1998) was adopted by Parliament. It did not specifically exclude prisoners as voters. In preparation for the election, however, the IEC disqualified them in the electoral regulations. In the subsequent Constitutional Court case 'August and others v Electoral Commission and others' (CCT 8/99) the court declared it unconstitutional. In 2004, therefore, all prisoners could vote.

The second contested category of voters is South African citizens residing abroad for a prolonged period. Section 33(1)(b) and (e) of the Electoral Act determine that the following categories of persons qualify as voters from abroad:

- Persons outside South Africa on government service (and their households)
- Persons temporarily absent from South Africa for the purpose of holiday, a business trip, attendance of a tertiary institution, an educational visit, or participation in an international sports event.

At the time of the 2004 general election the exclusion of a significant number of South Africans was already a contentious issue, as argued by the Democratic Alliance. In November 2008 the DA leader, Helen Zille, again discussed the matter with the IEC. Early in 2009 the DA decided to refer the matter to the Constitutional Court. At the same time the Freedom Front Plus took the matter up on behalf of Willem Richter – a South African teacher working in the UK – at the Pretoria High Court. On 9 February 2009 the Court ruled that this disqualification as a voter is unconstitutional. At the time of writing the Constitutional Court still has to pass judgement on this case.



The constitutional framework approaches elections as a human rights matter (and not a political issue) and therefore provides a strong basis for democratic political rights. A number of court cases – mainly against the IEC – have been used to enforce these rights. The fact that the Constitutional Court’s authority is respected means that the basic legal framework is very strong.

The next step is to investigate the statutory aspects of this framework, which provide the details of the electoral process.

### **THE STATUTORY FRAMEWORK**

Legislation that has a direct relevance for elections in South Africa and that also affects the role played by political parties is the following –

- Electoral Act, 73 of 1998
- Electoral Commission Act, 51 of 1996
- Public Funding of Represented Political Parties Act, 103 of 1997
- Independent Broadcasting Authority Act, 153 of 1993

A number of regulations have been published in accordance with these Acts. A few examples are the Regulations on Party Liaison Committees (1998), Regulations for the Registration of Political Parties (2004) and amendments to these regulations (2008), Regulations concerning the submission of lists of candidates, and Regulations concerning the registration of voters.

The Electoral Act constitutes a comprehensive framework that deals with all the technical aspects of general elections in the national and provincial spheres of government. Local government elections are governed by a separate electoral act. Only those aspects that can affect contestation between the parties and bureaucratic interference in the election will be discussed here.

Very important for transparency in the election are two mechanisms: the election timetable and the party

liaison committees. A prototype of a timetable is provided in the Electoral Act’s Schedule 1. Immediately after proclamation of the election date in the *Government Gazette* the IEC has to publish the official Election Timetable. It provides the cut-off dates for all the steps in the electoral process. Raising controversy in the past was parties registering late or submitting their lists of candidates or paying their deposits after the closing date. Non-compliance with these requirements leads to automatic disqualification. A recent example of such disqualification was the ANC’s exclusion from 15 local government by-elections in the Western Cape at the end of 2008.

Often a sensitive matter is the requirements applicable to political parties to participate in elections. One of the most common undemocratic practices in the conduct of elections is to disqualify parties and/or their candidates even before the election starts. In South Africa it is the IEC’s responsibility, and not that of a government body, to register political parties. In 2009 more than 150 parties were registered with the IEC, many of them mainly for local government elections.

The Electoral Act’s section 26 determines the requirements for political parties to contest elections. A party must be registered and must have submitted a list of candidates. Section 27 prescribes how these lists should be submitted. In addition to the list, the party should bind itself and its candidates to the Electoral Code of Conduct. It should include a declaration by each individual candidate that he/she accepts the nomination and the Code of Conduct. The lists must be accompanied by a deposit for the national election and for each of the provinces in which the party is involved.

These legal requirements are well established by now. Since 1998 they have remained the same and parties are well acquainted with them. The IEC has avoided amending the legislation too often, and this has contributed to a predictable legal environment. Parties in general

accept the nomination process as fair. In some instances the deposit is prohibitive for small parties, but that is exactly its purpose: to prevent too much of a proliferation of small parties. The IEC fees for nomination are R180 000 for participation in the national election, and R40 000 per province per each party contesting in such elections.

The Electoral Code of Conduct plays an important part in regulating proper conduct by the parties and candidates. Its purpose is to promote the values underscoring the Constitution in general and the elections in particular. It also serves as a basis on which political tolerance can be promoted. The Code includes 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. It also lists prohibited conduct such as the use of language or acting in a way that may provoke violence during the election or that may provoke intimidation. It also prohibits the use of inducements or rewards during the campaign, the carrying or display of arms and weapons, or abuse of a position of power.

Violations of the Code, especially during the campaign period, are one of the categories of electoral disputes. A number of dispute resolution mechanisms are available to deal with these matters: (a) the party liaison committees, (b) the IEC itself, (c) conflict mediation panels, (d) the police, and (e) the Electoral Court, among others.

A statutory element which is arguably not producing a level playing field is the Public Funding of Represented Political Parties Act (1997). According to the Act, parties represented in the national Parliament and provincial legislatures annually receive public funds from Parliament for a range of party functions, such as to develop ‘the political will of the people’, to inspire and further political education, to promote active participation by individual citizens in political

life and similar objectives. About 90% of the annual funds are distributed on a proportional basis to the parties, and the remaining 10% is distributed equally among all the parties. The largest chunk of this fund obviously goes to the ruling party with the smaller opposition parties getting the crumbs from the table. The funding is terminated three weeks before an election and parties have to repay whatever is left of that year's funds.

The fact that most of the funds are distributed on a proportional basis can be justified as one of the dividends for winning an election or being a major opposition party. When it is considered that, although this is not specified as such, much of the funds can be used in the early part of a party's election campaign and that only the last three weeks are excluded, then the proportional distribution perpetuates the advantage into the election period. While proportionality can be justified while parties act as government or opposition, at the time of an election the principle of equality should apply. Public funding does not follow that principle.

Another statutory provision which is specifically directed at levelling the playing field is in relation to the media. The Independent Communications Authority of South Africa (ICASA) is responsible for the 'Party Elections Broadcasts and Political Advertisements Regulations' in terms of Section 78(1) of the Independent Broadcasting Authority Act. It regulates party political advertisements and broadcasts during the election broadcast period (i.e. from the submission date of party lists to the IEC, up to 48 hours before polling day).

During this period the conditions are regulated for acceptance, editing and rejection of political adverts and broadcasts; the time period allocated to each party, and related broadcasting specifications. In this respect no difference is made between any of the parties.

More problematic, however, is equal treatment in respect of edito-

rial comments, political analysis and news reporting. Parties often accuse the SABC of bias in favour of the ANC, or recently in favour of COPE. This is an area which is hard to regulate, because it affects media independence and freedom, freedom of expression and similar considerations.

The statutory framework, generally speaking, is not manipulated by the majority party in its favour. With a few exceptions, the playing field is relatively level. The most inhibiting factor is not a legal one but parties' access to financial resources. This is the single most important factor which prevents a level playing field in all respects.

Some argue that the electoral system of PR party lists also has a negative impact on the quality of democracy. This should be briefly considered.

#### **THE ELECTORAL SYSTEM**

As already indicated, the Constitution's main prescription is that the electoral system must result, in general, in proportional representation. Up to the 2004 general election the PR system based on rigid party lists was used. The same system will also be used in the 2009 election.

The system has been criticised mainly from the point of view that it does not promote the values of accountability and representivity. In the absence of constituency representatives, voters feel alienated from the elected representatives. The Electoral Task Team (ETT), chaired by Van Zyl Slabbert, made the following succinct observation about the relevance of an electoral system for accountability and other democratic values (ETT, page 9):

*The point was emphasised that no electoral system can compel an elected representative to behave democratically, take care of a constituency or party responsibilities, or be a disciplined, dedicated Member of Parliament. In so far as these issues may relate to accountability, additional measures, policies, rules or regulations are needed to oper-*

*ate alongside or parallel with an electoral system.*

The PR system is not intrinsically undemocratic. Many states are perfectly content with it. One of the main democratic advantages of the South African PR application is that it treats all votes as absolutely equal in value, because the threshold is the absolute minimum, namely the quota for one parliamentary seat.

Small parties benefit from it, because their representation is directly equal to the number of votes they received. The problem with the electoral system is therefore not amongst the parties, but between the parties and the voters. Representivity is another consideration. According to the Report of the Independent Panel Assessment of Parliament (13 January 2009), Parliament will be representative if it is 'socially and politically representative of the diversity of the people, and ensuring equal opportunities and protections for all its members' (page 22). Representivity, according to the Panel, is determined by the rights in Section 19 in the Constitution. It means that they are satisfied that the legal requirements for representivity already exist, and that their application in practice is the main concern. In the 2009 election campaign the DA, IFP, COPE, UDM and AZAPO are proposing changes to the electoral system, such as a mixed-member proportional representation system and a directly elected President.

Progress was made in granting more credibility to the electoral system when floor-crossing was abolished. Electoral reform might follow, though an important consideration will be notable tendencies in the 2009 election results – especially the ANC's. South Africa is not in the situation of Lesotho (1998), where a post-election political catastrophe forced that country to review its electoral system.

#### **CONCLUSION**

South Africans are fortunate that the electoral legal framework is

dominated by the Constitution. The Executive respects the rule of law in this regard, even though judgments have created many logistical headaches for the IEC. In general,

the playing field in respect of the law is relatively level. However, in political and other terms the principles of power and influence apply and therefore one cannot expect a

completely level playing field. An advantage of the South African electoral architecture is its diversity, its checks and balances and its ability to resolve disputes.

# THE ANC AND COPE

## *Fleeting phenomenon or substantive opposition?*

Susan Booysen – University of the Witwatersrand

### INTRODUCTION

On the surface, COPE appeared to be a political party unlike any other that had emerged in the opposition domain since 1994. In its origins it was significant. In its potential catalyst role, it seemed to have the potential to ring in a new era in opposition politics. Whilst the chances remained that it could still emerge battered and belittled from the 2009 election campaign, also because of its Mbeki links, there was little doubt that party politics in South Africa would never be the same again.

The ANC's 2009 contest with COPE was also nothing like its engagement with any other opposition party in South Africa's preceding three post-apartheid democratic general elections of 1994, 1999 and 2004. COPE fell into the category of 'legitimate' opposition, helping to break the compulsive closing of electoral ranks around a hallowed ruling party. COPE also wreaked uncertainty about electoral outcomes. For the first time in the post-1994 period an opposition party would carve into the ANC's support base, challenging its hegemonic status. Triggered by COPE's potential to precipitate a decline in ANC support, it also handed new prospects to opposition parties, besides possibly also inflicting damage on *them*. The new prospects came through potential opposition alliances that were envisaged as substantial enough to capture enclaves of power from the ANC.

However, undermining these COPE prospects, were questions of whether COPE was in fact the sum total of the Polokwane Mbeki camp's refusal to accept that the wheel had turned and that it was

time to give others a 'turn at the trough', or whether it had accumulated an identity that transcended the immediate circumstances of its origins.

This analysis focuses on the malleability, ambiguity and uncertainty, also the anticipation, which the 2009 COPE phenomenon unleashed on party and opposition politics in South Africa. The analysis thus equally poses questions as to the COPE agenda, its character as party, and the question whether it may evolve from fleeting to substantive opposition. The questions are assessed against the background of emergence of COPE, COPE in the campaign period, possible election results, and COPE's post-election prospects. Because of the March 2009 time of writing, the analysis is concerned principally with the pre-election period.

### COPE IN CAMPAIGN CONTEST WITH THE ANC

COPE in its under-siege-by-the-ANC 2009 election campaign period proved itself to have an effective period-specific opposition party presence. It demonstrated the long-held common political wisdom that effective opposition would have to be 'legitimate' opposition (even if this legitimacy was denied by the ANC). Much of COPE's pre-election presence was through the party establishing itself, and developing an identity, whilst every aspect of its involvement was closely interrogated and challenged by its ANC nemesis. In exploring the contest between the ANC and COPE, this section considers COPE's 'privileged' origins in garnering significance, its emerging identity vis à vis the ANC,

and the broader impact of COPE on the field of opposition politics in South Africa.

### COPE'S ORIGINS: LEVERAGING OPPOSITION STATUS

COPE derived legitimacy largely through its origins. As Jordan (2008) notes, it is 'an opposition formation sprung from the very loins of the ANC and led by former ANC leaders'. COPE nurtured this status in the face of pervasive ANC efforts to prove COPE to be illegitimate and virtually treasonous in its dissent and digression from the ANC. There was the ANC argument of inviolability of the liberation movement bond, suggesting opportunism, sore losers, and the dissident's rejection of processes of ANC internal democracy (see COSATU 2008). For example, Malema (2009) stated that COPE was not a new political party, but only a continuation of the Polokwane third-term (for Mbeki) campaign. In contrast with COPE, many ANC members recognised internal problems in the former liberation movement yet insisted on staying inside and riding out the storm from this perch.

Parts of the ANC's discomfort with COPE stemmed from COPE having externalised internal ANC-liberation movement matters, pushing these into the domain of inter-party competition. The democratic-liberal domain is conventionally a space with limited forbearance for the deeper dynamics of social relations, especially in the context of the historical wrongs against which the liberation wars were fought, and (what could amount to) the long-term justification of slow

transformation. From the liberation movement ethos, liberation movement governments are afforded more time and understanding for turnaround.

In addition, in the party political arena, it troubled the ANC that the issues for contest that COPE aired resonated with both the perceptions of a large segment of the ANC's usual support base, and also the bulk of the opposition attacks.

### **IDEOLOGY, POWER AND CLASS**

The ideological lines in the ANC COPE contest were intensely blurred. More than ideological, it included a dimension of an ANC census on whether it had been time for Mbeki to exit. In a further division, there was a notion of the wheel turning and giving a new group of aspirants access to state power and the benefits that accrue from privileged placing. The division bell thus rang along the lines of an amalgam of ideological, rotation of power (to defeat personal power monopolies in the heart of democratic systems), and profound class interests (on the latter, see Jordan 2008; also see ANC 2009).<sup>1</sup>

What resulted ideologically was a COPE that was in some respects to the centre-right of the contemporary ANC, as articulated in policies and formal proclamations. As judged by conflicting class interests in the ANC that combined with feasible and likely levels of conversion of policy statements into government action (also see COSATU 2009), however, the ANC and COPE were largely equivalent. COPE positioned itself as the party that would ensure that government operated in line with South Africa's founding constitutional ideals, and a government that would be in touch with popular needs. Its vision was one of anti-post-Polokwane ANC and what this ANC was seen to embody. The Mbeki shadow loomed large over many of these ideals and programmes (see, for example, Rossouw & Mataboge 2009). Amongst others, COPE's presiden-

tial candidate Mvume Dandala was being portrayed as the compromise candidate installed with the crucial support of the Shilowa grouping, said to be backed by Mbeki; all to the chagrin of Mosiuoa Lekota, the interim President of the party who had invested much energy building the party.

### **COPE AS CATALYST IN DEBATES COUNTERING THE ANC**

COPE's positioning in the campaign was anchored in its countering of the post-Polokwane ANC and the ANC's style in government, thereby building an identity that harnessed a more general growth in disaffection from the ANC (see Ipsos-Markinor 2009; Schultz-Herzenberg 2009). This fuelled penetrating debates on the nature of democracy and opposition in South Africa, and positioned the debates in the heart of the 2009 election campaign.

COPE thus attempted to put its direct linkage to the losing camp of Polokwane behind it, focusing instead on the year 2008, the principles in the September 2008 recall of Thabo Mbeki by the ANC as the President of the Republic, and in particular on the ANC errors of the time. COPE portrayed the ANC as having deviated from the ideals on which it was formed. It argued that the ANC had become arrogant in power and weak in the quest to uphold clean and accountable government. 'It is important for people to have a feeling of a grassroots response to a serious political problem: the deviation of the ANC from the ideals of the movement' (COPE's Saki Macozoma in Kgosana 2009).

In squaring with COPE and other opposition parties, the ANC telescoped its period in government, since April 1994, into virtual uncontested territory of the ANC working against colonialism-apartheid to make an increasingly substantive 'difference to people's lives'. It was a continuous process, the outcome certain. In contrast, COPE adopted the shorter term focus of what had

gone wrong in the period since the ANC had started deviating from the ideals of the liberation movement, roughly equated with the run-up to December 2007. COPE stressed the ANC's aberrant ways of government and relating to the community (corruption, disrespect for the Constitution, judiciary and Rule of Law, arrogance of the post-Polokwane ANC). It placed less emphasis on policy divergence, accentuating cures for the ills (COPE 2009). COPE clearly was affected by its complicity of having been in power along with the 'accused', yet advocated the virtues of what amounts to political 'new page-ism'.

The question of COPE's status as opposition force cannot be divorced from the subtexts of the Zuma-Mbeki fallout, which climaxed in Polokwane and had its *denouement* in the subsequent recall of Mbeki. (Mbeki was subsequently replaced by Kgalema Motlanthe.) COPE's emergence brought a reversal of the preceding conviction that the ANC would split to its left (see Booysen 1998), to the extent that a left-right split was at stake.

It came to pass that the ANC split would, in fact, be to the right. The numerically weak left, through the political opportunity structure that was manifested, backed Zuma against Mbeki for the 2007 ANC leadership contest, mobilising to deliver an apparently permeable candidate that could further its cause. This backing would help rid the ANC of a leader who was reluctant to see a successor whom he had not anointed step into 'his' seats of power.

Debates were also directly prompted by the legal charges against, and tentative trials around, Jacob Zuma. Whilst the shadow of Mbeki encouraging or facilitating the charges loomed, these were immediate campaign-relevant issues such as clean government and respect for the judiciary that impacted on the contest. Real or artefact, it was COPE's lifeblood. Many South Africans who had either become disillusioned or alienated from the

ANC, or had never actually been close to it, converged in the chords that the anti contemporary ANC objections struck.

#### **COPE IN CAMPAIGN COMBAT WITH THE ANC**

The ANC was waging an unprecedented electoral onslaught on COPE. By all indications, COPE was the opposition party of choice for ANC attacks (see, for example, Joubert 2009). This ranged from unleashing its propaganda machine on COPE, rooting out possible defectors in wall to wall provincial grassroots clean-outs of leadership on all levels (for example in the Eastern Cape; Frölick 2008), and also using Chancellor House<sup>2</sup> proceeds to help fund election campaign expenses. It was the scope of this quest to counter COPE, more than any formal acknowledgement, which indicated the ANC's self-perceived vulnerability in the face of the COPE challenge.

The timing in this contest was advantageous to the ANC. The movement had the time, roughly from November 2008 onwards, to allay fears (for example, on respect for the judiciary, the Rule of Law) and correct some of its ways (reconnect with grassroots and mobilise in new populist forms).

COPE was only going to perform optimally until the ANC had the time to regroup, mobilise and unleash its formidable election and propaganda machine. COPE had little unhindered space and time to solidify as a party.

From the moment of its conception, it was continuously pinned down by the ANC. In line with its post 1994 track record with opposition parties, the ANC was masterful in its efforts to delegitimise and contain specific opposition parties.

#### **EARLY TRACES OF EFFECTIVENESS AS OPPOSITION PARTY**

Irrespective of flaws and questions, COPE's early pre-election efficacy as opposition party was tangible in a series of ANC signals, both in direct

and indirect form. In direct form, the ANC campaigned to stress its respect for the institutions of democracy, including the judiciary, and its respect for the Constitution of South Africa. It emphasised how much it would work for clean, corruption-free government (see Zuma 2009). In indirect form, the efficacy of COPE as opposition in the campaign period could be read from the vehemence of the ANC reaction against both the formation and the subsequent campaign of COPE (see above).

Another profound pre election COPE impact was in the general opposition domain. Opposition was elevated from a staid field of opposition parties that was often pushing decimal changes in electoral performance, without detracting from the ANC's support base. COPE's penetration of this base (the extent remained uncertain) would result in a loosening up of opposition politics.

Whilst it was unlikely (see below) that COPE, in its own right, would pull off huge national damage to the ANC, opposition parties came to be on a brink of pooling election percentages to stage new inroads, such as provincial take-overs, in which COPE could potentially be instrumental.

In the campaign period there was continuous talk of possible alliances (although tentatively so; and occasionally even with reference to a possible alliance between the ANC and COPE; see below), including COPE with the DA and ID in the Western Cape, and with the UDM in the Eastern Cape.

The differences between many of these parties were often overridden by their shared critiques of the ANC.

From these perspectives, it could be surmised that even if COPE would turn out to have been a mere catalyst, a trigger or a fleeting opposition phenomenon at best, it would in retrospect be justified in claiming a substantive impact on opposition politics in South Africa.

#### **COPE IN THE STAKES FOR ELECTION DAY SUPPORT**

Irrespective of noble sites of origins and being the catalyst in debates and realignments that go to the heart of South African democracy and government, COPE could still, come 22 April 2009, end up as 'just another opposition party'. On the other hand, it could become vindicated as the opposition party that broke the mould of undisputed ANC dominance, blocked a further two-thirds ANC majority (also see Pityana in Forde 2009b), played catalyst to a possible realignment of opposition, and worked in alliances with opposition to give the ANC a run for its money, in places, in an expression of 'liberation movement blood is not thicker than water'.<sup>3</sup>

Early indications were that COPE persisted in its ambition to cooperate with other opposition parties to oust the ANC in some provinces. The 2009 election was being noted as an event of ten elections – one national and nine provincial. Later on, there were suggestions that alliances with the ANC were not impossible (also see Forde 2009a).

#### **OUTCOMES OF THE ANC-COPE DUEL**

By March 2009 the jury was obviously out on the exact outcome of the ANC-COPE duel. There was little doubt, however, that the ANC would emerge substantially victorious. Yet, for the governing party, for COPE and opposition politics in general there would be a world of difference between a COPE with a stature of 5, 10, 15 or 20 per cent. Veiled in these percentages were the three main dangers-prospects of the ANC losing its two-thirds majority, in an extreme option even defending its outright parliamentary majority, and the DA running the risk of being eclipsed as official opposition.

As time proceeded, the scope of the COPE challenge became clearer. At the outset, in the heat of Mbeki 'recall', and upon evidence that the new party was actually

splitting off the ANC, expectations reached upward of 20 per cent support for COPE. Enthusiasts translated Mbeki's roughly 40 per cent of Polokwane support into national electoral totals. However, it soon became evident that COPE was most unlikely to become a 40 percent party. Rather, it seemed to be fitting into the range of, at best, just above the DA.<sup>4</sup>

### **SECOND ONLY TO THE ANC, OR TO THE ANC AND DA?**

An assessment of the past election performances of South Africa's post-1994 opposition parties sheds light on the likely fate of COPE, should its electoral performance not match the expectations of its emergence. Opposition parties had slipped in the percentage stakes as the ANC first reached a two-thirds majority in 1999, and when the ANC in 2004 and the 2005 floor-crossing episode broke the 70 per cent barrier (see Booyesen 2006). At the time, debate often centred on the ANC increasingly building larger and larger majorities, on the basis of shrinking turn-outs and ritualistic affirmations of the ANC. COPE could have put an end to this trend.

A common tendency in the three preceding elections was that only four to five parties, including the winning ANC, would achieve more than 2 per cent of the national vote. In 2004, the only opposition parties that could garner more than 2 per cent were the DA, IFP, UDM and ID. In addition, it is usually less than half the parties that register for parliamentary participation that gain representation. In 1994, 1999 and 2004, respectively, 8, 12 and 11 parties gained parliamentary status. Of these, again respectively over the elections, 4, 7 and 7 gained representation but entered on below 2 per cent of the national vote, thus joining South Africa's notorious band of micro parties (see Booyesen 2004), which have proven to have few prospects to flourish and grow.<sup>5</sup> In 2009, 28 political parties were set to contest for parliamentary representation.

In assessing COPE's specific chances, it is useful to recognise the odds of opposition parties claiming huge proportions of ANC support. Political and class realities of contemporary South Africa, along with the ANC maintaining its substantial infrastructure, and its reputation of both former liberation movement and post-April 1994 governing party, opposition parties are virtually assured of not making far-reaching gains. In the run-up to April 2009 there was a widespread consensus that the ANC would lose some support and that the opposition harvest could just be sufficient to carve away its two-thirds majority. COPE was likely, given the balance of forces and judged by prevailing poll and by-election trends, to be the main opposition beneficiary of ANC losses.

There was not as much consensus on other forecasts. It was a recognised possibility that COPE could surpass the DA's 12.4 per cent of 2004, but the DA might subsequently have improved on this score. There was a further possibility that COPE could eclipse the IFP but not the DA, given the IFP's apparent decline in KwaZulu-Natal

(see Ipsos Markinor, 2009; HSRC 2009; Plus 1994 2009). The UDM (2.3 per cent in 2004) and the ID (1.7 per cent in 2004) had small niche voter appeal that could be sustained but they appeared more likely to suffer shrinkage.

Based on the totality of available opinion poll data, and the results of the four sets of municipal by-elections from late 2008 to March 2009, it became possible by March 2009 to venture rankings of how COPE might perform, come 22 April 2009, in the race against the other opposition political parties.

The following two sets of trends thus inform the rankings that are proffered, in hypothetical form and based on the author's interpretations, in Table 1:

1. Regarding polling data, huge amounts of uncertainty resulted from divergent polling results, based on data that at the time of writing mostly came from late 2008. Different polls also had different treatments of the undeclared voters (stating either that they had not decided whom to vote for, or that they refused to share their preference). These

**Table 1: COPE in possible election result standings\***

<b>Scenarios for COPE vis-à-vis ANC and opposition parties</b>	<b>Ranking of possible party standings out of 5**</b>
Beat the ANC	1
Assist in cracking the ANC's two-thirds majority	3.5
Help reduce ANC support to below 50%	1.5
Emerge as stronger than the DA, in 11-15% range	1.5-2
Come out in third place in 8-10% range	2.5-3
Appear in fourth place, after the IFP, in 2-7% range	1-2
Become another below 2% micro party	1

\* These projections are specific to conditions on the ground in March 2009; see the section above regarding the data informing the rankings

\*\* Lowest likelihood: 1 and highest: 5

Source: Author's assessments, informed by the March 2009 balance of polling and by-election evidence

ranged from the HSRC's (2009, based on 2008 data) 3 per cent, to Ipsos Markinor (October 2008, released December 2008) asserting a range of 8-12 per cent, to Plus-1994's (2009, based on 2009 data) 15 per cent vis-à-vis the 16 per cent national support forecast for the DA. Ipsos-Markinor (February 2009) data support for party and political leaders (Harris 2009) also showed a marked decrease in support for and trust of senior governing party leaders. In addition, there was a possibility that, given a certain amount of persecution that COPE supporters had experienced, COPE would come in with the known survey research 'IFP effect' – that of opinion polls under-measuring the party's level of support.

2. The by elections of 10 December 2008, and of 28 January, and 4 and 25 March 2009, spread across most of the provinces and mostly in seats vacated through defections through COPE, probably revealed significant trends. These included: the ANC continues to win a huge majority of the seats that it had previously occupied, mostly by solid to huge majorities. However, these majorities were mostly also sliced into far more modest dimensions, and largely so because of COPE. COPE would often garner 15-25 per cent of the vote, seemingly off the ANC slate.

#### **VOTER TARGETING**

Much of COPE's April 2009 election result will depend on the effectiveness of its voter targeting. COPE will draw its supporters from three main sources: ANC ranks, supporters of other significant opposition parties (such as the DA, ID and UDM), and 2009 first time youth voters, combined with dormant older voters who are unlikely to have voted since 1994. Shilowa (2009) referred to the proportions of these targets, noting 'We can target 20 per cent of those who had not voted since 1994;

we can target even more than this from the ANC's vote.'

To illustrate numbers of votes from the three target sources, and working on the author's hypothetical formula of COPE obtaining 50 per cent of its 2009 votes from ANC ranks, 25 per cent from opposition ranks, and a further 25 per cent from the body of new and dormant voters, the following is vote requirements emerge (working on a 78 per cent national turnout, amounting to 17.9 million voters out of the total electorate of approximately 23 million):

- To get 15 per cent of the national parliamentary vote, COPE would require 1.4 million of former ANC supporters voting for it, plus draw 0.7 million from the ranks of, first, the opposition parties and, second, new voters.
- For 12 per cent national support, COPE would require 1.2 million votes from ANC supporter ranks and 0.6 million each from former opposition supporters and new voters.
- The corresponding required number for COPE on the two respective support levels of 10 and 8 per cent national support would be 1 million ANC supporters and 0.5 million from each of the other two categories; or 0.8 million ANC supporters plus 0.4 million each from the two other sources.

#### **IN LIEU OF CONCLUSION: COPE'S POST-ELECTION PROSPECTS**

The result that COPE achieves on 22 April 2009 will greatly impact on the future track of opposition politics in South Africa. In the broader context, the COPE result will indicate whether the South African electorate is ready for post-liberation politics. It will indicate whether voters were prepared to accept that COPE had emerged as a political party that bears an identity that is more than the Polokwane loser's circle. These factors will obviously directly

impact on the future of COPE, suggesting, for example, whether COPE would proceed as an autonomous party, or enter into alliances that could, in due course, precipitate new political parties, especially if these would be opposition parties.

The result would thus offer hints as to possible future realignments in opposition politics, with COPE potentially acting as a catalyst for post-2009 permutations in opposition politics. With COPE having acted in the role of ice-breaker, it could be easier in future for other groupings to split from the ANC – although it is similarly possible that the ANC's reaction in 'dealing with COPE' could have an inhibitive effect.

Comparative history of other liberation movement governments was furthermore suggesting an increasing legitimacy of post-liberation movement politics. COPE, to date, had already reinvigorated opposition politics in South Africa in general, and had shaken up the ANC to the effect of trying to correct apparent flaws and shortcomings.

As this analysis shows, COPE was a party with many flaws. Election 2009 would show whether this mattered and made voters turn away (also back to the ANC), or whether antipathy and disappointment with the ANC had grown to such an extent that a sizable group of voters would support COPE.

#### **ENDNOTES**

- 1 Jordan (2008) links the rise of COPE to the collective failure of the post-2002 ANC leadership (inclusive of both Zuma and Mbeki) to address the contradictions of class formation and capital accumulation that the post-1994 policies had brought about. Many in the emerging classes had come to treasure their access to public sector positions, and the control of these positions over resources. These developments were also articulated in the ranks of the ANC, with, for example, ANC structures and members being active in capitalist enterprise and its associated practices, often through Broad-Based Black Economic Empowerment (BBBEE) deals.
- 2 Chancellor House is the ANC's investment arm, directly engaging in the business world, swooping up profitable contracts (often from government), and was virtually single-handedly responsible for a formidable ANC financial turnaround in the 2000s.



- 3 By early March 2009 there were only a few, indirect indicators as to possible electoral strength of COPE, and these were often province specific.
- 4 This article was submitted to Election Update on 6 March 2009.
- 5 There was also the further phenomenon of nano parties – those that split off from the micro parties, either in the course of the former practice of floor-crossing or through non-parliamentary splits (for example, the split of the Pan Africanist Movement (PAM) from the Pan Africanist Congress (PAC).

## REFERENCES

- African National Congress (ANC). 2009. *Election Manifesto*. Johannesburg.
- Booyesen, S. 2006. The will of the parties versus the will of the people? Defections, elections and alliances in South Africa. *Party Politics*, Vol. 12 (6), pp. 751–770.
- . 2004. Ten years of democracy and the state of opposition politics in South Africa. *Election Update 2004*. EISA, No. 8, pp. 3–9.
- . 1998. Trends in party-political opposition in South Africa: Ideological constraints on policy and strategy. *Politeia*. June, pp. 29–51.
- Congress of the People (COPE). 2009. A new agenda for change and hope for all. Election Manifesto.
- COSATU Central Executive Committee. 2008. Defend our movement! Advance the gains of Polokwane! Expose and isolate the black DA! November. Johannesburg.
- . 2009. Policy positions of the ANC and Government: Audit of the ANC Elections Manifesto, State of the Nation speech, and Budget against the Polokwane Conference Resolutions. 23-25 February 2009. Johannesburg.
- Forde, F. 2009a. Will the meek inherit the vote? *The Star*, 26 February 2009, p. 19.
- . 2009b. ANC adopts apartheid role. *The Star*, 1 March 2009.
- Frölick, C. 2008. Interview (telephonic). 6 November 2008.
- Harris, M. 2009. Interview with SABC on survey results concerning support for political leaders. SAFM AM Live, 26 February 2009.
- Ipsos-Markinor. 2008. A credible alternative to the ANC – are voters ripe for the picking? Press release, 12 December 2008.
- Joubert, P. 2009. ANC's dirty war on Cope. *Mail & Guardian*, 27 February 2009.
- Kgosana, C. 2009. Defector Macozoma favours new agenda. *The Star*, 2 March 2009.
- Jordan, P. 2008. A Letter to Comrade Mtungwa, an old comrade and dear friend. Speech.
- Malema, J. 2009. *After 8 Debate*. SAFM, South African Broadcasting Corporation (SABC), in interview with Tim Modise, 31 March.
- Pulse-1994. 2009. *Democracy survey: South African national and provincial elections*. Presentation to the South African Broadcasting Corporation (SABC). 26 March.
- Schultz-Herzenberg, C. 2009. Trends in party support and voter behaviour in South Africa. Institute for Security Studies (ISS) Briefing. Tshwane, 7 April.
- Zuma, J. 2009. Fighting graft the ANC's priority. Article written by Zuma for *The Star*, 26 February 2009.

# PARTY POLITICAL CONTESTATION AND CONFIGURATION OF POWER

## *Likely scenarios of the election outcomes*

Dirk Kotzé – UNISA

### INTRODUCTION

Contestation in the 2009 election campaign is not yet focused on well – defined electoral issues, and therefore the choices of voters are not necessarily mutually exclusive. In some instances the contestation is between the parties: the ANC as the custodian of liberation; COPE as a challenger to that custodianship; the DA as traditional opposition but emerging as aspirant – government; and smaller parties such as the Freedom Front Plus (FF+), Independent Democrats (ID) and Inkatha Freedom Party (IFP) as regional or sectoral parties. At another level, the contestation is between sets of leaders or elites: Jacob Zuma versus Helen Zille, versus Lekota/Dandala, versus Holomisa, versus Patricia de Lille. The contestation is about their credibility, ethical qualities, potential to govern, or cooperation with other parties.

A third level of contestation is between policy proposals, and a values contestation. South African elections are not yet primarily characterised by voters' rational choice between policy proposals – they are therefore not yet issue – driven similar to elections in other countries. The 2009 election campaign – similar to the 2004 campaign – is more characterised by a convergence of policies. The Congress of the People (COPE) introduced at the end of 2008 a challenge to the ANC's legitimacy as the custodian of the liberation values, especially those espoused in the Freedom Charter. Other parties like the UDM and the IFP

challenged the ANC's credibility as government: the UDM questioned trust in the ANC; the IFP questioned the ANC's ability to produce results. All of them use corruption as a serious challenge to the ANC's moral fibre – as personified by Jacob Zuma.

The political scientist Robert A. Dahl (*Polyarchy*) emphasises party contestation (together with inclusiveness) as the essence of democracy. Therefore an election in which contestation is not optimised is not a true articulation of democracy. In its purest form, an election is premised on the expectation that the opposition can be the next government. In the South African context in 2009 such an expectation is not realistic. In the provincial sphere of government it might be possible, and in 2011 it might be more feasible at local government level.

Since the National Convention at the end of 2008 a new urgency appeared to develop a broad network amongst minority parties. The 2009 campaign has been characterised by parties maintaining their identities but at the same time finding their way towards a common ground. They also keep their options open for coalition politics after the elections. Formal cooperation is excluded, because of its disastrous results in the past, such as the NNP's divorce from the Democratic Alliance (DA) and the failure of the DA/IFP's Coalition for Change in 2004.

The 2009 election is therefore not only characterised by contestation between parties, but also by

parties testing the public opinion about creating a public domain for themselves which is not dominated by the ANC. One can expect that with this election and future developments smaller parties such as the ACDP, the PAC and its fragments, AZAP, ID and UDM might converge into the bigger pool of opposition. At local level they might be able to continue a bit longer. This predicted tendency of contestation will possibly produce a three – party scenario in which COPE and the DA will compete for dominance against the ANC.

### VARIABLES IN THE ELECTION OUTCOMES

A number of variables will most possibly determine the election results. The first is the distribution of the voter population across the provinces. Three provinces on their own have more than 50 per cent of all the registered voters: Gauteng – 23.58 per cent of all the registered voters; KwaZulu – Natal 19.29 per cent and the Eastern Cape 13.15 per cent. Together they have 56.02 per cent of all the potential voters. It means that the other six provinces together have less than 44 per cent of the total number of voters. Its implications for campaign strategising and for predicting the results will depend in the first instance on its strength in the three provinces. Limited exchange between the provinces is possible, but the bottom – line is that a party needs substantive support in three or four provinces (not necessarily all nine), but provinces like the Free State, North West or Mpumalanga are not

decisive in determining the election outcomes.

Too much emphasis on the Western Cape at the expense of other provinces will not be productive. The Western Cape has emerged as one of the most contested provinces: its voter population is 11.38 per cent of the total (the fourth highest) but those votes have been fragmented between three or more parties in all the elections so far. The voter turnout in the Western Cape is also the lowest in the country since 1994.

Related to the voter turnout and voter population is the general view that the total number of registered voters has increased, that it is an indicator of more interest in the election than previous elections, and that a higher voter turnout is therefore expected.

The two voter registration periods (8 – 9 November 2008 and 7 – 8 February 2009) increased the total number of voters from 20.128 million to 23.100 million. During the first period the increase was 1.533 million and during the second period it was 1.413 million, compared to 1.4 million and 1.5 million during the two registration periods in 2003/4. It means that the number of new registrations is not significantly more. Other demographic dynamics are possible explanations for the more or less stable voter population. A 15 per cent increase in the voter population between 2004 and 2009 gives an average of 3 per cent per year, which is not much more than the average population growth rate of 2.4 per cent.

A significant tendency in the new registrations is that in relative, percentage terms the voter population is growing only in Gauteng, KZN and the Western Cape. In 2004 it was in KZN, Gauteng and the Eastern Cape. About two – thirds of all the voters are registered in urban areas and one – third in rural areas. Comparative figures about generational distribution of voters indicate an increase in prominence of the age group 20 – 29 years. In

2004 they constituted about 19 per cent of the total number of registered voters – in increased in 2009 to 24.24 per cent of the total. The proportion in the age group 30 – 39 years decreased from 26 per cent to 24.67 per cent. The combined group of 20 – 39 years is therefore 48.91 per cent of the total voter population, compared with 46.79 per cent before the 2009 registrations.

Parties' success in the election therefore depends on their success in provinces such as Gauteng, KZN and the Eastern Cape. It also depends on their ability to mobilise the young voters, especially those 40 years and younger, and the urban voters.

Voter turnout is particularly important for the ANC. In the 1994 election there most not yet any correlation between voter turnout and support for the ANC, but since the 1999 elections there is a much stronger correlation. The higher the voter turnout in a province, the stronger is the ANC support. Limpopo is the province most seriously affected by voter apathy. While in 1999 it had the highest level of voter participation (and the highest ANC support), it declined to the fifth highest in 2004. Gauteng's voter participation is also gradually declining, as well as ANC support.

Another variable in the election outcomes is the court ruling that all South Africans who are outside South Africa and who are registered, should qualify as special voters. In the 1999 and 2004 elections it was not possible. Less than 20 000 persons registered as special voters (i.e. 0.09 per cent of the total number of voters). This number will be insignificant for the final outcome, and will not even benefit parties like the FF+ and DA.

A variable impossible to detect in the election outcomes is the effect of government grants and other benefits on voter choices. About 12.8 million South Africans receive social grants, the majority of which are child grants. Others are beneficiaries of housing or rent accommodation. The reason why it is

mentioned is that the last five years have witnessed a major increase in the number of recipients and therefore it can be a new factor in the election, which was not present in the past. A widespread belief is that they will jeopardise it if they do not vote for the ANC. All other parties are at a disadvantage in this regard. On the one hand, it is part of the conventional privilege of the majority party as government, that it can implement its policies and therefore deliver results which no other party can do. On the other hand, if it becomes a negative threat to votes, the status of government is exploited to the detriment of fair elections.

A major variable in the 2009 elections is the performance of the DA and COPE. It is the first election campaign for the DA under the stewardship of Helen Zille. As the Mayor of Cape Town Metropole she plays the dual role of leader of government, and leader of the main opposition party in Parliament. Late 2008 she and the DA's CEO, Ryan Coetzee, crafted the DA's 'relaunch'. In her own words, it was not intended to change the DA's core values, but to change its strategic vision from a party of opposition to a party of government. It involved a significant redefinition and repositioning, partly in response to the formation of COPE.

While in 1999 the DA made significant gains from the FF+ and the demise of the New National Party, the same growth did not continue in 2004. Its constituency also focused on the Western Cape and Gauteng. The fact that Zille is the DA's Premier candidate in the Western Cape but not a candidate for national Parliament, means that her campaign concentrated on that province. How it will affect the national presence of the DA is still unclear, but a scenario in which the DA is even more concentrated in the Western Cape is not inconceivable.

COPE as a factor in the election is even more unpredictable. Late 2008, before its launch in Bloemfontein, a strong opposition against the

Zuma – led ANC looked possible. When COPE announced its first membership figures the Eastern Cape dominated. In the first by-elections thereafter, COPE and the DA overpowered the ANC in the Cape Peninsula. Early indicators were therefore that the Eastern and Western Cape were core COPE areas. During the election campaign that predication did not materialise, and most of its core support appears to be located in the north, especially in Limpopo. The challenge for COPE is to establish a sound organisational infrastructure (and also financial resources), to address possible tribal or regional biases, to keep a distance from former President Mbeki, and to integrate its diverse support bases into a coherent party. COPE is too young to have accomplished it before the election. Its future will be determined by the impact of its MPs on Parliament and whether it can create a momentum that will carry them into the local government elections in 2011.

Intrinsic in the COPE – DA relationship is the notion of competition. Will a Zille – led DA be able to reach beyond the Western Cape; will COPE reach a ceiling in other provinces? The one that can establish a national presence has the best future.

In order to determine possible scenarios for 2009, we should first briefly look at the voting patterns in 2004.

#### **THE 2004 GENERAL ELECTION**

The voter turnout in 2004 was 12.57 per cent lower compared to 1999, and therefore about a 100 000 voters less voted. To determine the tendencies in 2004, one has to look therefore at both the real number of votes and their percentages.

Firstly, in respect of the ANC, it increased its real number of votes at national level by 276 921. By far the most of these gains were made in the Eastern Cape and KZN. In KZN it also increased its percentage support with 7.67 per cent and in the Eastern Cape with 5.47

per cent. Other provinces where it made gains in real number of votes are Northern Cape, Western Cape, North West and Mpumalanga. Though it increased its percentage majority in Limpopo, Gauteng and the Free State (with less than one percentage point in each instance), it lost support in real votes – most notably 153 943 in the provincial election in Gauteng.

Given the conclusions above, Gauteng appears to be a potential problem for the ANC: a decline in voter participation, a loss in real votes for the ANC, and the second lowest percentage growth for the party.

The DA has shown percentage increase in all the provinces, most significantly in the Western Cape (+15.20 per cent). In the Northern Cape it experienced its second strongest growth at +6.31 per cent, followed by the Free State with +3.14 per cent. All of the other provinces showed a growth of less than three percent. Its lowest growth was in KZN (+0.20 per cent). It is also the province in which it lost a real number of votes; in all the other provinces it gained also in real terms, mainly from the NNP's losses. The DA's main concentration points are the Western Cape and Gauteng. It is the official opposition party in all the provinces except for the Eastern Cape (UDM) and the North West (UCDP). In KZN it might play the role of official opposition since the IFP joined the ANC in a coalition government.

Compared to 1999, the ACDP increased its national support by 0.07 per cent, but lost 0.15 per cent compared to the floor-crossing. In terms of real number of votes, its support increased in the Free State, Gauteng, Limpopo, Northern Cape, North West and Western Cape, but declined in the Eastern Cape, KZN and Mpumalanga. Its stronghold is the Western Cape.

The UDM lost percentage support in all the provinces in comparison to its 1999 support levels. However, if the effects of floor-crossing are taken into account, it appears to be

slightly different. As a result of floor-crossing it lost 2.4 per cent national support in Parliament, but partly recovered from the losses with an increase of 1.28 per cent in support since last year. Its main base remains to be the Eastern Cape, where the ANC recovered 5.5 per cent of its losses in 1999, and the UDM lost 4.3 per cent between 1999 and 2004.

In anticipating the outcomes in 2009, we should identify the available indicators of election results.

#### **POSSIBLE INDICATORS OF THE RESULTS**

Predicting election results remain difficult in the South African context. Indicators are not always reliable or sufficient for credible predictions. Two sets of indicators are used here, namely recent by-elections and opinion polls.

#### **BY-ELECTIONS**

By-elections in South Africa are generally not sufficiently reliable indicators, because they apply only to the sphere of local government, while the 2009 election is for the national and provincial legislatures. The two types of electoral systems are significantly different. However, the by-elections of 10 December 2008 and 28 January and 4 March 2009 were conducted close enough to the national elections, to be influenced by national political events, and therefore they are partially useful.

Their results were remarkably stable, and changes occurred only in KZN, Western Cape, Northern Cape and Limpopo. No changes occurred in the Free State, Gauteng, Eastern Cape, North West and Mpumalanga. Most significant of these changes were in the Western Cape on 10 December.

Of the 26 seats, independents (mainly COPE) won ten (five in Cape Town, and the other five in Velddrif, Paarl and Worcester), the DA won nine (two in Cape Town and the other in Citrusdal, Paarl and Caledon), the Independent Democrats won four (in Vredendal, Citrusdal, Paarl and Caledon) and

the ANC three. It indicates that COPE's support is mainly in the Cape Peninsula, while the DA and ID enjoy support also further away from Cape Town. These elections were held very early in the election campaign. Those held later in 2009 suggest less fluctuation, though the number of elections is so small that they cannot be representative of the national situation.

#### OPINION POLLS

About four market – research companies and research bodies are actively involved in electoral opinion polls: Ipsos Markinor, MarkData, Plus 94 Research and the Human Sciences Research Council (HSRC). Their predicted results differ substantially, from 74 per cent for the ANC (reported in November 2008) to 47 per cent for the ANC (reported in March 2009 by the HSRC). The ANC itself predicted 64 per cent in its own poll.

From the polls a band of possibilities emerged: the ANC 61-65 per cent; DA 11-16 per cent and COPE 9-15 per cent. It is clear that the differences are wide enough so that the polls can only provide broad indications. The provincial predications are equally ambivalent.

These polls do not differ on who will receive the majority of votes and who will be the official opposition in each province. However, the percentages of votes in each instance do not converge. One of the explanations for the differences is the margin of error always present in any survey, and the substantial number of respondents who do not want to indicate their preferences. These polling problems affect measuring the smaller parties more than the bigger ones.

#### POSSIBLE SCENARIOS

The most likely scenario of the 2009 election outcome is one quite similar to the 1994 election results. In this scenario the ANC would not maintain its two – thirds majority but it is unlikely that it will decline to below 60 per cent. The DA will

**Table 1: A comparison of the national results in the polls**

Party	HSRC	Plus 94	Ipsos Markinor
ANC	47	61	64.7
DA	7	16	10.8
COPE	3	15	8.9

**Table 2: Provincial predictions for four provinces**

Province	Company	ANC	DA	COPE	IFP
Western Cape	Ipsos	26	42.8		
	Plus 94	27.5	46.8	8.0	
KZN	Ipsos	59	8.7		18.6
	Plus 94	68.2	16.8	4.3	7.0
Gauteng	Ipsos	59	18.6		
	MarkData	54	24	12 – 15	
	Plus 94	60.1	22.3	11.5	
Limpopo	Plus 94	53.9	3.8	33.7	

be slightly ahead of COPE in this scenario, with about 16 per cent versus 13 – 15 per cent. Like 1994, the ANC will not be the dominant party in the Western Cape, but unlike 1994, it will win KZN.

Regarding the positions of the DA and COPE, the DA will be ahead of COPE in the Western Cape, Gauteng and KZN, while COPE is the official opposition in the other six provinces. The DA has the best chance to continue as official Opposition in Parliament. Helen Zille will not be the Leader of the Opposition, because she is not a parliamentary candidate, which means that the DA will have to appoint a new Parliamentary Leader after the departure of Sandra Botha. COPE also will have to appoint a parliamentary leader in the absence of Mosioua Lekota, who wants to work in COPE's party structures.

In this scenario a three – party focus will emerge, with the small parties constituting about 10 per cent in total. It differs significantly from the situation in 1999 – 2009 when it was undoubtedly a single – party dominant situation, with the opposition highly fragmented.

A variation on the first scenario is that COPE is the official Opposition in Parliament, and not the DA. Such a situation will only materialise if it becomes clear that the DA's election campaign was too much focused on the Western Cape and that it neglected the rest of the country.

Another scenario is one in which the ANC maintains its two – thirds majority but not the 70 per cent range. In this scenario it is still unlikely that it will control the Western Cape. This scenario will not be qualitatively different from the first one, except that it will give more confidence to the ANC in Parliament, and it will discourage bipartisanship in Parliament.

A common characteristic of all the possible scenarios is that despite the fact that proportional representation as an electoral system promotes a multiplicity of parties, and that 26 parties participate in this national election, fragmentation of the minority parties might be reduced. Apart from the DA and COPE, all the other minority parties will not represent more than 10 per cent of the voters compared to about 18 per

cent in 2004 (depending on the IFP's inclusion or exclusion). Such early signs of a more consolidated terrain of opposition parties prepare the situation for cooperation between the parties in future, or for coalition governments, especially at the provincial and local levels.

The full implications of the 2009 election are not yet clear to us. The fact that worst – case scenarios, especially regarding electoral violence, did not materialise, and the fact that the electoral process could withstand the pressures associated with Jacob Zuma's legal battles, are

clear indications that the democracy in South Africa is maturing. In that respect the 2009 election made an important contribution to our appreciation of the underlying tendencies and inherent strengths in the constitutional and democratic dispensations.

# SOUTH AFRICA ELECTIONS 2009

## *Political party manifestos on electoral reform*

**Victor Shale – EISA**

CONSISTENT with one of its founding values of the South African constitution, namely 'universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government to ensure accountability, responsiveness and openness',<sup>1</sup> the Republic of South Africa will go to the polls on 22 April 2009 for the National and Provincial elections. This will be the fourth multi-party democratic elections after apartheid. To date, 156 political parties have been registered with the Independent Electoral Commission (IEC). Out of these parties, only 40 parties will contest national and provincial elections. This paper looks at election manifestos of the five main parties, namely the African National Congress (ANC), the Democratic Alliance (DA), the Inkatha Freedom Party (IFP), the United Democratic Movement (UDM) and the Congress of the People (COPE) with regard to their proposals on electoral systems i.e. specific proposals about the direct election of the President, Premiers and Mayors; and some parties arguing for a move away from a pure closed list proportional representation system towards the adoption of a mixed system.

The electoral system has been raised by some parties as a contributing factor to what they perceive as lack of, or absence of, accountability towards the electorate and greater dispositions towards accountability to party bosses. These are important considerations since the electoral system is the method adopted by a country for choosing its leadership. Such a method stipulates procedures and rules on the conduct of elections, as well as

how the chosen leaders occupy their seats in parliament and other representative institutions.<sup>2</sup> South Africa operates the proportional representation electoral system (PR). As early as 2002, questions regarding the appropriateness or otherwise of the PR have been raised. A formal process looking into this matter was led by the Electoral Task Team (ETT) chaired by Dr Van Zyl Slabbert. The details of this process are beyond the scope of this paper, save to say that a report was produced and its recommendation was to introduce a mixed system consisting of proportional and first-past-the-post (FPTP) systems.<sup>3</sup>

It is necessary to reflect briefly on the reasons that may have influenced South Africa to adopt the current proportional representation system in the first place. Following decades of apartheid rule, the advent of democracy in South Africa ushered in by the 1994 democratic elections marked the beginning of a new social, economic and political discourse in the country. A democratically elected government came into being with a mandate to craft and implement policy and institutional reforms that would, among other things, ensure the creation of a free and just society and improve socio-economic conditions (especially for the marginalised groups).<sup>4</sup>

It was necessary that in line with this democratic transition, the country adopted an electoral system that would hold the fragile peace together. The adoption of the PR system therefore was informed by this principle. In the spirit of consociational democracy whose main features include among others, decision making

by consensus and proportionality in terms of representation,<sup>5</sup> the country ensured that all parties irrespective of their size were represented in the legislature. While broad representation has arguably been achieved, there is a growing perception among opposition parties that the unintended consequence of the PR system is that it promotes unaccountability. The views of these parties are presented in seriatim in the next section.

COPE believes that government has to be accountable to the people and committed to serving the people instead of personal interests. It is opposed to the promotion of kith and kin politics. They believe that accountability will be ensured through changing of the electoral system from the proportional system to the direct election of senior office bearers like the president, premiers and mayors. The party believes that this will also improve public participation in all forms of governance. It also undertakes to ensure that these popularly elected representatives can only be removed from office by the people, through clearly defined and nationally agreed to, constitutional procedures. COPE proposes that the people should be able to elect public representatives at the national and provincial spheres so as to achieve a mix of the electoral system as is the case at the local government level.<sup>6</sup>

The changing of the electoral system is also echoed by the DA which although admitting that the proportional representation system is fair and inclusive, argues that voters have no say over who represents them. According to the DA, 'voters should be able to elect their public representatives such as

the President, Premiers and Mayors directly, and know who their MP or MPL is, without sacrificing the fairness of a proportional system'. For this reason the party advocates for a mixed electoral system consisting of proportional representation and a constituency based system. It proposes a formula where '75% of national and provincial public representatives will be elected in 90 three-member constituencies, while 25% of national and provincial representatives will be appointed on the basis of a list system in direct proportion to their party's share of the vote. The DA's argument is that this system will ensure MPs accountability to voters. Furthermore, 'the three-member constituencies allow voters to feel they have at least one representative who speaks and acts in their interests'.<sup>7</sup>

The electoral system also features in the Independent Democrats (ID) 2009 election manifesto. According to the ID, the recommendations of the Van Zyl Slabbert Commission on Electoral Reform pertaining to the adoption of a mixed system of both proportional representation and constituency system should be implemented. Similar to the other parties which use the electoral system as an important electioneering issue for this elections, the ID argues that the proposed system will 'ensure that our public representatives are far more accountable' to the voter. This will be achieved without compromising the important aspect of the proportional component of the system which is the protection of the diversity of political party voices in South Africa.

The Inkatha Freedom Party does not necessarily bring up the question of electoral system. But, it is a known fact that the party has been agitating for the electoral system reform since the time its president was the national minister of Home Affairs and it has never changed or wavered in its position on the nature of the electoral system. The president of the IFP has been a strong critic of the now defunct

floor-crossing provisions and is on record as saying that there should have been electoral reform which would enable MP's to cross the floor with the 'moral legitimacy that they are accountable and directly linked to the electorate ...'.<sup>8</sup> One of the core values mentioned in the IFP manifesto is freedom under which the party considers transparency and accountability as critical elements. It is not far-fetched therefore to suggest that in not so many words, the party shares similar sentiments with other parties on the issue of accountability. On the basis of the foregoing it can also be concluded that it supports electoral reform given its known position on the electoral system.

The ANC manifesto does not dwell on the issue of electoral reform. It departs from the point that the 'ANC-led government has made much progress in the past 15 years' in terms of delivery in housing, water and electricity, economic growth, job creation, provision of social grants and deepening of democracy. The central message of the ANC manifesto is that there is need to work together to achieve more in the areas above. It is important however to note that the party recognises the need to change the way government relates to the people and in the delivery of services. It also commits to ensuring a service delivery culture that will put every elected official and public servant to work for the people, and ensure accountability to the people. Unlike the opposition parties, who apportion the lack or absence of accountability to the electoral system, the ANC seems to consider this a question of working closer with the people and not the electoral system.<sup>9</sup>

Having looked at the arguments raised by the respective parties above, it is critical to then ask the question, is the question of electoral system raised because there is a real threat to our nascent democracy or is it used as a mere electioneering point? Better still, against the background of societal divisions

under apartheid, has the political environment changed to a degree that warrants electoral reform? Lastly, can the question of lack of accountability be attributed to the PR system solely? In order to answer the first question, it is important to first address the second and the third question in their sequence. It is argued that while a lot has been achieved in terms of political stability in the last 15 years, it is axiomatic that the country still has to strive to close the gaps in society to ensure that all interests, particularly of the minorities, are catered for. In fairness to the parties, none seems to suggest a complete removal of the PR system, but the introduction of a mixed system. The degree to which proportionality is retained should therefore be cognisant of the need to protect minority interests, no matter how inconvenient or politically problematic it may be seen to be.

The introduction of the mixed system is however not a panacea for the perceived lacks of accountability. There are other reasons that may be the cause of this problem, rather than solely the electoral system. In part this accountability malaise may be attributable to divided loyalties, where elected officials are in the dilemma of feeling compelled to account to two principals, firstly, the party and then constituents or the people.<sup>10</sup> To confirm a cliché, whereas under the FPTP system the elected official is accountable to the voter, the official under the PR system has no direct link and therefore accountability, to the voter. This notwithstanding, our argument here is that the officials fail to account not so much due to the PR system, but due to factors that are due to the internal functioning within a party, where a carrot and stick approach is often used by party leaderships, forcing the elected official to become more loyal to the party than to the people because their continued presence on party lists is dependent on the party hierarchy rather than on other factors. It follows therefore that under the circumstances, changing the electoral system may



not be the right solution to the problem of lack of accountability but that a change in the internal functioning and democratic culture within parties as well as public democratic culture can also be part of the solution.

Against the foregoing, it is important to point out at the risk of repetition but by way of conclusion, that the question of electoral system reform is not new. It dates back to 2002. It has been established in the paper that while there are calls for electoral system reform by opposition parties, the timing may not be ideal given the pending national challenges that still need to be addressed- challenges which can in part be addressed under the current PR system. It is not farfetched therefore to conclude that the overwhelming call for the electoral reform at this time may not have been well thought out by some of the parties and may be being used as an electioneering stunt rather than a substantive issue. After all, even those calling for the direct election of the President and other office bearers may not have considered the implications of the

adoption of such a system for other aspects of the governance system, as well as for political and democratic culture in South Africa.

#### ENDNOTES

- 1 Section 1 (d) of South African Constitution
- 2 Matlosa 2002
- 3 Chiroro 2008
- 4 Shale 2006
- 5 See Deschouwer 1994
- 6 COPE manifesto
- 7 DA manifesto
- 8 See Matlosa and Shale 2007
- 9 ANC Manifesto
- 10 See Shale 2008

#### REFERENCES

- African National Congress 2009. Working Together We Can Do More: 2009 ANC Manifesto. Available on line: <http://www.myanc.org/Message/>
- Binningsbø, H.M 2005 Consociational Democracy and Post Conflict Peace: Will Power-sharing Institutions increase the Probability of Lasting Peace after the Civil War? Paper prepared for presented at the 13<sup>th</sup> Annual National Political Science Conference, Huldarsjøen, Norway (Unpublished).
- Chiroro, B. 2008. *Electoral System and Accountability: Options for Electoral Reform in South Africa*. Johannesburg: EISA/KAS.
- Congress of the People 2009 A New Agenda: 2009 Election Manifesto. Available online:

- <http://www.congressofthepeople.org.za>
- Democratic Alliance 2009. DA Manifesto 2009. Available on line: <http://www.da.org.za/campaigns.htm?action=view-page&category=6329&sub-page=6330>
- Deschouwer, K. 1994 The Decline of Consociationalism and the Reluctant Modernisation of Belgian Mass Parties. In R. Katz and P. Mair (eds) *How Parties Organize: Change and Adaptation in Party Organizations in Western Democracies*. London: Sage Publications Ltd.
- Independent Democrats 2009. Independent Democrats Election Manifesto 2009. Available online: <http://www.id.org.za/policies/2009-id-manifesto/ID%20Election%20Manifesto%202009%20Final%20-%2031%20Jan%202009.pdf/view?searchterm=id%20manifesto>
- Government of South Africa 1996 The Constitution of the Republic of South Africa, 1996: Act 108 of 1996.
- Matlosa, K. and V. Shale (eds) 2007. *The Impact of Floor Crossing on Party Systems and Representative Democracy*. Johannesburg: Konrad Adenauer Stiftung.
- Matlosa, K. 2002 Review of electoral systems and democratization in Southern Africa. Paper originally prepared for the conference on Electoral Models for South Africa: Reflections and Options. Held at the Vineyard Hotel, Cape Town 9-10 September 2002.
- Shale, V. 2008 Parliament and Democratisation in Lesotho. In K. Matlosa, K. Prah, B. Chiroro and L. Toulou (eds) *The State, Democracy and Poverty Eradication in Africa*. Johannesburg: EISA.
- Shale, V. 2006 Local Governance and Constitutional Democracy: Comparative Insights from Lesotho and South Africa. *Conflict Trends Magazine* No.2 2006.

# GENDER IN THE 2009 SOUTH AFRICAN ELECTIONS

## Gender Links

SOUTH AFRICA is likely to witness a 12 per cent increase in women's representation in Parliament from 33 per cent to 45 per cent, according to a report released by Gender Links on the eve of the April 2009 elections. This would be the largest increase in women's representation since the first democratic elections in 1994 in which women's representation jumped from 2.7 per cent to 27 per cent.

The increase would put South Africa firmly on course to meet the Southern African Development Community (SADC) target of 50 per cent women in political decision making by 2015. It would also place South Africa in the lead position in the regional body (at 36 per cent women in Parliament, Angola is currently the front runner). South Africa would, however, still be behind global leader Rwanda at 56 per cent.

The increase in numbers, largely brought about by the African National Congress (ANC's) 50/50 election list as well as improvements in women's standing in opposition parties, is also likely to spark a new debate on how meaningful numbers are.

'We will face the irony that while we may have many more women in Parliament we will also most likely have Jacob Zuma as president,' noted GL Executive Director Colleen Lowe-Morna. While Zuma was acquitted of rape charges, his utterances that scantily dressed women are asking to have sex and his polygamous lifestyle 'hardly reflect progressive views on women's rights,' she added.

A telling moment in South Africa's history was during the ANC's Polokwane Congress when 'the

proverbial two bulls slugged it out in the ring with not even a hint of a woman as an alternative leader,' Lowe-Morna noted. 'The ANC has made history by fielding equal numbers of women across its party list, but patriarchy still runs deep in this as in every other party,' she stated.

While the Independent Democrats (ID) and Democratic Alliance (DA) have women leaders, neither has fielded equal numbers of women and men in the top 50 candidates on their lists. The Congress of the People (COPE) has come close to parity in its top 50; except (like the ANC) at the very top.

GL's election analysis shows that women constitute over half of all registered voters in all provinces and 55 per cent of voters overall. In the bumper voter registration turn out, young people constitute 12 million of the 23 million voters and young women constitute 53 per cent of these voters, making them the most powerful voting bloc. But the report comments that party manifestos and campaigns have done little to address key concerns of women like gender violence and the economic crisis. Awareness of gender as a critical factor in elections remains weak, the report says.<sup>1</sup>

### BACKGROUND

The 2009 South African pre-election period has been characterised by a highly successful registration exercise as exemplified by massive voter turnout against a background of mudslinging and rising political temperature among political parties across the country. The worst incidents have occurred in the politically volatile province of Kwa-Zulu-Natal where supporters of the

African National Congress (ANC) and Inkatha Freedom party (IFP) have clashed during rallies.

The election itself promises to be fiercely contested among the various political parties. Commentators and political analysts believe that opposition parties including the new Congress of the People (COPE) will offer a real challenge to the ANC. This report reflects on the gender aspects of the elections and the likely outcomes.

### WOMEN AS VOTERS

The IEC began voter registration in November 2008 and opened more than 19,000 polling centres and over 59,000 officials were trained for the exercise. Initially, the IEC targeted a total of 22 million voters at the cost of nearly R200 million. By time the registration process closed in February, a total of 23 174 279 had registered as voters for both national and provincial elections representing an increase of 12 per cent from the 2004 national and provincial elections when there were 20 674 926 verified voters on the roll.<sup>2</sup>

Voter registration statistics released by the IEC shows that in all the provinces more women than men have registered. Overall, women constitute 55 per cent of all registered voters; this runs as high as 58 per cent in the Eastern Cape.

Another notable feature is the 'Obama effect' in South Africa. The elections have attracted a lot of young people. Some 12 million or over half of those who registered to vote are between the age group of 18-39. Of these, 6.4 million or 53 per cent are young women and 5.6 million (47 per cent) are young men. This is by far the largest age group of voters (see Table 2 below).

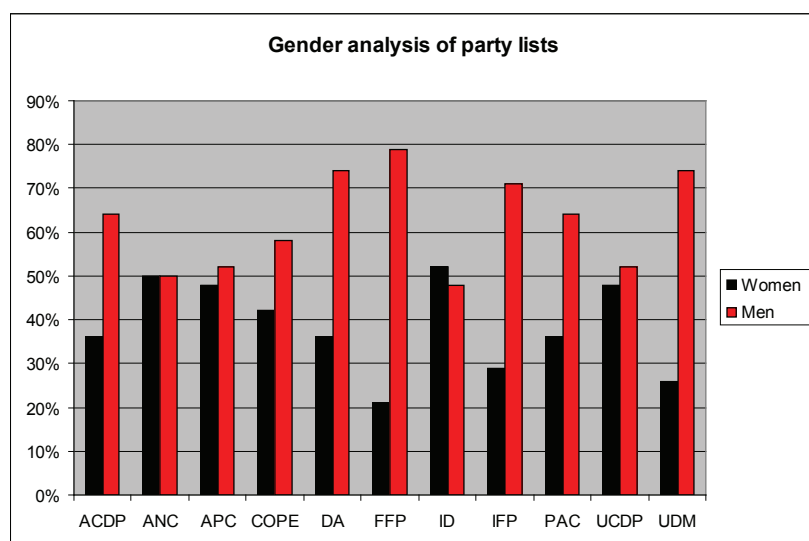
**Table 1: Women and men voters by province**

Province	Women	Men	Total	% Women	% Men
E. Cape	1 772 489	1 283 166	3 055 655	58	42
Free State	755 370	630 206	1 385 576	55	45
Gauteng	2 782 162	2 676 688	5 458 850	51	49
KwaZulu-Natal	2 548 839	1 926 378	4 475 217	57	43
Limpopo	1 360 851	895 222	2 256 073	60	40
Mpumalanga	923 818	772 207	1 696 025	54	46
North West	858 354	799 190	1 657 544	52	48
N. Cape	298 018	256 882	554 900	54	46
W. Cape	1 418 474	1 215 965	2 634 439	54	46
National	12 718 375	10 455 904	3 174 279	55	45

Source: IEC

**Table 2: Registered females and males per age group**

Age Group	Female	Male
18 - 19	375 339	322 426
20 - 29	3 008 626	2 643 048
30 - 39	2 980 095	2 711 183
40 - 49	2 490 406	2 064 824
50 - 59	1 765 338	1 444 271
60 - 69	1 083 329	772 622
70 - 79	672 699	347 529
80 - 89	342 543	150 001
<b>Totals</b>	<b>12 718 375</b>	<b>10 455 904</b>
		<b>23 174 279</b>



The upsurge in voter registration can be attributed to the aggressive advertising campaign carried out by the IEC through radio, newspapers, television and billboards urging people to vote as well as the formation of COPE and the generally more dynamic election landscape than in the 2004 elections.

While the ANC is out rallying in full force for Jacob Zuma, who was acquitted of rape charges as stated above, and against whom charges of corruption were recently dropped on the pretext of political meddling, opposition parties are mobilising support against the controversial ANC leader.

In and amongst all the political wrangling one important fact has been ignored. Women voters constitute 5 per cent more than men voters. Neither the media nor political parties have picked up on this and emphasised this as a key election issue. The real question is: *Are political parties responsive to the majority of voters in South Africa?*

The analysis that follows examines this question from the perspective of the representation of women on party lists; if and how gender is integrated into party manifestos; and whether or not there is an enabling environment for elections.

#### **GENDER ANALYSIS OF PARTY LISTS**

A total of 42 political parties submitted their candidates' lists to the Independent Electoral Commission (IEC) by 2 March for the 2009 national and provincial elections. However, participation will considerably vary. Some political parties will contest for the national assembly and provincial legislatures which others will contest in national assembly elections only; others will contest in provincial legislatures only.

Only 11 political parties will contest elections for the national assembly and all nine provincial legislatures. These are African Christian Democratic Party (ACDP), African National Congress (ANC), African Peoples Convention (APC), Con-

gress of the People (COPE), Democratic Alliance (DA), Freedom Front Plus (FFP), Independent Democrats (ID), Inkatha Freedom Party (IFP), United Democratic Movement (UDM), Pan African Congress of Azania (PAC), United Christian Democratic Party (UCDP). Three parties have registered to compete in national assembly only. Fourteen parties will contest the elections for the national assembly and one or more of the provincial legislatures while 14 will contest in one or more in provincial legislatures only.

Table 3 shows the proportion of women and men on the national lists for the eleven parties contesting the election nationally and in all nine provinces. The table and graph show that the Independent Democrats (ID) have the highest proportion of women on their lists (52 per cent). They are followed by the ANC (50 per cent). The APC has come close to parity with 48 per cent women on the list. The FFP (21 per cent) and UDM (26 per cent) have the lowest proportion of women on their lists.

The ANC has met the 50/50 quota that was adopted at the ANC National Congress in Polokwane in November 2007. The ID and APC have achieved or come close to achieving parity without quotas. COPE, DA, ACDP and UCDP have between 30-40 per cent women on their lists. The five remaining parties have 25 per cent or below representation of women on their lists. The FF Plus comes in last with only 21 per cent women on the list.

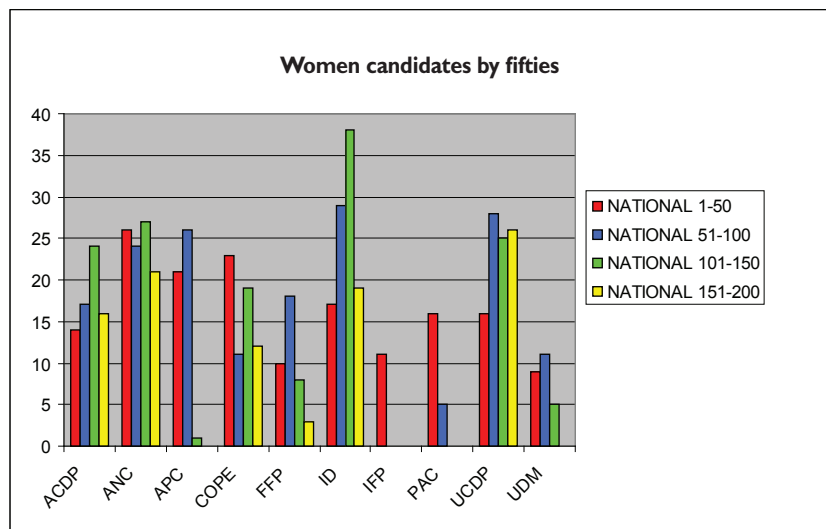
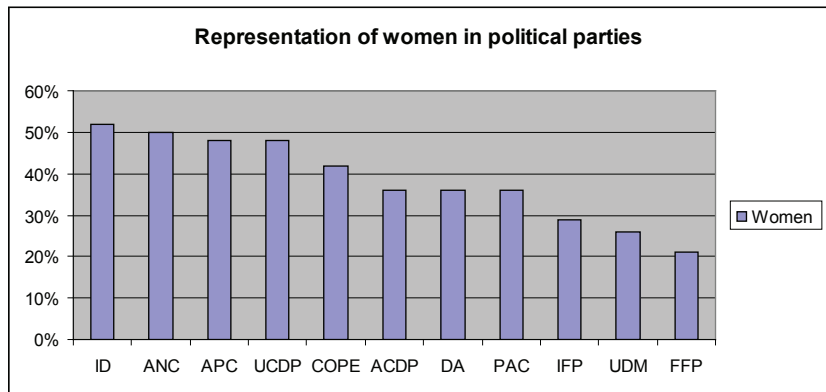
Numbers only tell part of this story. It is crucial to look at where women are located on the lists. If they are located low on the party lists then a high proportion of women in the party does not mean that they will be elected to Parliament.

An analysis of women in the first 50, second 50, third 50 and fourth 50 candidates reveals interesting trends.

As is illustrated by the graph above the ANC has most of the women candidates in the first 150 candidates on the party list. It is

**Table 3: Women in party lists**

Party	% Women	% Men
ACDP	36	64
ANC	50	50
APC	48	52
COPE	42	58
DA	36	74
FFP	21	79
ID	52	48
IFP	29	71
PAC	36	64
UCDP	48	52
UDM	26	74



Note: The DA is not included because the party is not hierarchical but per province.

therefore likely that the ANC will again take a very high representation of women to Parliament.

All the opposition parties, if indeed they are serious about including 50 per cent women in their delegations to the national assembly, should have at least 25 women in the top fifty candidates. This will ensure that they are able to take 50 per cent women to the National Assembly. None of the opposition parties have 25 women in their first 50 candidates. COPE and the APC come closest with 23 and 21 women respectively.

#### **GENDER FORECAST FOR THE NATIONAL ASSEMBLY**

Analysts and commentators have found it difficult to predict this election. Media Tenor<sup>3</sup>, the Institute for Media Analysis, says that Jacob Zuma is receiving 62 per cent of media coverage while Mangosuthu Buthelezi is getting 7 per cent, Helen Zille 14 per cent, Mvume Dandala 8 per cent and Mosiuoa Lekota 9 per cent.

The South African Institute for Race Relations<sup>4</sup> predicts that the ANC will get 66 per cent of the vote while the IFP will get 5 per cent, the DA and COPE 21 per cent and smaller opposition parties will get 8 per cent.

If one assumes that the ANC will get 60 per cent of the vote the ANC will have at total of 240 seats in Parliament and based on the 50/50 nature of the ANC's list, 120 women will be in the ANC's delegation to Parliament.

If the DA and COPE each obtain 15 per cent of the vote, they will have 60 seats per party. Based on the location of women in the first 60 candidates in the party list, COPE would have 28 women MPs, or about 47 per cent women. The DA would likely have about 22 women or 37 per cent women MPs. In this scenario, the remaining opposition parties will get at a total of 40 seats, of whom we predict that about 10 will be women.

This implies a total of 180 women or 45 per cent women in Parliament;

up from 33 per cent in the 2004 elections.

This would be the biggest increase in women's representation in Parliament since the first democratic elections in 1994, and would place South Africa on course to meet the target set in the SADC Protocol on Gender and Development of 50 per cent women in decision making by 2015.

#### **GENDER ANALYSIS OF PARTY MANIFESTOS**

Political parties release their political manifestos during an election period to sell their policies and programmes to the electorate. Invariably, all manifestos promise to improve the lives of the people in the field of health, security, agriculture, infrastructure, education, housing, justice. They also promise to combat crime.

However, the manifestos have fallen short of mainstreaming gender and the promotion of gender equality and enhancing the status of women.

There is little reference to the promotion of gender equality and participation of women in leadership positions.

Political parties that have mentioned gender have done so in a vague way. Some parties have not featured gender at all in their manifestos nor do they mention it. Below is a detailed analysis of gender in party manifestos.

This analysis shows that only the ANC has made any real effort to mainstream gender in its manifesto. It has translated the 50 per cent party quota in its party constitution into the party list. The ANC asserts that 'it has been 15 years of struggle for gender-equality, 30 per cent of all our Parliamentarians, provincial legislature members and councillors are women and 43 per cent in cabinet. ANC policies will further increase women representation in Parliament and government to 50 per cent by 2009.'

While the ID lists exceed the 50 per cent representation of women the manifesto is disappointingly de-

ficient of gender content. The manifesto dwells on providing solutions to the problems for the environment, building houses and homes, sustainable energy etc. Similarly, the PAC makes no mention of the meaningful participation of women in decision-making positions.

The United Democratic Movement (UDM) makes no mention of the participation of women in politics or their placement in decision making positions. The party talks about creating jobs, providing quality education, quality health care, safety and justice for all South Africans, as though women and men are the same and are affected equally by these policies.

The DA believes that all South Africans should have the capacity to influence the way the country is run and pledges to create a constituency-based electoral system which will make public representatives directly accountable and responsive to their voters as though. The gender implications of this are not explored, even though it is undisputable that the PR system that pertains in South Africa has played a major role in promoting women's participation in politics.

Several parties including the UCDP, ACDP, IFP, FFP and UDM refer to women and children as vulnerable people in society and as victims. This assumes that women have the same needs as children. However, children require protection while women need to be empowered to protect themselves.

#### **VIOLENCE AND INTIMIDATION**

Although the registration process has proceeded without any hitches, the campaign has been characterised by name calling, hate speech, mudslinging, intimidation and a rising political temperature across the country.

ANC Youth leader Julius Malema has been at the centre of controversy for his insolent remarks and inflammatory language. He branded the Democratic Alliance leader Helen Zille a 'colonialist' and

Party	Quota	Gender: Specific references or inferences	Gender mainstreaming
<b>ANC</b>	Committed to 50% percent women in the list, Parliament and government	<ul style="list-style-type: none"> <li>Increasing prevention of Mother to Child transmission of HIV to 95% in all districts.</li> <li>Combat violence and crimes against women and children by increasing the capacity of the criminal justice system.</li> <li>Vigorously implement broad based economic empowerment and affirmative action policies and adjust them to ensure that they benefit more people, especially workers, youth, women and the disabled.</li> </ul>	<ul style="list-style-type: none"> <li>Non-sexism a guiding principle throughout the manifesto. Contradictory in light of the history of the leader of the ANC and comments made by Malema about rape.</li> <li>Massively expanded public works programme linked to home based care, crèches, school cleaning and renovation, tree planting and school feeding.</li> </ul>
<b>COPE</b>	No quota	<ul style="list-style-type: none"> <li>Clause 7: Respect for the values and principles of the South African people. Respect for the dignity of women, protect the innocence of children.</li> <li>Clause 12: Broadening people's participation in the economy; strengthen the implementation of the Employment Equity Act (Affirmative Action) and Broad Based Black Economic Empowerment.</li> <li>Establish a Women's Development Fund to focus on funding and support for the engagement of women in productive economic activity.</li> </ul>	<ul style="list-style-type: none"> <li>Not mainstreamed</li> </ul>
<b>DA</b>	No quota	<ul style="list-style-type: none"> <li>No specific women's projects.</li> <li>Only mentions women in its introduction.</li> <li>Men, women and children living anywhere in the country are able to go about their daily business in their communities knowing that they are safe from criminals; that their local government provides basic services quickly, efficiently and affordably; that the public transport system allows them to move around quickly and safely.</li> </ul>	<ul style="list-style-type: none"> <li>Gender is not mainstreamed in the manifesto.</li> <li>The manifesto is issue based without specifying beneficiaries. It dwells on the detail of how the DA will run government rather giving a broad picture of issues.</li> </ul>
<b>ID</b>	No quota	<ul style="list-style-type: none"> <li>Envisions an inclusive nation where every South African is given the skills, resources and prospects to meaningfully contribute to shared prosperity.</li> </ul>	<ul style="list-style-type: none"> <li>The manifesto is issue based but does not mainstream gender within the issues.</li> </ul>
<b>IFP</b>	No quota	<ul style="list-style-type: none"> <li>Most morally repugnant crimes (such as murder, rape, violent assault and crimes against children, women and the aged) present a moral challenge.</li> </ul>	<ul style="list-style-type: none"> <li>Gender is not mainstreamed in the manifesto under any thematic area.</li> </ul>
<b>UDM</b>	No quota	<ul style="list-style-type: none"> <li>Creating jobs for all South Africans, quality education for all South Africans, safety and justice for all South Africans (violent crimes, as well as crimes against women and children, are of particular concern to us).</li> </ul>	<ul style="list-style-type: none"> <li>Gender is not mainstreamed in the manifesto.</li> <li>It talks in general terms about creating jobs, offering equality, safety and justice, and safety for all South Africans.</li> </ul>
<b>ACDP</b>	No quota	<ul style="list-style-type: none"> <li>Extending the roll out of antiretroviral treatment and the prevention of mother to child transmission programmes</li> <li>The role of women as mothers of our country's children is an essential building block for healthy families and a healthy society).</li> <li>Supports the measures which are aimed at protecting women and children as vulnerable citizens against abuse).</li> </ul>	<ul style="list-style-type: none"> <li>Gender is not mainstreamed in the manifesto. Manifesto only talks about issues in general terms with specifically mentioning beneficiaries. For example, under housing ACDP says 'will incrementally provide access to adequate housing for all'.</li> </ul>

<b>UDCP</b>	No quota	<ul style="list-style-type: none"> <li>• Does recognise the need for gender equality by adopting the South Africa's National Policy Framework for Women's Empowerment and Gender Equality.</li> <li>• Providing access to employment to all women.</li> <li>• Ensuring equality to all mankind.</li> <li>• Putting in place a strong gender commission that will effectively implement gender equality policies. Women will be actively involved in the definition, design, development, implementation, and gender impact evaluation of policies related to economic and social changes.</li> <li>• Special courts dealing with sexual offences against women will be established countrywide.</li> </ul>	<ul style="list-style-type: none"> <li>• Although the manifesto has a gender clause, gender is not mainstreamed. It hardly mentions promoting women in leadership positions or allowing men and women to participate in all spheres of life.</li> </ul>
<b>PAC</b>	No quota	<ul style="list-style-type: none"> <li>• Legislating for mandatory life sentences for serious crimes such as rape, murder, child abuse and women abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• Gender is not mainstreamed in the manifesto.</li> <li>• Dwells on problems facing South Africa and blames ANC for them. PAC offers solutions to the problems but does not say who the beneficiaries of the reforms will be or who will drive these programmes.</li> </ul>
<b>FF+</b>	No quota	<ul style="list-style-type: none"> <li>• Only mentions Women's and Children's rights in broad terms. Appreciates the role that women fulfil in public life and civil society. Supports women's rights, but knows that they can only be realised in practice through the empowerment of women through the creation of opportunities and training.</li> </ul>	<ul style="list-style-type: none"> <li>• Gender is not mainstreamed in the manifesto.</li> <li>• Gives prominence to championing the cause of Afrikaners and promoting individual languages. It subscribes to parochial interests rather than broad issues affecting South Africa.</li> </ul>

an 'imperialist' and Zille hit back calling Malema an '*inkwenkwe*' (not yet an adult). Malema infuriated the Inkatha Freedom Party (IFP) when he said 'we are not afraid of the IFP. We must campaign everywhere in KwaZulu, even at Mangosuthu Buthelezi's backyard. We must recruit his children.'

The ANC was forced to issue an apology to IFP over Malema's remarks as a means to diffuse political tension which has been rising between the two parties in KwaZulu-Natal and to avert, what many see as a return to the political violence replica of 1994 and 1999 elections.

Nonetheless, IFP and ANC supporters have been engaged in political violence in KwaZulu-Natal with each side blaming the other for inciting violence. Some ANC members were shot and injured allegedly by IFP supporters in northern KwaZulu-Natal during a rally.

In early March, scores of women and children were injured during a stampede at an ANC rally addressed by party president Jacob Zuma at the Chatsworth Stadium in Durban. The incident was a result of the failure by the party and law enforcement agents to take precautionary measures to provide safety to supporters. In East London COPE members were attacked by ANC supporters. A woman was severely assaulted.

Incidents such as these make it very difficult for citizens to make informed decisions about how they will vote, and even whether or not they are safe to vote in some areas. Political parties should communicate that such behaviour is unacceptable. Sexist comments have also crept into political speeches and commentary. The most blatant example was the comment made by Malema (in an oblique reference to the Zuma rape case) that women who are raped do not ask for taxi money to go home in the morning. Malema suggested that the woman who accused ANC president Jacob Zuma of rape had a 'nice time' with him and said,

'when a woman didn't enjoy it, she leaves early in the morning. Those who had a nice time will wait until the sun comes out, request breakfast and ask for taxi money.'<sup>5</sup>

Tokyo Sexwale, speaking about COPE on behalf of the ANC added: 'Our mothers are taken, house to house, they are also paraded on TV, these people are performing witchcraft with our mothers ... They are liars. You can't have respect for people who use older people in that fashion.'<sup>6</sup>

### CONCLUSION

On the numbers and in their manifesto the ANC has made a clear commitment to women's representation and advancement generally. However, members within the party contradict this in their behaviour and practices.

Some of the statements made by prominent male politicians are demeaning to women and perpetuate negative stereotypes of women as sex objects and witches. In a country with exceptionally high levels of gender violence Malema's trivialisation of the rape charges against Jacob Zuma were inappropriate and damaging.

Despite having women leaders, the ID and DA do not see themselves as championing the cause of gender equality, believing in the dictum party first and women second.

The other opposition parties group women with children. This perpetuates patriarchal values that need to be dismantled in order to achieve gender equality. Women and children have very different needs and require different strategies to address these needs. Political parties have to engage with the needs of women separate from the needs of children.

Overall, none of the parties really speaks to the needs of female citizens, who represent 55 per cent of voters in this country. When compared to the American election late last year, we are still far from recognising, let alone deliberately wooing, the most significant voting bloc in the country.

### ENDNOTES

- 1 GL will be conducting a gender analysis of the outcomes of the elections on 22 April. For more information contact Colleen Lowe Morna on 082 561 6995 or Kubi Rama on 082 378 8239 or go to [www.genderlinks.org.za](http://www.genderlinks.org.za)
- 2 IEC
- 3 <http://www.saelections.co.za/?gclid=CKjV4tO64ZkCFZCD3godIAx3aQ>
- 4 [http://www.sairr.org.za/sairr-today/news\\_item.2009-01-21.3170419646](http://www.sairr.org.za/sairr-today/news_item.2009-01-21.3170419646)
- 5 <http://www.tac.org.za/community/node/2477>
- 6 <http://www.mg.co.za/article/2009-01-26-cope-takes-issue-with-sexwale-malema-comments>



# LOCAL GOVERNMENT, THE 2009 ELECTIONS AND PARTY MANIFESTOS

Maureen Moloji and Ebrahim Fakir – EISA

IT IS ELECTION year in South Africa and as with every election contesting parties develop manifestos that become the basis of their campaigns. Manifestos are meant to give the electorate a clear picture and understanding of what they represent and what they will do/offer/change, if and when they get into office.

This paper will be looking at the absence of the mention of local government and service delivery at the local level, in the manifestos of selected parties. We will look at the seven main parties, since 148 parties have registered in total to contest the elections. We argue that local governance and democracy was elevated to a sphere, equal in importance to others, but that the way in which parties treat local government and accord it influence and profile in their national manifestos appears to suggest that it is being relegated back to a tier, despite the lip-service paid to the importance of local government. Most of the major parties, it seems, have ignored the importance of local governance and local democracy to the detriment of the overall health and well-being of South Africa's democracy and governance system.

## **AFRICAN NATIONAL CONGRESS (ANC)**

In its 2009 Manifesto the African National Congress has identified the five following points as its priority areas for the next five years:

- Creation of decent work and sustainable livelihoods
- Education
- Health

- Rural development, food security and land reform
- The fight against crime and corruption<sup>1</sup>

There is no mention of local government and the local governance system or how the local governance system will aid service delivery. This could perhaps be justified on the basis that the parties are contesting for national and provincial seats and are only concentrating on issues at this level and relegating local government issues to the local government elections of 2011. However, given that improved service delivery is a critical component of the ANC's manifesto, and that there is a specific focus on rural development, issues of local government ought to have been included in the overall governance manifesto. After all, the ANC is expected to win the 2009 election. They have also said that the manifesto will provide the basis for the medium term when re-elected, and so it thus follows that within the overall governance framework and system, local government is an important component of both integrated and cooperative governance.

However, in terms of the ANC election campaign, there is a central telephone number that can be called for information and queries, and the pre-recorded message narrates the ANC's plans for local government. It is, however, unclear whether the message was recorded for the 2006 Local Government elections or that it is always online and the message periodically updated and improved upon.

These are some of the promises that the ANC makes towards its

goal of improving local government; that there will be high calibre teams (with skilled personnel) put together to work with weak municipalities. Improve services such as water and sanitation, health at clinics and hospitals, expand free basic services to all households. Improve the quality of houses and improve services at all government centres i.e. police stations, clinics etc. implement large projects for economic development, implement projects in rural areas, food gardens, small to medium enterprises. Improve functioning of local government through public participation. This at least gives an indication of the ruling party's drive to improve local government by constantly reporting back to the people on the gains made and challenges still to be overcome. While local government is a feature of the ANC's manifesto it does not form a central component. One of the most critical oversights has been a lack of proposals as to how the ANC as a government will attempt to address the many thousands of local protests of the last decade, some of which were violent. Many of these protests centred on issues of a lack of Local Councillor accountability, lack of facilitation by local representatives of service delivery and the general unhappiness in relation to local democracy and service delivery. In some instances, such as Khutsong, these violent protests were aimed at National Governance decisions, which affected both the local government system as well as citizens in a particular locality. While it is unrealistic to expect that party manifestos for National and Provincial elections would focus substantially on local governance,

it is not unrealistic to expect that issues of national government, which affect local government, as well as the feature of local government as a component of the Governance system and the Democratic system, should be recognised. The ANC however, despite any substantive focus, does seem cognizant of Local Government issues in its 2009 manifesto.

#### **THE DEMOCRATIC ALLIANCE**

The DA's top five priority areas are:

- Reducing poverty
- Improving the quality of education
- Improving the quality of health care
- Fighting crime and corruption
- Protecting and defending the Constitution<sup>2</sup>

Being the official opposition, the above mentioned points are the priority areas of the DA and they, too, do not speak directly to issues of local governance. While the priority areas identified by the DA have an impact on local government, the degree of depth that may have been expected in their manifesto in relation to the successes in local government that the DA has scored in areas where it is in government, have not been narrated and highlighted in the manifesto.

In a wide-ranging, comprehensive and detailed manifesto with some very sound proposals the DA has, it seems, identified many areas in which local governments are a critical component of governance but in its manifesto detail, seems to have assumed the integration of local governance as a component to such a degree, that it disappears from view.

Thus local governance and local government is not addressed in any degree of depth or detail in the DA manifesto, and yet again, while a national and local government manifesto would not dwell on matters of local government, given its critical centrality to many service

delivery areas it ought to at least be among the focus areas, or integrated into identified priority areas of the election manifesto, where local governments have a role.

#### **CONGRESS OF THE PEOPLE**

COPE identifies the following as its priority areas – to:

- Fearlessly defend the constitution and uphold the rule of law
- Systematically eradicate poverty, grow the economy, create decent work and substantially reduce unemployment
- Protect the environment and our natural resources for future generations
- Equip and educate our children to be globally competitive and ready to function in the knowledge economy and provide our people with opportunities to acquire the necessary skills to realise their full potential
- Significantly improve the quality of health care and increase health literacy
- Fight and reduce crime and provide better safety and security for all;
- Enhance the gains made in the empowerment of women to achieve gender equality
- Empower and develop the youth to realise their full potential and play their rightful role in society
- Strengthen families, family life and communities
- Unite the nation to act together to build a truly non-racial South Africa; and, contribute to the development of Africa, strengthen South South cooperation and build a more just world.<sup>3</sup>

Examining the priority areas of COPE, there really is no direct or significant mention of local government or service delivery. The focus seems to be solely on issues of national and provincial significance.

Many of these identified issues have a direct bearing on local government and COPE may yet come to find that a lack of any

focus on local government may be a serious omission.

#### **UNITED DEMOCRATIC MOVEMENT (UDM)**

The seven priority areas of the UDM are:

- Socio-economic development; create jobs and eradicate poverty. The UDM refers to saving costs by reassessing government spending and a point that is made which is relevant to this paper is 'reassessing excessive spending on municipal and provincial executive salaries'
- Combating crime and creating a safe South Africa
- Quality education for all South Africans
- Clean governance for all South Africans. Fighting corruption and nepotism. (The ruling party has also institutionalised nepotism with its so-called 'deployment of cadres', which elevates party membership above qualification or ability, and which has bred a culture of mediocrity, incompetence and corruption in many parts of the civil service as well as municipalities.)
- Reliable health care for all South Africans
- Protect the environment for all South Africans
- Electoral reform.<sup>4</sup>

The UDM does refer in part to local governance when it talks to clean governance / fighting corruption in the civil service, most especially in municipalities.

As skills shortages are one of the factors that contribute to the underdevelopment and incapacity of municipalities, reassessing excessive spending on municipal and provincial executive salaries, attracting the right skills at municipal level and combating corruption at the municipal level are all well identified by the UDM.

#### **INDEPENDENT DEMOCRATS (ID)**

The ID's ten priority areas are as follows:

- Provide a minimum grant funded through taxation on luxury goods and sin taxes
- Create jobs by massively boosting small business development and tackling youth unemployment by providing wage subsidies
- Position South Africa as a world leader in renewable energy and create thousands of jobs
- Fight crime by boosting the Police Service to 200,000 and employing 5,000 more social workers
- Extend the rollout of ARVs, introduce National Health Insurance
- Fill the 55,000 vacancies in the health sector
- Provide all schools with infrastructure within two to five years, improve teaching and introduce a Child Education Grant
- Institute a comprehensive rural development strategy that rolls out basic services, supports farmers and builds rural markets
- Cut wasteful government expenditure on the Arms and Nuclear industry and save the taxpayer billions
- Fill all vacancies in the public service and fire incompetent officials and ministers who fail to deliver
- Continue to fight for the realisation of constitutional rights, especially those of the poor people with disabilities, women and children

While many of the ID's core manifesto points relate directly to issues of local government, in its broader 57 page manifesto, local governance issues are well integrated into the ten priority areas listed, but as in other parties, there is little substantive focus on local government and governance.

#### **INKATHA FREEDOM PARTY**

The IFP is focused on ensuring that the needs of South Africa and South Africans come first, and its key

objectives are:

- Economic growth and job creation
- Combating poverty
- Law and Order
- Education
- Health
- Redressing the past
- Land reform
- The role of South Africa in the world
- The moral challenge( IFP manifesto p 9)

#### **AFRICAN CHRISTIAN DEMOCRATIC PARTY (ACDP)**

The ACDP will focus on addressing these critical challenges:

- Poverty
- Unemployment
- Education
- Housing
- Health
- Justice and Crime
- Moral Regeneration and Integrity<sup>5</sup>

The pursuit of control of National Government seems to epitomise the very existence of political parties, hence the large investment that goes into the campaign process during national/provincial elections, and the focus then goes to issues that at the local level, and which are assumed to be solely local government issues, are shelved for the next round of local government elections. Once the national elections pass, only then do parties concentrate on local government through 'deployment' and developing strategies for local government elections. The logic seems to suggest that once control or seats in National Government are secured, the influence of the party trickles down to the rest of the other spheres of government. During national elections parties develop manifestos around key areas that are of significance or importance to the entire nation, but with local governance manifestos, parties have the opportunity to look to key issues that are local-specific i.e. water and sanitation, free basic services etc.

In conclusion it is evident that local government and its issues are not clearly outlined in the manifestos of parties contesting the April 2009 elections. Most of the issues mentioned are those of priority at the national and provincial levels, but because the different spheres of government are interrelated some of these issues do have a marked impact on local government. The focus of these elections is solely on national and provincial elections and understandably that is what parties are concerned about. However, local governance should not be totally sidelined considering how many protests have been held in the past year by disgruntled community members. It is also little wonder that turnout at local government elections has been tremendously low, at around 48 per cent of registered voters in the 2006 local government elections. Despite the rhetoric that local government in our political and democratic system is not a relegated subordinate sphere of government, it seems as if all parties treat it as such, and it may just be that much of the malaise at local government level, ranging from poor staff quality, lack of skills and capacity, ill-defined mandates which are sometimes unfunded, unrealistic expectations of delivery, and the manifestation of citizen dissatisfaction through violent direct action. This may be partly caused by the lack of attention and application afforded by political parties to both local government and democracy at these critical and crucial moments in South African history.

#### **ENDNOTES**

- 1 African National Congress 2009 Manifesto <http://www.anc.org.za/show.php?doc=elections/2009/manifesto/manifesto.html&title=2009+Election+Manifesto>
- 2 Democratic Alliance 2009 Manifesto, pp. 2-3, <http://www.da.org.za/campaigns.htm?action=view->
- 3 2009 Congress of the People
- 4 2009 United Democratic Movement Manifesto p. 11
- 5 African Christian Democratic Party 2009 Manifesto p.11 [Manifestopage&category=6329&sub-page=6330](http://www.manifestopage.com/category=6329&sub-page=6330)



## EASTERN CAPE

**Thabisi Hoeane** – Rhodes University

THIS ARTICLE discusses the institutional framework in place in the Eastern Province in the run-up to the national and provincial elections to be held on 22 April 2009. This framework consists of the structural mechanisms in place through which the election will be processed. It specifically focuses on the readiness of the provincial Independent Electoral Commission (IEC), the role of civil society organisations, the media and mechanisms for conflict management.

### THE PROVINCIAL IEC AND ITS READINESS FOR THE ELECTIONS

In assessing the preparedness of this institution, which is charged with the management and conduct of the elections, the following are considered: the structural infrastructure in place and the pre-election activities which the body has undertaken to deliver a credible election in the province. Some of the challenges this institution is faced with will also be highlighted.

As with other provinces, the provincial IEC has at its pinnacle a provincial headquarters that is located in East London, one of the major cities in the province. This is the logistical fulcrum of all IEC activities in the province. It is supported in this task by forty-seven municipal electoral offices located in municipalities throughout the province whose task is to manage and coordinate elections at this level. This is

critical for registering voters – both first-time and those who have changed physical locations – during specific voter-registration drives, and assisting voters to check their registration status. Each of the two voter-registration drives, launched nationally in November 2008 and in February 2009, was driven by at least three officers and, in the words of the Provincial Electoral Officer Reverend Bongani Finca, ‘they coped well with the traffic’.<sup>1</sup>

The IEC has also identified and is to utilise close to 5,000 voting stations (4482) around the province during Election Day. This means that each voting station will on average be expected to process around 677 voters – given that the total number of registered voters in the province is 3,037,259.

The provincial IEC has also embarked on campaigns to strengthen its capacity to deliver a successful election in the form of conferences and workshops for relevant stakeholders, mostly held in East London. For example, it organised and conducted a two-day provincial seminar for political parties in December 2008.<sup>2</sup> At this event various levels of political party leadership at the national, provincial and municipal levels were invited to indicate their support and declaration of commitment to the Electoral Code of Conduct, which governs the behaviour of political parties during elections.

In addition, during the same month, the IEC hosted seminars

### CONTENTS

<b>EASTERN CAPE</b>	<b>45</b>
<b>FREE STATE</b>	<b>47</b>
<b>GAUTENG</b>	<b>49</b>
<b>KWAZULU-NATAL</b>	<b>53</b>
<b>LIMPOPO</b>	<b>56</b>
<b>MPUMALANGA</b>	<b>58</b>
<b>NORTHERN CAPE</b>	<b>62</b>
<b>WESTERN CAPE</b>	<b>64</b>

for 250 representatives of various civil society organisations. These included traditional and religious leaders who were invited to discuss ways in which they could play a role in promoting a violence-free and peaceful election in the province.<sup>3</sup> These functions were explicitly undertaken to forestall any kind of political intolerance that might arise in the province during the election. Specific attention was focused on preventing the outbreak of violence between rival political parties. In addition, in line with its national objectives of assisting the media, both local and international, to cover the elections effectively, and other stakeholders such as election monitors, the provincial IEC will have an operational centre that will provide access to information such as election results and other election information.

Despite these preparations, which the provincial IEC has put into operation, there have however been challenges that have faced the organisation. These have included the fact the province is largely rural, which implies problems of access for IEC officials conducting critical functions like voter registration.<sup>4</sup> Indeed, the IEC has also had to contend with personnel issues such as inexperienced officials who cannot carry out their functions competently.<sup>5</sup>

The sporadic incidents of political intolerance that have cropped up in areas like Port Elizabeth have interfered with the functions of the IEC. These have been dealt with by intervention teams that have been sent by the national IEC to monitor these flashpoint areas.<sup>6</sup>

In terms of infrastructure limitations, it can be pointed out that as the province has one of the highest numbers of registered voters consideration may be given to having sub-regional offices to assist in managing the elections. That is, the volume of work that is supposed to be handled by one regional office appears to be onerous for a province such as the Eastern Cape which might lead to inefficiencies in

administering the election. Another way to enhance the working of the IEC would be the strengthening of its working relationship with the provincial department of Local Government to maximise its efficiency. For example, in some provinces the local government websites have links to the IEC website. This would improve access to specific provincial election information, for example, by researchers. Indeed, it would be helpful to also consider each province having a dedicated weblink on the National IEC website for better access to information on elections.

Notwithstanding some limitations, the IEC appears adequately prepared to conduct a successful election in the province. This is attested to by the fact that the province has registered one of the highest totals of registered voters in the country, coming third after Gauteng and KwaZulu-Natal. Indeed it surpassed its originally intended target of registering 2 million voters by garnering 3 million.<sup>7</sup>

#### **THE ROLE OF CIVIL SOCIETY ORGANISATIONS**

Civil society organisations play a critical role as a stakeholder in assisting the IEC to hold a successful election. The primary role of these organisations in the province is to provide essential functions such as monitoring the elections and voter education campaigns. In relation to the former, it is worth noting that organisations such as the Public Service Accountability Monitor (PSAM), which is located at Rhodes University in Grahamstown, is intimately involved in monitoring the elections and providing commentary on the process. Its role is complemented by organisations such as the Eastern Cape NGO Coalition (ECNGOC).<sup>8</sup>

The other civil society organisation that plays an important role in electoral processes in the province is the South Africa Civil Society Election Coalition (SACSEC). The South African Catholic Bishops Conference (SACBC) partners the

organisation in its efforts, and in line with its plans of having an office in each province, it has one in the Eastern Cape. It noted the following in a press release in 2008: 'SACSEC has broadened its original objectives to include voter education .... As a result SACSEC partner organisations will also work closely with stakeholders in conducting stakeholder education countrywide'.<sup>9</sup>

#### **THE ROLE OF THE MEDIA**

Both print and broadcast media in the province are active in covering election-related issues. These outlets have particularly been useful in publicising the role of the IEC and its campaigns in terms of carrying adverts from the organisation on messages about the election. They of course also provide straight news reporting of events that include party activities such as campaign launches and analytical pieces through their columnists and talk shows.

In addition to the national media like the *The Star*, *Mail and Guardian*, *Sunday Times*, *City Press* and *Sowetan*, the local print media are dominated by two dailies, *The Herald and Daily Dispatch*, whose circulation is province-wide. They are supplemented in their role by their weekly versions – *The Weekend Post* and *Weekend Dispatch* respectively. The other major newspaper in the province is the Afrikaans language daily *Die Burger*. The other active component of the print media in elections is community newspapers such as the *Grocott's Mail* (the oldest independently owned newspaper in the country) based in Grahamstown. These are critical sources of news on the elections as they focus on local election news and they are also prime outlets to advertise and carry messages on the activities of the IEC.

The two major national television stations, the South African Broadcasting Corporation (SABC) and ETV, dominate the electronic media. The SABC also utilises its Xhosa language radio channel *Umlhlobo we Nene*, which broadcasts out

of Port Elizabeth together with the English-language station *Algoa FM*. Providing an ancillary role to these established outlets are a plethora of community radio stations that operate under the banner of the National Community Radio Forum (NCRF) whose listenership countrywide is over 7 million.<sup>10</sup> Quite significantly, the NCRF has partnered with the IEC in hosting capacity building workshops for community radio stations that concentrate on civic and voter education, democracy, human rights and other political issues. To this end, it is holding such workshops around the country, and hosted one in the province in December 2008.<sup>11</sup>

#### **MECHANISMS FOR CONFLICT MANAGEMENT**

Historically, conflict-related election issues have not been rife in the Eastern Cape, although they do sporadically occur. For example, during the two voter-registration drives in late 2008 and early 2009, there were various incidents of political intimidation reported in areas such as Dimbaza, Queenstown and the Amahlati Municipality.<sup>12</sup>

In anticipation of such incidents, the IEC has noted that 'Intervention

teams have been identified and are to be deployed to the various provinces to assist with on-site mediation and resolution of disputes'<sup>13</sup> In addition, as usually these conflicts arise between rival political parties, the IEC has standing dispute-resolution mechanisms, mainly party liaison committees which are dedicated to liaising with the IEC to deal with such problems.<sup>14</sup> In this regard, the province's premier, Mbulelo Sogoni, in his State of the Province Address delivered in February 2009, specifically exhorted 'members and supporters of all political parties in the province to exercise political tolerance and that leaders should effectively use the Party Liaison Structures of the Independent Electoral Commission to resolve conflict, thus making sure that these elections are free of incidents of violence and intimidation'.<sup>15</sup>

In sum, it is fair to say that adequate measures are in place to handle and resolve conflicts that may arise with respect to the election. However, this should be qualified in that it will be up to political parties and their supporters to respect and maximise the use of these structures to resolve their differences. Indeed, these structures will be tested and

will have to prove their mettle or fail when the campaigning reaches its crescendo close to Election Day on 22 April and in the immediate aftermath of the election.

#### **CONCLUSION**

In conclusion, it can be stated that the institutional framework and the elections in the Eastern Cape appear to be on the right track. The IEC is well prepared despite the problems that it has faced, civil society organisations are present that will provide an ancillary role to the IEC, the media is playing its part and mechanisms of dispute resolution are in place. □

#### **REFERENCES**

- 1 <http://www.dispatch.co.za/politics/article.aspx?id=268570>
- 2 <http://www.buanews.gov.za/rs/08/08120211451003>
- 3 *Ibid.*
- 4 [http://www.theherald.co.za/herald/2008/11/10/news/n03\\_10112008.htm](http://www.theherald.co.za/herald/2008/11/10/news/n03_10112008.htm)
- 5 *Ibid.*
- 6 [http://elections.org.za/news\\_get.asp?press=0&NewsID=394&Opt=&Data=&Re...](http://elections.org.za/news_get.asp?press=0&NewsID=394&Opt=&Data=&Re...)
- 7 <http://www.dispatch.aco.za/PrintArticle.aspx?ID=292334>
- 8 [http://www.ecngoc.co.za/index.php?option=com\\_](http://www.ecngoc.co.za/index.php?option=com_)

## **FREE STATE**

**KC Makhetha** – University of the Free State

GIVEN the rich experience of the Free State Province Electoral Commission (PEC) in managing previous general and local government elections, it is reasonable to expect the PEC to acquit itself well in handling the 2009 general elections.

Most of the staff component has been there for at least for the previous two general elections. Mr Chris Mepha, the Provincial Electoral Officer, has been there since the establishment of the IEC. He has had an opportunity to groom young

talent within the office and the team work is exceptional. Basically, all staff members understand their roles clearly and are able to work independently and interdependently throughout the process of preparing for the elections.

This article will focus on IEC preparedness, the role of civic society organisations and faith-based organisations, the role of the media, and mechanisms for conflict management and their effectiveness.

#### **IEC PREPAREDNESS**

IEC preparedness refers, inter alia, to the extent to which the IEC is ready to manage and conduct the forthcoming poll scheduled for April 22 in terms of its mandate as clearly spelled out in the electoral act. The objective of the IEC is to strengthen constitutional democracy and promote democratic electoral processes. Among its powers, duties and functions as stipulated in the Electoral Commission Act, Act 51 of 1996, section 5(1) lists the following:

- to manage any election, that is at national, provincial and local levels as well as the by-elections;
- to compile and maintain the national voters' roll;
- to promote conditions conducive to free and fair elections;
- to establish and maintain party liaison committees;
- to review electoral legislation;
- to undertake and promote research;
- to declare results within seven days of an election;
- to promote voter education; and
- to promote knowledge of sound democratic electoral processes.

It is important to note that election readiness is not dependent on one person or group, but a broad spectrum of stakeholders, and at different stages of the process. Therefore, the IEC has a huge task, but it does seem that the Free State office of the IEC is well prepared for the task at hand.

It is important to note that each time an election is scheduled the date set out in the election calendar for each phase of the process must allow adequate time for effective campaigning and public information efforts to happen, in order for people to make arrangements where necessary. The election calendar should itself be published as part of the civic information activities, in the interest of transparency and of securing public understanding and confidence in the process.

#### **ROLE OF CIVIL SOCIETY AND FAITH-BASED ORGANISATIONS**

There is commitment among the civil society organisations as well as faith-based organisations to promote tolerance among the civil society. The spirit of elections is empowering people to take responsibility for educating voters and the general society about the importance of voting. These organisations have a close relationship with the IEC and many of them work tire-

lessly to publicise events, and to make sure that people attend rallies and public meetings to get more information.

The civil society is waking up and positioning itself well for the upcoming election. Part of this is asking questions and critiquing what the political parties are promising in order to allow voters to make an informed decision when casting their votes. People are starting to appreciate the value of a vote and are really beginning to respect it as a basic responsibility and a right.

#### **ROLE OF THE MEDIA**

The role of the media has been critical in the preparations of the IEC. The media made it easier for the IEC to reach a multitude of people. The manner in which information was provided was attractive even to the youth. The media has played its role: marketing the registration weekends, bringing the views of the political parties to the people and allowing comments and critique to be heard.

The media has been operating with a high level of fairness and political parties in the Free State have not raised any serious issues of media bias or impartiality in its role to inform and educate the public on election issues.

#### **MECHANISMS FOR CONFLICT MANAGEMENT AND THEIR EFFECTIVENESS**

##### *Party liaison committees*

Section 5(g) of the Electoral Commission Act, 51 of 1996, stipulates that the IEC will 'establish and maintain liaison and co-operation with parties'.

It has been reported by the IEC office in the Free State that there is a working relationship with the Electoral Institute of Southern Africa (EISA) in facilitating the establishment of the Conflict Management Committees. In fact, the Committee operates throughout the year and regular meetings are held. Already, the PEO, Mr Mepha, has called a

meeting with the members of the parties represented at national and provincial levels, to impart information and discuss issues of concern. There has to be two representatives per political party in each of the five Municipal Districts of the Free State. Those parties that are newly registered in the Free State, for example the Congress of the People (COPE) and Basotho Khutlisa Botho, will be invited only once they have registered and submitted their nomination lists. This will be done in the interests of inclusiveness.

Liaison with political parties and building a working relationship of trust benefits both sides and makes it easier for conflicts to be resolved among political parties. This relationship ensures that political parties take accountability for the behaviour of their members and supporters.

When there is openness and accessibility from both sides, it becomes clear to all that there is nothing to hide and the rules are clear. It is essential to liaise with political parties throughout the three-stage cycle of the electoral process – namely, the pre-voting, voting and post-voting stages. Conflict diminishes to a basic minimum, especially when organisations know where to go for support.

##### *South African Police Service (SAPS)*

Another institution that is crucial is the South African Police Service (SAPS). The SAPS has a huge task in managing conflict during elections, including the period before and after elections. In the Free State, a clear example was when the Congress of the People (COPE) held its inaugural conference and at the same time the African National Congress (ANC) was celebrating in Bloemfontein, roughly 20 kms from each other. Conflict is normal and it is even more possible when two political parties, who are competing for the support of the same electorate, come that close to each other. Provocation can happen and derail all proceedings, but with the support and tactful planning of the three days, conflict

was kept in check. The SAPS was under tremendous pressure to safeguard the leadership as well as members of both parties, while allowing free movement of both parties around the city.

It is for operations like these that one can commend the SAPS for putting mechanisms in place to avoid conflict between the two parties by all means reasonably possible.

## REFERENCES

- Electoral Commission Act, 51 of 1996**  
**Electoral Act, 73 of 1998.**  
**Mepha JC, Media Briefing of February 11, 2009.**  
**Interviews with individual party agents United Nations, 1994. Human Rights and Elections. Geneva: Centre for Human Rights.**

## GAUTENG

**Ebrahim Fakir, Ntokozo Ngidi and Sydney Letsholo – EISA**

THE IEC IS an independent institution that is established in terms of chapter 9 of South Africa's Constitution and is tasked (along with other chapter nine institutions) to support democracy. The mandate of the IEC is to manage and administer the electoral process and thus is tasked with the delivery of all the appropriate logistical and process arrangements in order to deliver a free, fair and credible election. It is provided in the Constitutions that the IEC must be ready to deliver an election within 90 days after the proclamation of the date of an election by the President of the Republic of South Africa. The President has formally proclaimed the election date as 22 April 2009 and the IEC has stated that it will be ready to deliver an election by 15 April when special votes will be administered to qualified voters.

In fulfilling its mandate, the IEC in Gauteng has conducted registration drives (consistent with the National IEC) in the November 2008 and February 2009. About 1.2 million voters are registered in the Gauteng Province across 2 238 voting stations.

In addition, the Gauteng Provincial IEC has hosted a seminar on political intolerance to which all parties were invited in which the IEC provided a detailed presentation of the Electoral Act as well as the responsibilities of political parties in ensuring that the election is peaceful. It was during this event

that all parties registered for the elections in the Province signed the Code of Conduct in conformity with the Electoral Act.

The IEC in Gauteng embarked on a process of rolling out election materials and has in place contracts for the use of facilities, of which there will be 2238 voting stations in place. There will be approximately 382 temporary voting stations some of which potentially pose problems for the conduct of an administratively seamless and efficient election in which it is easy and convenient for citizens to participate. In this regard the finalisation of lease agreements for the use of facilities for decentralised election management and administration and for the use of facilities as voting stations has proved a particular difficulty, since in some instances facilities designated to be polling stations are reserved and or double booked to cater for funerals, meetings, weddings and other community activities.

On the recruitment of staff, the IEC has faced some challenges with respect to recruiting temporary staff as election officials, to stem the perceptions of electoral staff such as teachers and other public sector workers who belong to unions strongly identified with one or other political party and who are politically prominent.

The IEC's guidelines in this regard preclude recruiting a person who in the last five years stood as a candidate for one or other party in

an election. With respect to presiding officers at polling stations, they are required to have a minimum of 8 years of administration experience and a new position, that of a Deputy Presiding Officer has been incepted in order to assist and oversee the ballot counting process as the parallel vote tabulation process and the counting process overall becomes increasingly complex. The Gauteng IEC expects to deploy eight officials per voting station for the election. And IEC staff will soon be in the field to administer special votes to voters who are qualified to vote before the election date and as such will visit old age homes, hospitals and other such places to conduct special voting for those qualified to exercise this franchise because of their special circumstances. Special vote is scheduled for April 15.

## ROLE OF CIVIL SOCIETY ORGANISATIONS

South African civil society organisations have come together to form an election coalition known as the South African Civil Society Election Coalition (SACSEC). SACSEC plans to deploy in excess of 2000 election observers around the country in order to observe all facets of the 2009 elections, including the registration and nomination processes in the pre-election period. They will also be present at the polling and counting stations during the elections.

At provincial level the SACSEC will also have offices which will be



coordinated by the South African Council of Churches (SACC) and other civil society partners, including EISA who with the SACC Gauteng will assume overall responsibility for co-ordinating election observation in Gauteng.

The strategy that has been adopted by the SACSEC is two-pronged. The first is to facilitate programmes to ensure effective civil society election observation through direct engagement with NGOs, CBOs and citizens. The second strategy is to identify potential areas of concern with respect to political violence, intimidation and intolerance in collaboration with the IEC. Through engagement with the IEC, SACSEC aims to better understand the processes of election administration and management so that SACSEC observers are better informed about the standards by which they determine freeness and fairness of the election and the appropriate interventions they may deem necessary during the process.

In order to instrumentalise its mission, SACSEC aims to recruit, train and deploy at least 60 observers in every province, including Gauteng. Through its civil society engagement process by providing voter education, SACSEC aims to mobilise the voters to turn out in large numbers to vote.

The premise upon which SACSEC departs is that the provision of the relevant knowledge about elections and the electoral process (such as providing information and workshops on the requirements for registration as voters and the registration process, explaining the regulatory and other requirements for the registration of parties contesting the elections, and information about the role and function of the IEC) will contribute to minimising the potential for election conflict and provide the necessary information to create enthusiasm amongst citizens for the elections and overall have better informed voters.

SACSEC has carried out voter education programs and citizens'

mobilisation throughout the Gauteng province in order to address the problem of voter apathy, dependency and a loss of faith in the electoral process as a means towards improving the turnout of voters and their participation in the 2009 general elections.

To meet these above stated goals, SACSEC has undertaken and will undertake the following activities:

SACSEC has divided Gauteng up into six regions with a facilitator/coordinator in each region training and co-ordinating a total of 250 community trainers. Each of the community trainers will be conducting 10 workshops each in their respective regions. Training started in February 2009 and will be concluded by the first week of April.

In addition the establishment of the election monitoring network (the EMN) complements a range of civil society activities relation to the elections. Although the EMN steering committee is based in the Western Cape, it will seek to deploy approximately 500 monitors nationwide to monitor election related abuse and violence. The EMN is a network of independent civil society organisations and its core secretariat is composed of the Institute for Democracy in South Africa, Action for a Safe South Africa, the South African Council of Churches-WC, the Western Cape Religious Leaders Forum, the Southern African Catholic Bishops' Conference, the Justice and Peace Commission, the Quaker Peace Centre and the Black Sash.

Other civil society activities in relation to the elections have also taken place. Amidst fears that election violence and political intolerance may yet again feature on South Africa's electoral landscape, on March 20, 2009 South African artists and musicians came together to provide of their gifts and services through performance in a day marked for prayer and reflection ahead of the elections. This occurred at Freedom Park in order to create

social conditions that were peaceful and stable, under the rubric and theme of 'forgive and be forgiven'.

### **ROLE OF SOCIAL MOVEMENTS**

The advent of new social and political formations in post apartheid South Africa has changed the civil society landscape considerably. They have come to be termed 'new social movements' and have been a significant political actor even if calling for a boycott of previous South African elections. In the Gauteng Province specifically, the landless people movement, the Soweto electricity crisis committee and the anti privatisation forum (APF) called for a boycott of the 2004 national and provincial elections under the slogan of 'no land, no house, no vote'. However, in the 2006 local government elections some social movements under the banner of the Operation Khanyisa Movement contested a local ward in Soweto. This suggests that social movements seem to be making more instrumental calculations with respect to participating in elections, on the basis of what the likely costs and benefits to them of participating in an election might be. Some of the social movements therefore might not join the call for a blanket boycott of participating in the 2009 election despite debate within movements about the strategic and tactical outcomes of participating or not participating might be. While this is the case, organisations such as the Landless People's movement have already called for non participation resuscitating the 'no land, no house, no vote' campaign.

### **ROLE OF THE MEDIA**

The media plays a critical role in informing and educating the citizenry with respect to information regarding electoral processes as well as the policy issues surrounding the elections. While most (print, broadcast, electronic and online) have dedicated projects in relation to the 2009 elections, Gauteng has very little or no Province

specific coverage. Province specific coverage has thus far been subsumed under coverage of the elections generally, although the South African Broadcasting Corporation (SABC) will in the days before the election, on polling day and until the results are released be broadcasting from the Provinces, with a dedicated daily hour long broadcast specific to each provincial broadcast. This means that information that is province specific will be broadcast within that province with elements that have national import broadcast nationally. The SABC also screens a topic specific debate on Sunday evenings on the SABC 2 channel in association with the University of Johannesburg. Province specific information and coverage by print media outlets specific to Gauteng is consolidated with its holding companies overall election coverage at the Independent Online ([http://www.io1.co.za/index.php?set\\_id=1&click\\_id=3086](http://www.io1.co.za/index.php?set_id=1&click_id=3086)). All other print media have election coverage, none of which is province specific and much of which aggregates media reports from around the country and from a selection of different publications.

On the nature of the coverage, all media outlets have been accused of one or other sort of bias. More substantially, the media monitoring NGO, Media Monitoring Africa has suggested that media coverage of the elections have not provided much process specific information and thus the educative element of the media's role has not been adequately fulfilled.

#### **POLITICAL TOLERANCE AND CONFLICT PREVENTION**

As the Gauteng province and the rest of the country gears itself for the 2009 national elections on 22 April; the effectiveness of mechanisms for managing election-related conflict will be critical in ensuring a campaign period and polling day that is free of disruption due to conflict, violence, intolerance and intimidation. To this end a number of struc-

tures have been put in place that to promote conflict and violence free elections. Primarily, these are the Independent Electoral Commission's (IEC) party liaison committees; conflict management panels and the Electoral Court. In dealing with election-related conflicts these structures are guided by the stipulations of the Electoral Act and the Electoral Code of Conduct.

Despite indications of an evolving and increasing level of political maturity and tolerance in Gauteng, there are intervening structures in place, in case of election-related conflict. These mechanisms have been put in place as a matter of course, arising out of the IEC's Code of Conduct for political parties and due to stipulations in the electoral law, the Electoral Commission Act and Regulations, Act 51 of 1996 and the Electoral Act and Regulations, Electoral Act 73 of 1998. Moreover, while political violence that is strictly elections related or which can be termed electoral violence has not occurred across Gauteng on a large scale, generalized political violence that is separable and distinct from incidences of specific election related political violence has been difficult to discern, and the nature of generalized political violence has been noted by the IEC to affect the Gauteng Province. To this effect, Dr Brigalia Bam, chairperson of the IEC, has noted that 'KwaZulu-Natal and the Gauteng region still bear the scars of political violence'.

Measures of South Africa's success and weaknesses at facilitating free, fair and credible elections cannot solely be judged on the absence of violence and intolerance in an election year, when violence and intolerance remains a feature of the generalised political culture between election years. There are myriad examples of such generalised political violence and intolerance, which in 2008 found expression in violent attacks on foreign nationals. Whilst debates about the causes of this violence and intolerance rages on, the fact that it occurred has sent shock

waves throughout the country and its neighbours. The ugly pictures of the 2008 xenophobic upsurge also shocked the world as South Africa's rainbow democracy was put to the most severe test since 1994.

#### **MECHANISMS FOR CONFLICT MANAGEMENT**

##### *Provincial Electoral Commission*

The Independent Electoral Commission (IEC) is the main institution that governs elections. For any elections to occur there has to be some form of common understanding among the main role players in elections. The Electoral Act No 73 of 1998 established the Electoral Code of Conduct. In a nutshell, the purpose election instrument is to ensure that all registered and contesting political parties adhere by signing the Code of Conduct which aims promote conditions that are conducive to free and fair elections. Importantly, every registered party or candidate must publicly commit in adhering to the requirements of the code.

In an interview with Mr. Masego Sheburi, Gauteng's Provincial IEC Manger on Electoral Manager, it was confirmed that there was a seminar on 11<sup>th</sup>-12<sup>th</sup> February 2009 in Kopanong Hotel, Benoni. Entitled 'Tolerant Political Cultures: The Dictates of the Electoral Code of Conduct', the seminar brought together all the electoral stakeholders under one roof. Sheburi asserted that even unregistered political parties were invited to attend the seminar. Day one of the seminar witnessed the Security and Justice clusters briefing the participants on their capacity and deployment plans for the elections. Furthermore, the Prosecution Authorities were also available to give a brief on how measures have been put in place to speedily handle election-related prosecutions. Finally, the last day of the seminar culminated in registered political parties and independent candidates making public pledges to abide by the stipulations of the Code of Conduct.

**Conflict management panels**

The provincial electoral office has also devised other means through which election-related conflict will be addressed. This includes the conflict management panels which were first introduced by the IEC in 1999 and which have played a valuable role in managing electoral related conflict. The IEC has had a partnership with EISA in designing appropriate material and training mediators countrywide. The same partnership will be in place for the 2009 elections. Since 1999 a body of well trained and well skilled mediators are available as a resource to the IEC. These panels will help in the mediation of election disputes before they reach the IEC, PLCs and the Electoral Court. The panels use the Alternative Dispute Resolution (ADR) methodology which emphasises compromise rather than litigation used by the judiciary. Comprised by at least 15 members, this panel of mediators will be made up of members of the community who have:

- high standing in the community;
- election observation experience;
- high levels of legal perspective; and
- peace keeping experience.

EISA and the IEC have collaborated in organising workshops to train the trainers ahead of the establishment of the conflict management panels throughout the country including the Gauteng Province.

**Party Liaison Committees (PLCS)**

Party liaison committees play a crucial role in election-related conflicts. In order to build confidence and trust in the IEC, the commission has powers vested in it by Section 5 (1) (g) of the Electoral Commission Act, 1996 and has established and maintained Party Liaison Committees (PLCs). PLCs are established at three levels. These are at the national, provincial and municipal levels. The purpose of these com-

mittees is to promote transparency through consultation, to promote trust between parties and between them and the IEC, and so to promote conditions conducive to free and fair elections. In terms of the 1996 Regulations on Party Liaison Committees (PLC) a provincial liaison committee may not have more than two representatives from every registered party represented in the legislature of the province concerned. PLC's are available in all the province's 11 municipalities.

**The Electoral Court**

The Electoral Commission Act 51 of 1996 established the Electoral Court, which empowered the court to adjudicate in electoral disputes. Section 20 of this particular Act clearly stipulates the mandate of the Electoral Court; and these are:

- The Electoral Court may review any IEC decision concerning an electoral matter;
- The Electoral Court may consider an appeal against a decision by the Commission, but only if such a decision relates to the interpretation of any law, or concerns a matter for which an appeal is provided by law; and
- The Electoral Court may investigate any allegation of misconduct, incapacity or incompetence on the part of members of the Commission.

Further powers of the Electoral Court are also expanded in the Electoral Act 73 of 1998 (56). These are:

- The Electoral Court may order that the votes cast at a particular voting station do not count in whole or in part; or
- That the votes cast in favour of a registered party at a particular voting station must be deducted in whole or in part from the votes cast in favour of that registered party in that election.

Based on the recommendations of the Judicial Service Commission (JSC), the President has the power

to decide on the composition of the Electoral Court. The Electoral Court comprises of:

A chairperson, who is a judge of the Appellate Division of the Supreme Court, and two other judges of the Supreme Court; and

Two other members who are South African citizens.

**ROLE OF THE JUDICIARY**

The Constitutional Court also plays an integral role in the case of election-related dispute. A case in point is the recent court case by the Freedom Front-Plus. The party successfully lodged an urgent application with the Pretoria High Court to have the regulations of the Electoral Act declared unconstitutional. The Pretoria High Court has referred judgment to the Constitutional Court for confirmation. The Act does not permit South Africans living abroad permanently the right to cast their vote in this year's elections. The Homecoming Revolution, which encourages expat South Africans to return home to address the country's skills shortage, estimates that about two million expatriates would be eligible to vote if the Act was amended. However, according to Ms. Titi Pitso- Elections Manager at the Electoral Institute of Southern Africa (EISA), if indeed the Act is amended, the IEC will have its work cut-out. Pitso asserts that what this means is that the IEC will first have to send independent workers to each country's embassy which in turn will be extremely expensive in terms of flight and accommodation expenses; and this will depend on how many potential voters there are in each city. The voters in foreign countries would then have to be added to the voters' roll through registering and this process could take time.

**ROLE OF THE SOUTH AFRICAN POLICE SERVICE**

As in every election the South African Police services deploys roughly 60 000 police personnel to promote and air of safety and security in the period before during and after the

elections. The role of the SAPS is also to provide security with respect to the transportation of ballots and other elections materials to safeguard the integrity of the IEC and the electoral process as a whole.

With specialised briefings and intelligence gathering capacity in relation to potential threats to the electoral process the role of the SAPS is critical to safeguarding not just the electoral process itself, but of the rights of citizens to make electoral choices in an atmosphere of safety and security. While the SAPS has played a valuable role in the electoral process thus far,

and over previous elections in post apartheid South Africa, its impartiality and integrity has been called into question by some political parties. At a Congress of the People (COPE) election event in Pretoria, COPE accused the SAPS of aiding the ANC in disrupting its campaign activities.

Even though the province of Gauteng is yet to experience large scale an election-related conflict for the 2009 election, on paper, it would clearly seem that these conflict management mechanisms are adequate to deal with any conflict that might arise.

## REFERENCES

- Electoral Act, 1998  
 Electoral Commission Act, 1996  
 Pitso, T. 2004. 'Management of Election-Related Conflicts- A Case Study of South Africa', in Election Update, February-June. EISA  
<http://www.mg.co.za/article/2009-02-09 'High Court Rules in Favour of Expat Vote'. 09 Feb 2009.>  
<http://www.iol.co.za/index: 'Voting Abroad a Logistical Nightmare'- EISA, 10 Feb. 2009.>  
[http://www.search.gov.za/info/speeches Speech by Mr. Justice. J. Kriegler, \(then\) Chairperson of the IEC at the Parliamentary Media Briefing Week, 04 August 1998.](http://www.search.gov.za/info/speeches Speech by Mr. Justice. J. Kriegler, (then) Chairperson of the IEC at the Parliamentary Media Briefing Week, 04 August 1998.)

## KWAZULU-NATAL

**Shauna Mottiar** – ACCORD (writing in personal capacity)

THE South African Constitution provides for 'universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness' (Constitution, 1d). Regular elections are often cited as an indicator for democratic consolidation or the entrenchment of the democratic process (Lodge, 1999). Ever since the advent of democracy in South Africa, elections have been held regularly and the results accepted without significant dispute. A harsher test for democratic consolidation in terms of elections, however, is Samuel Huntington's two turnover test, whereby the party who held power at the time of the transition to democracy turns power over to an opposition party in a subsequent election and they, in turn, peacefully turn over power to winners of a later election (Huntington, 1991: 267).

Interestingly enough, the province of KwaZulu-Natal is an example of a change in power (at the provincial level) in a national system of ruling party electoral dominance.

In the 1994 and 1999 elections the province was an Inkatha Freedom Party (IFP) stronghold, with the IFP winning 50.3 per cent of the vote and 41 seats in the provincial legislature and 41.91 per cent of the vote and 34 seats in the legislature respectively (Mottiar, 2004). In the 2004 election, however, the African National Congress (ANC) secured victory in KwaZulu-Natal, taking 46.98 per cent of the vote to the IFP's 36.82 per cent (IEC, 2004). The turnover of power from the IFP to the ANC was relatively smooth. This was evident in the way the election-related disputes were dealt with by the Independent Electoral Commission (IEC) and accepted by political parties. Notwithstanding arguments about ruling party electoral dominance nationally, the turnover of power in KwaZulu-Natal was evidence that processes and mechanisms of democracy were progressively becoming well entrenched.

### THE ELECTORAL SYSTEM

South Africa uses a nationalist system of proportional repre-

sentation, where voters complete two ballot papers: one for the national assembly and one for the legislature of one of the nine provinces. No personal names appear on the ballot papers, only the names of parties. Parties will submit lists of their candidates for national and provincial legislatures to the IEC. Effectively this means that voters cast their votes for parties and not for individual representatives and MPs are accountable to their parties and not to the electorate. Parliamentary seats are allocated in accordance with the share of the vote received by each party using the Droop Formula which assures that there is no formal threshold for party representation in elected office. One of the main reasons for this choice of election system, in keeping with the constitutional requirement for multi-partyism, was to accommodate smaller political parties which at the time of the constitutional negotiations represented racial minorities. During the first democratic election the IFP drew most of its support from rural KwaZulu-Natal where

it asserted itself in Zulu nationalist terms. By the second election, however, the IFP had begun to realise a need to transform itself from a Zulu nationalist-cum-traditionalist party in keeping with the pluralism and freedom associated with a liberal democracy. The IFP's loss of support in the province paralleled the ANC's rise of support, which has been accredited to stronger campaigning in KwaZulu-Natal as well as the ANC's promulgation of the KZN Traditional Leadership and Governance Act in 2005 which meant that the 249 traditional leaders in the province receive salaries from provincial government. The ANC has also managed to make inroads into rural provincial support in KwaZulu-Natal through a relationship with Zulu King Zwelithini who has a somewhat fragile relationship with IFP leader Mangosuthu Buthelezi (*Mail&Guardian*, 6 February 2009). Aside from the ANC's strengthened position in the province, the IFP also suffered a loss of support to the splinter party the National Democratic Convention (NADECO). NADECO was formed in September 2005 during the floor-crossing session and headed up by former IFP national chairman Ziba Jiyane, who claimed that the party represented the views of younger more progressive members of the IFP. More recently, the IFP and NADECO have both lost support to the Congress of the People (COPE), which recently established a Durban office and consolidated a number of defectors from other parties such as Mhlabunzima Mthuli, who was an IFP member before joining NADECO.

#### **PREVENTION, MANAGEMENT AND RESOLUTION OF ELECTION-RELATED CONFLICTS**

Aside from the procedural aspects of elections, the Electoral Code of Conduct outlines various provisions that allow for the more substantive elements of democracy to endure. Among these is the promotion of conditions conducive to free and

fair elections such as the 'tolerance of democratic political activity' and 'free political campaigning and open public debate' (Electoral Code of Conduct Schedule 2). The province of KwaZulu-Natal has since the first election faced some challenges in this regard. During the run-up to the 1994 elections KwaZulu-Natal was seen as 'the most serious instance of political obstruction of free electioneering' (Lodge, 1999, 7). In the 1999 election political campaigning by other parties in traditional IFP strongholds was described as 'discreet' (Lodge, 1999, 84). During the 2004 elections, although hotspots of violence existed, they were not significant enough to deter successful campaigning by other parties such as the ANC, who successfully made inroads in terms of establishing a support base in the province. In the current run-up to elections there have, once again, been reports of election-related violence. Mary de Haas of the Independent Violence Monitor in KwaZulu-Natal stated that 'there is ongoing low level political intimidation in KZN between elections with an upsurge in the build-up to them' (*Mail&Guardian* 6 Feb 2009). De Haas was referring to various incidents of violence in the province. These included the stoning of ANC buses by IFP supporters in Ulundi and Nongoma and the alleged intimidation of ANC supporters in Pongola. Umvoti has also been labelled as potentially dangerous, there have been ongoing threats to ANC supporters in Sweetwaters, Pietermaritzburg, threats to the life of an ANC councillor in Camperdown, Umlalasi and Emacambini declared 'no-go' areas, tensions between COPE and ANC supporters in KwaDukuza, and Izingolweni has been declared potentially volatile. The *Mercury* reported that an ANC MP and two other people were shot and wounded after political rallies in Nongoma on 1 February (*Mercury* 2 February 2009).

Addressing the rally, ANC presi-

dent Jacob Zuma said that political intolerance would not be accepted and that the stoning of the bus carrying ANC supporters to the rally would be duly reported to the IEC. IFP's Albert Mncwango responded by accusing ANC leaders of being irresponsible and holding their rally too near an IFP venue. Buthelezi however told his supporters that all parties were allowed to canvass anywhere in the country. The outbreak of electoral violence at Nongoma resulted in the deployment by the department of safety and security of a strategic intervention unit. The unit is to be operative at violence hotspots and flashpoints throughout the country through 'individuals who will coordinate the election machinery for the security cluster (for each province)' (*Mercury* 3 February 2009).

The IFP officially condemned the incidents in Nongoma but added that the clashes were in fact between IFP supporters and the police, who 'brutalised' the public without provocation. IFP officials have also complained that their public meetings in the province are often 'disrupted by rowdy ANC supporters' and that their billboards have been set alight and posters defaced (*Daily News* 2 February 2009). The *Witness* reported that the ANC laid a formal complaint with the IEC in Durban, claiming that, 'Our view is that the IFP has taken a deliberate long term view that they will never allow the ANC to freely campaign in Ulundi and Nongoma even if it results in the death of their opponents' (*Witness* 4 February 2009). The SA Institute of Race Relations has argued however that political violence in the province has been exaggerated and is isolated to minor incidents. This view is held in the light of the fact that relative to the situation in the province fifteen years ago, when violence and intimidation were rife and a genuine barrier to election campaigning and freedom of the electoral process, the current situation is markedly improved in terms of political tolerance (*Mercury*

6 February 2009).

Despite the flashpoints of violence and intimidation, the province of KwaZulu-Natal does not seem to pose a significant threat to free campaigning by political parties or voting by the electorate in the forthcoming elections. In the wake of the incidents of violence in KwaZulu-Natal, the IEC held a two-day workshop promoting tolerance around electioneering in general with an emphasis on increased public participation (Sapa 12 February 2009). Sixteen political parties, the ANC and IFP included, have signed a Code of Conduct committing themselves to non-violence and non-intimidation during electioneering. The Electoral Code of Conduct further obliges parties to 'Liaise with other contesting parties and endeavour to ensure that they do not call public meetings, marches, rallies or other public political events at the same time or place' (*Mail&Guardian*, 11 February 2009). Political party leaders have also pledged themselves to the Electoral Code of Conduct. ANC's Jacob Zuma visited a registration station in Nkandla where he will cast his vote and IFP's Mangosuthu Buthelezi visited registration stations in Umlazi and KwaMashu. Both leaders also warned against the dangers of voter apathy (iol 7 February 2009).

#### **ROLE OF CIVIL SOCIETY ORGANISATIONS**

Civil society in KwaZulu-Natal is actively engaged in supporting a peaceful election process under the banner of the KwaZulu-Natal Democracy and Elections Forum (KZNDEF). The KZNDEF is made up of civil society organisations in the province and divided into five subcommittees: democracy and voter education, mediation, violence monitoring, mitigation and polling. The Democracy Development Program (DDP), heading the democracy and voter education subcommittee, is currently running some 300 voter education workshops across ten districts in the province. The

workshops follow on from foundation workshops, which educated citizens on why they should vote and how the voting process works. The current workshops focus on how to make informed choices and what issues to raise with politicians during the campaigning and electioneering. The training is also innovative in that it is designed for quick interventions such as in a taxi rank (Naidu, DDP).

The voter education process is being carried out by the DDP in conjunction with fifteen partners in the province who are part of the KwaZulu-Natal CBO Coalition (COMBOCO). COMBOCO represents some 300 organisations throughout the province. Conflict management training is being carried out by the KwaZulu-Natal Christian Council (KZNCC) on the mediation subcommittee. The training follows the mediation training carried out by the KZNCC prior to elections and is taking place in five main areas: eThekweni, the south coast area, the Midlands, the Tugela area and Zululand (Baumann, KZNCC). Some of the conflict management training was provided by the African Centre for the Constructive Resolution of Disputes (ACCORD) and involved a specific course in elections and conflict management which was formulated specifically to improve electoral processes and to advance conflict prevention and mitigation of election-related conflicts in Africa ([www.accord.org.za](http://www.accord.org.za) – Elections Programme). The course involves dealing with various election-related conflict elements such as intolerance, no-go areas, hate speech, campaigns of violence, issues related to voter registration and the voters' roll, the role of the media, exclusion of women candidates, the counting process and the issue of frivolous lawsuits.

The KZNCC also sits on the violence monitoring subcommittee which, since November of last year, has deployed ten monitors throughout the province to monitor potential and actual incidents of violence and also to compile information on

violence trends in the province. It also provides assistance to recourse by the Electoral Court in the event of conduct transgressions.

The subcommittee on polling is responsible for all issues pertaining to the voting process as well as observation of the provincial election (Dziva, KZNCC).

#### **ROLE OF SOCIAL MOVEMENTS**

An integral element of civil society in South Africa is the rise of the new social movements. Many South African social movements have been credited with impacting upon pro-poor policy between elections. One of these social movements is the Durban shack dwellers movement Abahlali Base Mjondolo situated in the Kennedy Street informal settlement in Durban which has declared an active abstention (from voting) as the only strategic and tactical approach to the upcoming elections. This is in line with revolutionary anti-capitalistic politics. Abahlali advocates for land and housing for the poor as well as an end to forced removals and access by the poor to basic services. It has grown in membership from its original 6,000 supporters in the Kennedy Road settlement and now claims to represent 'tens of thousands of people from more than 30 settlements' (Abahlali, 2006). Abahlali, under the Zabalaza Anarchist Communist Front, argues that voting, registering or even spoiling the ballot is not, from a working class perspective, active but rather an acceptance of bourgeoisie authority. The Front argues for working class action in the form of mass struggle and direct action, outside and against the institutions of capital, political parties and the state. (Abahlali, 2009).

The involvement of trade unions in electioneering in the province has seen COSATU actively campaigning for the ruling ANC. It has officially called on workers in KwaZulu-Natal to mobilize their families to vote for the ANC in order

for the ANC to secure at least 60 per cent of the vote (COSATU Today, 2009). Following the Nongoma incident of violence between the IFP and ANC, COSATU called on the IEC to disqualify the IFP from contesting in the 2009 elections (iol 2 February 2009). COSATU has also been distributing its booklet 'Defend Our Movement: Advance the Gains of Polokwane – Expose and Isolate the Black DA'. The booklet is available at both organisation headquarters in KwaZulu-Natal and details the dangers to the trade union federation should COPE come to power in the 2009 elections (iol 28 January 2009).

#### ROLE OF THE MEDIA

Democratic governance is significantly supported by media that ensures the voters' right to make informed political party choices and promotes their right to be accurately informed as to what is happening around elections. In KwaZulu-Natal the two main newspapers, the *Mercury* and *Witness*, have chosen to focus on the incidents of violence between the ANC and IFP in the province. While the *Mercury* has tended to sensationalise the violence with headlines such as 'Flashpoint at Nongoma' (2

February 1999) and 'Army Stands by to Quell Violence' (3 February 2009). The *Witness* has responded in more measured terms with article headlines such as 'Parties Trade Blame' (3 February 2009). The *Witness* has also published a call and guide for registration through adverts in its 'Echo' supplement produced by the Centre for Adult Education detailing the registration process in both English and Zulu.

#### IEC PREPAREDNESS

In terms of election preparations, the provincial IEC claims that it is ready for the voting process following successful provincial registration. In November of 2008 the IEC reported that KwaZulu-Natal had the lowest percentage in terms of voter registration among the provinces and identified 2.2 million unregistered voters mostly in the Durban and Pietermaritzburg areas. Following the registration cut-off in February 2009, however, out of an eligible 5.9 million voters in the province 4,459,291 had registered to vote. The call for registration was therefore well received.

#### REFERENCES

Constitution of the Republic of South Africa, Act 108, 1996, Sec 1 d  
Electoral Act 73, 1998 Schedule 2

Huntington, S (1991) *The Third Wave: Democratization in the Late Twentieth Century*, Norman University of Oklahoma Press, Oklahoma  
Lodge, T (1999) *Consolidation Democracy: South Africa's Second Popular Election*, Witwatersrand University Press, Johannesburg  
Mottiar, S 'A Growing Commitment to Democracy, *Election Update 2004*, no 1, EISA  
'All Eyes on Election Safety', *Mercury* 2 February 2009  
'Cope Makes Gains in KZN', *Mercury* 19 January 2009  
'Cosatu Calls for IFP disqualification', 2 February 2009 iol  
'Cosatu Vows to Spread Anti-Cope Booklet', 28 January 2009, iol  
*COSATU Today* 12 January 2009  
*Echo, Witness* 5 February 2009  
'IEC Political Parties Must Prevent Violence', *Mail & Guardian*, 11 February 2009  
'Introduction to Abahlali' October 2006, [www.abahlali.org](http://www.abahlali.org)  
Khumalo, S, "Flashpoint at Nongoma", *Mercury* 2 February 2009  
Khumalo, S, 'Army Stands by to Quell Violence', *Mercury* 3 February 2009  
Madlala, P, quoted in Tolsi, N, 'Echoes of Bad Old Days' *Mail & Guardian*, 6 February 2009  
Mbanjwa, B, Jones, S, 'Parties Trade Blame', *Witness* 3 February 2009  
'More than 2 Million Voters Unregistered', 1 September 2008 Sapa  
'No Crisis of Pre-Election Violence', *Mercury* 6 February 2009  
'Nongoma Arrest', *Witness* 4 February 2009  
'Political Parties Commit to Peaceful Election', 12 February 2009, Sapa  
'Zabalaza Passive Voting or Active Boycott? The True Question of Elections', 8 January 2009 [www.abahlali.org](http://www.abahlali.org)  
'Zuma and Buthelezi Encourage People to Vote', 7 February 2009, iol  
[www.accord.org.za](http://www.accord.org.za) – Elections Programme  
[www.elections.org.za](http://www.elections.org.za) – IEC 2009

#### Interviews

Baumann, Christof, KZNCC 10 February 2009  
Dziva, Douglas, KZNCC 11 February 2009  
Naidu, Rama, DDP 10 February 2009

## LIMPOPO

Lesiba Teffo – University of Limpopo

THE AIM of this report is to give a brief but analytical view of the electoral process in the Limpopo Province. To this end, it addresses five main issues. First it highlights the preparedness of the Provincial Electoral Commission. Secondly, it examines the role of civil society organisations and faith-based organisations. Thirdly, it outlines the role of social movements such as trade unions. Fourthly, it reviews the role of the media. Fifthly, it investigates

the mechanisms for conflict management and their effectiveness.

#### IEC PREPAREDNESS

Limpopo Province is fairly large, with a high population concentration around the (peri) urban areas. In an attempt to ensure its visibility and for its voice to be heard, the Commission has created structures across the province. It is consistently in the news and updating the population on developments regarding

the election. An inspection in loco at its IEC warehouse has convinced the reporter that appropriate steps have been taken to ensure that the infrastructure is in place and ready to be deployed. At the time of the visit workers were busy, suggesting that they are almost at the tail-end of their preparations.

An interaction with the IEC Limpopo PEO, Ms Nkaro Mateta, shed more light on measures in place to ensure a speedy roll-out

of programmes and deployment of staff and equipment as soon as the election date has been gazetted. What could not be established is the readiness of the prospective electoral officers, although it could be surmised that since they recently held by-elections in some district municipalities this experience could be invoked in future elections.

Ms Mateta did concede, though, that there are challenges in certain areas, especially Moutse, next to Groblersdal, where her team found it difficult to register people for the election. The Moutse Cross-border Forum has vowed not to participate in the 2009 elections until the matter of their transfer from Limpopo to Mpumalanga has been resolved. As a result, any person who tried to defy the Forum ended up being intimidated and/or assaulted. Some culprits were arrested and appeared in court in the past, and as recently as 9 February 2009.

Besides the above concerns, the IEC was able to register more than 3,000 voters in Moutse East alone. The police played an integral part in ensuring that potential voters were not severely disadvantaged. The few service delivery protests in Ga-Mampuru and Ga-Masemola villages did not affect the registration process. The protest in Moutse West did at one point lead to the temporary closure of the station.

The Provincial Electoral Commission (PEC) has made commendable efforts in redressing violence stemming from this cross-border dispute and political intolerance between parties. In this regard, the Commission trained some police officers in their operations. This initiative proved vital because, when it became evident that special measures had to be resorted to in order to maintain law and order, the trained officers took over and proceeded to help the IEC officials.

During the weekend of 7/8 February 2009, I visited at least six areas in order to assess developments and levels of preparedness of the IEC, the political parties and the voting population. The mood is upbeat

and very encouraging, though voter education could help boost the voters' roll. The areas visited are Mankweng, Moletji, Seshego, Polokwane, Mokopane and Mahwelereng.

#### **ROLE OF CIVIL SOCIETY AND FAITH-BASED ORGANISATIONS**

The IEC has adopted a mass voter education project. To achieve its goals, it enlisted the services of thirty civil society organisations. It has deployed them across the province to cover at least 513 wards.

The commission has set up meetings with stakeholders in order to update them on the preparations, the role they expect them to play, and the challenges they could face and how they would be tackled whilst there is still time. To this end, a meeting with traditional healers and leaders was held on 13 February 2009. Subsequent to this engagement, the commission will embark on a road-show to five district municipalities for an interface with farming communities, that is, labourers and employers, and as well with farmers' unions. This intervention is crucial because there are often unfavourable reports on the farms, especially during the election period. It is important that both parties are advised of their rights and duties and that what happens should do so within the confines of the law. It would therefore be prudent for a conflict resolutions mechanism to be in place, and within reach for if and when it is sought. Voter education would ease the fractious relations that often prevail during this period. An audit of the problems that often beset this sector could be a starting point in seeking to smooth the operations and ensure a free and fair election.

#### **ROLE OF THE MEDIA**

This is one area where the Commission is doing a commendable work. Election-related material is constantly in print and the electronic media are churning out information on the election process. Local newspapers and government

department newsletters constantly carry updates on the elections and challenges often confronted in areas engaged in cross-border disputes. I was privileged to attend a media briefing by the Commission at its office in Polokwane on Monday, 9 February 2009. I found the session informative and the officers clearly on top of the proceedings. Valuable information given to the media included the following :

- More than 600,000 prospective voters visited more than 2,400 registration stations on the weekend of 7-8 February 2009 either to register for the first time, or to re-register or inspect their details on the voters' roll.
- Vhember District had the highest number of new registrations (39,299) followed by Mopani with 35,608 and Capricorn District with 26,215.
- 85% of all new registrations were in the youth category.
- As of 9 February 2009, the voters' roll in the province stood at 2,194,160 persons.
- The Moutse area remains volatile, making it difficult for people to visit the stations.
- Voter education and stakeholder engagements remain priorities to be addressed in collaboration with relevant state organs and interested parties.

#### **MECHANISMS FOR CONFLICT RESOLUTION**

It was brought to my attention that the IEC in the province was in the past assisted by EISA when it came to resolving electoral disputes. Apparently, there was a major financial cost involved and as a result the provinces were advised to fend for themselves as from 2009. As at the time of preparing this report, the Commission was still waiting for criteria and guidelines for developing an instrument that they can use in the event of disputes. This framework should be provided by the IEC national office.

What has happened in the meantime is that the Commission con-



vened a meeting with the South African Council of Churches, non-governmental organisations, and interested parties whose primary aim is to promote and deepen democracy. The stakeholders were advised about the possible role that they would be expected to play after

attending a workshop on conflict resolution.

I was given a glimpse of what the structure looks like. First, there would be a provincial structure vested with powers to resolve or make recommendations. Second, there would be sub-structures

across the five districts, but, where necessary, especially in hotspot areas, people with superior skills and experience could be deployed. Political parties and electoral officers will be given the relevant documents as part of the electoral tool-kit.

## MPUMALANGA

**PV Zulu** – Independent consultant

THIS first update focuses on the institutional framework of the Independent Electoral Commission (IEC), its preparations for the elections, applicable legislation, the role of the media, community organisations and conflict resolution plans. The Republic of South Africa comes from an apartheid era that was characterised by discrimination, disenfranchisement and the denial of basic human rights and dignity to the majority of its citizens. When democracy was achieved and the first democratic elections held in 1994, a governing document was prepared to serve as the constitution of the country. This constitution was drafted to uphold certain democratic values on which South Africa as a democratic state was founded:

- Human dignity, the achievement of equality and the advancement of human rights and freedoms;
- Non-racialism and non-sexism;
- Supremacy of the constitution and the rule of law;
- Universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

This Constitution is the supreme law of the Republic and any law

or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled. Included in the constitution is a Bill of Rights, which is fundamental for democracy to flourish in the Republic of South Africa because it enshrines the rights of all of the country's citizens and seeks to uphold the democratic values of human dignity, equality and freedom.

According to Chapter 2, Paragraph 19 of the constitution, the Bill of Rights grants all citizens in South Africa a plethora of freedoms including the right to form a political party, the right to participate in the activities of that political party and the right to campaign for a political party. Every citizen therefore has a right to free, fair and regular elections for any legislative body established in terms of the constitution. These elections should be organised, coordinated and observed by an independent body for them to be seen to be free and fair. This independent body was established as a statutory institution called the Independent Electoral Commission (IEC) with the object of strengthening constitutional democracy and the promotion of democratic electoral processes. The Independent Electoral Commission is expected to conduct its activities in an impartial manner and to exercise its powers and duties without any fear, favour and prejudice.

The powers and duties of the Independent Electoral Commission are to:

- manage any election and to ensure that any election is free and fair and does not prejudice any of the participants;
- promote conditions conducive to free and fair elections;
- promote knowledge of sound and democratic electoral processes by conducting electoral education;
- compile and maintain voters' rolls by means of a system of registering of eligible voters by utilising data available from government sources and information furnished by voters;
- compile and maintain a register of parties and establish and maintain liaison and co-operation with parties;
- undertake and promote research into electoral matters;
- develop and promote the development of electoral expertise and technology in all spheres of government;
- continuously review electoral legislation and proposed electoral legislation, and to make recommendations in connection herewith;
- promote voter education;
- promote co-operation with and between persons, institutions, governments and administra-

tions for the achievement of its objects;

- declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections;
- adjudicate disputes which may arise from the organisation, administration or conducting of elections and which are of an administrative nature; and
- appoint appropriate public administrations in any sphere of government to conduct elections when necessary.

### **THE ELECTORAL LAW**

The Independent Electoral Commission was established as a statutory body that is governed by the Electoral Commission Act 51 of 1996. This Act makes provision for the establishment and composition of the Electoral Commission to manage elections for national, provincial and local legislative bodies and referenda and to make provision for the establishment and composition and the powers, duties and functions of an Electoral Court; and to provide for matters in connection therewith.

This Act also provides for the composition of the Commission, appointment of Commissioners, the conditions of service of the Commissioners, their conduct, administration of the Commission, the appointment of staff and the accountability of the Commission.

The regulations under this Act are:

- Regulations for the registration of political parties
- Regulations on party liaison committees
- Regulations on the conditions of service, remuneration, allowances and other benefits of the Chief Electoral Officer and other administration staff

Another piece of statute that applies to the operations of the Independent Electoral Commission is the Electoral Act 73 of 1998, which seeks to regulate elections of the National

Assembly, the provincial legislatures and municipal councils and to provide for related matters. This Act provides for the registration of voters, maintaining the voters' roll, the general preparations for the elections, managing and administering the elections and the electoral Code of Conduct. The regulations under the Electoral Act are:

- Election Regulations
- Regulations concerning the submission of the lists of candidates
- Regulations on the accreditation of observers
- Regulations on the accreditation of voter education providers
- Voter registration regulations

### **PREPAREDNESS OF THE PROVINCIAL IEC**

The Mpumalanga Provincial office of the IEC has just finished the second round of voter registration, which was very successful, and its election timetable will be gazetted on 16 February 2009. It has designed a program for itself which will assist it in co-ordinating its activities to enhance its preparations for the elections. On 16 February 2009 there was the first of many training programmes organised to train the trainers – i.e. the people who will be providing electoral/voter education to the voters and the public at large. They will be conducting 18 road shows throughout the province to raise awareness among potential voters and the general public about their right to vote, the importance of exercising that right, and how they should vote.

For the reason that some parts of Mpumalanga are rural areas which are governed by traditional leaders, they will organise izimbizo in those areas where they enlist the assistance of the traditional leader concerned so that they can educate people in the rural areas about the elections and the importance of voting. On 6 March 2009 the provincial office of the IEC in Mpumalanga officially launched the elections and invited all registered political

parties to sign the electoral Code of Conduct. They have also established a party liaison committee which is in constant communication with the political parties about any problems or complaints that the parties might have so that they can be resolved as soon as possible.

### **REGISTRATION OF POLITICAL PARTIES**

In terms of the Electoral Commission Act sections 15 to 17 (chapter 4), political parties who want to participate in or to contest the elections must apply for registration to the IEC. The chief electoral officer shall, upon application by a party in the prescribed form, register such party.

The registration of political parties is governed by sections 15-17 of the Electoral Commission Act of 1996 ('the Act') read with the Regulations for the Registration of Political Parties of April 1998 (as amended). Any party that wants to participate in an election must be registered with the IEC. A party may choose to register at national level, which will allow such registered party to contest elections of the National Assembly, provincial legislatures and all municipal councils. A party may however choose to register only at municipal level for a particular municipality, and such party will then be allowed to only contest local government elections for those particular municipal councils stated in its registration application.

The form shall, *inter alia*, make provision for the following:

- the name of the party;
- the distinguishing mark or symbol of the party in colour; and
- the abbreviation, if any, of the name of the party consisting of not more than eight letters.

The application shall be accompanied by:

- that party's deed of foundation which has been adopted at a meeting of, and has been signed

by the prescribed number of persons who are qualified voters;

- the prescribed amount, if any; and
- that party's constitution.

The party's deed of foundation shall contain the prescribed particulars. After a party has been registered the chief electoral officer shall issue that party with a registration certificate in the prescribed form and publish the prescribed particulars of such registration in the *Gazette*. Every registered party not represented in a legislative body shall annually renew its registration in the prescribed manner and at the prescribed time.

According to the Electoral Act, one of the requirements for parties to contest the election is that the party must have submitted a list of candidates to the chief electoral officer in a prescribed manner by no later than the relevant date stated in the election timetable. The list must be accompanied by a prescribed:

- undertaking, signed by the duly authorised representative of the party, binding the party, persons holding political office in the party, and its representatives and members, to the Code;
- declaration, signed by the duly authorised representative of the party, that each candidate on the list is qualified to stand for election in terms of the Constitution or national or provincial legislation under Chapter 7 of the Constitution;
- acceptance of nomination, signed by each candidate;
- undertaking signed by each candidate, that that candidate will be bound by the Code; and
- deposit.

The only problem with the registration process was that of the newly formed Congress of the People (COPE), where the African National Congress (ANC) made a court application to prevent COPE from using that name because it is argued that the name is inextricably

linked to its historical tradition. However, the court granted COPE the permission to use the name and the party was registered as such. At the moment the IEC has registered 115 parties for the national elections and only two parties are registered for the Mpumalanga Province. All the eleven main parties are registered i.e. ANC, COPE, UDM, DA, ACDP, IFP, APC, AZAPO, PAC, ID and NADECO. These are the main political formations in South Africa, but there are a lot of other smaller political parties.

#### **ROLE OF CIVIL SOCIETY ORGANISATIONS**

The role of civil society organisations is to organise the community so that it speaks with one voice in relation to the social welfare, economic, developmental needs. These organisations serve to mobilise the masses and make them aware of their rights and needs and how those needs can be satisfied. This type of organisation is not affiliated to any political party but represents the whole community irrespective of its political affiliation. They are more effective at community level where they are able to engage their local authorities about issues that affect the community at large. In many communities where these organisations are present they are allowed to sit in their local council meetings so that they represent the voice of the community. This makes the municipality more accountable and if used properly could enhance service delivery. There is sometimes common ground between these organisations and one or more political party as they use most of the community needs to mobilise people to vote for them with a promise to address those needs once in power. This phenomenon has led to the politicisation of civil society organisations and they end up embroiled in party politics and are thus seen as affiliates of a particular political party.

In the end the community becomes divided along party political lines and these organisations are

rendered ineffective, service delivery is hampered and the needs of the community are not satisfied.

#### **ROLE OF FAITH-BASED ORGANISATIONS**

These organisations mobilise members of the community according to their religious conviction, beliefs, culture and tradition. They mostly concentrate on the spiritual needs of their members and tend not to focus on the political issues affecting the people. These organisations are often apolitical and have a different way of addressing the social and economic issues that confront them in their day-to-day lives.

Due to their diversity, they do not always agree even on the religious and cultural matters for which they were formed. In recently years, they have tried to organise forums where the leaders of these organisations would meet and debate and deliberate on the socio-economic issues that affect them. With these organisations it depends on the political perspective of their leaders whether or not they make any political impact. While some are involved in politics, most prefer not to be. Those leaders that are involved in some political activities are able to mobilise and conscientise the people about their rights and needs.

#### **ROLE OF SOCIAL MOVEMENTS (TRADE UNIONS)**

The role of social movements like the trade unions is primarily to promote the protection of the worker's rights and to create a working environment that is conducive, safe and secure for workers to exercise their skills. These movements organise the labour force in all sectors and industries of the economy in such a way that they speak in one voice.

This gives workers the advantage of using the collective efforts to bargain against the employer in times of disputes and it creates a climate that is conducive for dispute resolution on labour-related issues. It also keeps the employers on their toes and forces them to implement

labour laws as promulgated by the legislatures. Members of these movements have access to a lot of economic and political education. They are politically enlightened and also informed about voting and the general election process.

However, these movements are also politicised in a way that they become aligned with certain political parties, which they believe will assist them in their fight for workers' rights and economic freedom. This results in them getting involved in party political agendas. By doing that they are able to push for the regulation of the labour market by the government through the promulgation of labour laws that are sympathetic to the plight of the workers.

This has been criticised by many businessmen as having a negative effect on the economy of the country because it drives away potential investors and foreign capital, thereby increasing the rate of unemployment.

A typical example of this is the Congress of South African Trade Unions (COSATU), which is a union federation with many unions affiliated to it and it is in alliance with the African National Congress (ANC). The Solidarity Union and South African Police Union (SAPU) are aligned with the Democratic Alliance (DA). When the election time comes, these labour movements become very instrumental in mobilising support for their political allies and they have an influence on the voting of their members.

#### **ROLE OF THE MEDIA**

The South African constitution guarantees all citizens their basic rights. This includes freedom of expression by those who want to express themselves politically, socially, artistically and otherwise. This freedom of expression is equally applicable to the media, both electronic and print media.

According to the constitution of the Republic (section 16 of the Bill of Rights), everyone has the right

to freedom of expression, which includes

(a) Freedom of the press and other media

The media is allowed to report on factual issues of public interest without any fear of intimidation from any political party. They however have the responsibility to report without favour, prejudice and bias and without sensationalisation of stories to sell the newspapers or to increase their television ratings. Members of the media should at all times exercise due professional care and utmost objectivity. This is not always easy to do because of the human element involved. In many instances members of the media have their own subjective opinions which they pass to the public as facts hence the different reports about the same incident. Some of the media houses are owned by big conglomerates that are aligned to a certain political ideology and in their reporting on issues those ideologies tend to play themselves out.

The role of the media therefore is to inform the public and report about everything including the elections and the activities of the different political formations and the IEC. This informs and educates the public and it helps to shape their opinions and perceptions on issues affecting them and the country at large. Through the media, political parties are able to reach and sell themselves to millions of South African and inform them about their respective party's agenda/ideology. The IEC is also able to inform the public about its activities, plans and

(b) Freedom to receive or impart information or ideas

The public has a right to access to information and the media plays a crucial role in disseminating the information as members of

the public do not always have the resources and ability to access such information themselves. They therefore rely on the media houses to provide them with information and based on that information the public is able to make crucial decisions like which party to vote for.

However, the right mentioned above does not extend to:

- (a) propaganda for war;
- (b) incitement of imminent violence; or
- (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Every registered party and every candidate:

- must respect the role of the media before, during and after an election conducted in terms of this Act;
- may not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and
- must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or supporters.

#### **MECHANISMS FOR CONFLICT MANAGEMENT AND THEIR EFFECTIVENESS**

The Electoral Act gives the Commission the powers to deal with conflict situations that may arise from the activities of all the contesting political parties relating to the elections. According to the Electoral Act 73 of 1996 section 103 and 103A:

- (1) Whenever the Commission, an officer or the chief electoral officer is required in terms of this Act to decide an objection or an appeal, the commission or that

person may attempt to resolve the issue that is the subject of the objection or appeal, through conciliation.

- (2) The Commission must prescribe the powers that may be exercised by it, any officer, or the chief electoral officer in deciding an objection or appeal in terms of this Act.

The Commission may attempt to resolve through conciliation any electoral dispute or complaint about an infringement of the Code brought to its notice by anyone involved in the dispute or complaint.

At its provincial offices (as in Mpumalanga), the IEC intends to

appoint a person who will deal with election-related problems and complaints. That person is expected to liaise with the two regional panellists who will be responsible for conflict resolution in the respective regions. Mpumalanga has three regions, i.e. Ehlanzeni, Gert Sibande, and Ekangala and each of these regions has two panellists. The panellists will also be members of the party liaison committee which handles communication between the provincial office of the IEC and the political parties.

#### **CONCLUSION**

With the date of the elections having been proclaimed as 22 April 2009,

the IEC is pulling out all the stops to make these elections a success. In terms of figures, the 2009 elections promise to be biggest-ever elections if the voter turnout during the registration weekends is anything to go by. The IEC had a target of 22 million voters for these elections but it has exceeded that target, because there are about 23 million registered voters.

It also promises to be interesting with the court application by the Freedom Front Plus to have the courts to force the IEC to allow expatriates to vote and the formation of the new political party which has changed the political atmosphere in the country.

## **NORTHERN CAPE**

**Angelique Harsant** – University of the Free State

SOUTH AFRICA'S multi-party political party system has been characterised by one-party dominance since the establishment of its democracy in April 1994. Given the split of the ruling African National Congress (ANC) and formation of splinter group, the Congress of the People (COPE), predictions are that the 2009 election is likely to be one of the most important elections since the transitional elections of 1994.

South Africa, which will also be celebrating a decade and a half of democracy in April, has been cemented within a comprehensive institutional and legal framework. This framework includes legislation such as the Constitution (Act 108 of 1996), the Electoral Commissions Act (51 of 1996), the Electoral Act (73 of 1998) and the newly designed provincial legislatures. With this framework in place it remains imperative to pro-actively use these institutions to entrench a democratic culture within the country.

South Africa's young legislatures play an integral role in promoting political participation. As Nelson

Mandela stated in the National Assembly in 1999, 'Because the people of South Africa finally chose a profoundly legal path to their revolution, those who frame and enact constitution and law are in the vanguard of the fight for change. It is in the legislatures that the instruments have been fashioned to create a better life for all. It is here that oversight of government has been exercised. It is here that our society with all its formations has had an opportunity to influence policy and its implementation' (Mandela, 1999). It is therefore important to monitor the national as well as provincial events during the upcoming election.

This report will provide a context for and background to the institutional framework of the Northern Cape within which this election will take place. The focus of this report is to elucidate provincial dynamics with regard to the preparedness of the Independent Electoral Commission (IEC), the contesting political parties in the province, the role of the media and the civil society

organisations committed to a free and fair election.

#### **PREPAREDNESS OF THE IEC**

The input of the IEC is important as it is an institution which had been mandated by the Constitution of South Africa to ensure a free and fair election and to instil and maintain a culture of democracy. As such, every election is regarded by the IEC as a test which will ensure that the election held is free and fair. Since 1994 the IEC has proven its commitment to its mandate and has with each election achieved its constitutional duty in promoting a culture of democracy in South Africa.

The IEC oversees not only the national and local government elections but also the by-elections. In line with electoral procedures the IEC in the Northern Cape had to remind political parties that, in view of the political reshuffling, councillors had to resign from the parties they wish to defect from before the IEC's November 2008 deadline (DFA, 2008:3). Reporter Michelle Cahill (2008:2) reported

that 15 councillors from the ANC and 1 from the Independent Democrats resigned from their respective parties and joined COPE. Despite the political reshuffling the ANC won a landslide victory in the by-elections held in January 2009 by 80 per cent. Elkin Topkin, the IEC provincial manager, declared that 'there was approximately 50% voter turnout compared to the usual average of 35%. Smaller towns in the province such as Garies recorded a 60% voter turnout while towns such as Kamiesberg, Keimoes and Upington had an average voter turnout of 50-55%. Hartswater and Kimberley had a lower voter turnout of 40%' (Kwon Hoo, 2009:2). In an interesting turn of events ninety-four of the ANC members who had left the party to join COPE had returned and were welcomed back into the fold of the ANC.

Justice Bekebeke, provincial electoral officer, and political parties have pulled out all the stops to encourage voters in the Northern Cape to make use of the registration weekend to exercise their democratic right to participate in the 2009 election. Bekebeke explained in the media that 'with regards to staff and station readiness ... all structures are in place and that all material is already at the respective municipal electoral offices and will be posted to the stations ...' (Fielding, 2009:6).

#### **ROLE OF CIVIL SOCIETY ORGANISATIONS**

Civil society organisation plays a vital role in ensuring that voter education takes place, ensuring free and fair elections and maintaining peace and security during elections. Civil society organisations and faith-based organisations in the Northern Cape which focused on building democracy and ensuring peaceful, free and fair democratic elections have consolidated their efforts and formed the Northern Cape Elections and Democracy Forum (NCDEF). The South African Council of Churches (SACC) in the Northern Cape is the leading

organisation within the Forum. Rev. Segalo from the SACC is the Chairman of the NCDEF. The NCDEF is recognised by the IEC who has also commended the forum for the positive results that it has obtained in the democratic electoral processes in the Northern Cape (NCDEF, 2009).

#### **ROLE OF THE MEDIA**

The media plays a vital role in the forming of public opinion about a variety of electoral issues ranging from voter participation to election manifestos of the different political parties as well as conveying important election results. It is the role of the media to relay political events to the general public in an unbiased, objective and apolitical manner.

Among the various media tools used in the Northern Cape are the *Diamond Fields Advertiser*, *Volksblad Noordkaap*, and *Kits-nuus*. The local radio stations such as Teemaneng Radio station not only convey important information regarding the electoral issues and procedures but also have regular political debates where listeners, especially the youth, can have an opportunity to voice their concerns and opinions.

#### **PREPAREDNESS OF THE POLITICAL PARTIES**

As the political parties gear up for the upcoming elections '... the battle lines have been drawn for what could be the most fiercely contested elections in South Africa since 1994, with the ANC moving into top gear ...' (De Lange et al, 2008:2). Despite the usual canvassing for votes, launching of manifestos and debating with opposing parties, political parties have to closely observe the political reshuffling of councillors, members of the provincial legislature (MPLs), members of the provincial executives (MECs) and members of parties.

Alvin Botes, the provincial deputy secretary of the ANC in the Northern Cape, indicated that while the party respected the decision of those who wished to align themselves with other parties he

'... urged loyal members of the ANC not to allow themselves to be distracted by all the confused people who are angry and bitter because they have lost positions of leadership in the ANC and therefore think they can challenge the African National Congress' (Fielding, 2008:5). Some of the high-profile political reshuffling includes the MEC of Finances Pakes Dikgetsi, Pieter Saaiman (MEC for Tourism, Environment, Nature Conservation and Economic Affairs), and Nately du Toit (Provincial Co-ordinator of the Youth Movement), all of whom have consequently joined COPE (Cahill, 2009:2).

The ANC has not let the grass grow under its feet and started campaigning for the 2009 election in 2008. In November 2008 Jacob Zuma toured the province accompanied by key role players in the province which included John Block (ANC), Grizelda Cjiekella (ANC Women's League), Vuyo Roji (ANC Youth League), Peter Bailey (COSATU) and Norman Shushu (SACP). Zuma had a tight schedule during his first visit to the province since the ANC conference at Polokwane and was scheduled to meet with ANC election workers, religious leaders, women, the youth, alliance partners, Mass Democratic Movement Formations as well as door-to-door visits. Zuma also met with the !Xun and Khwe chiefs of the San community and attended a gala event for fundraising (Fielding, 2008:4).

In the previous election, gender was one of the issues high on the political agenda; however, the burning issue for this election seems to be education and job creation. In November 2008 the ANC Youth League President, Julius Malema, addressed a huge crowd at the Mayibuye centre in Galeshewe in Kimberley and criticised those responsible for education in the province, stating that 'young people do participate in politics in South Africa and of the 1.6 million registered voters 77 per cent were young people and most of these were women. 'Our vote does not come cheap. We want a

university in Kimberley'. Malema called on Jacob Zuma to create job opportunities. He also emphasised that these have to be permanent jobs and not temporary opportunities (Van der Merwe, 2008:1).

During the final state of the province address by current premier Dipuo Peters, on 13 February 2009, before she moved on to the national level, she touched on numerous challenges and achievements of the education system in the province and concluded the topic by stating that the measurement criteria of the education system should not rest mainly with the results of the national senior certificate. Dipuo Peters suggested that a holistic analysis should be done of the education system in its entirety (Van der Merwe, 2009:2; Kwon Hoo, 2009:6).

The ANC in the province is committed to addressing the educational needs in the Northern Cape, with the ANC Provincial Secretary, Zamani Saul, stating that the deployment of the premiership candidate John Block as MEC of Education '... sends a clear message of the ANC's seriousness towards

improving the quality of education in the Province' (Fielding, 2008:2). The African Christian Democratic Party (ACDP's) provincial leader, Francois Van Wyk, agrees that education is an important issue and concern and stated that education in the Northern Cape '... must be addressed as a matter of urgency' (DFA, 2009:5).

### CONCLUSION

The high voter turnout for both the by-election and the registration drive is a positive sign for the up-coming general election on April 22.

The IEC and the political parties have gone all out to get voters to register for the election. The political parties have displayed their posters all over the towns and cities of the Northern Cape and provided transport for their supporter's to registration stations. Sampie Cloete, the Independent Democrats Northern Cape Provincial Chairperson, paid the highest price while campaigning for the party when he died in a car accident.

The next report will focus on the registration process and parties' manifesto drives in the province in preparation for the 2009 elections.

### REFERENCES

- Cahill, M. 2008. No new defections as party takes stock. *Diamond Fields Advertiser*. 13 November, p 2.
- . 2009. It is merely time to move on - Saaiman. *Diamond Fields Advertiser*. 23 January, p 2.
- De Lange, D; Mbanjwa, X; Makinana, A and Davis, G. 2008. 'New party hits a snag'. *Diamond Fields Advertiser*. 4 November, p 2.
- Diamond Fields Advertiser*. 2008. Clock ticks for quitters. 12 November, p 3.
- . 2009. 'Education issues must be a matter of urgency'. 12 February, p 5.
- Fielding, S. 2008. 'Party gears up for Zuma visit'. *Diamond Fields Advertiser*. 11 November, p 4.
- . 2008. 'Masses leave for new party'. *Diamond Fields Advertiser*. 11 November: p5.
- . 2008. 'ANC breaks its silence'. *Diamond Fields Advertiser*. 18 December, p 2.
- . 2009. 'Last roll call for voters'. *Diamond Fields Advertiser*. 6 February, p 4.
- Kwon Hoo, S. 2009. 'COPE crushed in by-elections'. *Diamond Fields Advertiser*. 30 January, p 2.
- . 2009. 'It was a privilege'. *Diamond Fields Advertiser*. 13 February, p 6.
- Mandela, N. R. 1999. Speech by President Nelson Mandela at the final sitting of the first democratically elected parliament, 26 March 1999.
- Northern Cape Elections and Democracy Forum. 2009. Proposed 2009 Elections Preparatory Plan. Provided by the Northern Cape IEC office in Kimberley.
- Van der Merwe, H. 2008. 'Loop maar Premier'. *Volksblad*. 14 November, p 1.
- . 2009. NK-Premier op pad na parlement, sê Saul. *Volksblad*. 30 January, p 2.

## WESTERN CAPE

**John Akokpari** – University of Cape Town

THE impending 2009 national elections promise to reshape the composition of parliament. Since the ANC National Congress in Polokwane in November 2007, interest and anxieties have grown regarding the outcome of the 2009 polls. The formation of the Congress of the People (COPE) late in 2008 has added to this anxiety. The Western Cape is expected to witness major political party activity in the weeks leading up to the elections. Yet there is also anxiety about the potential for trouble in light of the rising stakes in the elections.

This update focuses on five main issues.

First, it outlines the preparedness of the Provincial Independent Electoral Commission (IEC) of the Western Cape to manage the elections. Secondly, it reviews the role of civil society in the electoral process. Thirdly, it looks at the role of social movements such as trade unions. Fourthly, the role of the media is examined and fifthly, various mechanisms for the prevention and management of election-related conflicts are discussed.

### PREPAREDNESS OF THE WESTERN CAPE PROVINCIAL ELECTORAL COMMISSION

The Western Cape electoral commission is confident that it is suitably prepared for the 2009 General Elections, in terms of meeting expectations. Two of the areas of activity generating such high optimism within the Provincial IEC office are the preparatory processes around delimitation and voter registration.

#### *Delimitation exercise*

Delimitation involves subdividing

the geographic area of the province into voting districts. Each voting district is serviced by one voting station. Urban voting districts contain on average 3,000 voters located within a radius of some 7,5 km of the voting station whilst rural voting districts accommodate approximately 1,200 voters located within a radius of some 10 km of the voting station. The delimitation process was successfully completed in 2008. In the Western Cape there was an increase in the number of voting districts from 1,348 in 2004 to 1,541 in 2009. The majority of voting districts, numbering 818, are in the City of Cape Town, which also has the largest population in the Western Cape. The essence of proper delimitation is to ensure that polling stations are made accessible to the electorate. This in turn ensures that eligible voters are not disenfranchised due to an inability to readily reach polling stations. Improper delimitation is a potential source of tension not only among contending political parties but also between political parties and the provincial IEC. All political parties seem content with the delimitation exercise.

#### **VOTER REGISTRATION**

The two voter registration weekends in the province were completed without major incident. These served as a trial-run to check the functioning of systems and processes in the voting districts. Apart from isolated cases of minor disturbances the registration process went off smoothly. The numbers of registered voters following two registration weekends were announced on 11 February. In total, 2,630,174 voters are registered in the Western Cape. This represents a high figure, perhaps due to the increased interest in the elections. People who did not register to vote in previous elections seem to be keen to vote this time around. The president officially proclaimed the election date on 12 February so voter registrations for the National and Provincial elections are now closed.

#### **THE ROLE OF CIVIL SOCIETY**

Civil society and non-governmental organisations have been involved in the campaign to ensure peaceful and trouble-free elections. Religious groups have been particularly vocal on the need for tolerance and peace in the run-up and during the election. The Western Cape is host to a number of religious faiths, including Christians, Muslims, Buddhists and Jews, all of whom have been preaching love and tolerance. These religious groups all hope for peace and tranquillity, given the spate of intolerance among supporters of political parties. So far no religious group in the Western Cape has openly declared support for a particular political party. Similarly, no women's groups or other recognised civil society body has thrown its support behind any of the political parties. This neutral electoral stance on the part of civil society organisations towards political parties is good for peace and democracy in the province and in the country as a whole. The only civil society organisations openly lending support to, and campaigning for, political parties in the province are the youth leagues of the respective parties.

#### **THE ROLE OF SOCIAL MOVEMENTS**

While the majority of civil society organisations show no open support for political parties, this cannot be said of some social movements. The provincial branch of COSATU has been active in garnering support for the ANC. There are talks of the emergence of a new labour union federation to challenge the COSATU dominance. If this materialises the Western Cape will surely become a highly contested battleground for the rival labour unions. In the last few years the ANC lost control over the Western Cape and Cape Town in particular. It is little surprise that the Provincial branches of the ANC Youth League and COSATU would intensify their efforts in trying to improve the fortunes of the party in the province. At the same time

the youth wing of COPE is also working hard to garner the support of the youth in the province for the new party.

Yet there is a more interesting development in the Western Cape. The *Mail and Guardian* (25-01-09) reports that Tony Ehrenreich, the provincial secretary of COSATU, is hatching plans to form a new political party to contest the provincial elections in April 2009. Rather than hurting the ANC, Ehrenreich argues that the move is strategic and aims at helping to garner support for the ANC, while denying this to COPE, the DA and the ID. This comes against a backdrop of the battered image of the ANC in the Western Province. There is a growing opposition to the ANC in the province and this is reflected in two recent well-respected opinion polls which indicated that 59 percent of voters in the province are hostile to the ANC. This hostile bloc of voters includes ANC members who are disillusioned with the party's leadership. Ehrenreich also hopes to count on another 20 percent of voters who, according to the polls, are either undecided or will not vote at all. Ehrenreich's ultimate objective is to 'capture' those hostile to the ANC and prevent them from voting for rival parties. Ehrenreich hopes to enter into a coalition with the ANC in the province after the election, or with other parties to guarantee himself a position as a public figure.

#### **THE ROLE OF MEDIA**

The media is playing a no less critical role in educating and informing people in the province on important developments relating to the elections. The print media has in the last several weeks been reporting on important developments and in the process generating, even heightening, enthusiasm in the electoral process. The main English-language newspapers – *The Cape Argus* and *The Cape Times* – both reported on the gazettement of the electoral date set for 22 April 2009. Interestingly, the gazettement coincided with the



High Court rejection of the Freedom Front Plus's urgent application to stop the presidential proclamation of the election date. On another level the saga with the gazetting of the election date also increased public interest on the discussion or rather the debate around the subject of granting South Africans in the diaspora the right to vote.

The media also reports on the support of political parties in the province. Quoting a TSN poll, the *Cape Argus* highlights the steady decline of support for the ANC in Cape Town, falling from 25 percent of those polled in September 2008 to 18 percent in November, while the support of the DA grew from 20 to 24 percent during the same period. The DA leader, Helen Zille, is upbeat about this development and is determined to raise the fortunes of her party in the 2009 elections to new heights – from its traditional 'fight back' stance to one of 'we are ready to govern if you'll allow us'. However, whether the DA's growing support translates into actual votes will only be known after April 22.

Like the DA, the Congress of the People (COPE) also enjoys support in the province, but it seemed to be destined to fight numerous court battles at least in the months preceding the April elections. Having won an earlier court battle against the ANC over the use of its name, COPE seems to be emerging victorious in another legal battle, this time around the Cape Town-based *Cape Argus* reports in its Sunday 15 February edition that the little known and regionally-based political party, the Cape Party (CAPE), is dragging COPE to the electoral court on the grounds that the name COPE bears a resemblance to its name and could confuse voters. CAPE filed its electoral court papers on Friday 14 February. This is not the first time CAPE has registered its objection to the use of the name COPE. In December 2008 CAPE's objection to the registration of COPE was thrown out by the electoral court. This time

around CAPE is making fresh attempts to prevent COPE from using the name, evoking Section 16(1)(b) of the Electoral Act. This Act empowers the chief electoral officer to deny registration to a political party 'if a proposed name, abbreviated name, distinguishing mark or symbol mentioned in the application resembles the name, abbreviated name, distinguishing mark or symbol, as the case may be, or any other registered party to such an extent that it may deceive or confuse voters.' One of the leading objectives of CAPE as highlighted in its election manifesto is to secure the independence of the Cape of Good Hope and to establish the 'Kaaplander nation.'

The media is also helping to expose the seeming schism in the ruling ANC at the topmost level. The media reports allegations that former premier of the Western Cape, Mr Ibrahim Rasool, among a group of staff in the presidency are deliberately undermining the ANC electoral campaign by planning the president's itinerary in such a way that makes it impossible for him to meet his election schedule. By engaging in this act, Rasool and his accomplices are alleged to be indirectly helping the cause of COPE, the ANC's most bitter rival. This allegation was reported to have been made by Nomvula Mokonyane, the ANC convenor in the Western Cape following President Motlanthe's failure to turn up, apparently due to a tight itinerary, for a scheduled ANC rally in Cape Town on Sunday 8 February. The provincial ANC convenor, however, denies this allegation. Part of the allegation also claims that some members of the staff in the presidency are making efforts to distance President Motlanthe from the ANC.

#### **MECHANISMS FOR CONFLICT MANAGEMENT AND THEIR EFFECTIVENESS**

The potential for conflicts and violence is high in the weeks leading up to the elections. As a result, the IEC is working closely with the

security services, and particularly the South African Police Service (SAPS), to assist in managing any conflict situations in the run-up to elections and on the actual polling day. It is anticipated that in addition to the 6-8 IEC officials to be deployed, there will be at least two policemen at each polling station on voting day. This will enable the IEC to deal with any eventuality in the form of security breaches and disturbances.

The registration weekends went off mostly without incident; however, there were a few cases of conflict. One of the cases reported occurred on 8 February in Du Noon in Cape Town where 300 people attempted to force their way into the voting station when it became evident that it was closing. According to political party representatives the IEC officials closed the doors at 4.30 pm, shutting out a long line of people outside Inkwenkwezi High School who were waiting to register. Those in the school hall were allowed to register but those outside were not allowed in. When those not in the hall began shouting and attempting to get in the IEC officials called the police who restored calm. According to the representatives of political parties, people were angry that they were not allowed to register. On its part, the IEC blamed people for arriving late to the polling stations and said there had to be a cut-off time set. In Khayelitsha three men were arrested for disrupting voter registration on the final registration weekend. They were part of a group of residents who decided to boycott the voter registration process in protest at the way the government handled service delivery. They appeared in the Khayelitsha Magistrate's Court on 10 February and were granted bail. The case was postponed to May 15.

Yet, the real potential for conflict is the seeming tension between supporters of political parties. There have been reports of disruptions of party rallies by rival political parties in the Western Cape. COPE

has accused the ANC of failing to restrain its supporters who consistently disrupt its political gatherings. The recent signing of the memorandum of understanding among political parties under the aegis of the national IEC may go a long way towards mitigating potential clashes between supporters of rival political parties. It is, however, one thing for party the leaders to sign an agreement against violence and

quite another for its supporters to respect and adhere to the provisions of the agreement.

Political leaders may appeal to their supporters to be tolerant of other parties. But will the supporters heed the call? This is the question. The provincial IEC is confident that the necessary infrastructure and mechanisms have been put in place for a smooth and trouble-free poll on April 22.

The provincial IEC plans to deploy sufficient staff to each polling station. However, with over 1,000 polling stations to cover, this is likely to stretch the human and financial resources of the office to breaking point.

Having said that, it is hoped that the 2009 election will go down as a most remarkable exercise in the Western Cape's post-apartheid history.



## EASTERN CAPE

Thabisi Hoeane – Rhodes University

THIS PREVIEW discusses, in turn, the electoral performance of parties that contested the 2004 provincial elections, voter registration issues, party manifestos development, nomination processes and media coverage of the election campaign.

### THE PERFORMANCE OF POLITICAL PARTIES IN THE 2004 ELECTIONS

Thirteen parties contested the provincial elections. Four of them,

the African National Congress (ANC), the United Democratic Movement (UDM), the Democratic Alliance (DA) and the Pan Africanist Congress (PAC), constituting 30 per cent of all contestants, succeeded in being represented in the provincial legislature.

The ANC, as in the 1994 and 1999 elections, won the province with 1,768,987 votes (79.27 per cent) translating into 51 seats in the 63-seat provincial chamber. What was

### CONTENTS

<b>EASTERN CAPE</b>	<b>68</b>
<b>FREE STATE</b>	<b>71</b>
<b>GAUTENG</b>	<b>75</b>
<b>KWAZULU-NATAL</b>	<b>80</b>
<b>LIMPOPO</b>	<b>85</b>
<b>MPUMALANGA</b>	<b>88</b>
<b>NORTHERN CAPE</b>	<b>92</b>
<b>WESTERN CAPE</b>	<b>95</b>

Table 1: Eastern Cape Provincial Elections Results 2004\*

Political Party	Votes	% Votes	Seats
African National Congress	1,768,987	79.27	51
United Democratic Movement	205,993	9.23	6
Democratic Alliance	163,785	7.34	5
Pan Africanist Congress	22,324	1.00	1
African Christian Democratic Party	17,372	0.78	0
Independent Democrats	17,314	0.78	0
New National Party	14,084	0.63	0
Freedom Front+	5,692	0.26	0
Inkatha Freedom Party	4,373	0.20	0
Azanian People's Organisation	3,884	0.17	0
Socialist Party of Azania	3,356	0.15	0
United Christian Democratic Party	2,707	0.12	0
National Action	1,672	0.07	0
<b>Total</b>	<b>2,231,543</b>	<b>100</b>	<b>63</b>

Source: This table has been adapted from tables posted on the following websites: <http://www.eisa.org.za/WEP/sou2004results1.htm> and [http://www.elections.org.za/Elections2004\\_Static.asp?radResult=50&seIProvince=1](http://www.elections.org.za/Elections2004_Static.asp?radResult=50&seIProvince=1)

significant in the ANC's win was that its margin of victory surpassed that of its national performance, in which it had gained 69.69 per cent. It was followed by the United Democratic Movement (UDM), which was contesting its second provincial election. The UDM reclaimed the official opposition status it had gained in 1999 by registering 205,993 votes (9.23 per cent) and six seats. Third was the Democratic Alliance (DA) with 163,785 votes (7.34 per cent) and five seats, while the Pan Africanist Congress (PAC) had 22,324 votes (1 per cent) and one seat.

The remainder of the parties that contested the elections, the African Christian Democratic Party (ACDP) Independent Democrats (ID), New National Party (NNP), Freedom Front Plus (FF+), Inkatha Freedom Party (IFP), Azanian People's Organisation (Azapo), the Socialist Party of Azania (Sopa), the United Christian Democratic Party (UCDP) and National Action (NA), all failed to gain representation in the provincial legislature, as individually they all had under one per cent support.

The voter turnout was 79.31 per cent, with less than 1.2 per cent of spoiled ballots and it is instructive to note that the turnout was higher than the national average, which was 76.73 per cent.

As a brief prognosis for the 2009 elections, it is most likely that all these parties will contest the election, except the New National Party (NNP), which was disbanded after the 2004 poll, and with a new party, Congress of the People (Cope), entering the race.

#### **VOTER REGISTRATION**

The registration of voters in the province followed national trends, with the Independent Electoral Commission (IEC) noting the high level of national interest among voters, which surpassed its initially projected target of 22 million to 23 million.<sup>1</sup> As in other provinces, the special registration drives undertaken by the IEC, in addition to the

regular day-to-day registration at municipal offices, was held in the province in two segments on 8 and 9 November 2008 and 7 and 8 February 2009.

In the first election drive in November 2008, the province came third after KwaZulu-Natal (451,030) and Gauteng (369,623) in registering new voters, who totalled 193,444.<sup>2</sup> Indeed, the high level of voter interest among Eastern Cape voters was revealed in the findings of the voter participation survey of 2008, undertaken by the Human Sciences Research Council (HSRC) on behalf of the IEC, in which 81 per cent of voters indicated that they had already registered, a figure that was only surpassed by the Northern Cape at 82 per cent.<sup>3</sup>

In terms of the final tally of voters registered in the province, the IEC noted in its parliamentary briefing on the process after the second registration drive that the province registered the third-highest number of voters, with 3,055,655 voters registered.<sup>4</sup>

Most significantly, as the IEC indicates on its website, according to its percentage voter registration municipality maps, over half of the municipalities in the province reflect more than 50 per cent of registered voters.<sup>5</sup>

Two major trends revealed themselves from these high registration figures. The first was that the majority of registered voters are both female and young. There are 1,772,489 registered female voters versus 1,283,166 million males, and the age group which reflects the highest number is that of 20- to 29-year-olds, at 727,339, translating into 24 per cent of all registered voters in the province.<sup>6</sup> This means that if young female voters come out in high numbers on polling day, they will have a significant impact on the results.

The other revealing issue about these figures is that the high turnout for the registration drives and heightened enthusiasm for the forthcoming election means that there is going to be serious contest

between parties that will compete for votes in this province.

#### **PARTY MANIFESTO DEVELOPMENT**

Developing an understanding of the process that leads to the production of party manifestos and analysis of this process from the provincial perspective hinges on two issues: the formal procedures outlined in party documents and the actual activities undertaken by parties to solicit input to their internal structures.

It is notable that at both levels of analysis there are serious challenges in engaging an exposition of these processes, as parties provide scant information to assist informed comment. To contextualise this observation, very few parties make such information available in terms of the activities that they carry out to actualise the production of these documents from information that was gleaned from their websites.<sup>7</sup> The common thread that runs through such documents, which were accessed from only two parties, the ANC and Cope, is an emphasis on the consultative processes that these parties enter into with their general membership and interested stakeholders, in producing their manifestos.

For example, in the lead-up to its manifesto launch, Cope published on its website a detailed programme of activities that indicated scheduled consultation with different sectors such as civil society organisations, traditional leaders, the business community and labour organisations.<sup>8</sup> The ANC, on the other hand, in addition to the input sourced from its internal structures, launched various campaigns that encouraged the general public to contribute their ideas for the manifesto via sms, fax and e-mail.<sup>9</sup>

Other parties such as the Independent Democrats (ID) and Azanian People's Organisation (Azapo) provide relatively scant information on the process they follow to produce their manifestos. Parties such as the African People's

Convention (APC) and the Freedom Front Plus (FF+) exhibit what can be considered to be poor political organisation during election time, as their websites do not provide information on their election activities.<sup>10</sup> Given this scenario, it is difficult to analyse how most political parties produce their manifestos and, critically, the level of participation of their provincial structures in the production of these documents.

In summation of this section, two conclusions can be drawn. Firstly, relatively small parties, and those who have no presence or inclination to contest the province competitively, tend to give very little attention to input from provincial structures or do not have mechanisms to do so. Secondly, it is the parties that are seriously competing for votes in the province that take tangible steps to involve not only their internal structures, but the general public, in soliciting input for the final production of their manifestos. However, the question here is to what extent these inputs, especially those from the general public, have an impact in terms of being included in the final manifestos.

This is simply impossible to analyse and assess, as these parties do not indicate which suggestions they have carried into the final manifesto and which they have discarded.

#### **NOMINATION PROCESS OF CANDIDATES**

The nomination of candidates for public office, by placing them on national and provincial lists, can be gleaned from consulting the constitutions of political parties. Some parties explicitly do so and others do not.

Those parties that provide this information in their constitutions (usually the major ones such as the ANC and DA) stipulate that this process is initiated at the lowest level of the party structure, usually at the branch level, through to the sub-regional, provincial structures,

and, ultimately, to the national structures which make the final decision.

In the context of the lead-up to the provincial election, these list-producing processes have been underpinned by major controversies within political parties about which candidates should be finally endorsed to stand for the elections. This issue has been highlighted in the media with respect to parties that are very active in the province. In this regard, the major focus has been on such parties as the ANC, COPE and the DA.

Within the ANC, the debate has been to what extent its alliance partners in the province, the Congress of South African Trades Unions (COSATU) and the South African Communist Party (SACP) should be represented on ANC lists. This contestation was illustrated when these alliance partners' preferred candidate for premier, Phumulo Masualle, who is also an SACP office-bearer, was provisionally placed third on the draft list.<sup>11</sup> Indeed, some confusion crept into the process, because Jacob Zuma, the ANC candidate for National President, was nominated for the premiership of the province.<sup>12</sup>

The former scenario indicates the highly contested intra-alliance conflicts around lists, while the latter points to poor political management, illustrated by the fact that Zuma, the party candidate for president, could even be considered by some branches and regions for the position of premiership of the province.

The other sub-text to these tensions has been the suspension or expulsion of suspected Cope sympathisers who are still ANC members in various areas of the province, most possibly in order to open space on the nomination lists.<sup>13</sup> The highest-profile individual to suffer this fate is Professor Wiseman Nkuhlu, who was expelled as the head of the board of the Eastern Cape Economic Development Corporation (ECDC) after indications

that he appeared on Cope's list for the post of provincial premier.<sup>14</sup>

The simmering tensions over nomination to party lists have also surfaced within Cope's provincial structures. One of the most serious conflicts arose in the party's Amathole Regional Conference held in Butterworth in early February, when some delegates accused the provincial leadership of not consulting them enough about the nominations.<sup>15</sup> Most revealing of these tensions was the complaint that Cope was promoting 'a family dynasty', as Professor Nkuhlu, the mooted party's premier designate, is the uncle of the provincial chairperson, Andile Nkuhlu.<sup>16</sup>

Heated debate has also accompanied the list nomination process within the DA, with party insiders alleging that the national leader, Helen Zille, was interfering in provincial affairs by placing her favourite candidates on the list.<sup>17</sup> This prompted the regional leader, Athol Trollip, to vehemently reject the charges by noting that candidates were nominated by their regions and their potential for leadership assessed by a party selection committee and an outside agency, Deloitte and Touche.<sup>18</sup>

Provincial nominations within prominent political parties in the province have been highly charged, although differentially, given that it is clear that the province will be strongly contested in the up-coming election, an observation emphasised by the high voter interest noted earlier.

#### **MEDIA COVERAGE OF THE CAMPAIGNS**

Both print and electronic media coverage has been vigorous. The print coverage has been dominated by *The Herald* and the *Daily Dispatch* and their weekend editions, the *Weekend Post* and *Saturday Dispatch* respectively. These publications have, in addition to general news coverage of the campaigns, focused on dedicating specific election pages in their editions.

Furthermore, coverage and the unpacking of election issues has been assisted by regular contributions from columnists and commissioned articles from independent analysts and academics.

A notable factor is that the print media has remained relatively unscathed by criticism of biased reporting, most likely because they are private concerns, unlike the public broadcaster, the South African Broadcasting Corporation (SABC), which has come under intense criticism for alleged biased reporting. This was illustrated by an incident on 22 February, when Azapo members disrupted a live broadcast of an election debate on SABC 2, which resulted in a brawl, with protesters accusing the broadcaster of ignoring their party.<sup>19</sup>

Generally the media coverage has been incisive and extensive in bringing election news to the broad population. This can be gleaned from the fact that, for example, the SABC notes that each day its viewers and listeners reach the 27 million mark nationally and access these services in various languages.<sup>20</sup>

## REFERENCES

- 1 [http://www.elections.org.za/news\\_get.asp?press=0&NewsID=398&Opt=&Data=&Re](http://www.elections.org.za/news_get.asp?press=0&NewsID=398&Opt=&Data=&Re)
- 2 Ibid.
- 3 [http://www.elections.org.za/news\\_get.asp?press=0&NewsID=395&Opt=&Data=&Re](http://www.elections.org.za/news_get.asp?press=0&NewsID=395&Opt=&Data=&Re)
- 4 See [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=3086&article\\_id=nw2009021715352](http://www.iol.co.za/index.php?set_id=1&click_id=3086&article_id=nw2009021715352)
- 5 [http://www.elections.org.za/Percentage\\_Register.asp](http://www.elections.org.za/Percentage_Register.asp)
- 6 <http://www.elections.org.za/Statistics1.asp?page=1>
- 7 See for example the following website pages: <http://www.anc.org.za/ancdocs/pr/2008/pr1128.html> <http://www.congressofthepeople.org.za/page.php?17>
- 8 <http://www.congressofthepeople.org.za/page.php?17>
- 9 <http://www.anc.org.za/ancdocs/pr/2009/pr0123.html>
- 10 <http://www.theapc.org.za/> ; <http://www.vryheidsfront.co.za>
- 11 Msimelelo Njwabane, 'Alliance partners "ready for war" over E Cape ANC lists' *Daily Dispatch* 27 January 2009, p. 1.
- 12 Msimelelo Njwabane, 'Shocks galore on ANC's nominations list', *Saturday Dispatch*, 24 January 2007, p. 7.
- 13 For these accounts, see for example, *Daily Dispatch* 'Premier denies "rebels purge"', 25 November 2008, *Grocott's Mail*, 'ANC puts the boot in', 9 December 2008, *Daily Dispatch*, 'ANC leaders sack 15 councillors for Cope links'.
- 14 Patrick Cull, 'Cope candidate Nkuhlu axed from ECDC board', *The Herald*, 25 February 2009, p. 2.
- 15 Nsimelelo Njwabane, 'Battle for Cope posts heats up', *Daily Dispatch*, February 28 2009, p. 4.
- 16 Ibid.
- 17 Myibongwe Maqhina, 'DA leaders dilemma: where shall I serve', *Daily Dispatch* 28 January 2009, p. 4.
- 18 Ibid.
- 19 <http://www.mg.co.za/article/2009-02-03-zapo-blasts-sabc-for-biased-reporting>
- 20 *City Press*, 'SABC News Election Coverage Special', 7 December 2008, pp. 30-31.

## FREE STATE

**KC Makhetha** – University of the Free State

ELECTIONS build governments and set agendas for the country. Elections serve as an opportunity to evaluate and assess the achievements and failures of a government and develop a plan for the future. It is a time when promises, formulated in their manifestos, are made by political parties.

Elections serve as an instrument of expression for the electorate as well as for political parties. It is an opportune time to require a government to account for how it spent

public resources and represented the interests of society over the last five year period. It is also a chance to renew the mandate of the party in government, and to assure possible public representatives of the society's support of the government that it forms; after all, a government cannot achieve much alone. Participation of civil society is critical for democracy to prevail.

How did the elections of 2004 run? Which parties were involved and how did they perform?

### **ELECTORAL PERFORMANCE OF PARTIES IN THE PROVINCE IN 2004**

The elections of 2004 were highly competitive and some of the parties registered to contest the 2004 elections in the Free State were the African National Congress (ANC), Democratic Alliance (DA), African Christian Democratic Party (ACDP), United Christian Democratic Party (UCDP), Freedom Front (FF), Inkatha Freedom Party (IFP), New National Party (NNP), United

Democratic Movement (UDM), and Dikwankwetla Party of South Africa.

For these parties to perform well in the 2004 elections, campaigning had to be powerful and strategic. Campaigning requires volunteers and leaders who are well informed and very clear and bold about party policies and strategies for delivery. Political parties had to organise workshops to empower their members who would be on the campaign trail, to sharpen their skills and pump up their commitment and confidence in the ability of a party to deliver.

Through campaigns, members gain depth of knowledge about a party and commit to its standpoint. Members also develop their charismatic leadership skills to influence the decisions of the voters in favour of their party.

The result of the elections of 2004 reflected the performance of political parties and all came out as winners due to proportional representation, the electoral system being used.

This electoral system allowed even the minority parties to be represented, with the African National Congress (ANC) coming out as the obvious winner of the majority votes, followed by the Democratic Alliance (DA) as the official opposition in the Free State.

It should be noted that as much as the parties performed well at the ballot box, this was not necessarily a reflection of sound service delivery. Instead, the outcome in the Free State confirmed the high level of hope the African National Congress represented for the majority of the electorate. The people still believed strongly that the ANC had the capacity to deliver and given the socio-economic challenges of the province and taking into account that the rural vote is stronger, the ANC gave the electorate in this area the hope that one day, poverty would be eradicated and people would have the basics such as food, shelter, education and safety and security.

It should also be clear that one was dealing with an electorate in transformation. Based on the changes in the demographics of the voters and the different motivations of South African voters, it is clear that there was a trend developing over the years, one that will have a bearing on the performance of political parties at the polls.

According to Sakhele et al. (2007:115), voter behaviour is shaped by social and economic conditions and therefore, rapid socio-economic and political transformation can alter long-standing or frozen cleavage structures that often guide electoral behaviour.

To support the above observation, Sakhele et al. noted the following facts within the South African society. Firstly, the electorate has undergone enormous changes. For example, the demographics of the electorate are vastly different from those of 1994. Generational changes drastically altered the age composition of the population with an increasing proportion of young voters aged between 18 and 30. This has been experienced within the Free State as well, where there has been a clear increase in the number of youth registering as voters, from 2004. Approximately one-third of the potential electorate in 2004 had been too young to vote in 1994. Demographic population shifts and growth have also altered the regional and racial composition of the electorate, with the urban and African share rising.

Given these definite shifts, one has a mental picture of how the performance of political parties may be affected and might continue to be shaped by how the electorate makes decisions about its voting power.

#### **VOTER REGISTRATION**

Voter registration leading to the elections of 14 April 2004 was a success in many ways. Both women and the youth registered in great numbers. It was clear that civil society was beginning to realise and understand the seriousness and the value of voting.

The IEC also reported at an Election Indaba that out of 1,8 million eligible voters, 1,1 million had registered to vote in the 2004 election. These figures showed the commitment of the electorate and it was clear that democracy was strengthening and in comparison with the 1999 figures, a trend was developing where over 90 per cent of the registered voters actually voted.

The management of the voter registration process was very efficient; the process was smooth and peaceful. Political parties gave their support and co-operation as promised and that complemented the job of the IEC.

For voter registration, 1,063 registration stations were open and 3,186 registration officers were appointed and thoroughly trained. All points were accessible as the issue of distance travelled by citizens was taken into account, and that maximised the achievements.

With all the successes stated so far, it is important to note that in 2004 there was a level of apathy among the youth. To attract the youth to register to vote, it took some effort to help them understand the importance and the power of a vote. There was a strong feeling of detachment from elections; as though elections did not affect the lives of young people.

In comparison with 2004, 2009 shows signs that the message of the importance of voting has become clearer to the youth. There is a better understanding and ownership of the future and the kind of leadership the youth would want to be represented by. There is a realisation that if they do not participate in electing the leaders of tomorrow, someone else will choose them for them and it will take five years to exercise the right to vote again.

The 2004 elections were significant and will be remembered as the election when prisoners first gained the right to vote. This development was an achievement for democracy as prisoners remain citizens of the country and in the Free State, the

IEC was ready to face the challenge of voter registration in prisons. The prisoners were also excited and used the opportunity to register as voters and eventually voted.

#### **VOTING STATIONS AND STAFFING**

Throughout the years since 1999, the IEC has tried to set up a stable network of voting stations and it was stated by IEC personnel that this strategy allowed voters to use a venue where they know that voter registration and voting will consistently take place. Therefore, the IEC worked hard to try, as far as possible, to use the same venues used in 1999 and in 2004 elections, for registration and voting.

There were basic principles followed to reach the decision on voting stations, for example:

- the requirement to have one voting station per voting district;
- the same venue to be used for both voter registration and voting;
- permanent structures having to be used as venues as far as possible; and
- identification of alternative venues in a voting district, to serve as an alternative, in case the 'first choice' venue not being available.

The criteria used to identify a new venue in situations where the venue used in the past elections was not available, were as follows:

- the centrality of venue in relation to the Voting District;
- accessibility;
- safety and security;
- size (the venue had to be roughly 100 square metres to accommodate 25 officials and related administrative materials); and
- availability of water, toilets, electricity and a telephone.

The Free State province managed to comply with the requirements and extra work had to be done to

ensure that the permanent venues were accessible even to physically disabled voters.

#### **PARTY MANIFESTO DEVELOPMENT**

The development of the manifestos of political parties is a process which requires serious thought and commitment. It requires focus and understanding of the challenges of society and how far a party wants to go. This puts a party in a position to decide on the issues which are critical to the party and what its belief system is. A party can decide to have a single focus or multi-focuses depending on the number of issues the party feels strongly about. This process has to be guided by the ideology of a party so as to formulate strategy.

Developing a manifesto has to involve members at branches of a political party. It has to be an inclusive process so that all members can associate with its result, that being the manifesto. The process requires rigorous discussion, debate and consultation of a broader membership, as well as critical thought around possible questions that might be asked directly in relation to the manifesto.

The manifesto has to be realistic to be attractive to the electorate and it is also important to consider the financial implications of what stands in the manifesto, in case a party is voted in with a majority vote.

It is important to develop a manifesto which is real and not full of empty promises because the electorate has learned from experience to differentiate what is achievable from what is not. It is essential to avoid ambiguity and use simple, easy to read language which the electorate can comprehend. The electorate should be able to relate to issues, thereby improving chances of gaining support and votes.

The electorate of 2004 was more sophisticated than that of 1999 and 1994, and one can expect even more complexity in 2009. The electorate, including the youth, is beginning to be more critical and demand-

ing, and that confirms people have started to value the power they have in a vote.

Once the draft of a manifesto has done its rounds of approval through the levels of authority within a party and is endorsed as the official document to campaign for an election, then the manifesto is launched formally to mark the beginning of campaigning. This document gets to be put to the test and also to be held as the way to the future.

The manifesto guides nomination processes. Once the agenda of elections is clear, then the best drivers of this agenda have to be nominated to serve the people.

#### **NOMINATION PROCESS**

The candidate nomination process in the Free State was vibrant in 2004, with parties forming alliances and partnerships for the elections. Dikwankwetla Party of South Africa had formed an alliance with the Pan Africanist Congress of Azania (PAC). This was one strategy which some of the opposition parties were using to strengthen their power and their chances of being represented in parliament.

It is important to note that representation is at the core of democracy and democratic governance. Therefore, the process of nominating those representatives is crucial.

Another alliance which was formed was the Freedom Alliance (FA); this was an alliance among the Freedom Front (FF), Conservative Party (CP) and the Afrikaans Eenheidsbeweging (AEB). This was a move by opposition parties which were predominantly Afrikaans and were perceived and known to represent the interests of the Afrikaners, to consolidate their support and strengthen their voice. A strategy like this helped to avoid votes being split, to the detriment of all parties involved. Parties then focused on common policy issues and manifestos and promoted those as a collective.

The Independent Democrats (ID) constituted a new party on the block in 2004 and was represented



in the Free State province. What was noticeable about the party then is that there was huge representation of women in the leadership and nomination processes at branch level in the Free State were largely transparent.

Party lists of all parties registered for participation in the 2004 election were required to be submitted to the IEC provincial office, in this case, in the Free State, together with all the other essentials; a prescribed acceptance of nomination signed by each candidate, a certified copy of the green bar-coded identity document (page of the photo and identity number). This process occurred immediately after the date of elections was announced. Even for the elections of 2009, it should be expected that the same would be required.

The process of compiling party lists carries a huge responsibility and should be done with great sensitivity. Nomination lists and campaigning determines the level of representation and therefore the level of support possible. It is the responsibility of the political parties to ascertain that the people nominated on their lists have the best interests of the parties and of society in general, and that they are willing to serve. These are the people into whose hands society puts their trust and they will be expected to represent the hopes and aspirations (needs and wants) of the broader society in all their operations. The electorate depends on the discretion of their party leaders to nominate appropriate people for the job.

Nomination processes, like all other election activities, attract a lot of media attention. In 2004, the media played their part.

### **MEDIA COVERAGE OF ELECTION CAMPAIGN**

Campaigning without media would not be the same. Media plays an essential role in a democracy and according to Roskin, media should be there to transmit and provide factual information, to raise awareness, and to a large extent, educate and develop critical thinking among the public.

In 2004, media coverage was good. There was a variety of print and electronic media bringing election coverage in several languages and for the Free State, there was enough broadcast in Sesotho, Afrikaans and English, among other languages. Coverage in Setswana reached areas like Thaba Nchu and Zulu-language speakers were catered for, especially in the Harrismith area, close to KwaZulu-Natal.

Generally, no community was left out, as small towns of the Free State were visited and people were afforded an opportunity to air their views.

From the IEC's side, there was a programme on Sundays on Radio Lesedi at 10h00 called 'Thuto tsa selehae'. This programme was aimed at educating the voters and general society about electoral issues and their responsibilities in a democracy, with reference to the 2004 elections. Another programme was broadcast in the mornings between 05h00–07h00, focusing on elections and the people's experiences around the Free State. Furthermore, Radio Lesedi was broadcasting from different areas in the Free State, to increase access to the media.

It is important to note that the media has a responsibility to bring news to the attention of the people.

The media has a role in assisting government to spread information to society. Political parties, being part of society, have a share of coverage that they can claim. In the whole process, objectivity is critical as it determines reliability of source.

Political parties which had registered to contest elections in the Free State, received coverage on some of their campaign trails and in other cases, there were costs involved which brought discussion around party financing to the fore.

Having experienced the media in operation in the Free State, one waits in anticipation to see the level to which the media has improved coverage. There is also far more media at play in the Free State, many more accessible and free. Technology has also taken media to another level and that is a critical level where the youth operates. To target the youth for the 2009 elections, more creativity is necessary.

Having touched on several aspects of the previous elections of 2004, it is also crucial to reflect on the safety and security aspect of the elections as this is vital in creating an environment conducive to free and fair elections.

### **REFERENCES**

- EISA Election Update 2004. Johannesburg: EISA.
- IEC, 1999: Report: Electoral Commission of the Republic of South Africa – National and Provincial Elections, 2 June 1999.
- Informal Interview: Free State PEO – Chris Mepha.
- Roskin, M. G., 1996. *Political Science: An Introduction*. Engelwood Cliffs, New Jersey: Prentice-Hall.
- Sakhele, B. et al. 2007. *State of the Nation – South Africa 2007*.

# GAUTENG

## *Electoral performance of parties in the province in 2004*

**Ebrahim Fakir, Sydney Letsholo and Ntokozo Ngidi – EISA**

A PROSPECTIVE election, like the 2009 national and provincial elections in South Africa, is an opportune time at which to review the electoral results and thereby the performance of political parties in previous elections. This article will focus specifically on the election results for the Gauteng Province in the 2004 elections and the clear picture that emerges is the electoral dominance of the African National Congress (ANC) not only in the Gauteng Province. Eighteen political parties contested the elections in Gauteng in 2004, and of those, only eight parties, on the basis of the proportional electoral outcomes, managed to secure the corresponding number of seats<sup>1</sup> (see Table 1) in the provincial legislature.

The Gauteng legislature has a total of 73 seats. Of all these seats, Table 1 depicts the electoral dominance of the ANC with 51 seats.

Trailing behind in second place, with a huge gap between it and the ANC in first place, was the DA (15 seats) which after these elections became the official opposition party in the province. Among the main reasons given for the impressive electoral performance of the ANC in Gauteng in the 2004 elections were its strong liberation credentials and its fluid ability to move between different identities depending on the tactical outcome it desired. The ANC was able, at one and the same time, to shift its organisational and political/ideological identity from being a modern political party with all the organisational, institutional, policy and decision-making processes of a modern party, to that of a broad social movement with deep penetration into society's grassroots (even though its performance in government and many decisions taken by the ANC in government

may not have suggested this), its identity as a liberation movement with the continent's longest longevity record (in existence from 1912), a popular front in the form of the mass democratic movement (principally through its alliance with the Congress of South African Trade Unions and the South African Communist Party, but also through the inclusion of sectoral interests such as religious groups, professional associations and business groupings which lends the ANC a multi-class character).

Its vigorous electioneering, which included an extensive campaign across the entire Gauteng Province, intensive in its approach through mixing traditional political activist campaigning, mass rallies and door-to-door visits, interest group bilateral and multi-lateral meetings, billboards, flyers and radio, newspaper and magazine advertisements, together with the use of new media technologies such as internet website and banner adverts on selected websites, blogs, and cell phone messaging. Television adverts were not allowed in 2004, so did not feature in any of the political parties campaigns, including the ANC's campaign. For the 2009 election, most parties had television adverts in addition to the traditional campaign media. These were restricted to the larger parties who could afford placing television adverts, with smaller parties, which could neither afford the production costs nor the placement costs of television adverts, having to forgo the luxury.

Not unexpectedly, none of the political parties contesting only the national elections, or the national

**Table 1: 2004 Election Results – Gauteng**

Party	Votes	% Votes	Seats
African National Congress	2 331 121	68.4	51
Democratic Alliance	708 081	20.78	15
Inkatha Freedom Party	85 500	2.51	2
African Christian Democratic Party	55 991	1.64	1
Independent Democrats	51 921	1.52	1
Freedom Front- Plus	45 648	1.34	1
United Democratic Movement	33 644	0.99	1
Pan Africanist Party	29 076	0.85	1

Source: <http://www.elections.org.za/2004results>

and some provincial elections or just the provincial elections, placed any television adverts and thus none of the parties contesting the elections in the Gauteng province only, placed any television adverts. Twenty-eight parties have submitted candidates' lists to contest the elections for the National Assembly: 17 in the Eastern Cape, 14 in the Free State, 20 in Gauteng, 18 in KwaZulu-Natal, 18 in Limpopo, 15 in Mpumalanga, 16 in the North-West Province, 13 in the Northern Cape and 22 in the Western Cape. Eleven Political Parties will contest the National as well as all nine provincial elections. The Gauteng Province will also have the New Vision Party, Alliance of Free Democrats, Great Congress of SA, Movement Democratic Party, Christian Democratic Party, Women Forward and the National Democratic Convention. All these parties will be contesting at least the National and some provinces including Gauteng, with only one party the African Christian Alliance, contesting no other elections except for the Gauteng Provincial legislature and the North West legislature.

None of these parties really made any showing in past elections and it seems reasonable to surmise that many will not feature at all in the coming elections. The emergence of the Congress of the People (COPE), however, has raised the electoral stakes in the battle for control of Gauteng province. This will be the party's first electoral contest and former COSATU general secretary and ANC Premier of the Province, Mbhazima 'Sam' Shilowa, who resigned from the ANC after Mbeki's axing as President of the Republic in 2008 to join COPE, remains popular in the Province. However, Shilowa is not the COPE premiership candidate for Gauteng and his popularity may not necessarily boost COPE's electoral prospects in the Province. Matters for COPE could be further complicated by the recent and sudden resignation of its Gauteng election

coordinator, Mlungisi Hlongwane (former leader of the South African National Civics Organisation and AMC member), who has since left COPE to rejoin the ANC.

A trend which manifested nationally from the 2004 election was also evident in the Gauteng Province. Indicative in this regard was the political decline of both the New National Party (NNP) and the IFP, with some of the leaders of the NNP (and a smaller number of followers joining and folding into the ANC) while some of the supporters of the erstwhile NNP migrated its political support to the DA or any number of other opposition parties.

Most analysts predict that the effect of past NNP voters on this election will be negligible, since the migration of NNP voters had already been precipitated at the 2004 elections leading to the NNP decline, and the political support available for distribution and its impact is bound to be negligible since its voters had already expressed alternative political preferences. On other fronts the 2004 elections saw the surprise newcomer, the Independent democrats (ID) formed by Patricia de Lille after crossing the floor from the Pan Africanist Congress (PAC) but retaining none of the PAC's ideological bent or its dysfunction. In its first contested election in the Gauteng Province in 2004, it amassed a total of 51,921 of the votes. Table 2 below depicts

the 2004 voting statistics for the province.

The provincial electoral commission was highly satisfied with the 2004 voter turnout. This high voter-turnout was largely attributed to vigorous voter-education initiatives and intensive electioneering activities that were undertaken by the electoral stakeholders. It is expected that turnout at the 2009 election will be high, and this assumption is premised on the final registration figures. The turnout may not be as high as expected, due to a number of considerations. However, the registration figures do provide some indicator of the level of interest in political activity, and as the registration figures, suggest, this number is highest in Gauteng Province.

#### **VOTER REGISTRATION**

*Ntokozo Ngidi and Ebrahim Fakir*

After the two registration drives, and continuous registration at municipal offices, the IEC's registration figures reveal that overall, across South Africa, close to 23 million voters registered, compared to the 20 million captured for the 2004 election registration process. 1.2 million voters registered in Gauteng Province across 2,238 voting stations. 9,930 of these registered in the final registration weekend of 7 and 8 February 2009. In the 18 to 29 age group, Gauteng Province has the highest number of voters among the 18 to 29 age group, with 30 1 743 out of a nationwide 18

**Table 2: Gauteng Election Statistics – 2004**

<b>2004 - Gauteng Voting Statistics</b>	
Registered Voters	4 650 594
Ballots Cast	3 452 225
Percentage Poll	74.23
Valid Ballots	3 408 308
Spoilt Ballots	43 917
% Spoilt	1.27

Source: <http://www.elections.org.za/statistics2004>

to 29 age group of 6 million voters, compared to 4 million in this age cohort in 2004. This figure, however, is not as impressive for young and first-time voters, given that there are '6 million people in the 18 to 24 age cohort, but only 3.8 million who are actually registered to vote'.<sup>2</sup>

### **PARTY MANIFESTO DEVELOPMENT**

Very little is publicly known about political parties' manifesto development processes in South Africa. Political party media, campaign materials and websites, while often containing the actual policy detail and manifesto content, do not provide any detail of the process by which policy and manifesto processes are developed.

Parties also do not reveal what their internal procedures entail. Formal electoral or statutory provisions also do not require disclosure of any of these details. This may in fact be due to inadequate reportage of the manifesto development process or a lack of interest by the media in reporting what some assume to be simply descriptive detail. The little that is known about internal political party policy and decision making processes is due to glimpses received from press releases, press statements and occasionally from other media reports. The ANC, however, has publicised its manifesto development process extensively on its website as well as through radio and print advertisements, flyers, pamphlets and other media – inviting primarily its members, but also the public, to contribute ideas to the ANC manifesto. Other parties publicised their manifesto development process much less, except for the respective launches of the manifesto.

Every party has an ideological predisposition informed by a set of core principles, values and beliefs that guide the content and the course of the manifesto development process, and the political identity of the party may in part determine how open, transparent, participatory and consultative a

party might be and therefore how inclusive or exclusive its party manifesto development process may be. It is, however, generally agreed that a party's processes need only be maximally open to its members, and possibly supporters, even though an individual's support for a party may in fact be hard to verify and prove. Consequently, in some parties the manifesto development process is dominated by internal party elites, or party leaders, or a core group of policy elites who guide, and in some instances dominate, the manifesto development process to the exclusion of others, rank and file members especially. Other parties have an inclusive process in which all members are given a chance to contribute to the development of the manifesto and other parties are inclusive only to the extent that others in the party are consulted on aspects of the manifesto. Yet others are inclusive only to the extent of sharing and explaining the manifesto and what informs its content before releasing it to the public. In some cases, parties may be so closed that the manifesto development process is not only dominated, but solely determined, by a select group of leaders or party policy-makers. Other parties follow a process in which the manifesto is developed by a select group and then consulted upon within the various organs and structures of the party. It may thus be evident that the process by which a manifesto is arrived at by a party follows permutations of inclusivity and exclusivity and processes that are as diverse and numerous as there are parties.

The ANC has anchored its 2009 manifesto on the ideals of the Freedom Charter, appropriating to itself this document in its battle with the newly formed COPE. In reality, however, the Freedom Charter and its meaning is itself contested and both COPE and the ANC's appeal to the Freedom Charter represents a particular understanding interpretation of it. In drawing up the manifesto, the ANC explicitly

states that it adopts the conference resolutions of its December 2007 Polokwane conference which translates into its manifesto that becomes the blueprint for governance once it wins the elections, with the current manifesto being aimed to serve as an ANC government ANC Medium-Term Strategic Framework (MTSF) for the 2009-2014 period.

The ANC manifesto, the ANC argues, is also rooted in the Strategy and Tactics document, a conceptual and political guide, as the name suggests, to the strategies it seeks to adopt and the tactics it seeks to follow in incrementally achieving its vision of the Freedom Charter. The 1996 Reconstruction and Development Programme (RDP), the Constitution of South Africa, the resolutions and policies of 52nd ANC National Conference (Polokwane 2007), the 2008 January 8th National Executive Committee (NEC) Statement and the 15 Year Review of Government also contribute to providing the overarching framework for the crafting of the manifesto.

The ANC NEC, sub-divided into portfolio sub-committees, spelled out the 2007 conference policy resolutions, which process itself involved consultation with the ANC's Alliance Partners (the Congress of South African Trade Unions, the South African Communist Party and the South African National Civics Organisation) through the Alliance Summit which was held in May 2008, the Mass Democratic Movement (MDM) Summit held in September 2008, and the Alliance Economic Summit held in October 2008.

In November 2008 the ANC launched a public manifesto campaign entitled 'My ANC; My Vision; My Future' which invited the public to submit suggestions on what the manifesto should contain through a website, cell-phone short messages (SMS), or through letters and by telephone. In addition, various public meetings were called and ANC branches were mandated to conduct community visits and consultations, all with the aim of gathering infor-

mation regarding what issues South Africans felt needed addressing, so that these could be included in the manifesto. A Manifesto Policy Conference was held on the 29 and 30 November 2008, after which time a manifesto drafting committee went through all of the submissions and suggestions received through the public campaign, integrated them with the main policy resolutions, the summit resolutions and the thrust of the content of the framework documents. The manifesto was launched on 10 January 2009.

Not many other parties have actually provided a description of the process by and through which their manifestos are drafted, and the same applies to the candidate nomination process, except for the Democratic Alliance, whose candidate nomination process is extensively described in a publicly available document on its website.

#### **CANDIDATE NOMINATION PROCESS**

Each party follows a different nomination process. The ANC<sup>3</sup>, the IFP and the UDM facilitated candidate nomination processes through their branch structures and grassroots membership. The IFP applied the constituency system in respect of the process of nominations of its candidates in which the branches and constituencies could nominate candidates for them to be carried in the party lists. This has brought about profound transformation for the IFP's lists, both in terms of having new faces and of senior faces finding themselves lower down on the list, below many of their junior colleagues.<sup>4</sup>

The party lists of the United Democratic Movement, it is argued, have been the result of an expensive bottom-up approach which engaged the party branches and enlisted their views and priorities in both the drafting of the manifesto as well as in the nomination of candidates. The UDM arrived at these lists after a wide-ranging consultation process within its party structures. This process culminated

in a Special National Council meeting on Friday 27 February, when the extended national and provincial leadership and delegates from the UDM's provincial structures carefully considered each candidate on a range of criteria, balancing the considerations of expertise, gender and youth representation, race, geographic and regional diversity<sup>5</sup>

The DA usually deals with the nomination process through its electoral college, and for the 2009 process it was no different, even though significant innovations were introduced. For the 2009 election nomination process, the DA followed an unusual and unorthodox practice by placing advertisements (like job adverts) in the media, to which interested candidates could respond. The candidates were short-listed and interviewed if they were already members of the party and if not, naturally had to join the party. In terms of the DA's own constitutional processes, the entire process was conducted through its federal candidates' election committee (FCEC). In addition, electoral colleges were established by the party in each province, which were mandated to elect the pool of candidates for the National Assembly and for the provincial legislature for that province, and further interview the candidates nominated for election to the National Council of Province. Overall the FCEC consisted of the chairperson of the Federal Council, the chairperson of the Federal Legal Commission, the principal representative of the party on the National PLC of the IEC, the chief executive officer, a representative from each province and a representative of the Association of Democratic Alliance Councillors (ADAC).

The evaluation of the candidates comprised a written evaluation of contribution to the party, a written evaluation of the candidates contribution to his or her community or the wider society, and the leadership role that candidate occupies in the community or society and an assessment of the training of a

nominee. The DA's process is clearly a thorough and intensive one, aimed at attracting the best available and committed talent. It also featured an innovative way to recruit new members, but it is not certain that DA membership figures went up dramatically because of a response to the call for adverts. Most respondents to the DA adverts were existing DA members or sympathisers, and the pool of respondents was without any strongly identifiable political allegiance and affiliation either to a party or a strong set of political ideals, and who wished to take a shot at being an MP for the DA, was small overall.

COPE also followed a process that was unconventional and controversial. The nomination process was conducted through a selection panel chaired by the University of South Africa Vice-Chancellor, Professor Barney Pityana. Pityana tabled a report of the selection process, evaluations and selection criteria, which included a list of options of names to be on COPE's candidate list, which was submitted to<sup>6</sup> COPE's Congress National Committee for discussion and debate. This committee then finalised the names for the candidate list, which were initially solicited from the approximately 500,000 members claimed by COPE, and the structures around the country. Given that COPE, by the time of the elections and since its formation, will be approximately 100 days old, its membership figures and branch organisational configuration cannot be verified, save for the purposes of nomination and the manifesto process. Its membership and branches were provided with an opportunity to contribute to the selection panel chaired by Professor Pityana.

After much controversy and reports of unhappiness over the selection of the presidential nominee, it was reported that Mosiuoa Lekota, the COPE president, was unhappy at the selection of Dandala, and Lekota had then to be persuaded by senior COPE officials, Smuts Ngonyama (former

ANC presidency spokesperson) and Thozamile Botha (former ANC local government guru), to accept the outcome of the nomination process. The COPE presidential candidate is Dr Mvume Dandala, former head of the Methodist church of Southern Africa. Though not very high profile, Dr Dandala has impeccable struggle credentials and is widely credited as working extremely hard at negotiating an end to violence both in South Africa before and after the 1994 elections as well as more recently in Kenya, after post-election violence threatened the peace and stability of that country.

### **MEDIA COVERAGE OF THE ELECTION CAMPAIGNS**

While the media coverage of the election campaigns of the different parties in different provinces has been vigorous and dedicated, there have been criticisms of the nature and content of the election-related coverage. While all media – print, electronic and broadcast – have dedicated election coverage and programmes, most coverage in Gauteng is from a national perspective. Some dedicated provincial level coverage is carried by *The Star*, *The Pretoria News* and *The Sowetan*. In the case of *The Star* and *The Pretoria News*, election coverage is syndicated through its parent

holding company, the Independent Group of Newspapers. The South African Broadcasting Corporation will also feature specific coverage of the nine provinces in its television and radio coverage, with dedicated daily broadcasts from the provinces, broadcast within that province.

As far as the content of the coverage goes, media monitoring of the media coverage of the election campaigns by Media Monitoring Africa suggests that media coverage has publicised statements made by political leaders without providing a context for them, thereby leading to confusion, misinterpretation and misunderstanding.<sup>7</sup>

Incidentally, most of the national media coverage of the elections covers the three major provinces of the country – Gauteng, the Western Cape and KwaZulu-Natal – to the detriment of adequate coverage from other parts of the country. *The Sowetan* has been singled out for its attempts to provide coverage with broader geographic provincial spread.

Because the nature of the coverage has been without adequate context and reportage of facts, although South Africa enjoys a free and vigorous independent media, the perspective that the media has communicated has been from that of the politicians rather than of the

concerns of citizens, and this has allowed for the media agenda to be set by politicians.

Overall, the reporting, however, has been 'fair and balanced and somewhat accurate, even though on balance, accuracy has been uneven, the quality, diversity and depth of the media reportage and coverage has thus far been mediocre'.<sup>8</sup>

### **ENDNOTES**

- 1 Matlosa, K. 2004: 'Gauteng: The Election and Its Aftermath', In *Election Update, South Africa* p. 226. EISA: Johannesburg.
- 2 Harris, M. Ipsos/ Markinor press release 27 February 2009.
- 3 For a full description of the candidate nomination process and criteria for nomination and eligibility and evaluation, see [www.anc.org.zalist](http://www.anc.org.zalist) guidelines and 'A case study: the ANC nomination process' in *Election Update, South Africa*, No. 2, page 35. Johannesburg: EISA.
- 4 Speech by Prince Mangosuthu Buthelezi, MP, President of the Inkatha Freedom Party, 5 March 2009.
- 5 Statement by Mr Bantu Holomisa MP, UDM President; 1 March 2009.
- 6 Cope membership figures show political mood of South Africans, SAPA, 15 December 2008.
- 7 Election Coverage 8 April 2009: 'Zikalala and confusing stories'. Media Monitoring Africa, 9 April 2009. [www.mediamonitoringafrica.org/index.php/news/entry/elections](http://www.mediamonitoringafrica.org/index.php/news/entry/elections)
- 8 'Media must adopt its own agenda', 13 February 2009, Media Monitoring Africa.

# KWAZULU-NATAL

Salomé van Jaarsveld – ACCORD (writing in personal capacity)

THIS UPDATE focuses on democratic achievements, the political processes surrounding elections and electioneering, and the way elections are conducted.

## DEMOCRATIC ACHIEVEMENTS<sup>1</sup>

Elections since 1994 have generally been free and fair. Voters have largely been free to make informed and considered political choices and procedurally the voting process was fair. Election results have been willingly accepted, voter turnouts have been high initially (85 per cent in 1994, but declined in subsequent years to 67 per cent in 1999 and 58 per cent in 2004<sup>2</sup>) and all political parties were committed to participate. That said, some have argued that the 1994 elections were generally free but not necessarily fair.<sup>3</sup> Fairness has mostly to do with the ability to cast your vote and for that vote to be correctly counted. The Independent Electoral Commission (IEC), which is responsible for the electoral process, experienced many difficulties in the hurried run-up to and execution of the election in 1994. The lack of a voters' roll, 'pirate' polling stations, illegitimate voting and counting irregularities were just some of the problems. Ballot fraud was high in KZN, Gauteng and the Eastern Cape, and there were even rumours that the main parties in KZN were negotiating the outcome of the election when there was a delay in announcing the results in the province. Widespread violence led to 165 'no go' areas in the country, of which 70 were in KwaZulu-Natal, where political violence reached record levels in the months before the elections.

Procedurally, the election in 1999 was fairer, largely because the IEC had more time to prepare and

clearly learned from the 1994 experience. Voting fraud was minimised<sup>4</sup> mostly because voters had to register in advance; there was consensus that most people had the opportunity to register. Polling stations were manned by trained staff and party agents acted as monitors, so counting and voting irregularities were further minimised. The results were generally accepted, especially because ballots were counted at the polls and immediately made available online.<sup>5</sup> A post-election poll by the HSRC also found that only 3 per cent of voters surveyed thought polling was not free and fair. The 1999 election was also freer than in 1994 – complaints to the IEC were down by more than two-thirds in 1999 compared to the complaints received in 1994 – and, most importantly, politically motivated election-related violence in KZN went down from 338 incidences in April 1994 to only 17 recorded in April 1999, though unreported and unrecorded incidences may push this figure up.

The 2004 elections were widely regarded as free and fair. The IEC made further procedural improve-

ments to the counting process, notably the auditing of the counting process at municipal offices. The political death toll in the KZN was minimal but political intimidation was widespread.<sup>6</sup> A number of political rallies attended by Thabo Mbeki were disrupted, notably at Umlazi, and violence was recorded in Magwaveni, Ulundi, Folweni and other areas in Northern KZN. In Nhlanzeni (KwaMbonambi) a son who returned home wearing a T-shirt emblazoned with Thabo Mbeki's face was shot and killed by his own father. In other traditional IFP strongholds, especially in Northern KZN, tensions were high after the election resulted in the ANC's favour, especially in the regions around Eshowe, Hluhluwe and Mandini.<sup>7</sup>

## ELECTION RESULTS SINCE 1994

The table below shows the rise and fall of fortunes of the main political parties in South Africa since 1994.

Since its victory in the first democratic elections in 1994, the ANC has further consolidated power by receiving 66.35 per cent of

Table 1 – Voting outcomes, 1994–2004<sup>1</sup>

	National 1994	National 1999	National 2004	KZN 1994	KZN 1999	KZN 2004
ANC	62.6%	66.35%	69.69%	32.23%	39.77%	47.47%
DA	1.7% (as DP)	9.56% (as DP)	12.37%	2.15% (as DP)	9.76% (as DP)	10.00%
IFP	10.5%	8.58%	6.97	50.32%	40.45%	34.87%
UDM	–	3.42%	2.28	–	0.09%	0.84%
NNP	20.4% (NP)	6.87%	1.65	11.21% (NP)	3.96%	0.58%
MF	–	–	–	–	1.45%	1.84%

Compiled from IEC elections data, [www.elections.org.za](http://www.elections.org.za)

the vote in 1999 and 69.69 per cent in the 2004 elections. The DA (born from a short-lived alliance with the National Party or NNP, and smaller parties) has made some headway and is generally regarded as the main opposition party. As the then Democratic Party (DP), it received only 1.7 per cent of votes in 1994, but increased its share in 1999 to 9.56 per cent, and 12.37 per cent in 2004. The IFP's fortunes have declined from 10.5 per cent of the national vote in 1994 to 6.97 per cent in 2004. The UDM, who many had hoped would be a viable opposition to the ANC, only received 3.42 per cent of the popular vote in 1999 and 2.28 in 2004. The NNP has been in an alliance with the ANC since 2001; its support waned from over 20 per cent in 1994 to less than 2 per cent in 2004.

In 2004 in the KZN province, out of the 3.8 million people who registered for the 2004 elections, over 2.7 million voted; a turnout of 72.84 per cent. The ANC received 47 per cent of the vote, the IFP 37 per cent, trailed by the DA at 8.35 per cent.<sup>8</sup> This is compared to the IFP's victory in the province in 1994 and in 1999. The Minority Front, which traditionally represents the Indian community in KZN, received votes from just fewer than 2 per cent of voters in both 1999 and 2004.

## **POLITICAL PARTIES**

### *The ANC*

Support for the ANC was stable from 1994 to 2004, when it received votes from about two-thirds of the electorate. It is inconceivable that it will not win the elections on 22 April but, by all accounts, the ANC is a party facing largely self-inflicted difficulties. Bitter power struggles raged after Mr Zuma (a popular and charismatic leader who topped party lists even in 2004)<sup>9</sup> was selected party president in Polokwane in 2007, which eventually led to the ousting of Thabo Mbeki and the deployment of then deputy president Kgalema Motlanthe as acting president. After Mr Mbeki's recall,

COPE was formed and a number of ANC members defected, with others rumoured to be on their way.<sup>10</sup>

Even though Jacob Zuma has faced the threat of prosecution over the last eight years, with a resolution from the National Prosecuting Authority made in April 2009 not to pursue the case against Mr Zuma due to the NPA's own processes of decision-making being compromised, several scandals linked to other members and ministers of the ANC, and reports of widespread corruption and a general lack of accountability to constituents is common. This comes amidst accusations that the ANC and its members are trying to undermine democracy and manipulate the justice system for political means (the introduction of the SABC bill and Jacob Zuma's trial proceedings are oft-cited cases in point). Julius Malema, the leader of the ANC Youth League (ANCYL), has done little to endear himself to voters, particularly women. Some voters fear a leftist turn in economic policies because of Mr Zuma's close ties with SACP's Blade Nzimande and COSATU, who are pushing for a review of the treasury's powers.

The ANC, with Kgalema Motlanthe at the helm, seems to have taken note of these and other concerns. There have been efforts to reassure voters. Mr Zuma and other key figures have, for example, indicated that they do not intend to change the treasury's functions, and that the finance minister will work in conjunction with a planning commission to decide budget allocations.<sup>11</sup> The manifesto is also explicit in that economic growth is a key contributor to poverty reduction. The party's manifesto also states that the party 'can do more' and that it has had problems implementing policies and securing service delivery. In an SABC 3 interview on 28 February, Trevor Manuel mirrored these sentiments.

When dissatisfied with the ANC government's performance voters tended to stay home<sup>12</sup> in 1999 and 2004, instead of transferring their

vote to another party. More recently, the proportion of undecided voters has increased and party identification has declined, indicating that voters are carefully considering their choices. (Whether this is an indication that the ANC has alienated some voters, or that voters are just more discerning, is unclear.) The question is to what extent the controversy and criticism that surrounds the ANC will affect election support for the party.

### *COPE*

In the wake of Thabo Mbeki's recall, COPE was formed by Mosiuoa Lekota and Mbhazima Shilowa. 'Terror' Lekota, who was appointed the President of COPE, is an old hand at politics. He joined the ANC in 1990 with good struggle credentials, and was elected to the party's executive in the 1990s. He resigned from government in September 2008, after the ousting of Thabo Mbeki. Mbhazima Shilowa was the premier of Gauteng from 1999 until September 2008. Mr. Shilowa helped form COSATU in the eighties and became its general secretary in 1993. He was a member of the ANC's NEC from 1997. COPE's national leadership includes many familiar ANC faces. Mluleki George (who also resigned in protest to Mbeki's recall) is national organiser. Charlotte Lobe (who served on the ANC's executive committee before resigning in 2008 as provincial secretary of the Free State), Smuts Ngonyama (former ANC spokesperson) is COPE's head of policy. He served on the ANC's NEC until last year, but lost his position. Others include Lynda Odendaal (second deputy president), Phillip Dexter and Lyndall Shope-Mafole.

Voters, analysts and other parties have reacted to the formation of COPE in mixed ways. Many regard COPE as (potentially) a viable opposition to the ANC, and another step on the way towards democratic consolidation in the country. Others argue that COPE was formed by disgruntled ANC members who



did nothing for the people of the nation while they were in power. The party responded to these criticisms in a number of ways. Its strongly worded manifesto outlining anti-corruption and pro-democracy priorities indicates that it has taken note of the ANC's difficulties. It has also taken a strategic but risky step that will pit COPE, in moral and intellectual terms, against the ANC's Jacob Zuma. Dr Mvume Dandala, who until 2003 was the presiding Bishop of the Methodist Church of Southern Africa, was appointed the party's presidential candidate. Dr Dandala, not well known, without political experience and younger than Mr Zuma, holds a master's degree and two honorary PhDs. He is rumoured to be close to Thabo Mbeki<sup>13</sup>. Dr Dandala is a Xhosa with no ANC baggage, which may further challenge the ANC's supremacy in the Eastern Cape, for example, where COPE performed well in by-elections of December 2008.

As a new party, COPE and its leadership face many challenges, among which internal power struggles<sup>14</sup> and difficulties in convincing individuals to stand as premier candidates.<sup>15</sup> The election results and post-election surveys will show whether the party has convinced voters that they are not merely disgruntled, ex-ANC Mbeki-ites.

### *The DA*

The DA was established in 2000 in a then Democratic Party merger agreement with Louis Luyt's Federal Alliance and the NNP. Despite a split from the NNP in 2001, the DA has been the main opposition party since the 2004 elections. At the launch of the party's election campaign in Kliptown, Soweto, Helen Zille, the party's leader and Cape Town mayor, said that the DA will win the Western Cape. She also reported that the DA won more by-elections than COPE in December and that by 2011 the DA will govern in towns and cities across the country and will be part of the national government in 2014.<sup>16</sup>

As a traditionally white and coloured party, it is unlikely that it will attract large numbers of black voters in this year's election. Indications are that people still and probably will continue to vote largely along racial lines, with some exceptions in KZN and the Western Cape.<sup>17</sup> In a conscious effort to be more alluring to black voters, however, the party 'relaunched' (read rebranded) in 2008 and now projects itself as a non-racial party with large support from the black electorate.<sup>18</sup> It has also put forward Joe Seremane, the only black person in the majority white national leadership, as its presidential candidate. The DA's 80-page manifesto hints at a black support base and the songs sung at rallies are adapted ANC songs. Even the faces on lamppost posters come in white, Indian and black. Yet, critics argue that the new brand does not represent real change in the party and that the real power still lies with white people, despite indications that candidate nominations will be more representative of the party's new non-racial image.<sup>19</sup> The party will have to do much more – especially organising in townships and rural areas – to convince African voters that it is a party worth considering.

### *IFP in KZN*

In previous elections, the IFP was the ANC's greatest competitor for the black vote, nationally. Although IFP constituents are based mostly in the rural KZN areas, it clinched 7 per cent of the national vote in 2004. As a coalition partner of the ANC it may seem that the two parties share similar ideologies. Although relationships appear cordial and cooperative, the IFP differs from the ANC in terms of its support of decentralisation, free market ideals, 'support for inherent leadership, traditional law and communal land'.<sup>20</sup>

To that end, the IFP has better relationships with the DA in the KZN municipalities where they share power, as the DA is reported to be

more sympathetic to traditional leadership.<sup>21</sup>

Fierce and somewhat bloody electioneering marks the 2009 election season in KZN between the IFP and the ANC. The ANC is aiming for 60 per cent support (Mr Zuma is a Zulu, which will no doubt help) and so has invested heavily in media and marketing. It is also focusing on traditional IFP strongholds, especially in the north, where it held the first election rally in Nongoma, an IFP stronghold. Although the ANC won all the January 2009 by-elections in the province, it lost seats to COPE, the DA and the ID, and support for ANC municipal councillors reportedly fell by double digits.<sup>22</sup>

The IFP aims to win back the province after losing it to the ANC in 2004. Like the ANC, its strategy is through door-to-door campaigns, mass meetings and a focus on young and urban voters, lured away by the ANC. COPE, despite reported intimidation, is 'launching branches, talking to *amakhosi* and holding rallies and mass meetings as part of [its] recruitment drive'.<sup>23</sup> The party was also planning door-to-door campaigns. The DA pitches itself as the only real alternative to the ANC and IFP in the province. Zille claims that COPE is just another faction and that 'when the ANC splits, the DA can win [in KwaZulu-Natal]'.<sup>24</sup> The violence that erupted between the ANC and IFP in Nongoma, Northern KZN, on 1 February was extensively covered by the media. ANC members and IFP supporters were hurt in separate incidents when ANC and IFP held rallies on the same day in Nongoma.<sup>25</sup> Three ANC leaders in the province were also shot in separate incidents over a two-week period. ANC Youth League chairman Sthembiso Cele was shot dead on January 22 at Umgababa. Inkosi Mbongeleni Zondi, an ANC member and Jacob Zuma supporter, was killed in Umlazi; the week before,<sup>26</sup> another ANC member was shot and injured. In another incident DA officials were confronted by IFP supporters when

the DA tried to visit patients in hospital.<sup>27</sup> There is some disagreement as to whether 'no go' areas should be implemented. Independent violence monitors report that ongoing low-level political intimidation has been increasing in the run-up to the election, especially in areas that have traditionally been hotspots for political violence. It is said that former IFP warlords actively prevent free political association in those areas.<sup>28</sup> The South African Institute of Race Relations says however that the violence is isolated and overplayed and that parties should not be restricted to campaign in certain areas.<sup>29</sup> There have been calls for parties (the ANC and IFP) to rein in members<sup>30</sup> and the Human Rights Commission and IEC are to intervene to prevent further violence in the province.<sup>31</sup>

#### **VOTER REGISTRATION**

Nationally, 23.1 million people have registered to vote in 2009 compared to 20.6 million in 2004, 18.7 million in 1999 and 19.7 million in 1994. Nearly 50 per cent of registered voters are in the 20–39 age range, and the bulk of those who registered during the last weekend of registrations are in this age group. Nationally, an estimated one million people visited registration stations on the first day of the last registration drive, while nearly 20,000 registration stations were open on the Sunday 8 February.<sup>32</sup> In KwaZulu-Natal, over 4.4 million people have registered to vote. Nearly half of those who registered are in the 20–39 age range;<sup>33</sup> while 57 per cent of those who registered are female.

In an HSRC survey on voter participation commissioned by the IEC in November 2008, only 67 per cent of KZN's eligible voters indicated that they have registered with (nationally) lower registration figures in rural formal (64 per cent) and urban informal (66 per cent) areas. A higher percentage of women indicated, nationally, that they have registered (75 per cent) compared to males (69 per cent). A lower percentage (58 per cent) of those

who were unemployed registered,<sup>34</sup> 97 per cent of those surveyed said they found it easy to register, while 6 per cent of rural formal respondents found it difficult to register. On the last weekend of registration, the only incidence was in Western Cape where three people were arrested in Nyanga for preventing voters from entering registration stations.

The survey also found that 80 per cent of those surveyed were very or slightly interested in national and provincial elections; the lowest interest in KZN among Indians and coloured youth aged 18–24.<sup>35</sup> The IEC has also given KZN's prison population of roughly 22,000 the opportunity to register, although not many may have been able to do so. It has been argued that prisoners have not been given enough time to apply for identity documents (IDs) or inform families to deliver their IDs.<sup>36</sup>

#### **PARTY MANIFESTO DEVELOPMENT**

In 2004, party manifestos focused largely on tackling crime and HIV/AIDS. In 2009, job creation, poverty reduction and employment feature high on most parties' agendas, followed by education, health, addressing corruption and tackling crime.

Most of the bigger parties including the ANC, IFP and DA have placed job creation and poverty at the top of their agendas, recognising that the global economic downturn will severely affect those who are already desperately poor. The parties probably also recognise that the government's ability to deliver on poverty reduction – and achieve all its other objectives – will be severely challenged because of the downturn. In recognising the role that the state can play in job creation and poverty alleviation, the parties all mirror the ANC's policy to grow the manufacturing sector and state-funded infrastructure projects.<sup>37</sup> Most parties also include land reform, rural and agricultural development, and HIV/AIDS high on their agendas.

There is much that is the same, but there are some interesting differences. COPE lists the protection of the constitution highest on its list, focusing on good governance and the protection of democracy before poverty reduction and job creation. It also included a strong moral message, saying the party will fight against corruption, nepotism and moral decay. Strategically, COPE also included the environment as a key priority but, prioritised *before* education, health and crime reduction. (The party's '*A new agenda for change and hope for all*' is also somewhat reminiscent of the recent US elections.) That said, COPE's mix of priorities may be a reflection that it is trying to appeal to the widest range of constituents (jobs for the poor; environmental policies and a protected constitution for those whose basic needs have already been met).

There are areas where the ANC's plans differ from that of opposition parties. Most parties – including the ANC – promised to fight crime, corruption, cronyism and nepotism. The ANC was the only party not to pledge that the special crimes unit, the Scorpions, should be reinstated. The ANC was also the only party that did not make mention of some form of joint constituency-based/proportional representational electoral system in order to improve accountability between office holders and the electorate.

#### *Manifesto launches in the province: ANC and IFP*

In KZN, the IFP launched its manifesto on Saturday 14 February at Curries Fountain. Chief Mangosuthu Buthelezi promised that an IFP leadership in the province would stamp out corruption, incompetence and inefficiency. He also promised increases in child and social grants and free education for children up to grade 12.<sup>38</sup> The IFP admitted that it lost the previous election in the province because it failed to attract urban and young voters – two constituents it is targeting in 2009.

The ANC, which aims to take 60 per cent of the KZN vote, launched its manifesto in the province on the same day in Newcastle. The party took the opportunity to reassure voters that Nelson Mandela remained a loyal member of the party. Interestingly, the party made two other statements that probably indicate it is sensitised to the potential impact on the female vote of controversial statements by Mr Malema, about the rape case against Mr Zuma (on which he was acquitted). Mr Sexwale told the audience that Jacob Zuma cares for the women of the country. The chairwoman of ANC women's league, Lungi Gcabashe, took the opportunity to encourage women to vote for 'this very reputable party'.<sup>39</sup>

## CONCLUSION

There is strong evidence to suggest that the IEC will again, in 2009, ensure that South Africa's upcoming elections are fairly conducted. Whether electioneering and voting will be free depends largely on whether IFP and ANC leaders will be able to rein in their members and discourage violence and political intimidation. If the media, analysts and voters seem unduly preoccupied with the struggles, scandals and failings of the main political parties, it is probably because the outcome of this election will be an indication of whether viable opposition is emerging and whether South Africa is ready for the next step towards democratic consolidation.

## ENDNOTES

- 1 In this section (for 1994 and 1999) I have drawn mainly on the first and last chapters of Tom Lodge's book *Democratic Consolidation: South Africa's second democratic election*.
- 2 'ANC win South African Elections in low voter turnout', *World Socialist Website*, www.wsws.org, accessed on 26 February 2009.
- 3 Lodge, Tom. (1999), 'Introduction: Consolidating Democracy', in *Consolidating Democracy: South Africa's Second Popular Election*, Electoral Institute of South Africa, pp 6-18.
- 4 Lodge (1999, p. 198) reports that '5% of South African observers claimed they had observed people attempting to vote more than once and 4% witnessed party agents objecting to the admission of ineligible voters'.
- 5 Ibid, p.198.
- 6 *Natal Monitor*, Violence Monitor, 2004, www.violencemonitor.com accessed on 14 February 2009.
- 7 Ibid.
- 8 'Election Results', *Independent Electoral Commission*, www.elections.org.za, accessed on 13 February 2009
- 9 Independent Electoral Commission, www.elections.org.za accessed on 20 January 2009.
- 10 Du Plessis, C. 'COPE calls off defection press conference', *The Mercury*, 27 February 2009.
- 11 Bungling ministers days 'are numbered', *Mail & Guardian*, 13 to 19 February 2009.
- 12 Lodge, Tom (2004), *Election Update*, *Electoral Institute of Southern Africa*, www.eisa.org.za, accessed on 20 February 2009.
- 13 COPE plays moral card, *Sunday Tribune*, 22 February 2009.
- 14 COPE plays moral card, *Sunday Tribune*, 22 February 2009.
- 15 Du Plessis, C. 'COPE calls off defection press conference', *The Mercury*, 27 February 2009.
- 16 'Western Cape will be ours, says DA', *Sunday Tribune*, February 1 2009.
- 17 Lodge, Tom. (2002), 'Democratic consolidation in a dominant party system', in *Politics in South Africa*, New Africa books, Cape Town, p. 154.
- 18 Please refer to the party's website and its 2009 election manifesto.
- 19 New DA election candidates combine excellence and diversity', *DA News room*, *Democratic Alliance*, 25 January 2009, www.da.org.za accessed on 20 February 2009.
- 20 Ibid, p.156.
- 21 Kindra, Jaspreet, 'Inkhata joins the 'the better devil' to twist ANC arm on amakhosi', *Mail & Guardian*, 12 January 2001, quoted by Lodge (2002, p.157).
- 22 De Lange, Deon. 'ANC's winning margins narrow', *The Mercury*, 30 January 2009.
- 23 Makhaye, Chris., 'Knock around the clock', *Sunday Tribune*, 1 February 2009.
- 24 Zille says DA has won more by-elections than COPE, *The Mercury*, 4 February 2009.
- 25 Flashpoint at Nongoma, *The Mercury*, 2 February 2009.
- 26 'Shooting: Nongoma tense', *Sunday Tribune*, 1 February 2009.
- 27 Zille says DA has won more by-elections than COPE, *The Mercury*, 4 February 2009.
- 28 *Mail & Guardian*, 6 -12 February 2009.
- 29 No crisis of pre-election violence, says institute, *The Mercury*, 6 February 2009.
- 30 All eyes on election safety: Safe polls crucial to country's image, *Daily News*, 2 February 2009.
- 31 Steps to end ANC-IFP war of words, *The Mercury*, 10 February 2009.
- 32 'Brisk turnout for IEC voter registration drive', *Daily News*, 9 February 2009.
- 33 'Registration statistics as on 13 Feb 2009', *Independent Electoral Commission*, www.elections.org.za, accessed on 13 February 2009.
- 34 Independent Electoral Commission, www.elections.org.za accessed on 13 February 2009.
- 35 Independent Electoral Commission www.elections.org.za accessed on 13 February 2009.
- 36 'Prisoners need their IDs to vote', *The Mercury*, Monday 2 February 2009.
- 37 www.anc.org.za, www.da.org.za, www.ifp.org.za, & Terreblanche, Christelle. 'Welcome to the party', *Sunday Tribune*, 1 February 2009.
- 38 'IFP promises to clean up', *Daily News*, 16 February 2009.
- 39 'Celebrate only after placing votes: ANC', *Daily News* 16 February 2009.

# LIMPOPO

Lesiba Teffo – University of Limpopo

## BRIEF HISTORY OF ELECTIONS SINCE 1994

When the democratic dispensation was ushered in 1994 there was no voters' roll. It was only introduced in 1999 and, since then, with electoral reports and recorded statistics about the electoral process and its outcomes, society could begin to have a sense of the evolution of the democratic order with respect to one of its indicators, i.e. elections, and what was needed to advance their conduct further. However, in view of the systems in place for Election 2009, it is evident that the IEC has since covered a lot of ground.

The estimated number of eligible voters on April 1994 was 22,709,215 and 19,726,610 cast their ballots on that historic day. A voters' roll was not compiled in 1994 and voters' eligibility documents (temporary voter cards) were issued up to and on voting day. South African citizens abroad and permanent residents were eligible to vote in 1994, although not in 1999.

In keeping with international practice, the calculations of voter turnout for the 1995/6 municipal elections and the 1999 provincial and national elections are based on the voters' roll compiled for those elections.

The turnout for national elections has been consistently very high in the Limpopo province. What is disturbing is the low turnout with respect to municipal elections. There is a sense that the municipal elections are less important, and that the status quo will prevail, regardless of whether or not one casts a vote. The party list system and the poor calibre of the majority of councillors at local level seem to discourage participation at local level.

**Table 1: Elections since 1994 – voter turnover in the Province**

1994 National Election	84.70%
1995/6 Municipal Election	46.15%
1999 National Election	91.55%
<b>Spoilt votes</b>	
1994 National Election	0.93%
1995/6 Municipal Election	2.01%
1999 National Election	1.82%

**Table 2: Electoral performance of parties in the Province in 2009  
Number of registered voters: 1 847 766**

Party	Abbr	Votes	%
African Christian Democratic Party	ACPP	18 281	1.10%
African National Congress	ANC	1 464 432	88.29%
Afrikaner Eenheids Beweging	AEB	6 598	0.40 %
Azanian People's Organisation	AZAPO	8 931	0.54 %
Dabalo rivhuwa Patriotic party	DPF	8 229	0.50 %
Democratic/Demokratiese Party	DP	23 486	1.42 %
Federal Alliance / Federal Alliansie	F A	5 365	0.32%
Inkatha Freedom Party	IFP	5 644	0.34%
New National Party / Nuwe Nasionale Party	NNP	28 159	1.70%
Pan Africanist Congress of Azania	PAC	23 325	1.41%
United Democratic Movement	UDM	41 700	2.51%
Vryheids Front/ Freedom Front	VF/	10 727	0.65%
Ximoko Party	XP	13 817	0.83%
TOTAL VALID VOTES		1 658 694	
SPOILT VOTES		25 137	
% POLL		91.13%	

There is consistency and predictability of performance with respect to the province. The ANC is far too powerful, with the DA almost assured of a second place. In a sense this could lead to voter apathy and arrogance on the part of the elected officials. It is also evident that in certain areas and for certain political parties, voting is according to ethnic or tribal affiliations. This would be confirmed by the fact that parties like Ximoko and Dababorivhuwa Patriotic Party are only active in their areas of origin and aligned almost solely to one ethnic group. In the long run this strategy would not be healthy for democracy and could be a recipe for civil war, in the event of national instability.

#### **ANALYSIS OF VOTER REGISTRATION IN THE PROVINCE: ELECTION 1999**

Out of a total calculated voting-age population of 25,564,000, an estimated 22,798,845 had an identity document issued on or after 1 July 1996, which was required for registration as a voter. A total of 18,476,906 people applied for registration and 18,172,751 of these were registered as voters. Details of voter registration are given in terms of the following categories: gender and residence in rural and urban areas – the last is further subdivided into the following formal (surveyed) and informal (unsurveyed) areas.

The statistics indicate almost consistently that men are less inclined to cast their votes than women, both at national and local levels. The enthusiasm and exuberance of the 1994 elections have dissipated. Men sound more despondent and apathetic than women, and as a result they vote with their feet. Another observation related to the rural versus urban area populations is that rural people are often better represented at registration and the polls. As far as formal residential areas and informal settlements are concerned, there is not a vast difference in terms of registrations and casting of votes.

**Table 3: Voter registration**

<b>Gender breakdown</b>		
Male voters	732 067	
Female voters	1 115 699	
TOTAL	1 847 766	
<b>Rural/urban breakdown</b>		
Urban	363 305	19.66 %
Rural	1 484 461	80.34 %
<b>Formal residential area / informal settlement breakdown</b>		
		% of groups registered
Urban informal		60.05
Urban formal		92.4
Rural informal		75.1
Rural formal		76.1

#### **ELECTION 2004: VOTER REGISTRATION**

General registration of voters occurred on the weekend of 8–9 November 2003 and the weekend of 24–25 January 2004.

A comparison of the registration activity of 1999 and 2004 yielded the following. In 1999, 18,172,751 people were registered on the voters' roll that was used in the elections. In 2004 the figure was 20,674,926. Data in South African Atlas of Results – National Election 2004, indicates an increase in registration between 1999 and 2004 as well as a fair comparison of gender and rural/urban distribution of registered voters. Cognisance must be taken of the number of local municipalities in 1999 (483). These were reduced to 284 in 2000 and, therefore, the concentration of voters per municipality would be different.

The IEC hopes that the Youth Ambassador programme will also reinforce the momentum that was gained through improved registration figures of the youth during the first and second voter registration on the 8–9 November 2008 and 7–8 February 2009 respectively. Both registration drives have surpassed their expectations, with the youth

representing the majority of both registration weekends at 85 per cent, translating to 208,562 new youth applications in Limpopo. They are proud to say that both registration weekends were their most successful drives since 2000. The involvement of other youth structures in steering this mobilisation action has notably made an impact and continued collaboration is encouraged.

#### **NOMINATION PROCESS**

Each registered political party has its own process and procedure for nominating candidates. These should comply with the provisions of the constitution as well as the legal requirements for each election as provided for by the IEC. There are guidelines with respect to the process of submission of lists of candidates for national and provincial elections. These are prescribed by the Electoral Act (Act 73 of 1998; hereafter referred to as the Act), together with regulations concerning the submission of Lists of Candidates (2004) as amended.

The Limpopo Provincial Legislature is allocated 49 seats. For parties to secure these

seats they should ideally start with consultations resulting in recommendations that are considered by the district structures, then the provincial executive committees (PEC), and finally approved by the national executive committees (NEC). In spite of the legislative provisions some parties still seek advice and assistance from the IEC office about how best to manage the process. For example, some parties operate under the false assumption that the documents are and must be lodged at the Limpopo IEC office. To this end the IEC is playing a commendable role in terms of educating and assisting concerned parties *ex gratia*.

The process is supposed to be open, transparent, and democratic. This is, however, not always the case. Internal party disputes result at times in more than one person claiming to act on behalf of the party. The IEC does not get involved in internal disputes and the parties concerned must seek appropriate relief from a court. Parties at times attempt to re-order, substitute or remove candidates in circumstances other than provided for in the legislation. In some instances there is a deliberate failure to clearly indicate the order of preference of names.

In almost all instances of irregularities alluded to above, party bosses seem to wield more power than they duly have. The recommendations from consultations with some stakeholders confirm that there is an urgent need to review the current electoral system. A mixed mode system, that is, proportional representation coupled with a constituency-based system, should be the route to consider. With the necessary adaptation, parties think the Westminster system would be a fair option.

There appear to be no prescribed norms and standards set for parties to observe when they develop their manifestos. Investigations point to party 'think tanks' being charged with the development of manifestos, then after endorsement by the NEC it would be cascaded down

to the branches. This is a top-down approach that is fraught with its own problems. Consistent with the slogan 'the people shall govern', it would be prudent to include the branches at the outset. For the 2009 elections the African National Congress tried this approach with commendable results and input. Party policies should guide the development of the manifesto. A manifesto as an aspirational document should be concise, practical and accessible to the electorate. It would also be helpful if it could be translated into all official languages, especially in provinces where the parties intend to contest the elections.

#### **MEDIA COVERAGE OF ELECTION CAMPAIGNS**

One of the commendable things the IEC did was to invite journalists to a workshop in Mokopane, where legislation with respect to elections was discussed. ICASA was one of the participants and it explained how decisions to cover events are arrived at. Coverage, it was averred, was based on equity as against equality. That newsworthiness is one of the criteria that are highly prized. It was communicated that journalists felt more empowered and appreciated the value derived from the workshop. It is hoped that complaints about less coverage and broadcasting time by television and radio would, after this intervention, be less frequent.

As far as local media is concerned it should be acknowledged that there is plenty of coverage by the press, SABC TV, radio stations and community-based radio stations. Apart from these, there are public lectures organised by civic organisations and tertiary institutions. In most instances you will find the media present, and at times actively participating. On Wednesday 27 February 2009, the IEC convened a press conference to inform them about the youth summit with the theme: Youth to the Polls. The writer hereof gave a keynote address entitled "Youth Apathy and Elections: A Comparative Analysis

with other Emerging Democracies". The media attended as well. At the same event, a concept of Youth Ambassadors was introduced. This followed a successful launch at national level on 19 February 2009, in which 35 Youth Ambassadors from a wide spectrum of young people representing broad categories ranging from sport, media, entertainment, business and students were introduced to the media. These ambassadors' responsibilities will be to act as the Electoral Commission's champions by way of promoting electoral democracy and to drive activities in their respective areas of influence and communities through various initiatives. The ambassadors will have a defined role which complements the implementation of the IEC's broad communication, civic as well as voter education strategy.

The IEC in Limpopo encourages the youth from the different sectors to work together in pursuing the objectives of this noble venture. The start is certainly encouraging.

# MPUMALANGA

## PV Zulu – Independent Consultant

DURING THE first fully democratic elections in 1994 South Africa learned how valuable observers – both foreign and domestic – could be to the electoral process. First of all, the legitimacy of the electoral process is enhanced by the presence of neutral observers. Outsiders who have been present and actually seen what has happened during voting, counting and the determination of results can tell the world that the process was transparently free and fair, and can put any problems in their proper context. The opinion of an impartial witness carries a great deal of weight. Secondly, respected outsiders can contribute greatly to the propriety of the process. Their presence probably has a stabilising effect on would-be troublemakers and ensures that everyone concerned is on their best behaviour.

Thirdly, international observers from organisations such as the African Union and the Commonwealth often have vast experience of elections in various parts of the world and are able to give IEC staff invaluable advice and support. It has become practice for international organisations to observe elections in emerging democracies and to produce reports. Thousands of international and domestic observers flocked to be present at the founding elections of South Africa's democracy in 1994 and the Electoral Act makes specific provision for the accreditation of observers of South African elections. In the 1994 elections, at the height of political tolerance, intimidation and violence between ANC and IFP supporters, especially in Kwazulu-Natal and Gauteng, with the National Party

accused of being or orchestrating the third force, were declared free and fair by all the observers including the international observer missions. This played a big role in getting all the political parties to accept the election results. However, most political parties claimed that their supporters were intimidated one way or the other and could therefore not accept the results of the elections. The violence continued even after the elections in some parts of the KwaZulu-Natal province, where the IFP and the ANC command a lot of supporters.

The results for both the national and the Mpumalanga provincial (then Eastern Transvaal) elections in 1994 were in the past generally accepted without much contestation of the outcome of the elections. Past results for the province are as follows:

**Table 1: National Election 1994**

	Eastern Cape	Eastern Tvl	KwaZulu Natal	Northern Cape	Northern Tvl	North West	Free State	PWV	Western Cape	Total Valid Votes
<b>PAC</b>	56,891	17,800	23,098	3,941	20,295	24,233	23,310	52,557	21,353	243,478
<b>SOCCER</b>	918	636	2,311	245	666	959	857	2,953	1,030	10,575
<b>KISS</b>	900	415	1,010	293	365	548	403	1,107	875	5,916
<b>VV-FF</b>	18,656	45,964	17,092	17,480	29,000	49,175	50,386	154,878	41,924	424,555
<b>WRPP</b>	524	311	955	151	273	568	398	1,850	1,404	6,434
<b>WLP</b>	374	309	1,193	167	259	331	258	554	724	4,169
<b>XPP</b>	574	416	1,501	113	1,354	578	683	828	273	6,320
<b>AMP</b>	1,235	906	6,790	320	437	1,386	324	7,413	15,655	34,466
<b>ACDP</b>	10,879	4,474	17,122	1,294	5,042	3,901	4,523	20,329	20,540	88,104
<b>ADM</b>	1,869	611	3,819	189	597	701	553	1,062	485	9,886
<b>AMCP</b>	4,919	2,625	3,305	864	3,168	3,244	2,644	5,635	1,286	27,690
<b>ANC</b>	2,411,695	1,072,518	1,185,669	201,515	1,780,177	1,325,559	1,059,313	2,486,938	714,271	12,237,655
<b>DP</b>	35,435	5,492	60,499	5,235	3,402	5,826	7,365	126,368	88,804	338,426
<b>DPSA</b>	1,098	834	1,927	415	722	2,088	8,796	2,424	1,147	19,451
<b>FP</b>	750	527	3,347	162	310	500	519	6,844	4,704	17,663
<b>LUSAP</b>	263	269	961	138	253	252	203	490	464	3,293
<b>MF</b>	981	503	6,410	494	662	772	490	1,575	1,546	13,433
<b>NP</b>	302,951	134,511	591,212	169,661	69,870	160,479	198,780	1,160,593	1,195,633	3,983,690
<b>IFP</b>	6,798	20,872	1,822,385	1,902	2,938	7,155	8,446	173,903	13,895	2,058,294
<b>TOTAL</b>	2,857,710	1,309,993	3,750,606	404,579	1,919,790	1,588,255	1,368,251	4,208,301	2,126,013	19,533,498

In the national elections in 1994, a total of 19,533,498 voters participated in the elections for the National Assembly, which has 400 seats. The ANC won 252 of the 400 seats, which was 63 per cent of the total votes, the National Party won 82 seats which constituted 20.50 per cent of the total votes, the IFP got 43 seats which was 10.75 per cent, and the DP got seven, while the PAC and the ACDP got five (5) and two (2) seats respectively.

In Mpumalanga Province, there were thirty (30) seats available in the provincial legislature and the ANC obtained twenty-five (25) of those seats, which constitutes 83.33 per cent, while the NP and the Freedom Front obtained three (3) and two (2) respectively. A total of 1,326,068 voters took part in the provincial elections in 1994.

After the 1994 elections, the names of four provinces were changed. The province referred to as Eastern Transvaal became Mpumalanga Province, Northern Transvaal became Northern Province, Orange Free State became Free State Province and PWV (Pretoria-Witwatersrand-Vereeniging) became Gauteng Province. The other five (5) provinces remained the same, viz. KwaZulu-Natal, the Eastern Cape, Northern Cape, Western Cape and the North-West Province.

In the 1999 election, many of the smaller parties that participated in the 1994 elections disappeared and a few new political parties were formed to contest the elections. The United Democratic Movement (UDM) was formed by General Bantubonke Holomisa, who had been expelled from the African National Congress (ANC), and it was registered for the 1999 elections. The National Party (NP) upon realising that its support base was decreasing, with white South Africans accusing them of selling out to the ANC, changed its name to the New National Party (NNP), because it wanted to rid the party of the stigma of being the perpetrators of apartheid rule. It wanted to be regarded as a new non-racial party

**Table 2: Provincial Elections 1994**

Eastern Transvaal	Votes	Seats
Pan Africanist Congress of Azania	21,679	
Right Party	921	
Freedom Front	75,120	2
African Christian Democratic Party	6,339	
African Democratic Movement	5,062	
African National Congress	1,070,052	25
Democratic Party	7,437	
National Party	119,311	3
Inkatha Freedom Party	20,147	
TOTAL		30

with a new vision that would embrace and advance the rights of all South Africans irrespective of their colour, creed and religion.

Mr Lybon Mabasa defected from the Azanian People's Organisation (AZAPO) to form the Socialist Party of Azania (SOPA), citing ideological differences. He also registered his party to contest the 1999 elections. In addition to the above-mentioned parties, a few others were formed which were not there in the previous elections and they too contested the 1999 elections, viz.:

- The Government by the People Green Party (GPGP)
- The United Christian Democratic Party (UCDP)
- The Abolition of Income Tax and Usury Party (AITUP)
- The Afrikaner Eenheids Bewiging (AEB)

#### **ELECTORAL PERFORMANCE OF PARTIES IN THE MPUMALANGA PROVINCE IN THE 2004 ELECTIONS**

The Mpumalanga province, with a total population of 1,442,472 registered voters, was contested by 21 registered political parties in the 2004 elections. Of the 1,442,472 registered voters, only 80.28 per cent turned up at the various polling stations in the province, which translates into 1,157,963 voters, with 1,134,092 valid votes and 23,871

spoilt votes and 80,524 special votes. All 21 parties that participated in the 2004 Mpumalanga provincial elections were also registered for the national elections and there was no party that was contesting the provincial elections only. The results of the Mpumalanga provincial elections were as follows: The African National Congress (ANC) obtained 86.34 per cent from 979,155 votes. It was followed by the Democratic Alliance, with 7.17 per cent from 81,313 votes, while the African Christian Democratic Party (ACDP), the United Democratic Movement (UDM), the Freedom Front Plus and Inkatha Freedom Party (IFP) all got 1 per cent each (see Table 3). The ANC therefore got 26 of the 30 seats in the provincial legislature, while the DA got two seats. The ANC in the Mpumalanga Provincial Legislature therefore has a very big majority with virtually no opposition at all.

#### **VOTER REGISTRATION FOR 2009**

The Independent Electoral Commission (IEC) used the weekends of 8 and 9 November 2008 as a voter registration weekend and, more recently, the weekend of 6, 7 and 8 February 2009. This was done to afford potential voters a chance to register to vote in the upcoming national and provincial



**Table 3: Results of Mpumalanga province elections**

Party	Abbr	Results	%
African Christian Democratic Party	ACDP	11 321	1%
African National Congress	ANC	979 155	86.34%
Azania People's Organisation	AZAPO	2 149	0.19%
Christian Democratic Party	CDP	662	0.06%
Democratic Alliance	DA	81 313	7.17%
Independent Democrats	ID	3 927	3.35%
Total valid votes		1 134 092	100%
Total spoilt votes		23 871	
Percentage Poll		80.28%	
Total votes cast		1 157 963	
Total No. of special votes		80 524	

election on 22 April 2009. Voters whose names did not appear on the voters' roll and those who had lost their bar-coded identity document and had acquired new ones were allowed to reregister. In order to vote in national, provincial and municipal elections, you have to register as a voter. You only have to register once, unless the person's voting district changes. You must be a South African citizen, be at least 18 years old and have a green, bar-coded ID book. In the Mpumalanga province 1,696,025 potential voters were registered for the 2009 Provincial elections, 772,207 of whom are males and 923,818 are females. This is higher than the 1,442,472 voters who were registered in the 2004 provincial elections.

#### **PARTY MANIFESTO DEVELOPMENT**

A manifesto is an election document which contains the party's vision, strategies, approach to the elections and issues of governance, past achievements, problems identified, solutions to those problems and the party's focal points when conducting its election campaigns. This document is developed by each party engaging with its structures from the branch level, provincial and national structures. Parties hold conferences from time to time and the decisions and resolutions

taken at those conferences (where all its structures are represented) form part of their election manifesto. In developing this document parties would also conduct izimbizo to have input from the general public. Traditional and religious leaders are also engaged to give input on traditional and religious issues and other issues affecting their communities.

All the parties in the 2009 manifesto focus on almost the same issues of governance, especially where weaknesses were identified in the ruling party's policies and service delivery strategies, and most of them are not necessarily different. The following are some of their focal points which are mostly common between them:

- Health – each party outlined how it is going to improve the health care facilities and provide proper and accessible health care for every South African and how service can be improved in those facilities. HIV/AIDS and the roll-out of ARV treatment and counselling, cholera treatment and prevention and health insurance are mentioned.
- Education – a strategy on how each party can provide free education to all citizens up to a particular level, improving the level and quality of education.

- Safety and security – this involves what each party would do to fight crime and improve the justice system. They all promise to fight corruption and fraud within government and by politicians, reinstating the Scorpions.
- Housing and land – strategies for the provision of houses to enhance the people's dignity, the redistribution of land, agriculture and rural development.
- Social development and food security – basic income grants, the creation of a safety net for the unemployed and low income earners.
- Economy – creating sustainable jobs so that they fight poverty, labour laws and the attraction of foreign and domestic investment, the fiscal and monetary policies, economic empowerment, affirmative action policies and the creation of small and medium entrepreneurs.
- Infrastructure development (including 2010), tourism and international relations

Each party has a different approach to the above and is guided by its founding policies and constitution. The ANC's founding document is the Freedom Charter, which guides most of their policies. Some of the smaller parties' and opposition parties' manifestos are based on what they perceive to be the shortcomings of the ruling party in its fifteen years in government. It has been observed, however, that most parties do not release their party manifestos until after the ANC has released its, and they have an easy job of opposing whatever the ANC comes up with, or on improving their ideas.

#### **THE CANDIDATE NOMINATION PROCESS**

According to the Electoral Act, the requirements for parties to contest elections are that the political party should be a registered party and

should have submitted a list of candidates. A registered party intending to contest an election must nominate candidates and submit a list or lists of those candidates for that election to the chief electoral officer in the prescribed manner, by not later than the relevant date stated in the election timetable. The list or lists must be accompanied by:

- Prescribed undertakings, signed by the duly authorised representative of the party, binding the party, persons holding political office in the party, and its representatives and members, to the Code.
- Declaration, signed by the duly authorised representative of the party, that each candidate on the list is qualified to stand for election in terms of the Constitution or national or provincial legislation under Chapter 7 of the Constitution.
- Acceptance of nomination, signed by each candidate.
- Undertaking signed by each candidate, that that candidate will be bound by the Code; and a deposit.
- The Commission may prescribe the amount to be deposited in terms of subsection (2) (e).

The date set by the IEC and stated on the election timetable for the submission of candidate's nomination lists by political parties is 2 March 2009 at five o'clock in the afternoon, after which no candidates list will be accepted. Parties, through their structures and branches, are expected to nominate candidates that they feel are best suited to lead their respective parties after the elections. Any party that fails to submit the candidates list will not be allowed to contest the elections as they will have contravened one of the requirements for contesting elections.

Some parties go on to have list conferences at which candidates are nominated. Each party though, should allow the nominated can-

didates to either accept or reject nomination by declaring their availability or non-availability. After the elections the parties will then deploy their candidates accordingly, depending on whether they won the elections or not. If a party wins the elections its candidates will represent it in parliament. If it does not win the elections they will be deployed elsewhere, depending on the number of seats the party is allocated.

Some parties send a bigger nomination list of candidates to the IEC so that they can decide after the election as to which candidate is suitable for what position, without any limitations. In other parties the list is drafted in such a way that they achieve gender balance and the most equitable distribution of skills and talent.

#### **MEDIA COVERAGE OF ELECTION CAMPAIGNS**

The South African Broadcasting Corporation (SABC) is the biggest broadcaster in the country, with three different television channels i.e. SABC 1, 2 and 3, and a host of radio stations. There is another television station called e-tv which also falls under the electronic media.

The difference between the two broadcasters is that the SABC is a public broadcaster and e-tv is a privately owned television station which is free to the public, which does not pay any fees to watch this station. These two television stations are regulated by the code of conduct that is enforced by ICASA and the Independent Broadcasting Complaints Commission, to bring to the public viewing that is factual, fair, does not amount to hate speech, is not harmful to children and reporting that is not prejudiced and does not favour any particular individual.

The SABC has pledged to give equitable coverage of the political parties' election campaigns. This equitable coverage, according to the SABC, will be based on the number of seats that the parties have and their representation in

the National Assembly. According to this arrangement we should see the SABC showing more of the ANC election campaigns because they have the most number of seats in the National Assembly followed by the DA, which is the official opposition party. The other small parties would see less of their campaigns being covered on the SABC because they do not have enough seats in parliament.

This criterion has sparked a lot of debate because of the newly formed Congress of the People (COPE), which does not have any representation in parliament but enjoys a lot of media coverage by both SABC television and SABC radio. For a long time other parties have been accusing the SABC of reporting mostly on ANC events, causing the suspicion that they are the ruling party's mouthpiece. The birth of COPE has seen it claiming almost equal coverage with the ANC at the expense of the other smaller parties, yet it does not even have representation in parliament. The SABC claims that COPE is an interesting party and brings change to the political dimension of the country and it is in the public interest to report on the party's events.

The United Democratic Movement (UDM), the Independent Democrats (ID), Inkatha Freedom Party (IFP), the African People's Convention (APC), the Azanian People's Organisation (AZAPO) and to a lesser extent the Democratic Alliance (DA) were very vocal about the action of the SABC, alleging that the SABC is being used to achieve the political interests of some people. Snuki Zikalala, the SABC's head of news, has been accused of being pro-COPE (because of his alleged support for the former president Mr Thabo Mbeki), thus allowing it more air time.

Recently the Alliance of Free Democrats (AFD) accused the SABC of insulting it in one of the interviews for which the party was invited to a morning news show. The AFD claimed that it was not

given enough time to express itself on its policies, while the ANC and the DA, who were invited onto the same programme, got generous time. AZAPO delegates disrupted a live SABC Sunday election debate,

citing that their representative was not given enough time to express the views and policies of the party to the viewers.

While e-tv is not bound by any pledge to report on the election cam-

paigns of the various parties there is a general feeling among political parties that this television station is pro-DA and reports negatively about other parties. The print media is also not free from bias. □

## NORTHERN CAPE

Angelique Harsant – University of the Free State

### POLITICAL PARTIES AND THE ELECTORATE IN THE NORTHERN CAPE: READY OR NOT?

The preparations for the 2009 elections are underway in the Northern Cape and political parties and the voting population alike each have certain tasks to fulfil in preparation for the April 22 election.

According to the election timetable for Northern Cape Province, voters have an obligation to ensure that they are registered to vote, and they should attend rallies and participate where possible in the nomination process to finalise the candidates' list of the party to which they belong. The political parties have to address their supporters at rallies, have discussions regarding

their manifestos and have submitted their candidates' lists by 2 March 2009.

This report will investigate the following: the trends and patterns in electoral performance of political parties in the Northern Cape, the launching of political parties election manifestos, the voter registration process, and some of the key political leaders in the Northern Cape.

### PATTERNS AND TRENDS IN ELECTORAL PERFORMANCE OF POLITICAL PARTIES

During the 2004 general election the following political parties obtained support in the Northern Cape Province (Table 1).

The New National Party was disbanded and therefore it will be interesting to see how the 7.52 per cent of votes it received during the 2004 election will be redistributed among the remaining parties. A new party which wishes to challenge the ruling ANC is the newly formed Congress of the People Party (COPE).

By-elections were held at the end of January 2009, which some political parties regard as a 'dress rehearsal' for the official 2009 general election. During this by-election the ANC won with an overwhelming majority. According to Sandi Kwon Hoo (2009: 2) from the *Diamond Fields Advertiser*, reporting on the results of the January 2009 by-elections in the Northern Cape: 'the ANC won an 80 per cent landslide victory in the municipal by-elections in the Northern Cape and trashed claims that it was no longer the choice of the majority.'

### PARTY MANIFESTO DEVELOPMENT

As the 2009 election draws closer the political parties have started introducing their manifestos to their members and potential supporters. The Northern Cape Province has begun to host high-profile politicians, who are visiting the province to launch their party's manifestos. These include ANC president Jacob Zuma and ANC members Derek Hanekom and Trevor Manuel (National Executive Committee

Table 1: Election results: Northern Cape

Political Party	Election results 2004
1. African Christian Democratic Party	1,88%
2. African National Congress	68,83%
3. Azanian People's Organisation	0,52%
4. Democratic Alliance	11,08%
5. Independent Democrats	7,06%
6. Inkatha Freedom Party	0,24%
7. New National Party	7,52%
8. Pan Africanist Congress of AZANIA	0,43%
9. The Cape People's Congress	0,12%
10. United Christian Democratic Party	0,33%
11. United Democratic Movement	0,45%
12. Freedom Front +	1,55%

members), who addressed the community in Springbok at the Springbok showgrounds. Manifesto rallies were also held in the Siyanda Region and in the Francis Baard Region in the small town of Ritchie, which was attended by 6,000 people. The key priority issues highlighted at these rallies were the creation of quality employment opportunities, the provision of quality education, 'health, rural development, food security, and land reform and the fight against crime and corruption' (DFA, 2009: 7).

High-profile politicians have visited the Northern Cape to promote their respective parties. These include Dr Alan Boesak, Nick Koornhof, Simon Grindrod and Anele Mda (president of COPE's youth movement), representing COPE. The visit included addressing supporters in Kamiesberg, Groblershoop, Upington, Pampierstad, Roodepan and Galeshewe (Cahill, 2009: 2). Dr Mosibudi Mangena, president of the Azanian People's Organisation (AZAPO), and the Minister of Science and Technology, has also visited the province, as well as the Democratic Alliance's Helen Zille and the Independent Democrats' (ID) Patricia De Lille, who lobbied voters in Kakamas (Cahill, 2009: 2 and SABC News, 2009).

#### **VOTER REGISTRATION**

Justice Bekebeke, the provincial electoral officer, encouraged voter participation by stating: '... don't make your right a privilege but rather go out and determine your future and use this opportunity' (Fielding, 2009: 4).

The Independent Electoral Commission's (IEC) first registration drive was held in November 2008. It became evident from the results of the November 2008 registration process that gender voting was still very much a factor for consideration during the forthcoming elections in 2009. Nationally, with regard to first-time registrations, 882,536 women applied for registration as opposed to 765,653 men. With regard to the age demographics Dr Brigalia Bam,

the national chairperson of the Independent Electoral Commission, stated that (DFA, 2009:7): '... the drive has far surpassed our expectations and the IEC is delighted to see the success of the weekend drive to register new voters, especially the youth, who represent a majority of the weekend registration activity at 77,9 per cent.'

Voter registration in the Northern Cape constituted 1.64 per cent of the total voting population in South Africa. Provincially, 25,634 new registrations were recorded, which equals 42.35 per cent of the Northern Cape's voters. The number of reregistrations totalled 28,786, which constitutes 47.56 per cent of voters in the Northern Cape (DFA, 2009: 7).

On 7 and 9 February 2009 the voters got a second opportunity to exercise their democratic right to participate in the election process through registering for the forthcoming 2009 elections. Elkin Tolpin, the manager of electoral matters at the IEC in the Northern Cape, indicated that there had been a very favourable turnout during the voter registration process, with 45,000 voters visiting voting stations, 21,000 of whom made application to register or to reregister. Tolpin also indicated that the registration process went smoothly, with only a few voting stations keeping the doors open beyond closing time due to the influx of people to voting registration points. While the weather remained challenging, especially in De Aar, where a flooded river prevented voters from reaching voting registration points. An argument has been made that where circumstances may have prevented potential voters from voting, other opportunities and outreach by the IEC ought to occur to provide an additional opportunity for registration in instances where circumstances may have prevented intended registrants from registering.

Political parties went all out to encourage the public to exercise their democratic right to participate in the 2009 elections. Political par-

ties included prominent politicians in this drive which included the president of the ANC Women's League, Angie Motshekga, and Dr Mosibudi Mangena, president of the Azanian People's Organisation (AZAPO) and also the Minister of Science and Technology (Fielding, 2009: 5).

In the Northern Cape, as at 20 February 2009, the two registration drives by the Independent Electoral Commission (IEC) yielded a total of 554,900 registrations, with 298,018 female voters and 256,882 male voters (Independent Electoral Commission 2009: 1-2).

#### **WHO'S WHO IN THE NORTHERN CAPE'S ELECTION RACE?**

The political environment in the Northern Cape is electrifying, as potential candidates enter the race for premiership in the 2009 multi-party elections. These potential candidates include John Fikile Block (ANC), Neville Mompoti (COPE), Mohammed Desai (ID) Chris Liebenberg (DA) and Francois van Wyk (ACDP) (Cahill, 2009: 2).

John Fikile Block is 'the popular choice for the provincial leadership even though the party's national executive committee (NEC) member, Tina Joemat-Peterson, received the highest number of votes for the national list for the ANC' (DFA, 2009: 9). John Block is a charismatic political leader and successful businessman who has moved swiftly through the ranks of the ANC, occupying positions such as a member of the Upington Branch Executive Committee (1990), provincial chairperson of the African National Congress Youth League (1991), a member of the National Executive Committee of the ANC Youth League (1991), a member of the ANC Provincial Executive Committee of the Northern Cape (1991), a member of the Northern Cape Provincial Legislature (1994-2004), a consultant for the Ministry of Youth Affairs (1994-1995), a member of the Executive Council (MEC) for the Department of Transport, Roads and

Public Works (1999-2004) and, later, MEC of Education (2009). Mr Block has a significant following which resulted in his election as the Provincial Chairperson of the ANC at the party's provincial conference held in Kuruman in 2008 (Who's Who, 2009). The election of Block as the provincial chairperson of the ANC in the Northern Cape has paved the way for his possible appointment as premier of the province should the ANC win the provincial elections. Block defeated his political rival Neville Mompoti at the ANC's 2008 Provincial Congress and Mompoti subsequently defected to the newly formed Congress of the People (COPE).

Mompoti, now COPE's possible candidate for premiership, was born in Kimberley. He was initially a teacher by profession and taught English and History in and around Prieska. Apart from teaching, he has served on a number of youth and education committees. He later resigned from the teaching profession and entered the political arena, serving the ANC on a full-time basis. He subsequently became the provincial secretary of the ANC in the Northern Cape. After his defeat at the ANC provincial conference in Kuruman at the hands of John Block, he decided to join COPE in November 2008. After his political defeat at the provincial congress Mompoti stated that '... it was a tough decision but I could no longer be a proud member of the ANC due to its entrenched factionalism, purging and evil victimisation of comrades with opposing views within the democratic movement' (Cahill, 2009: 2).

While the attention is on the struggle between COPE and the ANC in the electoral race for votes, it is important not to ignore the rivalry between the opposition parties as COPE is presented as the most viable alternative to the ANC.

Despite speculation that the African Christian Democratic Party will struggle to maintain its current standing in the political arena, the

party's provincial leader, Francois van Wyk, remains positive. Van Wyk, originally from Calvinia, has a keen interest in agriculture, religion and politics. He started his political career in 2003 as a member of ACDP's Provincial Executive Committee. In 2004 he ranked first place on the party's nomination list for premiership. After the 2004 general elections he was appointed as the provincial leader and represented the party nationally as the ACDP's agricultural representative. Van Wyk is known as the opposition's watchdog over any alleged provincial 'financial inadequacies' and has been '... fighting for a member of the opposition to head up the Standing Committee on Public Accounts (Scopa)' (Cahill, 2009: 2).

Dr Chris Liebenberg is the Democratic Alliances' candidate for premiership of the Northern Cape. During apartheid he served as a South African diplomat in California from 1984 to 1989. Thereafter he returned to his family's farm and became involved in politics. In 1993 he assisted in the drafting and publication of a document that promoted the creation of the Northern Cape as a separate province, on '... regional autonomy as a constitutional model for the Northern Cape'. (Cahill, 2009: 2). In 1994 he was elected as a member of the legislature in the province and was the Chief Whip of the Opposition. In the same year, with the establishment of a Government of National Unity, Liebenberg became MEC of Transport. He was subsequently elected, in September 2008, as the provincial leader of the Democratic Alliance (Cahill, 2009: 2).

Mr Carel Willem Hendrik Boshoff has been the Northern Cape provincial leader of the Freedom Front Plus since 1994. He is married to Anna Verwoerd. He has a long history as an Afrikaner leader in the province. He was appointed as chairman of the Afrikaner Broederbond (1979-1983), the Afrikaner Volkswag Cultural Organisation (1984-1999), the Afrikaner Vryheidstigting

(1983), the Orania Bestuursdienste (Pty) Ltd (1990), and Member of the Provincial Legislature (1994) (Who's Who, 2009).

Mr Sampie Cloete, leader of the Independent Democrats, was on a campaign drive when he had a very serious car accident and passed away due to his injuries. ID leader Patricia De Lille, upon receiving the news, left immediately for Springbok to be with his family (IOL, 2009: 1). He has been replaced by Mr Mohammed Desai as provincial leader of the party.

The IEC set 2 March 2009 at 17:00 as the deadline for political parties to submit their respective party's candidate lists. The IEC then began a process of verifying these lists. Any errors detected in this verification would then be communicated to that particular political party. The IEC has set a deadline of 16 March 2009 for political parties to correct these mistakes, after which the final candidate's lists will be published. Many of the main political parties had not submitted their list by the 24 February, but reported that they were in the process of finalising these lists (Cahill, 2009: 2).

As the political parties rush to complete their candidates lists for the forthcoming elections they still took time to comment on the procedures. Opposition parties voiced concern about certain decisions made by the ANC concerning the possible nomination of candidates to their list whom parties felt were inappropriate, such as the nomination of Winnie Mandela, who, it is posited by opposition parties, is ineligible due to a criminal conviction, even though suspended. With regard to the province, this included criticism about the non-nomination and absence of the current Premier Dipuo Peters's name on the ANC's possible candidates' list. ANC spokesperson Monwabisi Nkompela responded to the opposition parties' criticism of the ANC's nomination process of the candidates' list for the 2009 election and issued a statement stating that (Fielding, 2009: 6):

*The ANC noted the responses of the opposition parties in respect of the democratic processes undertaken by ordinary members of the ANC and its branches in nominating prospective public representatives to the Provincial Legislature and National Parliament, specifically the non-nomination of comrade Dipuo Peters. The ANC respects and abides by its internal democratic processes and so do disciplined members of the ANC, it does not function on the basis of appointed leaders and representatives.*

Despite all the deliberation regarding the nomination process and the finalisation of the candidates' list, political parties have to keep the deadline for the submission of these lists in mind, as failure to do so will cut them out of the electoral race. The Provincial Gazette in the

Northern Cape Province published the election table for the province which clearly states that registered parties that wish to participate in the 2009 election must go through a nomination process and submit their candidates' lists to the Independent Electoral Commission's chief electoral officer by 17:00 on 2 March 2009 (Provincial Gazette, 2009: 3).

#### **CONCLUSION**

If political parties have submitted their candidates' lists but did not comply with section 27 then the chief electoral officer has to inform the respective party thereof by 6 March 2009 and the party needs to correct this by 10 March 2009. The process of listing political parties and their candidates is to have been finalised by 3 April 2009 (Provincial Gazette, 2009: 3).

#### **REFERENCES**

- Cahill, M. 2009. Big guns roll into the city. *Diamond Fields Advertiser*. 26 January, p. 2.
- 2009. Parties hard at work on candidate lists. *Diamond Fields Advertiser*. 24 February, p. 2.
- 2009. Battle for the Province. *Diamond Fields Advertiser*. 25 February, p. 2.
- Diamond Fields Advertiser*. 2009. Battle for the premiership. 23 January, p. 9.
- 2009. ANC introduces manifesto to the Northern Cape. 27 February, p. 7.
- Fielding, S. 2009. ANC seeks praises for List Process. *Diamond Fields Advertiser*. 19 January, p. 6.
- 2009. Last roll call for voters. *Diamond Fields Advertiser*. 9 February, p. 4.
- 2009. Another good election turnout. *Diamond Fields Advertiser*. 9 February, p. 5.
- Independent Electoral Commission. 2004 Election Results. [http://www.elections.org.za/Elections2004\\_Static](http://www.elections.org.za/Elections2004_Static).

## **WESTERN CAPE**

**John Akokpari** – University of Cape Town

THE WESTERN CAPE is a politically volatile province. It has not been won outright by any single political party since 1999. The province has been governed, at first after 1994 elections, by the (now defunct) National Party (NP), then after that, either an African National Congress (ANC) provincial government or a Democratic Alliance (DA) coalition (with smaller parties). It is currently ruled by the ANC in coalition with several other minor parties. However, the ANC's hold on the Western Cape seems to be slipping as a result of growing factionalism and tension within the party. Most observers predict that the ANC will lose power in the Western Cape Province at the 2009 elections. Opposition parties are aiming to take advantage of the ANC's loss of support. The DA, in particular, has a good chance of winning the

province, or at least becoming the biggest party in a coalition that will govern with other parties. This report provides a background of previous elections in the province and a discussion of some key issues regarding party manifestos and candidate nominations in the run-up to the election.

#### **ELECTORAL PERFORMANCE IN 2004**

The 2004 provincial elections were hotly contested in the Western Cape. In 1994 and 1999 the province was won by the National Party, which went into an alliance with the Democratic Party (DP) in 1999 to form the DA. This alliance was dissolved in 2001. Thus the 2004 elections were the first time when it was likely that a party other than the NP would get control of the province. The contest was particularly important for the

ANC, which had been unable to win the province in previous elections but whose support had increased significantly in 1999.

The 2004 election was characterised by an effort by all political parties to woo Coloured voters. Coloureds, who form the racial majority in the province, do not identify with any particular party in the same way as Africans and Whites do. As a result, much of the electioneering of various political parties has been designed especially to attract the 'Coloured vote'.

Twenty parties contested the provincial election. Of these, six parties gained seats in the 42-seat provincial parliament. The ANC won the majority of seats with 45.25 per cent of the vote (19 seats). The DA won 27.11 per cent of the vote (12 seats) and the NNP won 10.88 per cent of the vote (5 seats). The

remaining seats were split between the ID (3), ACDP (2) and UDM (1). Through a coalition government, an alliance of the ANC and the NNP was able to gain majority control of the province and Ebrahim Rasool was elected premier of the province. In 2008, following the 'recall' of then President Thabo Mbeki by the ANC, in what is perceived to have been a purge by the new leadership of the ANC of Mbeki supporters, Ebrahim Rasool was replaced as premier of the Western Cape by Lynne Brown, and was subsequently appointed an advisor in the presidency to President Kgalema Motlante. There have been arguments advanced that suggest that the replacement of Rasool by Brown may hurt the ANC's chances in the 2009 elections, but Rasool's appointment in the presidency may counter this view. Electoral support, in any case, will be contingent on a range of factors, rather than just the question of leadership and personality popularity.

#### **VOTER REGISTRATION**

Voter registration for the 2009 provincial election was a success. Two voter registration weekends were held on the 8 and 9 November 2008 and 7 and 8 February 2009. Apart from a few isolated incidences the registration process went off smoothly. The number of voters on the Western Cape voters' roll increased from 1,910,866 in 2004 to 2,634,439 in 2009. This is in line with the national trend. On 11 February 2009 the IEC announced that it had exceeded its target of registering 22 million voters nationally for the 2009 elections.

#### **PARTY MANIFESTO DEVELOPMENT**

With the announcement of the election date as 22 April 2009, provincial election campaigns have begun in earnest. Most of the big political parties began their campaigning before President Kgalema Motlante's 10 February 2009 announcement. As was the case in 2004, the Coloured vote is a focal point for all political parties in the Western Cape. The

racial make-up of the Western Cape is 26.68 per cent African, 53.91 per cent Coloured and 18.41 per cent White (Cape Argus, 25 August 2008), so political parties are pulling out all the stops to attract Coloured voters. Opposition parties aim to take advantage of the in-fighting in the ANC to weaken its hold on the province. The ANC's loss of 18 ward seats in the 10 December 2008 by-election is seen by opposition parties as proof that the ruling party will lose control of the province in this year's provincial elections.

The manifestos of the major parties in the province are not all that different from each other. They all highlight the eradication of poverty, job creation, improvement of health care and education, and fighting crime and corruption as top priorities. Opposition parties also include defending the constitution in their manifestos, as recent statements against the judiciary by members of the ANC have led some to conclude that the constitutional foundation of the country is under threat. This report looks at the party manifestos and election campaigns of the ANC, DA, ID and the newly formed COPE. The ANC, DA and ID are the biggest parties in the Western Cape, while COPE, new to the political scene, also has a large following in the province.

#### **ANC**

The ANC in the Western Cape has been faced with a number of difficulties in the last few years. The party's provincial structures have been fractured as a result of fighting between different factions. In 2008, Ebrahim Rasool was removed from the premiership and replaced with Lynn Brown. Following the failure of the party to register its name with the IEC in time to contest December 2008 by-elections in local government wards, there were plans to disband the entire provincial executive committee. However, these were shelved in favour of setting up a National Executive Committee (NEC) task team to strengthen leadership in the province. Another

team has been set up to run the party's provincial election campaign (PEC). The NEC task team is headed by Gauteng housing MEC, Nomvula Mokonyane. The PEC has effectively been left with no powers until after the election.

The elections task team is headed by Chris Nissen, a businessman and former ANC provincial chairman, and includes Tony Ehrenreich, COSATU's provincial secretary; Ebrahim Patel, general secretary of the South African Clothing and Textile Workers' Union, and labour minister Membathisi Mdladlana. They are responsible for preparing the party for the provincial elections. The party is targeting Coloured voters and will focus its campaign on eradicating poverty and creating jobs. The prominence of trade union leaders in the elections team is part of a strategy to attract voters who are active in the workers' movement and other social movements in the province.

The ANC launched its election manifesto in East London on 10 January 2009. Its five priority areas for the next five years are the creation of decent work and sustainable livelihoods, education, health, rural development, food security and land reform, and the fight against crime and corruption. These priorities all tie in with the aim of creating 'a better life for all'. The party's campaign strategy aims to emphasise the achievements of the last 15 years while acknowledging the challenges which remain. Experience and political will are emphasised as necessary in helping South Africa address poverty, crime and job creation in the future.

#### **DA**

The DA has set its sights on winning the majority in the Western Cape. The party is hopeful that its leadership record in several municipalities in the province, Cape Town in particular, will attract voters and make it the ruling party. As mayor of Cape Town, Helen Zille's chief aim has been to illustrate that the DA is not only an effective opposition,

but can also be a successful government. The ANC–COPE split and the results of by-elections towards the end of 2008 have only strengthened belief within the party that it ‘is on track to win this province’ (Ryan Coetzee, DA Chief Executive). As it has in the three previous elections, the DA is promising to keep the ANC out of the province’s leadership. The party’s leadership is confident that this will happen. At the Western Cape election campaign launch on 28 February, Helen Zille said her party was looking for an outright victory in the province and was not looking to form any coalitions.

As part of its campaign strategy the DA has conceptualised two opposing political philosophies in South African politics. The first creates an ‘open, opportunity-driven society for all’, while the second creates a ‘closed, crony society for some’. This dichotomy allows the party to compare itself to the ANC and other opposing parties. The DA manifesto is based on the first philosophy of an open, opportunity-driven society. The manifesto promises to reduce poverty (using a basic income grant and other appropriate social grants); improve the quality of education (by, among other things, setting performance targets for schools); improve healthcare (by addressing management issues and recruiting and training more doctors); fighting crime and corruption (some suggestions to do this include increasing the number of police officers on the street, reducing backlogs in court and reintroducing prison labour so that prisoners have skills when they leave prison); defend the constitution (putting power back into the hands of the people by introducing direct election of the president, premiers and mayors).

Recent protests regarding the pace of housing delivery and in particular the eviction of people from government housing along with the protests about prepaid water meters in some poor areas of Cape Town reflect some dissatisfaction with the

city’s administration, which might undermine the DA’s efforts to woo the poor.

#### **ID**

The ID contested its first election in 2004, winning three seats in the Western Cape Province. The party views itself as social-democratic in nature, and advocates government intervention in addressing inequality in society. Many of the ID’s supporters are from the rural areas of the Western Cape, and its leader, Patricia de Lille, holds significant respect among the Coloured community in the province. The ID’s top policy priorities in its manifesto are job creation, poverty alleviation through a minimum income grant, combating crime, improving the health sector, improving education, focusing on rural development, defending the constitution, cutting government expenditure on the arms and nuclear industries, improving service delivery through filling vacancies in the public service and positioning South Africa as a leader in renewable energy. The party took five seats in the province in the December 2008 by-election, gaining from the growing disaffection with the ANC in the province. Although it is not likely to win the majority of votes, the ID could win enough votes to go into coalition with one of the bigger parties and could be in a position to be king-maker in the province.

#### **COPE**

The Congress of the People (COPE) is the new kid on the block in this election. Formed by former ANC members who broke away from the party following Thabo Mbeki’s removal as president of South Africa, the party has a large following in the Western Cape. At the December 2008 by-elections the party won 10 seats in the province. Some of the most prominent COPE organisers, including former provincial MEC, Leonard Ramatlakane, are based in the Western Cape.

COPE’s manifesto was launched on 24 January 2009 under the slogan

‘A New Agenda for Change and Hope for All’. The party has set itself up as the moral alternative to the ANC, with a leadership that is dedicated to serving the people and not itself. The manifesto includes an extensive list of policy priorities and aims. Among the issues it deals with are transparency in leadership, youth and women empowerment and economic bail-outs for industry. The manifesto also aims to empower people by changing the electoral system to enable the electorate to directly elect the president, premiers and mayors. This, COPE argues, is to enhance accountability to the electorate directly and to promote greater control by the electorate over political leaders in government. The recommendations for supporting the manufacturing industry and implementing social plans to help retrenched workers could be welcomed by workers in the Western Cape who have lost their jobs because of the closure of textile factories and other manufacturers. It is somewhat concerning that the party has not taken a particularly strong stance on HIV/AIDS, which is one of the major problems facing the country. Apart from a few lines about implementing a comprehensive HIV and AIDS strategy, there is no mention of the disease in the manifesto. There is also no acknowledgement of the grave impact of HIV/AIDS on the country’s population.

#### **NOMINATION PROCESS**

Parties contesting elections in South Africa must nominate candidates and submit lists to the Independent Electoral Commission (IEC). Each party has its own system of nomination and selection of candidates. The deadline for submission of candidate lists to the IEC was 3 March 2009 at 5pm. A major point of speculation in the run-up to this deadline has been around candidates for premiership of the Western Cape. The ANC has yet to announce its candidate in the province. Conflict between various factions of the party has delayed the selection



process. The DA announced on 1 March that Helen Zille would be its premier candidate in the province. This further underlines the effort the DA is making in ensuring that it wins the province by making its party leader Premier candidate for the Western Cape. Zille has been reported as saying that she wants to make the Western Cape an example of competent DA leadership to attract voters around the country. Patricia de Lille has also announced

that she will be running as the premier candidate in the province for the ID. She is also number one on the party's national list. Alan Boesak has accepted the nomination for COPE's Western Cape premiership. This follows his initial decision in early February not to make himself available for nomination. Boesak's nomination has caused some controversy because of his former conviction on fraud and theft charges in 1999, which were later rescinded

after he received a presidential pardon from Thabo Mbeki. Boesak still enjoys support in the Western Cape from those who remember his work in the anti-apartheid movement as part of the United Democratic Front (UDF).

All the completed candidate lists of all the parties will be publicly available from 3 March 2009. These lists can still be objected to and will be finalised at a later stage and confirmed as such by the IEC.

# ELECTION UPDATE 2009



NUMBER 3, 14 MARCH 2009

# 3

## EASTERN CAPE

Thabisi Hoeane – Rhodes University

### POLITICAL CAMPAIGNS

In order to analyse provincial party campaigns it is essential to consider the level of interest demonstrated by political parties in attracting support in the province, based on which parties have registered to contest the poll on 22 April. According to the list of parties that will contest the provincial ballot released by the Independent Electoral Commission (IEC) on 3 March 2009, 17 parties have signalled their intention to contest the Eastern Cape.<sup>1</sup>

They can be divided into three sub-categories: those that will contest nationally and in all provinces, namely the Independent Democrats (ID), African National Congress (ANC), Inkatha Freedom Party (IFP), African Christian Democratic Party (ACDP), United Christian Democratic Party (UCDP), Democratic Alliance (DA), Freedom Front Plus (FF+), African Peoples Convention (APC), United Democratic Movement (UDM), Pan Africanist Congress of Azania (PAC) and Congress of the People (COPE); those that are to contest the election nationally, in the Eastern Cape and in other selected provinces, namely New Vision Party (NVP), Christian Democratic Alliance (CDA), Azanian Peoples Organisation (Azapo), Pan Africanist Movement (PAM), National Democratic Convention (Nadeco); and those that will focus solely on contesting the provincial ballot – and here there is only one

party, the African Independent Congress (AIC).

Thus eleven parties are on both the national and provincial ballot, six will contest both the national ballot and selected provinces, including the Eastern Cape, and one is going to stand for the provincial Eastern Cape elections only. Unsurprisingly, most major parties (measured on their representation in the National Assembly) are contesting the provincial ballot. In this category, parties that will be contesting the provincial ballot for the first time are the APC, which split from PAC in the last floor-crossing period in 2007, COPE, a splinter group from the ANC, PAM (another splinter group from PAC), Nadeco (a splinter group from the IFP) and the relatively unknown NVP, CDC and the AIC.

An immediately discernible campaign trend that has emerged is that parties, somewhat expectedly, have indicated different interests in the province, thus determining their level of activism geared towards attracting voters in the province.

Should a party launch its national manifesto in one of the areas, if not the primary area, the conclusion can be drawn that it is targeting this area to win. If this deduction is correct, both the ANC and COPE are going to have an intense battle in the province.

Thus the media spotlight has fallen largely on the ANC and COPE (who both launched their national

### CONTENTS

<b>EASTERN CAPE</b>	<b>99</b>
<b>FREE STATE</b>	<b>102</b>
<b>GAUTENG</b>	<b>104</b>
<b>KWAZULU-NATAL</b>	<b>108</b>
<b>LIMPOPO</b>	<b>111</b>
<b>WESTERN CAPE</b>	<b>113</b>

manifestos in the Eastern Cape Province) and have dominated the campaign.<sup>2</sup> Although PAC also launched its national manifesto in the Eastern Cape, it has largely been out of the provincial media spotlight.<sup>3</sup> Other parties, though they are to contest the provincial poll, have prioritised winning in other provinces above winning in the Eastern Cape. In this regard, quite significantly, the DA and ID are focused on winning the Western Cape, as they have nominated their respective leaders, Helen Zille and Patricia de Lille, as premier candidates for that province, which explains their less intense campaigns and the fact that they have devoted less time, energy and resources to the Eastern Cape campaign.<sup>4</sup>

Other parties such as the UDM, IFP, and Nadeco (who launched their national manifestos in other provinces) also have a presence in terms of mounting election activities in the province, mainly through visits by their national leaders. At the other end of the spectrum are parties who, although they have indicated an interest in contesting the province, such as the NVP and the AIC, especially the latter given that it is only contesting elections in this province, seem almost entirely absent from the campaign.<sup>5</sup>

The usual methods of spreading campaign messages have been through door-to-door visits, billboard advertising and placing adverts in local newspapers. The main method of campaigning employed by parties is the holding of political rallies that draw crowds, the numbers of which are dependent on the relative popularity of the party. For example, the manifesto launches of the ANC (East London) and COPE (Port Elizabeth) were relatively well attended affairs with reports estimating the attendance at between 80,000 and 100,000 and 20,000 and 30,000 respectively.<sup>6</sup> In contrast, the PAC's launch in Butterworth did not distinguish itself by huge crowds, as indicated by media reports on the event, which did not even bother to estimate the

number of people in attendance, something they certainly would have deemed newsworthy if the crowds were large.<sup>7</sup>

The rallies are fanfare events that have utilised the draw-card of famous personalities and party members to cement the credentials of parties. In a widely reported incident that made national news, the ANC came under intense criticism for having allegedly coerced a frail Nelson Mandela to appear at a rally in Idutywa on 15 February, despite an earlier statement read on his behalf at the party's manifesto launch which intimated that he would not be playing an active role in the ANC's campaign.<sup>8</sup> Interestingly, this event had been preceded by the appearance of Thabo Mbeki's mother and her endorsement of COPE at a rally to launch the party in the province, a move that was criticised by the ANC on the basis that COPE was coercing the elderly.<sup>9</sup>

A novel approach that both the ANC and COPE have introduced to spread their message and popularity is that of branding supporters' private vehicles with their party's logo, especially those depicting party leaders. An interesting angle to this new way of spreading their message is that the ANC pays an individual to carry its brand, while COPE charges supporters to display its logo as a way of raising funds.<sup>10</sup>

Campaigns have been characterised by the usual similar concerns of political parties promising to focus on generic issues such as service delivery, job creation, combating crime and corruption and the fight against HIV/Aids, the difference being in the order of priority in which the parties rank these issues and their strategies to realise their objectives.

The main campaign platform that stands out among parties that are intensely campaigning in the province is rural development, which has, for example, been emphasised by the ANC, COPE and PAC. Beyond this there does not appear to be any uniquely province-specific issue that the parties are

focusing on and that is germane to the politics of the Eastern Cape.

## **POLITICAL VIOLENCE AND INTIMIDATION**

In relative terms the province has had low rates of political violence, for example compared to KwaZulu-Natal in past elections, despite tensions between members of COPE and the ANC being high country-wide. Indeed, this was underlined by the Provincial Chairperson of the IEC, the Reverend Bongani Finca, in a newspaper interview in which he stated '... where there are high levels of political intolerance, the confrontations in the Eastern Cape, except for select incidents, have not degenerated to any kind of serious violence'.<sup>11</sup>

However, this year's campaigns have recorded a number of disturbing incidents that are occurring sporadically in different areas of the province and that have largely been between the two main rivals: the ANC and COPE.

One of the main reasons for friction between the two parties stems from mistrust between alleged COPE members who are still ANC members, and other party members. This has led to incidents where, for example, some ANC municipal councillors have been physically hounded out of their offices by ANC supporters for allegedly being COPE members, such as in the Amahlati Municipality, especially at Stutterheim.<sup>12</sup>

The overarching view of ANC members is that such alleged COPE members cannot continue to serve as ANC councillors. The situation in this municipality has been so fraught with tension that service delivery is said to have practically collapsed, as the council cannot function with court cases and interdicts defining the battles.<sup>13</sup> The intimidatory nature of these tensions has resulted in some councillors being suspended or outright losing their jobs, once again for allegedly being COPE members, such as in the Makana and the Chris Hani regions.<sup>14</sup>

The other form of violence that has erupted is when party supporters have clashed during or after rallies. For example, riot police had to be called to Duncan Village in East London to intervene in a stone-throwing incident between COPE and ANC members on 31 February at a rally organised by the former.<sup>15</sup> One of the most serious of these political acts of violence occurred at another COPE rally on the Butterworth Campus of Walter Sisulu University (WSU), when its members clashed with ANC supporters, leading to a student suffering gunshot wounds and two policemen and a woman being assaulted on 21 February.<sup>16</sup>

Thus, violence and intimidation have occurred largely between the two main protagonists in the province, the ANC and COPE, and it would not be fanciful to presume that as the campaigning intensifies more of these incidents are likely to occur.

#### CODE OF CONDUCT

All political parties that are to contest the elections, both at the provincial and national levels, signed and committed themselves to the Independent Electoral Commission's (IEC) Code of Conduct on 11 March in Pretoria. Indeed, this can be raised as a criticism of the IEC election calendar of events, in that the parties formally committed themselves to this process practically in the middle of the electioneering period. By this point incidents that could have been reportable and actionable by the IEC had already occurred.

It would appear that the ideal situation would have been for parties to have signed the pledge earlier on so that breaches of the Code would have been investigated earlier. But in fairness to the IEC, it took it upon itself to intervene where election processes were breached, even before the official signing of the Code. For instance, an alleged ANC member was arrested on the recommendation of the IEC for

allegedly having disrupted voting during by-elections in Uitenhage.<sup>17</sup>

However, notwithstanding such a laudable initiative by the IEC, incidents of violence and intimidation, as noted above, could not be registered formally with the IEC, and hence a thorough analysis cannot be made at this stage as to the success or failure of the mechanism to deliver a free and fair election. It will therefore be interesting to note how the IEC, in the month left before polling day, engages with and handles any breaches of the Code that are likely to occur, given the intensity of the campaigning in the province, particularly between the ANC and COPE.

#### USE OF STATE RESOURCES

Reported cases of the abuse of state resources for electioneering purposes in the province have been few. Given that the Code of Conduct was signed only at the beginning of March when the campaigning was well on its way, it has been difficult to verify such cases as reported in the media. Indeed, not surprisingly, given the dominance of the ANC in the public sphere in the province, these have been directed at that party. The ANC is the dominant party at the provincial level, and controls many municipalities and local councils and hence its officials are the ones who have access to state resources that are susceptible to misuse.

One incident in which the ANC was clearly found to have been derelict is where the MEC for Local Government, Xoliswa Tomm, was found to have instructed subordinates in her department to employ only ANC youth in a developmental project, which her department later admitted to have been 'the most regrettable oversight'.<sup>18</sup> The UDM also charged that the ANC-led Mnyandeni Municipal Council in Umtata had abused state funds by organising a New Year's Day event ostensibly to promote tourism, but which was allegedly turned into an ANC rally.<sup>19</sup>

#### ENDNOTES

- 1 <http://www.info.gov.za/speeches/2009/09030314451001.htm>
- 2 See Patrick Cull, 'ANC throws down the gauntlet to Cope', *The Herald*, 12 January 2009, p.1 and Sabelo Dlangisa, 'Cope urges respect for courts at launch', *City Press*, 25 January 2009, p.2.
- 3 Msimelelo Njwabane, 'PAC to launch election manifesto in Butterworth', *Saturday Dispatch*, 24 January 2009.
- 4 [http://www.news24.com/News24/South\\_AfricaPolitics/0,,2-7-12\\_2478044,00.html](http://www.news24.com/News24/South_AfricaPolitics/0,,2-7-12_2478044,00.html)
- 5 For example, a search of the IEC website for registered parties revealed that these parties do not even have website pages for publicity purposes. Indeed, the NVP lists as its contact number a cell phone number, no landline or fax number.
- 6 See Patrick Cull, 'ANC throws gauntlet to Cope', *The Herald*, 12 January 2009, p.1 and Mayibongwe Maqhina, 'Cope on the threshold of historic moment', *Daily Dispatch*, 26 January 2009, p.1.
- 7 See <http://www.dispatch.co.za/article.aspx?id=288736>
- 8 'Madiba backs ANC at rally', *Daily Dispatch*, 16 February 2009, p.1. It should also be noted that Thabo Mbeki the immediate past president of both the country and the ANC has not played an active role in the ANC's campaign, which is usually the practice in the ANC. Notably he was absent at the launch of the party's manifesto in East London. Speculation of his conduct has been reduced to the fact that he has fallen out with the current ANC leadership after he was stripped of the presidency of the country in 2008.
- 9 See <http://www.ewn.co.za/articleprog.aspx?id=3997> and [http://www.iol.co.za/general/news/newsprint.php?art\\_id=nw20090124152024765c29...](http://www.iol.co.za/general/news/newsprint.php?art_id=nw20090124152024765c29...)
- 10 Xolisa Amgwaty, 'ANC pays for slogans on motorists' cars', *Daily Dispatch*, 21 January 2009, p.3.
- 11 Asanda Nini, 'Robust election predicted for Eastern Cape', *Eastern Cape Today*, 12 March 2009, p.3.
- 12 Adrienne Carlisle, 'Amahlali councillors threatened by ANC mob', *Daily Dispatch*, 26 January 2009, p.4.
- 13 Babalo Ndzendze, 'Chaos in award-winning town', *Daily Dispatch*, 11 March 2009, p.4.
- 14 See Mayibongwe Qhina, 'Chris Hani ANC boots out six councillors', *Daily Dispatch*, 16 February 2009, p.4 and Kwanele Butana, 'ANC puts boot in', *Grocotts Mail*, 9 December 2008, p.1.
- 15 Patrick Kukard, 'Cope v ANC!', *Daily Sun*, 2 February 2009, p.1.
- 16 'Student shot in riot at Cope rally', *The Herald*, 23 February 2009, p.2.
- 17 Asanda Nini, 'IEC orders arrest of disorderly party official', *Eastern Cape Today*, 12 March 2009, p.3.
- 18 Msimelelo Njwabane, 'MEC accused of giving state project to the ANC', *Daily Dispatch*, 6 February 2009, p.1.
- 19 Lubabalo Ngcukana, 'Taxpayers cash used to promote ANC, says UDM', *Daily Dispatch*, 9 January 2009, p.4.

# FREE STATE

**KC Makhetha** – University of the Free State

THE 2009 election will be the fourth democratic election of the Republic of South Africa and the electorate is showing high levels of enthusiasm. Generally, the IEC's experience is beginning to show in the efficiency with which processes are running, with the official Results Operations Centre (known as the ROC) launched at the Pretoria Show Grounds on 15 April 2009. According to Powell (2000: 159-160), democracy implies that citizens matter. Democratic systems imply that the preference, wishes and interests of the people should to some degree prevail. This clearly demonstrates how important the electorate is and therefore how it needs to be educated and informed on its role in elections. It needs to understand what to expect from political parties, as they are possible governments in waiting.

There are fourteen political parties contesting the upcoming elections of 22 April in the Free State. These parties had to submit their candidate lists and pay their fees at the IEC and deadlines had to be honoured. Once the political parties have finalised documents required by IEC, they are free to focus on their campaigns.

## **POLITICAL CAMPAIGNING**

Campaigning got into top gear immediately after the date of elections was announced and several rallies took place. In the Free State, several parties visited institutions of higher learning, and motivated voters to vote in trial runs through the province, which formed part of voter education campaigns.

The African National Congress (ANC) had a rally in Bloemfontein at the beginning of March, held at the Central University of Technology (CUT). The ANC President, Jacob Zuma, addressed the students

and all interested people at CUT and reassured them of the commitment the ANC has to service delivery.

On the same visit, Jacob Zuma visited an old age home in Heidedal, Omega Centre, to listen to the concerns and requests of the residents. Campaigning requires serious preparation, especially information about the audience the political leaders will be addressing. This ensures that the message is well directed and does not cause embarrassment. This is pertinent because the student newspaper of the University of the Free State, IRAWA of 10 March stated that Jacob Zuma's speech was prepared for a different audience from the one he was addressing. He was condemning the Reitz videotape heavily, as though the incident happened at CUT. This left the audience astonished for a while, until the Free State ANC Chairperson, Ace Magashule, stood up to whisper into his ear in order to correct him, but it was too late.

Incidents like these, are small, but have the capacity to be destructive or send the wrong message to the electorate. To some voters it can actually say that the party does not take the audience seriously, but are simply talking for the sake of covering the broader society.

In the *Mail & Guardian* of 6-12 March (p. 2), there was a heading which said 'no campaigning, no votes' so basically parties are striving to avoid a situation where they lose votes because they fail to reach out to the people and fail to campaign in certain areas.

As one follows the print media in the Free State, one senses a strong feeling of uneasiness among some voters with regard to the ANC, and these voters are pleading for the party to show its true colours. Apparently there are situations where conflicting messages have

been sent by the leadership of the ANC in the Free State, confusing the voters and even putting doubt into their minds. These are presumably voters who are still waiting for a clearer, stronger conviction from political parties and are still willing to give strong political parties like the ANC a chance, but they are scared and uncertain. This feeling of trepidation is understandable, as this is a political party that has been in government for fifteen years and its record of delivery leaves much to be desired.

What needs to be appreciated is that the ANC has written posters in Afrikaans and Sesotho, as these are the most popular languages in the Free State province. The DA has also adopted this strategy. The implication is that political parties are going out of their comfort zones in order to reach the electorate.

The Congress of the People (COPE) candidate for President, Bishop Dandala, visited the University of the Free State campus on 6 March, to meet with students and staff in a relaxed environment at the Student Centre. He was walking among crowds of excited youth, greeting and taking photos with them.

The African Christian Democratic Party (ACDP) was in Bloemfontein as well, to make known the ACDP's manifesto at a dinner function at Hotel Protea Landmark Lodge. The Rev. Kenneth Meshoe spoke with a focus on crime and cleanliness of the environment in general. He complained that people in jail have too many rights as their education and medical services are for free. According to the *Ons Stad* newspaper of 26 February (p.8), Meshoe would prefer that prisoners earn their livelihood by fixing potholes, among other responsible roles within society. He warned people

not to waste their votes by voting for other parties and promised that while his party is small, it is a party which will produce the country's president. He also condemned corruption.

The Freedom Front Plus launched its election campaign and manifesto in Bloemfontein on 28 February. Attendance was good, especially among the youth. A strong message urged members and supporters to stand together with FF+ by voting so as to be counted; to be strong and to bring about change. Dr Mulder focused the issues of crime and the reinstatement of the Scorpions, and mother-tongue education in schools and universities.

The issue of identity came out forcefully, as Dr Mulder called upon the Afrikaners to be strong and to stand together. He urged them to reorganise themselves and to use resources strategically to make sure that two main issues are catered for – safety and security, and Afrikaans. According to him, hard work has to be invested in these two areas.

Bloemfontein seems to be the meeting place of many political parties for different reasons. For the FF+, one would say it is the base of the majority of its members. It is also the breeding ground for new leaders, as the Student Representative Council of the University of the Free State, for example, is dominated by the FF+, and of course the Chairperson of the FF+ comes from the Free State Province.

It is interesting how political parties target emotions through their campaigns, which of course are critical and basic within a democratic society.

The Democratic Alliance (DA) also started with its campaign, being vocal on critical issues which need the attention of the ruling party. The outlook and thinking with the DA seems to have undergone marked change from the past. The Party has changed not only its branding, but appears to be making a genuine effort to be integrated demographically. However, the party still seems to be attracting women, who form

a significant body of liberal white opinion in the Free State. The DA's former parliamentary leader, Sandra Botha, is from the Free State and is widely regarded as an old style, but non-patronising liberal, as opposed to the patronising style of Helen Zille and Tony Leon, both of whom, however, seem to have grown the party from its previously small base.

The commitment the DA expresses as the official opposition party is manifested in its campaign in the Free State. The DA focuses on challenging issues such as the environmental impact of developments taking place, in particular, with regard to the Bloemfontein Zoo. Roy Jankielsohn, who represents the DA in the Free State, challenged the developments happening around the Zoo and made a plea for the Zoo to be developed further, as part of the heritage of the Free State.

This kind of approach to campaigning gives the electorate the impression that a party is hard at work and that political representation does not stop during elections, but is strengthened.

#### **CAMPAIGN MATERIALS OF POLITICAL PARTIES**

It is interesting to observe the posters of the different political parties on lampposts and everywhere that space can be found. The creativity that went into the designs is conspicuous, and this says a lot about the focus of each party. For example, the ANC is definitely pushing Jacob Zuma and wants to engrave his picture on voters' minds. This is also visible on the vehicles of some of the members of the ANC.

The DA is marketing the party with the faces of women, although also giving recognition to men. The new colours of its logo are bold, vibrant and attractive even to the youth. The DA has chosen a powerful blue, considered classy in presidential circles. This suggests that the party is aiming high in these elections.

The FF+ is focusing attention on Dr Pieter Mulder, and with an em-

phasis on youth to lead the future. The message on posters is clear, focused and straight to the point.

COPE's campaign material has been absent from the streets in the Free State. The material started to be visible as from 13 March 13, with the faces of the presidential candidate, Dr Mvume Dandala, and that of the party's president, Mosiuoa Lekota. COPE, however, appears to have failed to use this opportunity to boost the appearance and standing of the youth and women on their campaigning material. Knowing how strong the message sent by posters is, wrong conclusions can be drawn based on what the electorate sees.

As campaigning occurs, it should be clear that there is a Code of Conduct that guides all political parties and the electorate in general.

#### **CODE OF CONDUCT**

The Free State Province launched 'Elections 2009' on 13 March, with the signing of the Code of Conduct by the Free State political parties.

All the political parties contesting the election in the Free State were represented. In attendance were, inter alia, the Chairperson of the IEC, Dr Brigalia Bam, accompanied by the Commissioner, Ms Thoko Mpumlwana and the Deputy Chairperson, Mr Mosotho Moepa. The Premier of the Free State, Ms Beatrice Marshoff, was present, as well as the various organisations who will observe the elections; the South Africa Human Rights Commission, the Defence Force and the South African Police Services, House of Traditional Leaders, Department of Local Government as well as the South Africa Local Government Association and the PEOs from other provinces, as well as the media.

From the speakers at the event, including those from the Safety and Security Department, the impression created is that campaigning in the Free State has been largely peaceful to date; campaigning has run smoothly, with neither visible problems nor problems of political

violence related specifically to the election.

Objections and complaints about violations of the Code that parties may wish to make will be accepted by the IEC in three categories, as stated in Section 30 of the Electoral Act, Act 73 of 1998: if the candidate is not qualified to stand in an election; if there is no prescribed acceptance of nomination signed by the candidate; or if there is no prescribed undertaking, signed by the candidate, that the candidate is bound by the Code.

Mr Moepa made it very clear to all attending that the Code of Conduct is binding on all political parties and candidates of parties contesting the elections. It appears that administration and administrative systems within the political parties have improved, since all fourteen parties complied with regulatory and administrative regulations, submitting the necessary documents by the set deadline with no further administrative and regulatory glitches experienced.

Dr Bam assured parties of the impartiality of the IEC, and made them aware of the stipulations in the

Electoral Act regarding the recruitment of IEC staff, especially temporary officials, as well as providing detail of the thorough screening process IEC had gone through in appointing election staff. As with questions being raised around IEC staff uses, there is also clarification necessary when it comes to state funds.

#### **POLITICAL VIOLENCE AND INTIMIDATION**

Conflict Management Committees have been set up and training for members was held on 9 March in the Free State. Clearly, it is a struggle to get women involved even to serve in structures such as these, but there needs to be more effort made in this regard.

Dr Bam also talked about the Party Liaison Committees (PLCs), which are created as a platform for political leaders to ensure that all stakeholders have the same understanding of the electoral code with regard to the elections. This platform is also there for consultation processes and, when used optimally, obviates violence and conflict.

From the presentation made by the South Africa Police Service (SAPS) and South African Defence Force (SADF) headed by Brigadier Moadira, it was reported that the campaign period has been peaceful from the start. Although this situation prevails, there are thirteen identified voting stations out of the 1 264 across the province that can be classified as 'high risk' in the Ngwathe Local Municipality. These stations will be on high alert throughout the election period.

In terms of safety and security, it was reported that with some financial support from the IEC, safety and security have been more effectively maintained. Police and defence officers have already been stationed across the province, with about 10 800 officers on duty.

#### **REFERENCES**

- Electoral Act, Act 73 of 1998.  
*Ons Stad*, February 26, 2009.  
*Mail & Guardian*, March 6 -12, 2009.  
 Powell Jr. GB, 2000. Elections as Instruments of Democracy. Yale University  
 SABC Election Update, 12h30, 28/02/2009.  
*Volksblad*, March 10, 2009.

## **GAUTENG**

**Ebrahim Fakir, Ntokozo Ngidi and Sydney Letsholo – EISA**

#### **POLITICAL CAMPAIGNING IN THE GAUTENG PROVINCE**

In all, there are 28 parties in this year's elections – seven more than there were in the 2004 elections. Political campaigning in this year's general elections was highly colourful and extremely innovative. Political rallies and roadside billboards are the most common form of campaigning.

This year, however, campaigning was done differently if not interestingly. Some forms of campaigning were never going to be free from controversy. A case in point is the

political campaigning in schools by the ruling party. This, according to opposition parties, was a direct violation of the Electoral Code of Conduct as set out by the Independent Electoral Commission (IEC) of South Africa.

The recent natural disaster in Soweto also provided an opportunity for parties to canvass. Leaders of the main contesting parties also used the public transport issue to be 'closer' to the masses.

This and more will be the main focus of this article on the nature of political campaigning in Gauteng.

#### **FORMS OF POLITICAL CAMPAIGNING**

For the first time in South African television history, political parties were being allowed to campaign for the upcoming elections through TV advertisements, flighted free on the national public broadcaster, the South African Broadcasting Corporation (SABC).<sup>1</sup> This has been hailed as a welcome relief, especially by those parties whose finances are not in good standing. Thus far, the notable parties that grabbed the opportunity are the ruling African National Congress (ANC), the main

opposition party, the Democratic Alliance (DA), the Congress of the People (COPE) and, interestingly, a new and relatively unknown party – the Christian Democratic Alliance (CDA).

The ANC was recently criticised by opposition parties for campaigning in schools during school-hours. This, according to opposition parties, was against the stipulations of the Electoral Code of Conduct. When schools re-opened in January 2009, the President of the ANC, Jacob Zuma, visited the Bhukulani Secondary School in Zondi, Soweto. The ANC-Youth League also made campaign visits at various schools in Soweto. After the opposition parties, notably the DA notified the Education Department of this violation, the department was quick to respond. Spokesman for the education minister, Lunga Ngqengelele, said no party or politician should disrupt schools during school hours and that any and all functions at schools should be held after hours.<sup>2</sup> Added to this issue, there were also complaints of teachers attending political rallies or meetings during school hours. However, the credibility of this allegation was yet to be tested.

The recent floods in Soweto presented the contesting parties with an opportunity to canvass. The areas worst hit by the heavy rains were Mofolo, Meadowlands, Dube, Dobsonville and Orlando. A day or two after the unfortunate incident, parties like the ANC, COPE and the United Democratic Movement (UDM) were quick to visit the affected areas to offer their 'condolences and moral support' to the families and the community in general. Politicians visited areas like Mofolo and Meadowlands, both in Soweto. President Zuma was accompanied by Johannesburg mayor Amos Masondo and Gauteng premier Paul Mashatile. The UDM's president, Bantu Holomisa, and COPE's presidential candidate, Mvume Dandala, and the party's leader, Mosiuoa Lekota, also visited the areas.

Metrorail operates approximately 450,000 scheduled trains per year in Gauteng (37,700 train trips per month).<sup>3</sup> If these statistics could attract vendors who make a profit through selling various goods, then surely political parties will also have to profit something out of these astounding numbers. It thus came as no surprise when the ANC, through its alliance partner, the Congress of South African Trade Unions (COSATU), and COPE embarked on political campaigning using trains. COSATU leader Zwelinzima Vavi and other members of the ANC boarded trains from Naledi in Soweto to Johannesburg. Their aim was to spread the ANC gospel and hand out fliers. Not to be outdone, commuters greeted COPE presidential candidate Mvume Dandala with a flood of complaints when he took his campaign trail on a two-hour trip from Tshwane to Joburg.<sup>4</sup> This proved to be fruitful for these parties, as they had an opportunity to listen first-hand to the grievances of the electorate.

It is also important to focus briefly on the usage of lamp-posts as a campaigning tool. For one thing, producing election posters is quite expensive. However, vandals along Beyers Naudé Drive and in Parktown are having field days defacing the posters. Most, if not all, parties have fallen victim to this trend. Parties like the Freedom Front-Plus (FF-P), DA, ANC, COPE, IFP and UDM are all victims of poster-vandalism.

The innovative methods adopted in this year's political campaigns will potentially increase votes for some, while for other it could prove the opposite. Parties like the Azanian People's Organisation (AZAPO) and the Pan Africanist Congress (PAC) have not been as visible in terms of campaigning as one would have expected. Though it appears as if COPE started late on its poster campaign, in the early stages of campaigning, it was almost invisible due to internal organisational problems (its elections head Mlungisi Hlongwane left the ANC to join

COPE and then defected again in late March to re-join the ANC amid charges that he was an ANC mole in COPE or that he wasn't promised a high position on the COPE list). Whilst it may have started late, the COPE campaign in terms of visible media was innovative and in some instances astonishingly breathtaking, with ultra-large wrap-around banners around disused (and in some cases used) buildings with a 360-degree view of its insignia. It also managed to retain three prime spots along the Gauteng Province's main arterial motorway (the M1), both north and south, with a large spread signage lit by bright spot lights. COPE was thus less visible in terms of the numbers of posters it put up, but was visible through its innovative use of new media and technology as well as adopting an interesting twist on traditional banner and billboard publicity.

#### **POLITICAL VIOLENCE AND INTIMIDATION**

Compared to a province like KwaZulu-Natal, the Gauteng Province has in the past three national elections not experienced large-scale election-related conflict. However, brief background information will be useful in assessing the political climate of the Gauteng province. In the 1994 elections, areas in what later came to be known as Gauteng, experienced similar trends of political conflict and political violence as KwaZulu-Natal, although not on the same scale. Not all of this was specifically election-related, though some of it was, especially the incident in which there was IFP-ANC tension since 1994. On 28 March 1994, 19 members of the IFP who were marching in the streets of Johannesburg were killed, allegedly by ANC security staff. This incident happened at what was known as Shell House (now Luthuli House), the headquarters of the ANC. In this incident was manifested not only the rivalry between the two parties but also the deep-rooted political intolerance which existed between them. Both parties provide vary-



ing accounts on what triggered the incident. What remains, however, is that the pre-election atmosphere in the province was rather tense and something drastic was needed to prevent any future potential unprecedented election-related conflict. In the subsequent 2004 elections, areas like Katlehong, Thokoza and Tembisa in the East Rand (now known as Ekurhuleni) were identified as potential 'hotspot' locations. In addition to areas in the city that housed hostels, long believed to be concentrations of IFP support, Jacob Zuma, then Deputy President of the African National Congress (ANC), was refused access to Jeppe and George Goch Hostels, allegedly by the Inkatha Freedom Party (IFP) members, and this may be an issue for the 2009 election, even though indications are that no such serious and high-profile incidences of no-go zones have thus far been reported.

Despite indications of an evolving and increasing level of political maturity and tolerance in Gauteng, there are structures that are in place should election-related conflict erupt. These mechanisms have been put in place as a matter of course, arising out of the IEC's Code of Conduct for political parties and due to stipulations in the electoral law, the Electoral Commission Act and Regulations, Act 51 of 1996 and the Electoral Act and Regulations, Electoral Act 73 of 1998. Moreover, while political violence that is strictly election-related or that can be termed electoral violence has not occurred across Gauteng on a large scale, generalised political violence that is separable and distinct from incidences of specific election-related political violence has been difficult to discern, and the nature of generalised political violence has been noted by the IEC to affect the Gauteng Province. To this effect, Dr Brigalia Bam, chairperson of the IEC, has noted that 'KwaZulu-Natal and the Gauteng region still bear the scars of political violence'.<sup>5</sup>

A second noticeable trend is that, until recently, political conflict and political intolerance has largely been

expressed between different parties, rather than within different cliques or factions within parties. Political intolerance, violence and conflict have now become an intra-party phenomenon. Whilst inter-party conflict and intolerance remain a feature, the historical continuities of political conflict that were a feature of some liberation movement activity before 1994 remains in evidence and thus remain a matter of concern. In the immediate lead-up to the poll intra-political party violence was less a feature of the political landscape, but with mutual suspicions persisting about the presence of COPE sympathisers within the ANC<sup>6</sup> and ANC sympathisers within COPE, the relative calm within parties in the immediate period of campaigning may be fractured. Moreover, after the elections, with parties feeling sufficiently emboldened to conduct purges of individuals suspected of being sympathetic to the other side or when parties feel that their expectations with respect to electoral performance are not met, individuals suspected of being 'on the other side' may be blamed and victimised for being Trojan horses undermining parties from within.

Measures of South Africa's success and weaknesses at facilitating free, fair and open electoral contests cannot solely be judged on the absence of violence and intolerance in an election year, when violence and intolerance remains a feature of the generalised political culture between election years. There are myriad examples of such generalised political violence and intolerance, which in 2008 found expression in violent attacks on foreign nationals. Whilst debates about the causes of this violence and intolerance rage on, the fact that it occurred has sent shock waves through the world. Below are a series of highlighted incidents, many localised to the Gauteng Province, which are suggestive of enduring levels of political intolerance and political violence, most of which are not related to pre-election conditions:

- The violent nature of many local protests aimed at local municipalities. Since 2004, official statistics put social protests at 881 protests, of which at least 50 were violent (Wines, 2005). A year later the number had risen sharply to a total of 5,085 countrywide (Wines, 2005). These trends have important implications for governance and public institutions as well as for the mode in which citizens and states engage with each other. It implies a trend long evident in South Africa: political participation will not be restricted to the episodic vote, or to formal processes of participation and decision-making either through direct formal participation or through elected public representatives and other public or regulatory institutions. Direct action, community mobilisation and political action through protest and the resistance to decisions deemed to be unpopular, remain important modes of political expression. Thus, trends appear to suggest that political expression occurs on dual tracks: political participation through formal processes as well as political expression through direct action. The Khutsong area presented an acute example of this: over a period of three years there have been intermittent road blockages, schooling has disrupted and some local councillors were chased out of the area and their houses burnt. While these incidences relate to a specific governance decision which if reversed may see an abatement of political violence, the incidences are suggestive of modes of political engagement which can turn violent if political and governance outcomes desired by local communities do not materialise.
- Successive public sector workers' wage negotiations and public sector workers' strikes which have turned violent, in which non-unionised workers

and those unionised workers belonging to union federations not organised under the CO-SATU banner were intimidated if they did not take part in the strikes. Gauteng was one such region identified as particularly problematic,<sup>7</sup> with the violent security guards strike of 2007 being particularly notable.

- More recently, the disruption of meetings of an ANC breakaway group in the run-up to the formation of COPE was evident and widely reported. These incidences occurred in Orange Farm outside Johannesburg, and in areas close to Soweto. After the formation of COPE, members and leaders of COPE allege that disruptions of meetings and intimidation of perceived COPE members intensified. For instance, a COPE meeting in Kwavuma, in Soshanguve, was allegedly disrupted by men wearing ANC insignia. This is apart from the general accusation made by COPE that obstructionist tactics have been used by other political parties, most notably the ANC, to hinder COPE's election campaign. It is alleged that the ANC has pressured venue owners and local authorities who control access to community halls and other such venues used for campaigning, to deliberately obstruct the use of them by COPE. COPE alleges several incidences in which it had pre-arranged venues, only to find that it was unable ultimately to use them, either because permission for them was withdrawn or because they could not access them.

While incidences of election violence and political intolerance in Gauteng have predictably drawn the attention of the public, many of these have been at the level of rhetorical accusation and counter-accusation. For instance, it was reported on the 16 March 2009 that ANC Youth League President, Julius Malema, claimed that he intended lodging

a complaint with the Gauteng IEC against COPE, whose members, he said, he had evidence of destroying ANC and other party election posters. Much of this is to be expected in the rhetorical flourishes that usually characterise election campaigns, and while much of the rhetoric may be without substance, there are other incidences which have detracted from creating conditions for a fair and violence-free electoral contest. From November 2008, accusations have been made by the IFP that its members in Pretoria (Tshwane) have been subject to intimidation by member of the ANC at the Soutpan sports grounds in which it is charged that ANC members assaulted IFP supporters and defaced and damaged IFP posters. While the IFP laid a complaint with the South African Police Services (SAPS) it went so far as to identify particular individuals from within the ANC for instigating the violence against IFP members.<sup>8</sup>

The mooted inception of the Rapid Bus Transfer system (BRT) by local councils, with the view to creating efficiencies in the public transport system, is viewed a livelihood threat by the powerful taxi industry, which mushroomed under apartheid to service black commuters in the absence of provisioning by the apartheid state.

Over time, economic and other interests in the taxi industry entrenched themselves and the mooted inception of the BRT was greeted by the taxi industry with suspicion and rejection, with the taxi industry accusing government authorities of proceeding with the plan without adequate consultation. In expressing their dissent with the adoption of the BRT, taxi drivers began their protest on the 29 January 2009 in Jabulani, Soweto, and took to the streets, blockading them and bringing traffic to a standstill. Most importantly, however, the taxi drivers, and the industry as a whole, threatened to derail the elections if their demands were not taken seriously. A meeting was scheduled between the ANC president Jacob

Zuma and taxi associations on 20 April 2009 and it seems likely that the spectre of derailment of the elections by the taxi industry may be averted.

### **THE USE OF STATE RESOURCES**

In every election across the African continent, the issue of incumbency becomes an issue. This relates to the weak separation between party and state, the conflation of which, it is charged, gives ruling parties access to, and allows them to abuse, the government machinery and state resources for political advantage. One of the various ways this is allegedly done is through the use of the government machinery to intensify the delivery of government goods and services in order to create and promote the 'feel-good factor' among voters for the incumbent government.

Secondly it is alleged that ruling parties openly use the resources of government, essentially public resources, to campaign and promote the campaign of the ruling party, including the inordinate and extensive use of the government media, public or national broadcasters and the public service in order to further the fortunes of ruling parties, essentially private organisations contesting with others for the right to exercise public power. Thus the analogy here is the use of public means to achieve private ends. In reality, while there may be some merit in the charge that ruling parties abuse the power of incumbency, it is very often more difficult in South Africa to trace a direct line of abuse of public resources. Nevertheless, there have been some egregious incidences in which the (ab)use of public resources for party advantage raises cause for concern. On the 17 April 2008, the Congress of the People made it public that it would lay charges with the IEC, the SAPS and approach the electoral court to adjudicate in a matter in which it charges that the ANC 36 used food parcels to buy votes among poor communities in several provinces

including Gauteng, which represented a 'violation of the Electoral Act and a clear indication that the ANC has resorted to illegal activities to gain votes'.<sup>9</sup> COPE was also considering laying criminal charges against the head of the SA Social Security Agency, which had allowed ANC activists to accompany its officials 'to distribute food parcels'.<sup>10</sup> The Democratic Alliance (DA) also reported being flooded with reports that welfare officials in Gauteng were issuing a newly created 'poverty alleviation' grant to people who promise to support the ANC. The grant, it appears, 'was created specifically for ANC electioneering purposes with an allocated budget of R500 million which appears to constitute the corrupt misuse of state resources'.<sup>11</sup>

The Electoral Code of Conduct which all political parties committed to stipulates that 'no person may

induce or reward any person ... to vote or not to vote in any particular way'. The DA reports having been approached by several Gauteng residents with complaints about claims being made, and the fact that the DA has photographic documentary evidence of department of 'welfare officials on duty in Lanseria in ANC T-shirts', which confirms that state officials were openly campaigning for the ANC and demanding welfare recipients' support for the ANC in return for welfare grants.

#### ENDNOTES

- 1 'ANC launches R3m TV campaign.' *The Sowetan*, 26 February 2009.
- 2 'Stop visiting schools in election campaigns: DA.' *The Citizen*, 15 January 2009.
- 3 <http://www.tshwane.gov.za/documents:Appendix A: Literature Study>.
- 4 <http://www.ioi.co.za>: Dandala gets COPE campaign on track.
- 5 South Africa Peace Indaba Summit, 25 November 2008, Durban. Speech delivered by Dr Brigalia N. Bam, (Chairperson, Independent Electoral Commission): 'Eternal vigilance and the value of Peace and Political Tolerance in advancing Democracy.'
- 6 'ANC enforces loyalty pledge.' Rapule Tabane, *Mail & Guardian*, 22 November 2008.
- 7 'State threatens tough action.' *Pretoria News*, 8 June 2007.
- 8 'IFP condemns intimidation of its members in Gauteng.' Media statement of the Inkatha Freedom Party, 18 November 2008.
- 9 'Cope to lay charges over ANC food for votes.' *The Times*, 17 April 2009.
- 10 'ANC uses food parcels to buy votes.' Media statement, COPE, 16 April 2009.
- 11 DA Statement. Issued by Janet Semple, MP, Democratic Alliance spokesperson on social development, 9 March 2009.

## KWAZULU-NATAL

Shauna Mottiar – ACCORD (writing in personal capacity)

### VALUE OF ELECTIONS TO THE CONSOLIDATION OF DEMOCRACY IN SOUTH AFRICA

Free and fair elections are often regarded as indicative of consolidating democracy in its most institutional sense. Indeed, transitions to democracy through elections seal the advent of the franchise and the right to organise interests within political parties. In the light of the fragilities occurring in young democracies, however, an initial democratic election cannot be seen as proof of democratic consolidation. For this reason a harsher test for consolidation with regard to elections has prevailed. This is known as the two turnover test, where a democracy is deemed consolidated when the party that takes power in the initial election

loses a subsequent election and if those election winners then turn power over to winners of a later election (Huntington, 1991: 267). In a democracy such as South Africa's, however, testing democratic consolidation in the absence of alternation of parties in government is rather more difficult. Critics of 'electoral democracies' have also argued that in many of the world's new democracies competitive elections have not ensured liberty, responsiveness and the rule of law (Diamond, 1996: 3). Tests for consolidation therefore have to move beyond the institutional to the more substantive, and in relation to the conduct of elections and the political processes surrounding them (Lodge, 1999: 1). Other more substantive elements of democracy which could be examined to determine

the quality of democracy or democratic deepening include the behaviour of citizens and institutions between elections – even during times of severe political or economic difficulties. Citizens of a consolidated democracy would take the view that change can only emerge from within the parameters of the democratic state (Linz, Stepan, 1996). This is of course more likely when citizens have already experienced progress towards the 'structural correlates of democratic endurance' – that is, economic prosperity and social equality (Adam Przeworski in Lodge, 1991: 2).

Tests for democratic consolidation through elections should ideally focus beyond adherence to procedure (which is nonetheless of great importance) and include attitudes to elections among both

citizens and political activists; the quality of political culture and the nature of political parties. A recent Human Science Research Council (HSRC) survey commissioned by the Independent Electoral Commission (IEC) to assess voter trends in South Africa showed that 79 per cent of the sample population was interested in the national and provincial elections. Seventy five per cent voted because they believed their vote made a difference, while 81 per cent believed it was their duty to vote. This implies that the electoral process is becoming entrenched as a democratic institution. Seventy two per cent of the sample claimed to have been satisfied with the IEC performance during the last election while only 6 per cent claimed to be dissatisfied. This suggests that there is a sense of legitimacy regarding elections in South Africa – indeed the 2004 election was deemed ‘the best administered and the freest and fairest to date’ by the Electoral Institute of Southern Africa. Despite this, however, an Afrobarometer South Africa survey conducted in 2008 found that a significant proportion of South Africans feel their ballot may not be secret. Surveys may also prove useful in beginning to understand the quality of political culture in South Africa. The HSRC survey found that although 68 per cent of the sample voted to get quality health, education and other basic services, 41 per cent of those interviewed would give the party of their choice another chance in the next election should it fail to meet expectations in this election. This suggests that rather than making decisions according to informed choice, voters may still be making decisions based on identity. In effect, therefore, voter preferences may be shaped by considerations other than an instrumental choice between competing solutions to economic and social solutions. Examples of this are that many black voters will support the African National Congress (ANC) even if they are unemployed, as they believe the ANC expresses their dignity and freedom.

Likewise, voters may support the Inkatha Freedom Party (IFP) regardless of a lack of rural development because the IFP represents a tradition they revere (Friedman, 2004). The nature of political parties in South Africa has been characterised by a dominant ruling party on the one hand and many weak opposition parties on the other, which although offering alternatives, do not offer representation. Party splits have also been a feature of the political landscape at local as well as national and provincial levels. In KwaZulu-Natal for example, the IFP splinter party National Democratic Convention (Nadeco) claiming to represent the younger, fresher IFP is a case in point – it failed, however, to gain enough momentum and was affected by in-house strife. The current split in the ruling party at national level resulting in the formation of the Congress of the People (Cope) is now a subject of speculation in terms of whether the ANC finally has significant electoral opposition that can address, among other things, the backlog in service delivery. In relation to KwaZulu-Natal in particular, Cope may represent (as it does on national terms) an alternative, but with the new ANC leadership in the form of Jacob Zuma, Zulu traditionalist supporters of the IFP may be further inclined to support the ANC in this election.

#### **ELECTION CAMPAIGNING IN KWAZULU-NATAL**

It has been predicted that this year’s election will be keenly contested, with parties actively campaigning through mass meetings and door-to-door campaigns. The ANC has set its target at gathering some 60 per cent of the vote in KwaZulu-Natal. The ANC campaign can be seen on billboards throughout cities, towns and townships of the province as well as on taxis. Aside from urban areas the party has targeted various rural areas for rallies and door-to-door campaigns with high-powered delegations (Makhaye, 2009). ANC campaigning in the province has

included holding rallies in IFP heartlands such as Ukahahlamba and Amajuba, where the party claims to have made ‘significant inroads’ (*Mail & Guardian*, 12 February 2009). Campaigning in IFP strongholds has proved contentious for the ANC, with the Pietermaritzburg High Court enforcing an order prohibiting the IFP from holding an election rally within five km of an ANC rally at the Enselini Stadium in Richards Bay on 22 February. The order was an attempt to avoid a repeat of clashes that had taken place between ANC and IFP supporters a few weeks earlier during rallies in another IFP stronghold, Nongoma. Despite the order, however, the IFP held its own rally less than a kilometre away on the same day. This triggered a heavy security presence and comments from the ANC that it was disappointed with the IFP for defying the court order and with the police for failing to impose the order. The IFP argued that its rally was actually held in a traditional area with permission from the traditional authority and that it did not therefore defy the court order (Khumalo, 2009). The IFP has been actively campaigning in the province – holding rallies and attempting to popularise its manifesto through door-to-door campaigns which include high ranking party leaders. The IFP’s aim is to win back the province from the ANC and it is attempting to do this by capturing the youth and urban voters. COPE has also begun to campaign actively in the province – it has set up a number of local branches and made contact with provincial amakhosi, as well as holding meetings and planned campaign blitzes. The Democratic Alliance (DA), following its good standing in urban areas of Durban and Pietermaritzburg, is looking to extend its support base in rural areas. The Minority Front (MF) is campaigning in an attempt to attract black voters, and claims to be confident of capturing the Indian vote. MF leadership has stated that while other political parties were

jostling for the Indian vote the MF is embarking on a campaign to townships such as KwaMashu, Inanda, Umlazi and Malangeneni (Oliphant, 2009 b).

### **POLITICAL VIOLENCE AND INTIMIDATION IN KWAZULU-NATAL**

KwaZulu-Natal has a distinct history of election-related violence and intimidation. A study conducted in 1994 found that rural dwellers in the province were terrified of what might happen to them should the IFP lose the election in the province. They also did not believe that they were voting secretly (Schlemmer and Hirschfield, 1994).

Political violence in KwaZulu-Natal has claimed the lives of as many as 20,000 people since 1994. More than half of these deaths occurred after 1990 (after the unbanning of liberation organisations). The period immediately before the 1994 elections saw the death of 1,000 people and between 1994 and 2000 a further 2,000 people were killed (Taylor, 2002). That the violence was politically motivated is not in dispute. The marked decline in violence in the run-up to the 1999 and 2004 elections, coinciding with the IFP's loss of support in the province, has been explained as being a feature of a maturing democracy that has less need to resort to violent means (see Mottiar, 2004).

Despite the general consensus that violence in the province has declined dramatically, there still remains cause for concern. During the 2004 elections it was reported that violence in KwaZulu-Natal still remained in the form of attacks and assassinations aimed to create a climate of fear and compliance (Piper, 2004). Reports of violence in the current run-up to elections have included ANCYL members stating their intention to campaign in IFP strongholds. According to reports ANC youth leaguers employed an insulting manner and tone and IFP members responded stating that if provoked, they would respond (*Daily News* 12 February 2009). This

has also led to concerns that some taxi drivers are involved in a plot to stir up controversy. There have also been concerns about possible hotspots for violence in the Durban hostels of KwaMashu and Jacobs, which might be sites of illegal weapons (Dziva information).

Concerns over election-related violence have led to the signing of a Code of Conduct by political parties contesting the province, in Durban on 3 March. Parties took the opportunity, however, to carry out campaign-related mudslinging. The ANC chairman accused the IFP of denying his party the right to hold rallies in areas around Ulundi, Nongoma, Macambini and Estcourt. IFP national chairwoman responded to the ANC's call for cooperation by saying that the IFP has been advocating a multi-pronged approach to democracy since the 1980s. COPE took the opportunity to brand the ANC an 'organised criminal gang in government', claiming that its political gatherings in Inanda, Verulam and Howick had been disrupted by the ANC (Oliphant, 2009a).

### **CODE OF CONDUCT**

The Electoral Code of Conduct contains a number of provisions to ensure that elections are free and that political party campaigning is fair. Among them is the provision that democratic political activity be tolerated by all and that free political campaigning and open public debate be guaranteed (sec 1). This is made possible by distributing campaign materials, billboards and posters and also by having the right to recruit supporters and hold public meetings.

The Code also allows parties to freely express their political beliefs and opinions and to challenge and debate the political beliefs of others (sec 4 a). The Code specifically prohibits campaigning parties from using language that could provoke violence during an election or intimidating candidates, voters or supporters (sec 9). It also states that parties and candidates should liaise with other parties contesting the

election to ensure that they do not call a public meeting or march, demonstration or rally at the same time and place as that called by another party contesting the election (sec 5). The Code of Conduct therefore exists to regulate the process of elections and to bring it into line with democratic processes.

Campaigning in KwaZulu-Natal has so far seen various breaches of the Code of Conduct. Threatening language exchanged between ANC and IFP supporters regarding ANC campaigning in traditional IFP strongholds is one such example. Another is the IFP defying rally limitations bans and holding meetings in close proximity to ANC meetings at the same place and time, effectively increasing the chances of outbursts of election related conflict and violence. The cash of rallies has also seen the IEC embroiled in accusations by the ANC who claimed that it (the IEC) suggested that the ANC had provoked the IFP by holding a rally in Nongoma in early February (*Mercury* 5 February 2009). The IEC denied this, however, stating that it does not interfere with or give any instructions to political parties in South Africa on where they should or should not campaign (*Sowetan* 4 February 2009).

### **STATE RESOURCES**

State resources allocated during elections aside from the running of elections, include funding to political parties which is allocated according to the Public Funding of Represented Political Parties Act. Political parties are entitled to state funding for any year that it is represented in either the national and/or a provincial legislature.

Parties' allocations may be used to further the party's functioning through the development of the political will of the people, through bringing the parties influence to bear on the shaping of public opinion, furthering public education, promoting citizen participation in political life, exercising influence on political trends and developing the interface between citizens and

the public administration. Parties are entitled to funding allocations proportional to their share of seats in the national or provincial legislatures. The ANC spends most on election campaigns (remembering that parties are entitled to receive private funding to supplement state funding) – the estimate being R120 million, while the DA spends around half of that figure, with the rest managing on R5 million (Calland, 2009).

A recent report has claimed that provinces are spending millions of rands to fund political parties despite a warning from the Treasury and Justice Department that this is unconstitutional. Seven provincial legislatures have passed laws enabling them to fund political parties from the provincial kitty, even though the funding of political parties can only be enacted through national legislation. KwaZulu-Natal has passed such a law, allocating R20 million to fund political parties represented in the provincial legislature. The chair of the KZN provincial legislature finance portfolio committee said that while concerns had been raised over the constitutionality of this

move, legal advice sought was that provincial funding of parties did not go against the Constitution. She added, however, that there is a clear legal opinion that says it does. Twenty per cent of the money set aside for funding of parties (R4 million) would be divided equally among the six parties represented in the legislature with the rest allocated on a proportional representation model used by the IEC, according to the number of seats held. The legislature has also increased annual constituency allowances per member from just under R200,000 to R480,000 (Kgosana, 2009.)

## REFERENCES

- Afrobarometer – [www.afrobarometer.org](http://www.afrobarometer.org)  
 Calland, R, 'Could COPE be the sea change?', *Mail & Guardian*, 13 March 2009.  
 Diamond, L, 1996, 'Development, democracy and civil society', Working Paper, Madrid Institute.  
*Daily News*, 12 February 2009.  
 EISA website [www.eisa.org.za](http://www.eisa.org.za)  
 Electoral Code of Conduct Schedule 2, Electoral Act no 73 of 1999.  
 Friedman, S, 'Why we vote: the issue of identity', *Election Synopsis*, vol 1, no 2, 2004, Centre for Policy Studies.  
 Human Sciences Research Council 2008, Voter Participation Survey, 4 February 2009.  
 Huntington, S, P, 1991, *The third wave: democratisation in the late twentieth century*, University of Oklahoma Press, Oklahoma.  
 Kgosana, C, 'Parties dodgy funding deal', *Sunday Tribune*, 15 March 2009.  
 Khumalo, S, 'Tensions as IFP ignores rally ban', *Mercury*, 23 February 2009.  
 Linz, J J, Stepan, A, 'Toward consolidated democracies', *Journal of Democracy*, April 1996.  
 Lodge, T, 1999, *Consolidating democracy: South Africa's second popular election*, Witwatersrand University Press, Johannesburg.  
*Mail & Guardian*, 12 February 2009.  
 Makhaye, C, 'Knock around the clock', *Sunday Tribune*, 1 February 2009.  
*Mercury* 5 February 2009.  
*Mercury* 4 March 2009.  
 Mottiar, S, 2004, 'The turnover of power in KwaZulu-Natal: a growing commitment to and engagement with the democratic process', *Journal of African Elections*, vol 3, no 2.  
 Oliphant, N, 'Parties pledge peace amongst verbal attacks', *Mercury* 4 March 2009 (a).  
 ——— 'Rajbansi targets the black vote', *Mercury* 6 March 2009 (b).  
 Piper, L, 2004, 'Politics by other means: the practice and discourse of violence in KwaZulu-Natal', *Election Update*, no 4, EISA.  
 Public Funding of Represented Political Parties Act 103 of 1997.  
 Schlemmer, L, Hirschfield, I, 1994, 'Founding democracy and the new South African order', Human Sciences Research Council, Pretoria.  
*Sowetan* 4 February 2009.  
 Taylor, R, 2002, 'Justice denied: political violence in KwaZulu-Natal after 1994', *Violence and Transition* 6.  
 (The author is grateful to Douglas Dziva of the KwaZulu-Natal Democracy and Elections Forum for his help.)

# LIMPOPO

Lesiba Teffo – University of Limpopo

## THE VALUE OF PERIODIC ELECTIONS

Political governance thrives when there is periodic change of governments, guided by certain rules and procedures. In the past, feudal systems and kingdoms were based, inter alia, on primogeniture. That is, consanguinity determined one's right to rule or to be ruled. Aristocracy and not meritocracy was the key determinant on matters of leadership. This system inevitably led to tensions and bloody conflicts.

The introduction of a democratic system was therefore a welcome development.

Broadly defined, democracy is a government of the people, by the people, and for the people. Democracy provides equal opportunities for all to achieve the highest political office. It does not make room for divine providence or primogeniture. In multicultural societies and societies where the culture of competing for office based on merit is not yet entrenched, it is important

to embark on political education so that people will appreciate its value. The mere fact that people assume office based on the will of the people, and that it is the same people who can recall office-bearers if they do not accomplish their mandate, is what makes periodic elections exciting and valuable. The office-bearers become the servants of the people with stated programmes of action (manifestos) and time-frames. To sustain this system the constitution should be

treated as supreme and the rule of law should be a defining trait of each government. It is accordingly important that South Africa should continue to nurture the deepening of democracy by regularly holding elections and at the same time promoting voter education so that people can appreciate the value of this system and the significance of casting their votes.

The previous elections were credible, free and fair. This is the litmus test. It is of no consequence to hold elections when results are pre-determined. The conditions for participation should be sufficiently conducive for any party that enjoys popular appeal and support to win. This in turn would engender confidence in the system, even among the outvoted parties. The seeds of political tolerance are sown when people are convinced that the game was free and fair, the playing fields were level, and no party enjoyed an unfair advantage.

#### **POLITICAL CAMPAIGNING**

Political campaigns are the hallmarks of a democracy. This follows from the rights enshrined in the constitution that there will be freedom of expression, assembly, association, among many other rights. However, it should be abundantly clear that for each right there is a duty, and that there are no unfettered rights. Rights are exercised within a certain context with clearly defined procedures.

There is already evidence in some provinces that the IEC and some political parties should consider interventions. In fact my own opinion is that mechanisms for conflict resolution should kick in before violence flares up. Prevention is better than cure. I would like to cite two examples to amplify this point. In weekly news (*African Face*, 05-15 March 2009, p. 4) it was reported that the leadership of the ANC's Capricorn Region had expressed their dismay and concern at the removal of the party's election posters in Polokwane. 'We noted that posters in Nelson Mandela Drive,

Grobler, Church ... were removed and posters of other parties were put up where our posters were', 'said Mr M Malebana. He went on to say 'this is not in keeping with the spirit of free and fair elections. Parties supporting a free and fair democracy should not allow their followers to go to this extent'.

#### **CODE OF CONDUCT**

The purpose of the electoral Code of Conduct (section 99) is to promote conditions that are conducive to free and fair elections, including:

- tolerance of democratic political activity
- free and fair political campaigning and open public debate.

So far there are 18 registered parties in the province and they have signed the pledge committing to the electoral Code of Conduct. A historical perspective would confirm that the province is not known for political violence post the 1994 elections.

An analysis of the previous results indicates that the ANC always enjoyed an unassailable lead. This tended to render the province an ANC home base, assuring it of victory at all costs and at all times. Contesting parties seemed to have succumbed to this fact and sought only to grab the crumbs left on the table of the victor. Another factor that renders politics relatively one-sided and stale in the province is the ethnic or tribal affiliations that are dominant when it comes to party support. Lastly, there are personality cults. These three factors combined create enclaves for each constituency and make contesting elections less robust and exciting, since voting patterns are almost predetermined.

#### **USE OF STATE RESOURCES**

The use of state resources to advance the interests of any political party should be prohibited. There are regulations and legislation in place to ensure that state resources

are not misused. However, evidence abounds to prove that the contrary is the case. The battle for control of the SABC through its board is an immediate case in point. In the past two years the ruling party has been trying very hard to replace one board with another in order to ensure that it can 'dictate' how it should act. The recently passed Act is making it less complicated for the board to be removed. In this regard there is fear that what people fought against under apartheid is likely to be repeated by the new regime. Is it indeed a case of 'the more things change the more they remain the same'? There is also the folly of not distinguishing between party and state.

Jackie Selebi, then National Commissioner of Police, once named a police station in Giyani after a certain Mr MW Makhubela, who had done a sterling job as station commander to deserve the honour. For years there was no problem with this name. People embraced it and were proud that one of them could be elevated to such an extent. He became a hero and a role model, especially among his youthful colleagues. The problem, though, arose after the ANC split. Mr Makhubela aligned himself with the breakaway faction, COPE. This was a bitter pill to swallow for some ANC cadres who thought he did not earn the honour on merit, but because he was supposedly an ANC deployee. This has created serious tension in the community and at the police station, to the extent that urgent intervention is required.

Finally, there are accusations and counter-accusations that some members and sympathisers of the ruling party and the breakaway faction are using state resources to advance party interests. Mention is often made of state vehicles, stationery, personnel, and municipal facilities being used during political campaigns and imbizos. This contradicts the spirit of fair play, and may usher in a culture that the state and society may not wish to contend with in the future.

**POLITICAL VIOLENCE AND INTIMIDATION**

As a fledgling democracy South Africa should be vigilant against any tendency that would militate against building a sound foundation for a flourishing non-sexist, non-racist and democratic society.

Violence can manifest itself in various forms, namely physical, verbal, and psychological. There is relative evidence of this in the province. These tensions are largely between supporters of the ANC and supporters of COPE. When student formations on campuses bar other political parties from campaigning freely, when students of other political parties cannot wear their T-shirts openly, when the police have to intervene so that university facili-

ties, for which prior permission was sought and given, can be used, then the authorities should be worried. We should all be worried when lecturers censor themselves when they teach for fear of offending party loyalists. We should all be worried when signs of fascism are beginning to show so early in our democracy. It was reported in some newspapers that the leadership of COPE was barred from using facilities they asked for at the Universities of Venda and Limpopo respectively. Former Premier of Limpopo, Mr Sello Moloto, lamenting the abuse of state resources, is quoted in *City Press* (8 March 2009, p. 4), as follows: 'I do not understand why some people were making a noise about Lekota having a bodyguard

when he left the government just a few months ago, while Blade Nzimande – the SACP Chief – left government in 1998, but still has bodyguards paid for by the state'. He went on to say that there would not be free and fair elections as long as the ANC was still intimidating its political opponents while denying them venues in the municipalities and institutions it controls, such as Tzaneen and the University of Limpopo.

There have been some hotspots identified in Limpopo Province, such as the Moutse area, Ga-Molekane, and Ga-Sekhukhune, where land claims have assumed political overtones. Communities are divided and violence has flared up on numerous occasions.

**WESTERN CAPE**

**John Akokpari** – University of Cape Town

ALL 22 PARTIES are contesting the provincial elections, with the bigger and more established parties (the ANC, DA, ID and COPE) all campaigning aggressively across the province. Because of the nature of party funding and media access, the smaller parties in the province have received little attention since registering with the IEC. Lampposts in Cape Town and surrounds are dominated by posters of the ANC, ID and DA. The advertisements of smaller parties seem quite region-specific. COPE has been criticised for its lack of aggressive advertising. According to projections made by the marketing research company, Markinor, COPE is likely to garner only 8 per cent of the vote because of its lack of visibility.

This update focuses on the campaign strategies of the four dominant political parties operating in the province – the ANC, ID, DA and COPE. It also touches on the campaign environment in the

province, the Code of Conduct for political parties, the use of state resources and incidents of political violence and intimidation.

**POLITICAL CAMPAIGNING**

Political campaigning is an essential ingredient of party politics. Campaigning generates the enthusiasm that is necessary to stimulate and sustain the interest of the electorate in the electoral process. Campaigning in a multi-party system is the activity that distinguishes it from a one-party system, where political enthusiasm is either minimal or non-existent. The multi-party democracy adopted by South Africa since 1994 has created an atmosphere of political competition, but the 2009 elections are bringing in an added source of enthusiasm. The fact that for the first time the ANC is challenged by a black-dominated political party whose members are drawn mostly from the ANC has elevated

this year's political campaigning to new heights of intensity. Aggressive political campaigning is underway in the Western Cape, where the ANC, despite its overwhelming dominance at the national level, has never won an outright majority.

The announcement of the premier candidates by the ANC, ID, DA and COPE has heated up the election campaigning, with candidates trading slurs and trying to gain political leverage from each other's mistakes. The ID and DA announced that their party leaders, Patricia de Lille and Helen Zille respectively, will be running as candidates for premiership.

The choice of putting party leaders forward as candidates underscores the huge importance of the province for these parties. The DA wants to use a win in the Western Cape to illustrate its ability to govern, and thereby strengthen its chances of winning the national elections in 2014. Patricia de Lille,



whose ID party has strong grassroots support, is targeting the social breakdown in communities and the slow delivery and lack of housing and other service provision in the province.

The newly-formed COPE faced some problems with its candidate selection process when its first choice, University of Stellenbosch Rector, Professor Russell Botman, declined his nomination. The party eventually settled on former cleric and UDF activist, Alan Boesak. This choice was met with much controversy, as Boesak was convicted in 1999 of appropriating donor funds allocated to helping a children's charity. Some argue that the choice of Boesak as COPE's premiership candidate sharply contradicts the party's anti-corruption stance and its drive to uphold high moral values.

However, the leadership of COPE has stood firmly by its decision. In fact, Mbhazima Shilowa, the first deputy of COPE, described Boesak as 'a brother, leader, friend and a colleague'. Shilowa asserted further that Boesak 'is somebody who we, in the Congress of the People, believe in'. For his part, Boesak has pledged to tackle housing, education, drugs, tuberculosis and HIV/Aids as his top priorities and intends to run the COPE campaign on the principles of dignity, decency and honour.

The ANC is taking longer than other major parties to announce its candidate for the premiership of the Western Cape. Mcebisi Skwatsha, the party's provincial secretary, is top of the provincial candidate list. However, Skwatsha and his Africanist supporters in the Western Cape have been widely blamed for increasing tensions within the party in the province. The national leadership has to put him up as the premier candidate. Incidentally, the ANC eventually nominated the current premier, Lynne Brown, who is viewed as a unifying force.

Political activities in the province have been characterised by rallies, public meetings, debates and

door-to-door campaigns. However, a disconcerting feature has been the heated exchanges between the premier candidates. The trading of insults between Helen Zille and Alan Boesak in particular, has added a fierce dimension to the electioneering campaign. At a COPE rally in Paarl attended by over 1,000 people, Boesak asserted that the DA had made little difference in people's lives since taking control of the City of Cape Town in 2006. The response from Zille was swift and spontaneous – she charged that Boesak was resorting to the propagation of falsehoods and negative campaigning because he had run out of ideas. Boesak, Zille argued, was trying to divert attention from the serious divisions his candidacy had caused within the ranks of COPE. Zille warned further that having Boesak in charge of the Western Cape government budget was like putting a fox in charge of the henhouse, since he had shown that he could not be trusted with public funds. Calling him an ANC reject, she argued that Boesak joined COPE only after the ANC refused to give him an ambassadorship.<sup>1</sup> Urged by his party, Boesak intends to sue Zille for her comments. COPE leaders have argued that despite his conviction they are certain that Boesak did not use stolen funds for his personal benefit. They've also argued that Zille is using personal mudslinging to divert attention from real issues affecting the lives of people in the province.

These heated exchanges between Helen Zille and Alan Boesak could have damaging short- and long-term consequences. In the short term these exchanges could escalate tensions between party supporters and potentially undermine the peace and tranquillity in the run-up to the 22 April elections. The IEC Code of Conduct is a pledge which all parties contesting the election have signed, committing themselves to the conduct of dignified campaigning. In the long run, if these insults worsen and develop into animosity between the parties,

this could undermine any efforts toward future coalition-building between the DA and COPE, which currently looks certain to be the case in the broader attempt to prevent the ANC from governing in the province. On the other hand, it is no secret that there are no permanent friends or foes in politics, only permanent interests, and the mere possibility of an ANC government in the province could be sufficient to galvanise the DA and COPE into an alliance, notwithstanding the current exchanges between Boesak and Zille.

#### **CODE OF CONDUCT**

Sixteen parties in the Western Cape signed the Electoral Code of Conduct on 6 March in Cape Town. Western Cape chief electoral officer, Courtney Sampson, urged parties to leave a 'footprint of decency and dignity' in their campaigning. He also asked parties to campaign with integrity and dignity and not to behave in a manner that would be damaging to the national identity and national agenda. He urged politicians to use their campaigns to demonstrate respect for each other and to create an environment that is conducive to free and fair polls. The signing ceremony was attended by representatives of all the major parties, except the Independent Democrats. Parties contesting the national elections met in Johannesburg on 11 March to sign a Code of Conduct, which committed them to adhering to codes of good behaviour and on this occasion the Independent Democrats signed the Code. The Code prohibits violence, defamation, intimidation and any acts that violate the electoral act. Parties contravening the Code could face 'serious legal action', including being barred from contesting the election and suffering a deduction of votes. What is left to be seen in the remaining few days before the election is just how the rank and file of the parties assimilate this Code and abide by it in practice.

#### **USE OF STATE RESOURCES**

One of the most contested aspects

of the electoral law is the access to state resources by different political parties in their campaigning. The UDM and AZAPO have already complained about the lack of coverage given by the SABC to smaller parties. They argue that, as the public broadcaster is funded with public funds, the SABC should give equal and fair coverage to all political parties, irrespective of their size or popularity. Disaffection with the SABC's 'unfair' coverage of political parties was reflected in AZAPO supporters storming off the stage during a televised debate in the Eastern Cape.

Parties also get funding from the parliamentary election allowance. According to the Electoral Act all parties with seats in parliament are eligible for money to fund their campaigns. These funds are distributed according to the proportion of seats held in parliament. With close to 70 per cent of seats in parliament, the ANC inevitably gets the lion's share of this money. COPE does not receive this state funding, as it has no seats in the current parliament.

Many provincial government departments have spent large sums of money on advertisements in the province's daily newspapers stating their successes over the last five years. Full-page adverts in newspapers can cost as much as R200,000 each. Critics have argued that, as it has been the party in government since 1994, these adverts amount to advertising for the ANC. In other words, there are concerns that state resources are being used to finance ANC adverts.

Another criticism has been the deployment of ministers and other government officials who campaign for the ANC whilst still on state salaries. In particular, the deployment of Gauteng MEC for Housing, Nomvula Mokonyane, to help strengthen branch structures and to assist with campaigning in the Western Cape has been met

with criticism. Mokonyane still receives remuneration as an MEC in the Gauteng Province, although she has been absent from her office in Johannesburg for a number of months. Critics of the ANC see this as an abuse of state resources.

Generally, parties in power tend to enjoy the advantage of incumbency during political campaign periods. While this raises serious questions of fairness, it is also a trend across Africa. Yet it is more problematic in South Africa, where it is difficult to separate the party from the state, and where major government programmes are determined by the party. In South Africa the ruling party runs the state. Consequently, it has been possible for officials on state errands to undertake party activities. The ANC is thus certain to enjoy the advantages of incumbency over its rival parties in terms of advertising, publicity and the use of state resources, including funds, personnel and vehicles.

#### **POLITICAL VIOLENCE AND INTIMIDATION**

The IEC has released various statements urging parties to campaign peacefully and to respect citizens' rights to freedom of association, expression and assembly. This follows incidents of violence at rallies and other political meetings across the country, especially in KwaZulu-Natal. The IEC has condemned political violence and intolerance. It is working closely with the police to ensure an environment conducive to peaceful campaigning and free and fair elections.

The Western Cape is viewed as one of the provinces at risk of political violence in the run-up to the elections because of tensions between supporters of the ANC and COPE. The stakes are high in the Western Cape: no party has ever won an outright majority and this pattern is certain to emerge in

2009. In other parts of the country, particularly KwaZulu-Natal, the ANC has been accused of fuelling political tensions. This follows the party holding rallies close to major events of other political parties. The Western Cape has not been subject to the kind of violence seen in other provinces thus far but there have been some concerning incidents, particularly on the Cape flats.

On 8 March, for example, 28 ANC supporters were arrested in Khayelitsha for attacking COPE members and causing damage to property. Following a meeting called by the police to discuss the incident to defuse tensions between the two groups of supporters, a COPE member was stabbed, allegedly by an ANC supporter. An attempted murder case has been opened with the police. One of the COPE supporters affected by the incident is head of the community anti-crime patrol in the area and COPE leaders say he was accused by the attackers of using the patrol to canvass support for COPE. The leadership of both COPE and the ANC give different accounts of the incident and police are investigating. The ANC provincial secretary asserted his party's commitment to peaceful campaigning, saying: 'The ANC does not support political violence. We believe in peaceful political activity.'

The IEC has had to intervene to defuse tensions. According to Courtney Sampson, the IEC takes these charges seriously because these incidents can cause damage both to the election campaign and after the elections.<sup>2</sup>

#### **ENDNOTES**

- 1 Lynnette Johns. 'Boesak interested in making himself richer', *Cape Argus*, 9 March 2009.
- 2 Aziz Hartley. 'Handcuffs for 28 after attacks on Cope fans', *Cape Times*, 11 March 2009.



## EASTERN CAPE

Thabisi Hoeane – Rhodes University

THIS REVIEW focuses on polling stations, secrecy of the ballot and the voting process in general. That is, it is an exposition of the preparations that have been made regarding voting stations, how the secrecy of the ballot is to be assured and a general explanation and consideration of the voting process itself.

### POLLING STATIONS

This section presents the infrastructural picture of voting stations in the province, mainly their number. It then adopts an analytical dimension by comparing the situation with the last election of 2004 to gauge whether the voting stations will be able to cope in assisting the delivery of a successful election.

The province has designated 4,480 voting stations to be utilised during voting day on the 22 of April located in both urban and rural areas.<sup>1</sup> These are divided into two categories – mobile and fixed<sup>2</sup> – with mobile stations numbering 162 (3.6 per cent of the total) and fixed stations 4,318 (96.4 per cent).<sup>3</sup> In the last national and provincial elections of 2004, there were 4,116 polling stations,<sup>4</sup> so there has been an increase of 16, which in percentage terms translates into 1.6 per cent. This increase is important to note, as the number of registered voters has increased from 2,849,486 in 2004 to 3,055,655 for this election – hence the imperative to accommodate the increase.

In analysing to what extent the polling stations will be able to manage the number of voters that will turn up on election day, it appears that the stations are sufficient and will be able to cope by avoiding problems such as long queues. As there are 3,055,655 registered voters in the province and utilising the projected turnout of voter on elections day of 81 per cent<sup>5</sup> this means that on average, each station will process 552 voters. This would appear to be a reasonable number of voters to process as this means that during the 14 hours (07h00 to 21h00) when the voting takes place, 39 voters will be processed each hour, per voting station.

### SECRECY OF THE BALLOT

The privacy of a voter's choice in an election is one of the cardinal principles of a free and fair election. That is, voters should be assured that their vote is given freely and are under no compulsion to vote in any particular way for a party under duress or undue influence. This can be determined from the kind of mechanism that is in place by noting the IEC procedures for the day.<sup>6</sup> According to these procedures, each voter, after being handed two ballot papers – one for the national and another for the provincial candidates, they move into a secluded carrel – entering it alone – where they mark their ballots before proceeding to cast their

### CONTENTS

<b>EASTERN CAPE</b>	<b>116</b>
<b>FREE STATE</b>	<b>118</b>
<b>GAUTENG</b>	<b>120</b>
<b>KWAZULU-NATAL</b>	<b>122</b>
<b>LIMPOPO</b>	<b>125</b>
<b>WESTERN CAPE</b>	<b>128</b>

votes in the ballot boxes. That is, if these measures are adhered to at each polling station, indeed voters will be assured of the fact that their ballot is secret and nobody is privy to it. They will be able to make their choice without anybody influencing them or putting them under any sort of pressure to make a particular choice.

This process is also assisted by the presence of party agents and observers and monitors at the polling stations to ascertain that no flouting of voting of procedures take place. Thus theoretically, voter's choices are indeed secret as long as the procedures set down are scrupulously followed and an analysis of post election reviews will speak to this issue in a more detailed form.

Indeed, one other way in which voter's are put to rest and assured that they cannot be open to any sort of intimidation by the way they vote, is that it is illegal for parties to have any form of presence at the polling station on election day, save for party agents who will be observing the election on behalf of their parties. Thus no political rallies or influencing of voters is tolerated at the voting stations, resulting in a conducive atmosphere that obviates the chances of voter intimidation and undermining the secrecy of the ballot.

### THE VOTING PROCESS

The voting process as outlined by the IEC is fairly straightforward indicating what voters are expected to do at polling stations on election day.<sup>7</sup>

In a graphical illustration, voters go through seven stages at the polling booth: a check at the door that they have the required documentation to vote, a desk where their names are checked on the voter's roll, the third stage where their fingers are marked with ink indicate that they have voted and indeed to ascertain that

have not already voted, they are then issued with the ballot paper, proceed to secluded carrels to make their choice and move out finally to cast their ballot into the box provided and leave the station.

At all these stages, voters are guided by the polling booth staff under the close inspection of monitoring and observers as well as party agents to ensure that voting goes smoothly. In preparation to make the process a success, the IEC also has received funding from the government to the tune of 1.2 billion rands to run the election, although a breakdown of what each province has been allocated could not be determined. In fortifying the process, the government added 88 million rands more for the IEC to purchase transparent ballot boxes, for purposes of voter education campaigns, and the up-grading of scanners that will be used verify the veracity of identity documents.<sup>8</sup>

The other method which has been adopted by the IEC in ensuring that the election is free of problems is the information it offers on its websites to prospective voters. For instance this details where voters are supposed to vote and what actually happens at the voting station outlining the stages mentioned above.<sup>9</sup> However, some voters do not have access to the internet such as rural communities and in this regard the IEC has trained fieldworkers that have visited communities to specifically explain the process to voters.<sup>10</sup>

In addition, the IEC's Training and Skills Development department has made available to electoral officials that will be manning the voting stations, two critical information booklets: An Election Guide and Election Diary. The Election Guide covers in detail a background to elections and democracy, instructs the officials of the procedures that they have to follow in discharging their duties

on election day and appendices of forms that they should familiarise themselves with and fill up, for example, if there are objections concerning voting, inaccuracies in counting, sworn statement by voters who are not on the voters roll etc. This diary is basically a checklist of what election officials should practically be doing before, during and after the election.

### CONCLUSION

From the above account, it appears all pre-election preparations for the elections were on a sound footing. Specifically, the number of polling stations is well placed to manage the projected turnout, the secrecy of the ballot is clearly assured and the voting process itself is clear and the IEC has invested a lot in providing its officials with appropriate material to guide them in conducting the elections.

### ENDNOTES

- 1 [http://www.theherald.co.za/herald/2008/11/06news/n08\\_06112008.htm](http://www.theherald.co.za/herald/2008/11/06news/n08_06112008.htm)
- 2 'Fixed' in this instance means permanent voting stations that are utilised by the IEC such as school halls, municipal buildings etc while 'mobile' is a misnomer as these are non-permanent structures such as tents, facilities in correctional centres etc – thus they are not 'mobile' in the sense that on voting day they are moved around to different places to accommodate voters: they are basically temporary structures/venues that may not be in use in future elections.
- 3 [www.elections.org.za/Documents/Voting2009/voting\\_stations.htm](http://www.elections.org.za/Documents/Voting2009/voting_stations.htm)
- 4 Thabisi Hoeane, 2004, 'Eastern Cape: The Electoral Process in the Eastern Cape,' *Election Update 2004 South Africa*, Number 7, p.37
- 5 Nkululeko Ncana, 'Higher voter turnout expected', *The Times*, 05 February, 2009, p.4.
- 6 <http://.elections.org.za/electoral.asp?KSId=4&KId=2>
- 7 *Ibid*
- 8 *Ibid*
- 9 [http://www.elections.org.za/Why\\_Vote.asp](http://www.elections.org.za/Why_Vote.asp)
- 10 Caiphus Kgosana, 'IEC gets R88m to make voting easier', *The Star*, 12 February 2009, p.4.

# FREE STATE

KC Makhetha – University of the Free State

## POLLING

The value of a multiparty democracy is evident when competition gains momentum. The Free State province has been abuzz with excitement and political activity.

Polling or voting in this election proved to be very interesting and it is always good to ask the question: What is the importance of polling and what is the function of elections, in short? Elections are the chief institutional mechanisms by which representatives are selected to government. According to Harrop and Miller (1987:1), elections concern voters; elections are about freedom and choice; they are also about control and constraint.

There is a relationship among elections, voting and electoral systems, and this is why Harrop and Miller (1987:41) define an electoral system as a set of rules for conducting an election. These rules specify which public officials are subject to election, who is eligible to vote, how those eligible can claim their right to vote, how the candidates must be selected, and how the votes are counted so as to produce an overall result.

As the election day approached, discussions around polling became more crucial and it was more necessary to remind the electorate and ourselves of the important areas to cover.

## POLLING STATIONS

Polling stations are demarcated places at which the voting process unfolded on 22 April 2009. Polling stations have to meet minimum requirements – as regards size and equipment, the PEO in the Free State, Mr Mepha, confirmed that all polling stations met with the basic requirements.

Mr Mepha also stated that there were 1,263 polling stations for the

2009 election, as compared to the 1,186 in 2004, an increase of about 77 polling stations, meaning that the distance voters had to travel was shorter than in 2004. It was clear that the IEC in the Free State was committed to bringing democracy closer to the people, by improving accessibility. With a shorter distance to travel to the polling stations, the chance of more people turning up to vote was higher, which proved to be the case compared to previous elections.

The voting hours were from 07h00 until 21h00. That means, the last person in the queue at 21h00 would be the last person to be allowed to vote, after which the counting of the vote would take place.

It is important to note that there is a team of officers/staff managing each polling station, under the leadership of a presiding officer. The presiding officer is accountable for everything which happens at the polling station; therefore all role-players present have the responsibility to notify the presiding officer of their presence and their role. For example, in the Free State, there were international observers (from the SADC) who were working in some municipal districts. As they visit polling stations, they first had to meet with the presiding officer for acknowledgement and confirmation of their registration as observers.

To give support to the presiding officer, there were security forces to ensure the peaceful atmosphere and the political party agents to see to it that processes were free and fair.

## SECRECY OF THE BALLOT

Secrecy of the ballot is the heart of democracy and democratic governance. According to Julius Nyerere (1961), the two essentials for de-

mocracy are the freedom of the individual and the regular opportunity for a person to join his/her fellows in replacing or re-instating the government of his/her country.

A ballot is sacred and should be respected as such. The Universal Declaration of Human Rights (UDHR) states: 'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives ...' and that 'The will of the people shall be the authority of the government; this will, shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures'.

The Constitution of the Republic of South Africa, Act 108 of 1996, protects this political right. Section 18 (1), (2) and (3) states that every citizen is free to make political choices – thus, the vote is counted amongst the political choices of all South African citizens as a means of expressing their political will. It is through the vote that the government receives its mandate from the people without which it cannot claim to be legitimate or to represent the will of the people.

No one can force a voter to disclose who he or she is going to vote for in the coming election. This aspect was one that the IEC in the Free State continued to emphasise in the process of conducting civic and voter education, for voters to understand and internalise. It is important for all voters to be clear on the secrecy of the ballot and feel free to keep their vote a secret. As confirmed in one publication of the IEC, the secrecy of the vote protects individuals from intimidation as no one will ever know which party or candidate a person voted for unless she/he divulges that information.

The secrecy of the ballot, however, is not always possible to ensure or protect. An example would be in the situation of blind people. In the conversation with Mr Mepha, it was confirmed that the right to secrecy is violated in trying to assist the blind voters. Mr Mepha said that a blind person is allowed to bring a close family member or a trusted person to assist with voting. The presiding officer needs to be notified and this person needs to be over the age of 18 to be allowed to play this role of assistant. This person takes the blind voter through the whole process and when making a choice of which political party to make a mark next to, all political agents are required to observe. This helps ensure that the choice of the blind voter is honoured, but the secrecy is compromised.

This is an area for improvement for the IEC, as there are facilities and technology available to better the system, but the financial implications will also have to be taken into account.

Article 20 of the UDHR claims that everyone has the right to freedom of peaceful assembly and association, and that no one may be compelled to belong to an association. The rights of the citizens to vote in secret are also guaranteed by the Constitution of the Republic of South Africa, Act 108 of 1996. Section 19(3) (a) protects the secrecy of the ballot and therefore binds all other related electoral processes and this is recognised by the Electoral Act, Act 73 of 1996 as well. Given that no person is above the constitution in South Africa, under no circumstances will any person be required to disclose his or her ballot choice.

This is to recognise the freedoms all voters have, to make their choice on the ballot paper. The secrecy of the ballot is a mechanism used to ensure that freedom and the right to vote are guaranteed.

With the pockets of violence that have been experienced at rallies and public gatherings and the threats people are receiving, it is only right

and proper to protect the right to vote through secrecy of the ballot. What does that mean for the IEC?

It means that in all preparations of the IEC for the election day of 22 April, the voting stations should be set up in a manner which assures the voters of the secrecy of the ballot. The voting stations should have voting booths, properly covered, where voters can go individually and make a cross to vote for the party of their choice. But it does not end there. There should also be a high presence of security forces at all voting stations to enforce the law in this regard. Where voters need assistance, there will be trained IEC appointed officials, who will come to assist or any person of preference by the voter as already mentioned.

The secrecy of the ballot brings attention to the free and fairness of an election as a whole as the period before and after the election day remains critical to the choice voters make on election day.

#### **VOTING BEHAVIOUR – VOTING THROUGH PARTY IDENTIFICATION**

Proportional Representation as an electoral system encourages a system where voters identify with particular political parties. As Ranney (1996:191) states, identifying with a political party causes the voter to feel a sense of attachment to a particular party. Hence researchers such as Reynolds (1999:56) have found that most voters do not make up their minds anew in each election, nor do they make their minds only when they enter the voting booth.

This voting behaviour has been seen in the Free State in the past few elections and that will not change much on 22 April. However, it should be noted that there will always be a percentage of voters who are floating, who look for real-world events and evaluate the performance of government, the economy and how the country is doing in general. It is these voters who can sway the vote in any direction or split the votes to where it matters most.

There are 12 political parties contesting elections in the Free State, and the latest research done by Ipsos Markinor (released in early April 2009) estimated that the ANC would win back their support from the undecided voters in the province. The ANC is likely to win 78.2 per cent of the vote compared to the results six months prior to this survey, where 72.7 per cent of voters indicated that they would support the ANC.

According to these estimations, COPE could become the new opposition party in the provincial legislature, with 6.6 per cent of the support from voters, followed by a very close race between the DA with 4 per cent and the FF+ with 3.9 per cent. Interestingly, according to the survey, the IFP had gained 1.8 per cent of support from almost no support prior to this survey.

As regards voter behaviour, this survey shows that three weeks before the election, a third of likely voters do not feel close to any political party. These are independent voters, who are registered to vote and are likely to vote but do not identify with any political party at this point of the campaign. This portion of the voters forms almost 34 per cent of registered voters.

#### **THE VOTING PROCESS**

The voting process, according to Mr Mepha, will happen in two separate phases. The first phase will be on April 20 and 21, where special votes will be cast. People who will be voting on the two days are those who made an application from 1–14 April to be visited at home. Depending on their personal circumstances, permission was granted for them to cast a special vote. Those who missed the opportunity to make this application are still allowed to make this request at the office of the presiding officer, which will be the voting station, on April 20 and 21. The rest of the voters will then vote on 22 April, which is the main voting day.

On these voting days, the voting process will be as follows:

Mr Mepha explained that, at the entrance of the voting station, there will be an officer with a scanner. This scanner is loaded with the voters' roll and therefore is used to check whether the voter is at the right voting station. Once that is confirmed, to fast-track the process, the officer will be able to provide the voter with his or her number on the list, as identified by the scanner, so that the voter can just mention to the next officer managing the voters' roll where to locate his or her name on the list. In this way, the process will hopefully be faster and the identity document will be checked and the name scratched with a single line to mark as acceptable. The voter will then

move to the next stage where the nails are checked to ascertain that the voter has not voted at another station; then indelible ink is applied on the cuticle and nail. From this point, the voter collects the ballot papers (provincial and national) and then moves to the voting booth to express his or her choice on each ballot paper and fold them. The last stage is where the voter inserts the ballot papers into the ballot boxes, national and provincial respectively. These boxes will be clearly marked to avoid confusion.

#### CONCLUSION

It is very clear at this point that the focus has completely shifted to the voter. The polling station, its

preparation and layout as well as its management, is all aimed at ensuring the secrecy of the ballot. The voting process is important for the voter to make election day a success. With all of this in place, the IEC can look forward to an election day which flows smoothly.

#### REFERENCES

- EISA Research Report No. 12: *South Africa's 2004 Election – the quest for democratic consolidation*.
- Harrop, M. and Miller W. L., 1987. *Elections and voters: a comparative introduction*.
- IEC. The IEC EDDE Reference Manual.
- Ipsos Markinor Survey 6 April 2009.
- Mepha J.C. Formal interview on 14 April 2009.
- Constitution of the Republic of South Africa, Act 108 of 1996.
- Ranney, A. 1996. *Governing: An Introduction to Political Science* (7<sup>th</sup> edition).
- Reynolds, A. 1999. *Election '99 South Africa: from Mandela to Mbeki*.

## GAUTENG

**Ebrahim Fakir – EISA and Shaheen Buckus – Independent Researcher**

#### POLLING STATIONS

The Gauteng province operated 2,295 voting stations, which included 57 from the recently incorporated Merafong municipality.<sup>1</sup> Lease agreements were concluded with landlords for 1,925 voting stations which are permanent structures. In addition, the province operated 370 temporary voting stations in areas where a permanent facility in the form of a school, community hall or church or other fixed structure could not be found or used. These temporary voting stations were provided with tables and chairs, portable toilets and water. Municipalities and Eskom provided the electricity at temporary voting stations on Election Day so that the voting processes could continue without hindrance.

Administrative and logistical problems plagued some polling stations in Gauteng. These polling stations ran out of ballot papers by late afternoon due to the huge voter turnout.

According to the Independent Electoral Commission (IEC), the problem of ballot papers can be attributed to people not voting at their registered polling stations. Various political parties reported a shortage of ballot papers in areas in Gauteng. Sibongile Nkomo, a representative of the IFP, reported that voting stations in Soweto ran out of ballot papers, and the Democratic Alliance's Frits de Klerk reported that stations in Houghton and Craighall Park, affluent areas in Johannesburg, ran out of ballot papers.<sup>2</sup> In order to address the problem the IEC printed additional ballot papers, including about a million extra for Gauteng. Despite an existing policy providing for contingency plans in which extra and additional ballot papers to the percentage factor of 10 per cent additional ballot papers are sent to each voting station anyway, it is clear that the relaxation of the policy of voters only being able to vote at voting stations at which they were

registered caused a run on voting at some stations when voters were informed that they would be able to vote at any voting station within the province in which they are registered. Whilst this creates the freedom for voters to be able to vote anywhere in the province in which they are registered, it has created unintended logistical and supply problems.

More widespread than had hitherto been the case, the credibility of the elections was at some points called into question. Some political parties did indeed in isolated incidences call the legitimacy of the result at certain voting stations into question: the DA's party agents 'in the Free State, Gauteng and Western Cape indicate that at least 24 polling stations had run out of ballot papers in the three provinces, and that numerous other stations have experienced shortages of VEC4 forms and barcode scanners (or zip-zips). The majority of these voting stations are in areas where the DA

enjoys a large amount of support, and as a consequence DA voters in these voting districts are being denied their right to vote'.<sup>3</sup>

The following were the areas most seriously affected by a shortage of voting materials:

#### **Gauteng North:**

Onverwacht (Ward 6, Cullinan)  
Laerskool Bakenop  
(Ward 70, Tshwane Metro)  
Wierda Park (Ward 69, Tshwane Metro)  
Oost-Eind Laerskool, Sunnyside  
(Ward 59, Tshwane Metro)

#### **Gauteng South:**

The Ridge School  
(Ward 87, City of Johannesburg)  
Holy Family College  
(Ward 87, City of Johannesburg)  
Adelaar Hoërskool  
(Ward 83, City of Johannesburg)  
Millpark (Ward 60, City of Johannesburg)  
Greenside Primary School  
(Ward 87, City of Johannesburg)  
Crawford College Lonehill  
(Ward 94, City of Johannesburg)  
Cedar Park Hotel  
(Ward 106, City of Johannesburg)  
East Bank Clinic  
(Ward 105, City of Johannesburg)

#### **Gauteng East:**

Crystal Park Health Clinic  
(Ward 24, Ekurhuleni)

### **SECURITY OF THE BALLOT**

The cornerstone principle of any election relates to the secrecy of a person's vote. Sub-section 91 of the Electoral Act No 73 of 1998 enshrines the principle by clearly stating: 'No person can interfere with a voter's right to secrecy when casting their vote'.<sup>4</sup> The secrecy of the ballot occurs at two levels, namely, special and ordinary votes.

In terms of special votes, provision is made in terms of the Electoral Law for people with disabilities or physical infirmity and women in advanced stages of pregnancy to apply to be visited at a place of confinement.<sup>5</sup> In addition, members of the security forces and election officials had an opportunity to visit their voting stations and apply for a special vote. Special voting employs two envelopes ensuring the secrecy of the special vote as it precludes any attempt to trace the identity of the voter. The process unfolds as follows:<sup>6</sup>

- The voter places his or her ballot in an unmarked smaller envelope.
- The presiding officer then places the smaller envelope into a bigger one with the voter's details.
- The smaller envelope is then removed from the bigger one and deposited into the ballot box at the voting station on Election Day.

As regards protecting the secrecy of the vote of the ordinary voter, he/she will proceed into a voting booth, which will be protected by a screen to ensure secrecy, to make his/her mark next to the party of his/her choice. There is no numbering on the actual ballot paper next to each party, and this ensures the secrecy of the ballot because a ballot paper cannot be traced to a voter.<sup>7</sup> A breach of the secrecy of a person's vote could possibly occur in relation to voters who need special assistance such as those that are illiterate. In the Gauteng province there were no official reports of any breaches in the secrecy of the ballot.

### **THE VOTING PROCESS**

Voters may only vote once in the election and should ideally vote at the voting district where they are registered. In terms of the process, the following sequential steps are adhered to:

- Voters will need their ID books which will be scanned by presiding officers using hand-held scanners also known as Zip-Zips. This will verify if the person is registered to vote or not.<sup>8</sup>
- The voter is then given a receipt and proceeds to an official who then finds and crosses out his/her name on the voters' roll.
- Officials will then mark the voter's left thumb with indelible ink.
- Prior to being issued with national and provincial ballot papers, the papers are marked with a special stamp on the reverse side. This is one of the safety measures introduced by the IEC. Each ballot paper has a

unique bar code.

- The voter then proceeds to an empty voting booth or compartment to make his/her mark.
- The voter then folds the ballot papers to conceal his/her choices and finally places them in the ballot box.

The voting process is observed by party agents. The Commission has also introduced new regulations to allow at least one agent to verify what happens at each of the three points, namely the voters' roll table, finger-inking and ballot-issuing.<sup>9</sup> In total, three agents observe these processes, which are rotated to ensure that each party has the opportunity to have at least one agent at these points. The voting process in Gauteng went off smoothly and the mood among voters was carnival-like, being marred as mentioned above only by the shortage of ballot papers.

In Gauteng, there were long queues because voter turnout was high. According to Gauteng chief electoral officer, Sy Mamabolo, due to the high voter turnout ballot boxes were full. Voting hours were not extended beyond the 9pm closure but voters who were still in queues at closing time were allowed to vote.<sup>10</sup>

### **ENDNOTES**

- 1 <http://www.info.gov.za/speeches/2009/09042017351001.htm>
- 2 <http://news.iafrica.com/sa/1415119.htm>
- 3 DA: Statement by Ryan Coetzee, CEO of the Democratic Alliance, on the shortage of ballot papers at certain voting stations (22/04/2009)
- 4 <http://www.thecitizen.co.za/index/article.aspx?pDesc=93805,1,22>
- 5 [http://www.search.gov.za/info/preview-Documents.jsp?dk=%2Fdata%2Fstatic%2Finfo%2Fspeeches%2F2009%2F09042017351001.htm%40Gov&q=\(\(gauteng\)%3CIN%3ETitle\)+\)%3CAND%3E\(+Category%3Cmatches%3Es+\)&t=Electoral+Commission+on+2009+elections+in+Gauteng](http://www.search.gov.za/info/preview-Documents.jsp?dk=%2Fdata%2Fstatic%2Finfo%2Fspeeches%2F2009%2F09042017351001.htm%40Gov&q=((gauteng)%3CIN%3ETitle)+)%3CAND%3E(+Category%3Cmatches%3Es+)&t=Electoral+Commission+on+2009+elections+in+Gauteng)
- 6 Interview with Mr Shiburi (IEC Gauteng provincial office).
- 7 <http://www.newstoday.co.za/cgibin/newstoday/show.pl?1240381411:Most%20voting%20stations%20open%20on%20time>
- 8 *Ibid.*
- 9 <http://www.buanews.gov.za/rss/09/09042115251001>
- 10 [http://www.iol.co.za/index.php?from=rss\\_South%20Africa&set\\_id=1&click\\_id=13&art\\_id=nw20090422165055401C638765](http://www.iol.co.za/index.php?from=rss_South%20Africa&set_id=1&click_id=13&art_id=nw20090422165055401C638765)



## KWAZULU-NATAL

**Shauna Mottiar** – ACCORD (writing in personal capacity)

### **ASSESSING ELECTION FINANCING IN SOUTH AFRICA – THE COST OF DEMOCRACY**

The 2009/2010 South African budget allocated R929 million for the national and provincial elections. R108 million was earmarked for upgrading 30,000 bar code scanners which are described as 'state of the art' and an investment for use in future elections. The scanners are able to hold the entire voters' roll – i.e. the names and identification numbers of all registered voters in South Africa. There was also an allocation for 105,000 new transparent ballot boxes (Flanagan, 2009).

The Independent Electoral Commission (IEC) IT budget for the 2009 election stands at R200 million, which is almost quadruple that of previous elections. The IEC has made various services available to voters on line such as checking registration status over the internet as well as by cellular phone (Du Toit, 2008). The technological upgrading of the IEC lends itself to considerable improvements in the administrative processes related to elections.

During the 1994 elections the IEC experienced various difficulties around the lack of a voters' roll, pirate polling stations, illegitimate voting and counting irregularities (Lodge, 1999). In 1999, however, voting fraud was reduced owing to a better registration (and other regulatory) processes (Lodge, 1999). By the 2004 elections the IEC made further procedural improvements regarding the counting and auditing process (Lodge, 1999).

The new scanner technology employed for the 2009 elections seeks to make the voting process more efficient and reduce the possibilities of voting irregularities.

The IEC has also expanded its voter education programme

through its Outreach Division. The Outreach Division is made up of a Civic Education Unit as well as a Research and Communication Unit. The Civic Education Unit encompasses a schools project in alliance with the department of education to institutionalise democracy and voter education, voter education during elections, disabled voter education, multimedia education and stakeholder engagement in the mass education of the electorate. The Research Division commissioned the Human Sciences Research Council (HSRC) to conduct a survey on voter participation in South Africa.

The survey, released in February 2009, has been widely cited and provides empirical evidence relating to strengths and weaknesses of the electoral process, voting behaviour and the preparedness of the IEC to manage the forthcoming elections. Voter education is vital to the elections process as it ensures that voters are aware of their rights to vote as well as being familiar with the process of voting. The HSRC survey is likewise important in that it is a source of information available to the public regarding the elections. Both informed voters and availability of information are vital to the democratic process.

The Public Funding of Represented Political Parties Act directs that parties represented in parliament receive funding proportional to their share of the vote. Funding of political parties is intrinsic to a multiparty democratic process, as it facilitates the phenomenon of electoral opposition. The state funding allocation to parties is limited to use for purposes compatible to the parties' functioning, including: the development of the political will of the people; the bringing of the party's influence to bear on the

shaping of public opinion; inspiring and furthering political education; promoting active participation by citizens; exercising influence on political trends and developing the interface between citizens and the public administration. Public funding is also regulated and the recipient political party is obliged to set up a separate account for any monies received and to submit statements as to its expenditure with regards any public funds received. The recipient party is also audited (Public Funding of Represented Political Parties Act and Regulations).

In addition to public funding, political parties in South Africa are permitted to raise and utilise private funding. Indeed, many smaller parties with lower state allocations rely on private donations. Most parties cannot rely on party-owned business interests, membership fees and branch level fund raising. Much party funding therefore comes from private sector donations or donations from foreign countries (Lodge & Scheidegger, 2005). This is especially the case with regard to election campaigning. The Public Funding of Represented Political Parties Act does not require disclosure of private party funding nor does it place any limits on the amount of funding a party can receive. Following the failure of a court application by the Institute for Democracy in South Africa (IDASA) in 2005 compelling political parties to disclose the sources of their funding, most parties have chosen not to disclose private sources of funding.

The concerns around private and undisclosed funding, however, relate to the fact that private funding may often come with strings attached and is not regulated in the same way as public funding (Matlosa, 2004:5). In the past financial year the state

has disbursed in the vicinity of R80 million to 19 parties but parties are reported to have spent an estimated R300–R500 million rand during the 2004 election. Private funding therefore accounts for much of their activity (Johwa, 2009). Likewise, parties are estimated to be spending some R500 million in the upcoming elections but their sources of funding remains unknown. This according to Steven Friedman ‘could well be the biggest threat to democracy in South Africa’ (Johwa, 2009). According to the IDASA position paper on private political party funding, the regulation of party funding will strengthen democracy by making parties more accountable, ensuring effective electoral competition, enhancing transparency and increasing public access to information (IDASA Position Paper, 2003).

Non-disclosure by political parties as to the sources of their funding may indeed have repercussions for democratic norms. The recent refusing of a South African visa to the Dalai Lama is a case in point and has caused analysts to suggest that the ruling party may be funded by the Chinese government after statements that there is to be increased cooperation between China and South Africa after the elections (Van Vuuren, 2009).

An obvious concern around private donations is that the donors may exert inappropriate and undue influence on policymaking. A well-known example of this occurred in the late 1990s when the Inkatha Freedom Party (IFP) accepted donations from illegal casino operators who were then ‘rewarded’ by the IFP provincial administration during the bidding process when legislation to regulate the casino industry was tabled (Lodge, 2002: 134).

Despite the fact that private funding is important to sustain political parties and to enable them to contest elections while reducing the financial burden to the state, there is a danger that it may result in political parties who are beholden to their contributors rather than to their constituencies.

Election broadcasting is another area involving election financing. National broadcasting during elections is seen as expenditure towards facilitating a smooth election. The SABC claims that it treats elections as ‘an integral part of the process through which the country’s young democratic traditions are further strengthened’ (*City Press*, 19 April 2009). The SABC, which broadcasts on 19 radio stations and four television channels, has expanded on its usual coverage to include gathering election-related material from across the country; providing platforms for citizens as well as politicians to relay their messages; offering wide analysis and debate around election issues and providing updates on the election process in terms of voting and counting (*City Press*, 19 April 2009). Indeed, the SABC has provided a significant election debate forum through its election debate series on Sunday evenings, which recorded the receipt of some 60,000 text messages from viewers around the country and ‘hundreds of thousands of callers’ (*City Press*, 19 April 2009) – indicating that South Africans are engaging with election issues through the broadcast media.

For the first time political parties advertised their campaigns on television (which they paid for themselves): this included adverts by the African National Congress (ANC), the Democratic Alliance (DA) and the Congress of the People (COPE). The SABC also aired a show (‘Last Word on Sunday’) that provided a platform for a comic evaluation of elections and parties in South Africa. Radio shows have also regularly featured election updates on both a national and provincial basis.

The print media included advertisements calling for South Africans to vote and providing information and guidance on the actual voting process: for example, *The Witness* provided a ‘quick guide to the polling day process’, where it outlined the entire voting process from presenting identification, being inked, marking two stamped ballot papers

in a voting booth and placing ballot papers in a ballot boxes. The guide also advised on correct procedural arrangements such as the presence of a presiding officer and party agent and vote counting methods (*Witness*, 19 April 2009).

#### **ELECTION FINANCING IN KWAZULU-NATAL – GUARDING AGAINST VIOLENCE AND INTIMIDATION**

The province of KwaZulu-Natal has expended a ‘lion’s share’ of the provincial commission’s resources to promote good conduct and political tolerance. The province has held public signings of the Code of Conduct by political parties in every one of its 52 municipalities. The public signings were also used to promote the IEC’s voter education programme focused on political tolerance and the freedom to hold opinions without fear of reprisal or attack.

In pursuance of a peaceful election process the province deployed close to 23,000 police officers across KwaZulu-Natal on Election Day. These included members of the public order policing unit, national intervention unit, detective teams and reservists. There was security provision for political events, demonstrations and VIP visits. The province also has in place ‘stabilizing operations and physical deployments in problematic areas’. Road blocks have been set up as well as intelligence-driven firearm searches.

Investigative task teams that probe election-related offences are on standby, as are reaction forces for problematic areas. Each polling station in the province is to have at least two police officials present while problem areas such as Non-goma, Ulundi and Estcourt will have up to eight police officers deployed. Among the duties of these deployed officers will be inspecting and sweeping voting stations for explosives and dangerous objects, securing voting stations together with the presiding officer and maintaining law and order within voting

stations. Police officers will also play a role in escorting ballot papers to voting stations and the movement of ballot papers during the counting process. The South African Police Service (SAPS) is currently training operational police officers with regard to the Electoral Act and in crowd management (Wicks, 2009). Security in the province will be overseen by the National Joints Committee comprising the police, army, national intelligence agency, emergency services, local traffic police and the IEC. The Committee will operate from a 24-hour high tech security centre in Pretoria and will have various resources at its disposal such as extra soldiers, planes etc. The Committee has already reviewed detailed submissions from police stations in every jurisdiction (Eliseev, 2009).

According to statistics released by the government's security cluster ministers (Intelligence Siyabonga Cwele, Safety and Security Nathi Mthetwa and Defence Charles Nqakula), KwaZulu-Natal remains by far the province with the highest levels of election-related violence and intimidation. Some 162 cases of election-related violence have been reported, including four murders and four attempted murders. The KZN Violence Monitor has recorded nine politically motivated murders in the province for 2009. These include IFP youth leader Bhekinkosi Dube, ANC youth chairman Sthem-biso Cele, IFP councillor Bongani Khumalo, IFP organiser Ntokozo Zondi and other IFP and ANC supporters (Mbanjwa, 2009b).

Owing to the situation in KwaZulu-Natal a special security task force has been deployed, ahead of elections, to troubled areas and hotspots for violence. The task force comprises members of the SAPS national intervention unit, the intelligence units and members of the army. The deployment was primarily in the Estcourt area and Nongoma. In the six weeks of their deployment the task force has arrested six suspects for election-related crimes and recovered vari-

ous illegal firearms including three AK47s, an R5 rifle, two 303 rifles, a shot gun, twelve 9mm pistols and more than 100 rounds of ammunition (Mbanjwa, 2009b). There are fears, however, that a number of arms remain hidden and unaccounted for and may be used to perpetrate violence and intimidation. Indeed, the KZN Violence Monitor in a report on the proliferation of guns in the province attributes violence in the province to government's failure to deal with the issue of unlicensed weapons in the area (Mbanjwa, 2009b).

Apart from the deployment of security, the KwaZulu-Natal legislature has mandated the African Centre for the Constructive Resolution of Disputes (ACCORD) to deploy an observer mission in the province. The mission, deployed in areas known as 'hot spots' for violence, has the unique task of assessing levels of election-related violence and intimidation in the province in order to assess its bearing on elections (Khumalo, 1999).

#### **PREPARATIONS FOR THE VOTING PROCESS IN KWAZULU-NATAL**

Security concerns notwithstanding, preparations for voting in KwaZulu-Natal ran smoothly. The IEC set up 4,187 voting stations in the province and had 12,561 electoral officers. The province has 4,459,291 registered voters (Sapa, 1 September 2008). Ahead of Election Day the provincial IEC opened all its voting stations to accommodate special voting (Sapa, 20 April 2009). Special voting refers to those in hospitals and old age homes as well as those who are disabled. It also applies to security forces who will be working on Election Day. The provincial IEC received 9,114 special vote applications but claims that the number of actual voters exceeded this number and were permitted extensions (*Pretoria News*, 21 April 2009).

Elections in the province will be observed by some 15 organisations (2,000 observers in total). The observer missions include the

African Union Mission and the SADC Mission (Sapa, 20 April 2009). The KwaZulu-Natal Democracy and Elections Forum (KZNDERF), made up of civil society, community and faith-based organizations, will also observe the provincial elections. Provincial IEC head Mawethu Mosery has stated that should bad weather conditions plague the province on Election Day (there is a forecast of 80% rain) contingency plans were in place. These include having the disaster management unit on standby and ensuring that ballot papers were delivered to voting stations on time despite possible road and bridge flooding. Access to voting stations by voters in bad weather is not seen as problematic, as voting stations are in close enough proximity to voters (Sapa, 21 April 2009).

Political parties in the province have been actively campaigning in the last days before elections. ANC rallies in Jozini, Hlulluwe and Ngwelezane were attended by thousands of supporters leading to comments that these previous IFP 'strongholds' would never have had such ANC access in past elections. Indeed, in previous elections areas north of the uThukela River were IFP-dominated. The ANC has set itself a target of winning the province by a 60 per cent majority. ANC party leadership, including Jacob Zuma himself, also personally visited amakhosi in the province and canvassed in other IFP strongholds such as Bulwer and Sweetwaters in the Midlands (Mbanjwa, B, 2009a).

Allegations claiming that the ANC employed unscrupulous campaigning measures in the form of distributing food parcels through the department of Department of Social Development have also been reported in KwaZulu-Natal. The Election Monitoring Network stated that it was concerned that Social Relief of Distress vouchers were being allocated in a 'discretionary' manner (Mgaga & Dell, 2009). The implication is that food vouchers are being distributed to secure votes and not necessarily to provide relief.

IFP campaigning in the province focused on declining morals and broken family structures as well as a critique of ANC education policies, arguing that when the IFP was in government in the province 74 per cent of high school leavers passed matric, while the current pass rate is under 60 per cent (Mbuyazi, 2009). The IFP has also criticised the deployment of security forces to areas marked as 'hot spots' for violence. It argues that this is a ploy by the ANC to intimidate voters in IFP strongholds. It has called for the withdrawal of these security units (Mbanjwa, 2009b). An election poll conducted by Plus 94 research has projected that the ANC will be victorious in KwaZulu-Natal, taking 57 of the 80 parliamentary seats with the DA behind it taking 12 seats, the IFP 5 seats and the United Democratic Movement (UDM) and COPE taking 3 seats each (*Sunday Times*, 19 April 2009).

The KZNDEF claims that the provincial IEC is ready for elections and predicts no challenges regarding balloting and the voting process in general. Communities

who have received voter education by the KZNDEF programme exhibit great enthusiasm regarding their right to vote and are beginning to engage with the elections process beyond simply a civil right to matters regarding voter responsibility, politician accountability, informed choices and to issues pertaining to election-related violence and intimidation. The prevailing sense among communities where the KZNDEF operated is that voting will be free, fair and secret. Fears have emerged, however, about outbreaks of violence when the results are announced and confirm that traditional strongholds have been lost.

## REFERENCES

- IEC Elections Briefing, 21 January 2009. Pretoria. 'The results of the 2008 voter participation survey' commissioned by the IEC, 4 February 2009, HSRC.
- Public Funding of Represented Political Parties Act 103, 1997.
- Public Funding of Represented Political Parties Regulations, 1998.
- City Press*, 19 April 2009.
- Du Toit, C. 2008. 'IEC turns to tech'. 18 September, [www.itweb.co.za](http://www.itweb.co.za).
- Eliseev, A. 2009. 'High tech centre to oversee security'. *IOL*, 21 April.
- Flanagan, L. 2009. 'IEC to spend R25 million on poll scanners'. *Star*, 23 March.
- Johwa, W. 2009. *Business Day*, 16 April.
- Khumalo, S. 2009. 'African observers to monitor flashpoints'. *Mercury*, 10 April.
- Lodge, T. 1999. *Consolidating democracy: South Africa's second popular election*. University of Witwatersrand Press, Johannesburg.
- Lodge, T. 2003. *Politics in South Africa: from Mandela to Mbeki*. James Curry, Oxford.
- Lodge, T. & Scheidegger, U. 2005. 'South Africa country report based on research and dialogue with political parties'. International IDEA/EISA.
- Matlosa, K. 2004. 'Public funding of political parties'. EISA Election Update South Africa 3.
- Mbanjwa, B. 2009a. 'ANC campaign trail makes inroads on the IFPs stronghold'. *Daily News*, 15 April.
- Mbanjwa, B. 2009b. 'Special task force to ensure fair polls'. *Daily News*, 21 April.
- 'Regulation of private funding to political parties'. 2003. IDASA Position Paper. *Pretoria News*, 21 April 2009.
- Mbuyazi, N. 2009. 'We will undo legacy of corruption'. *Daily News*, 15 April.
- Mgaga, T. & Dell, S. 2009. 'DA says handing out food vouchers is a ploy by the ANC to get more votes'. *Witness*, 18 March.
- Sapa, 1 September 2008.
- Sapa, 20 April 2009.
- Sapa 21 April 2009.
- Sunday Times*, 19 April 2009.
- Van Vuuren, H. 2009. 'South Africa; time to reclaim our values?' Institute for Security Studies.
- Wicks, J. 2009. 'Safeguarding the elections'. *Mercury*, 15 April.
- Witness*, 19 April 2009.

Acknowledgements to Sibonelo Zuma, KZNDEF Political Officer, DDP

# LIMPOPO

Lesiba Teffo – University of Limpopo

## POLLING

Post-apartheid South Africa was confronted with a unique and complex challenge of regulating or de-regulating party political funding. In terms of Public Funding of Represented Political Parties Act (1997) only political parties that have elected public representatives in Local Council Provincial Legislatures, the National Assembly, and the National Council of the Provinces (NCOP) are eligible to receive funding from the Represented Political Party Fund. To ensure the effective and efficient implementation of this Act, in 1998 Parliament approved

the Public Funding of Represented Political Parties Regulation which seeks to stipulate provisions and conditions under which funding of these parties must be undertaken. This contribution considers the implication of funding or the lack therefore on the entire body politic of South Africa.

It should be observed at the outset that contemporary political engagement and participation at party and individual level is a costly affair. In the not so distant future smaller parties with little financial muscle will wither away. Whether this would be a good or bad development is a moot point.

However, this plethora of political parties, some of which are based and founded on ethnic/ tribal lines and cult personalities are not healthy for the broadening, deepening and maturation of our democracy. The funding status quo is therefore probably a good thing, and there should also be greater transparency and accountability when it comes to the funding of political parties by institutions and agencies other than the state.

The cost of democracy in general can be counted in pecuniary terms, loss of human life, the robustness of the economy, the moral fibre and probity of the society, and

most importantly, its standing in the family of nations, and in the universal order of things. Democracy is a project to be accomplished, yet at the same time it is like a mirage. It is difficult to harness and accomplish as an 'as is'. It is a lifetime assignment that needs to be nurtured with perpetual vigilance. Economic success is a necessary but not sufficient condition for achieving democracy. We need all the elements and institutions of states to be in harmony with each other so that an ideal democratic equilibrium could be achieved.

Being the source of all evil, money should never be the ultimate determinant in matters of national interest. Otherwise a party could find itself mortgaging our bequest to posterity to the highest bidder. It is in this sense that the cosy relationship between the ruling party, the African National Congress (ANC), and the Peoples Republic of China has become a source of contention.

A distinction should unequivocally be made between the state and the ruling party. The state is not equal to the ruling party and vice versa. Evidence of money corrupting the ruling elite and their policies become more evident when sovereignty is superseded by foreign national interests of trading partners and allies. However, we have done relatively well in our young democracy, but more effort and vigilance are required.

The ANC, the Democratic Party (DA) and the Congress of the People (COPE) seem to have stronger financial muscle than the rest of the 145 parties combined. In an ideal world it would have been possible for the remaining parties to find some resonance with the policies of the three main parties and therefore align themselves with. Given the cost of modern electioneering and the evident lack of major differences in their ideologies and policies, we are likely to see no more than five parties in the next five years or so. The successful democracies in the world can be pointed to in support

of this assertion. There you tend to find two to three parties contending and alternating in running the country. It is to be hoped that we will get there with time. All we need to do is to transcend this phase where forming a party is like starting one's own firm to earn a living. The politics of the stomach should have no place in an immediate future.

#### **VOTING STATIONS**

Chapter 6 sections 63-67 of the Electoral Act provide for the rationale for the establishment of voting stations. For example section 64 subsection 1 provides that: The Electoral Commission must establish for an election one voting station, or one voting station and a mobile voting station, or only a mobile voting station, in each district in which the election will be held. The Commission may provide a mobile voting station only if (a) the voting district is large and sparsely populated area and it is necessary to assist voters who would otherwise have to travel long distances to reach the voting stations, (b) the voting station is necessary for use at a prison.

The choice of a voting station should ensure that there would be a free and fair election. Any factors that could militate against such conditions should be addressed a priori. If no solution is feasible, a heavily protected mobile voting station could be an option.

It is common knowledge that certain individuals, parties and employers try to sabotage the election process by creating artificial impediments at the last hour. There is also a strong perception that needs to be mitigated. Presiding officers in the main are perceived to be aligned to the ruling party and as such are often accused or suspected of serving the interest of the ruling party.

The ruling party has a policy of cadre deployment, and people are therefore often tempted to break the rules in the interest of the ruling party so that they will be noticed and considered for deployment. Whether this allegation is true or

not, it does however strongly persist, and to some degree undermines the credibility of the election results.

The vetting process of presiding officers, party agents, police officers, and all those who have access to the voting station should be transparent and public. This should be the case especially where mobile voting stations are to be used. In the nature of things such stations can only accommodate a limited number of people and as a result those people's character and conduct in relation to the process should be beyond reproach. The litmus test for free and fair elections is legitimacy. Polling stations are accordingly sacred and therefore all those who are presiding over them should be above suspicion.

#### **SECURITY OF THE BALLOT**

Section 90 of the Electoral Act 73 of 1998 deals with the infringement of secrecy with regard to the ballot. Even in instances where assistance is to be provided to the disabled, as per the Act, secrecy should be maintained. The provisions of this section seek to protect the confidentiality of the vote and to ensure that any voter is not influenced by intrinsic or extrinsic factors. The voter should be unencumbered when exercising his or her universal suffrage. This is important in situations where threats and actual violence is at times resorted to in order to ensure electoral victory.

However, there are instances where these provisions can be suspended in order that the disabled people can participate meaningfully in the election. On this reasoning, therefore, it could be argued that in some instances the secret ballot is not so secret. That said, attempts should be made to stick to the letter and spirit of the Act with due regard to secrecy.

The level of literary advancement of a nation determines the electoral methodology that is used by that respective nation. Since 1994 to date South Africa, as all other African states, has and still uses a manual method of voting on a ballot box. This may well be justified

by the prevailing lower levels of (computer) literacy among South Africans. The USA, Canada, Britain and Japan seized the opportunity presented by information and communication technology and have switched to a computerised method of voting. It is not problem-free, but it is effective and efficient.

The secrecy of one's vote is occasionally compromised when or if the IEC has to attend to the special needs of voters who are blind, illiterate and physically handicapped. These categories of voters are circumstantially compelled to disclose the names of their preferred parties and/or candidates to IEC officials and party agents. The secrecy of the ballot is also undermined by voters who come to the voting stations wearing party political t-shirts, caps and or any other related attire. Another voting predicament is that a blind or absolutely illiterate voter may bring along his/her next of kin to put a cross on the ballot for that respective voter. How certain are we that the choice of that blind voter had not been misrepresented by his/her next of kin who may have preferred a different choice over that of the blind voter?

The most penultimate challenge confronting all democracies is to rigorously attend to this question: How do we contextualise the sacredness and secrecy of the ballot paper in the midst of free and open electioneering by political parties and candidates? In education lies the future of this country. If we invest properly in it we might reach a stage where the concerns raised above are eliminated.

### **THE VOTING PROCESS**

There is an undisputed conviction among all global democracies that universal suffrage is the greatest cornerstone and embodiment of a free nation.

The power to exercise governance is not sourced through the use of coercion or primogeniture but through free and open elections by all emancipated and eligible citizens of that particular nation-state.

The Independent Electoral Commission (IEC) is an integral part of the Chapter 9 institutions that are enjoined with a constitutional onus to nurture and augment our evolving constitutional democracy. The IEC derives its operational significance and mandate to conduct peaceful, free and fair elections from the Constitution and the Electoral Act.

In pursuit of its mandate the IEC must eloquently and comprehensively stipulate how the voting process should be undertaken during elections. There are election administrators within the employ of the IEC who are tasked with a variety of duties and responsibilities. To my knowledge and according to the briefings given by the PEO and other observers and agents, the IEC officials acquitted themselves well. There was one instance in which a presiding officer tried to influence voters in a certain direction, but that was detected and the officer was after consultation with the PEO summarily dismissed. This was later lauded by all party agents when the daily briefing was made.

Section 24 of the Electoral Act posed some challenges. There was unanimity that it should be reviewed.

- Conducting of Election Awareness and Education campaigns geared at informing and educating the citizens about the essence of elections and the voting process.
- Registering eligible voters and preparing voters' rolls in accordance with the Electoral Act and Memorandum of Understanding between the IEC and participating political parties.
- Certifying the eligibility of voters and candidates. People with a certain prescribed criminal record are barred by the Constitution to partake as candidates during elections – general and municipal elections. This constitutional restriction does not apply to voters. South African citizens abroad are entitled to

cast their vote only on a National Ballot.

- Convening all participating political parties with the sole purpose to pledge their commitment to peaceful, free and fair elections. Political party leaders are urged to communicate a message of political tolerance and respect for human dignity to all their members and supporters.
- To accord the public an opportunity to enlist any objection against any candidate. The IEC is vested with discretion to either sustain or dismiss the objection *per se*.
- Selecting appropriate voting devises and designing of ballot papers.
- Liaising and collaborating with the Security forces to assist in contributing to a safe and secured environment for free and fair elections. Security forces are mostly deployed to places that are designated as 'high risk' or 'no-go' zones. Security forces must guard against any trend or eventuality that might tarnish the credibility and integrity of elections.
- To organise a temporary workforce to assist during voter registration and elections.
- Contributing and advocating for a conducive, peaceful and tolerant political atmosphere so that all voters may exercise their right to vote without any hindrance.
- To ensure that, on election day, voters cast their votes in a designated secret venue as prescribed by the Electoral Act.
- The counting of votes and certifying of results are done in the presence of party agents and other election observers.
- As prescribed by the Act, the chairperson of IEC makes a final determination on the overall results of the election. Once more, in my considered opinion, as an institution, the IEC acquitted itself well.

## WESTERN CAPE

**John Akokpari** – University of Cape Town

ALONGSIDE the new aggressive campaign strategies, the spotlight is also falling on the IEC and especially on the electoral infrastructure put in place to ensure smooth and violence-free elections. In this brief report, on the Western Cape, we focus on three elements of the elections: (a) polling stations; (b) secrecy of the ballot; and (c) the voting process. While these three by no means form an exhaustive list nor constitute the most essential elements of the elections, they represent key ingredients and basic requirements the compromising of which could seriously jeopardise the credibility of the polls.

### **POLLING STATIONS**

At the close of the voter registration process in February, the Western Cape recorded a total of 2,630,174 registered voters. Following the successful completion of the delimitation process in 2008, the voting or electoral districts in the Western Cape increased to 1,541, up from 1,348 in 2004. Each voting district is assigned one voting station. The city of Cape Town has 818 voting districts, representing over 50 per cent of the Western Cape's total. More political parties are contesting in the Western Cape than in any other province in the country. In all, 22 political parties are contesting, five more than the Eastern Cape, which comes second with 17 political parties.

One of the critical challenges of the provincial IEC is guaranteeing the safety and security of voters and the polling stations on polling day. This challenge comes against a backdrop of the skirmishes and near clashes between supporters of political parties that have been witnessed in parts of the province during the registration exercise in February. The concern with security

related to the tendency for party supporters to cause trouble given the high stakes in the polls. To avert this eventuality, the Provincial IEC in conjunction with the South African Police service (SAPS) deployed at least two police officers to each polling station. Whether the presence of two police officers was sufficient to deter or contain violence at the voting stations remained an open question.

The provincial IEC also trained polling assistants to serve as electoral officers on polling day. The polling assistants were deployed to every polling station. The essential responsibilities of these officers was to check the ID books of voters to confirm that individuals had registered and were not attempting to vote a second time, issued voters with ballot papers and directed them to voting booths where their vote were cast. The essence of training voting assistance was to equip them with the relevant skills to make them non-partisan in the discharge of their duties. These assistants also assisted voters requiring assistance such as the physically challenged – the blind, the elderly, the deaf, the lame, etc.

It was necessary to keep party agents clear of polling stations, as they had the potential to foment trouble. The voting stations were generally in schools, community centres and other public premises. Tents were used where such public facilities were considered too far from communities. Ideally, the voting stations were set up in such away that the polling booths guaranteed secrecy.

### **SECRECY OF THE BALLOT**

The credibility of the April 22 polls depended very much on the extent to which voters felt able to cast their votes without intrusion into the

space where they made their choices among political parties. The polling arrangements were therefore set up in a way that guaranteed secrecy of the ballot. The objective of secret voting was to give voters the freedom of space they require to make responsible choices. This would in turn ensure the credibility of the polls and subsequent acceptance of the outcome by all parties – both victors and vanquished.

In the Western Cape and indeed nationally, the polling booth was set up separately from the position of electoral officials. Voter's identities were verified, confirmed as eligible and given ballot papers. They then went into the polling booth where they were all by themselves to cast their votes. The separation of polling booths from polling assistants guaranteed secrecy. At the environmental level, secrecy was also informed by the level of security around polling stations. Clearly, secrecy would be considerably compromised if intimidation and violence occurred around polling stations.

The impartial role of election officials and the professional discharge of their responsibilities were equally crucial to the secrecy of the ballot. This issue is particularly pertinent given that a few weeks ago some opposition parties raised concerns about the fact that with some ANC office-bearers were working as polling assistants for the IEC. The opposition parties demanded that the IEC revoked the appointment of such ANC office-bearing officials, as this could be seen to compromise the institution's neutrality in the electoral process. Similarly, the ability of security personnel to ensure a trouble-free environment also informed the secrecy of voting. Both the national and provincial IECs embarked on a campaign to educate

voters on their rights and responsibilities in the polling process.

### **THE VOTING PROCESS**

For the first time since South Africa made the historic transition from apartheid to majority rule in 1994, the country's electoral process excited considerable enthusiasm. This enthusiasm was in part generated by the reality that South Africans living abroad were granted the opportunity to exercise their right to vote. Thus, while South Africans living in the country were elated by the changing terrain of the electoral landscape, caused most especially by the formation of COPE, those living abroad were celebrating the unique opportunity to vote away from home.

Yet, while South Africans were enthusiastic and anxiously waiting for April 22, it was their countrymen and women living abroad who were the first to cast their vote. On 15 April, a week before the national polls, South Africans living abroad cast their votes. The IEC reported that 16,000 South Africans living abroad cast their vote in the country's 124 foreign missions. Of these, 7,000 were expected to vote in the South African mission in London, while over 1,000 South Africans were expected to vote in Canberra, Australia. The ballots from overseas were sent to Pretoria but were not counted until after South Africans at home had voted. The right of overseas-based South Africans to vote was eventually granted by the constitutional court after wrangling between opposition parties, especially the Freedom Front Plus, on the one hand and the IEC on the other, which was initially hesitant about the idea for logistical reasons.

The huge development infrastructure in South Africa was key

in helping the IEC in its campaign to explain the voting process to the public. The IEC used the mass media, including television, radio and the print media as well as the internet to disseminate information about the voting process. The voting process was simplified on the web page of the IEC. Essentially the process, as outlined by the IEC, involved the following six steps at the polling station:

The first stage involved the verification of the identity or the valid temporary identity certificate of the voter. This stage also involved the inspection of the fingers of the voter. The objective here was to ensure that the potential voter was in possession of a valid green bar-coded identity book and that the individual had not voted earlier in the day at another polling station. Second, the polling assistant verified that the photo in the green bar-coded identity book was the person presenting it. At this stage the polling assistant also verified that the holder of the ID book was registered to vote. Third, once the polling assistant was satisfied that the ID book holder was registered and eligible to vote, he/she crossed the name of the voter in the voters' roll. Fourth, the voter's thumb was marked with indelible ink. Fifth, the voter was issued with two ballot papers – a national and provincial ballot papers. The ballot papers bore the acronyms of political parties as well as the pictures of their leaders. Sixth, the voter was directed to a polling booth to cast his or her vote. Prior to placing the ballot paper into the ballot box, the voter marked his or her preferred party and candidate. The IEC made provision for voters who made mistakes in marking their party/candidate to be given a new ballot paper. However, there would be no second chance

once the ballot paper had been dropped into the ballot box.

For those who voted in South Africa's foreign missions abroad, the process was the same. Prospective voters need to go to the South African mission in their countries of residence with their valid green bar-coded identity book or valid South African passports for their identities to be established. Then they go through the same steps as their countrymen and women in South Africa to cast their vote. Prospective voters should have applied to the IEC and have their names on the voters' roll compiled for voting in their countries of residence.

In both the local and foreign mission voting, steps one to five were designed to ensure that registered individuals did not engage in double or multiple voting.

The voting process did not prove complex for many voters although it was quite certain that a few still found the process complex and perhaps confusing.

### **CONCLUSION**

By all indications the provincial IEC was firmly in control of the electoral process. The polling stations were set up with the necessary infrastructure for the elections, the secrecy of the ballot was guaranteed as the IEC put measures in place to ensure the safety and security of voters and polling stations, while it also expanded considerable efforts in educating voters on the voting process.

Unlike in other provinces, especially KZN where there were complaints relating to the secrecy, the voting process and political intimidation – due largely to the political tension between the IFP and the ANC, there were no such complaints in the Western Cape.





## EASTERN CAPE

Thabisi Hoeane – Rhodes University

### POLLING

This article addresses the role of party candidates, women's participation, the role of party agents, the media and local election observers. The discussion covers two stages of the process: the two special voting days (20th and 21st April 2009) during which specific categories of voters who could not participate on the 22 April were allowed to cast their ballots. These included the infirm, aged and those were going to be rendering services on the 22 April such as IEC officials and members of security forces.<sup>1</sup> The article also focuses on the actual voting day.

### ROLE OF CANDIDATES

Together with party agents, candidates on polling days are charged with various duties, although those of candidates are much broader. They were generally focused on two main activities: coordination issues related to their supporters in terms of getting them to the polls, and those who were present at polling stations observing that the process of voting was managed in a manner that did not prejudice the interests of their parties. However, they were strictly prohibited from campaigning near or within the precincts of polling stations.

The coordination functions, for example, entailed ensuring that their supporters were in possession of the appropriate documents for voting, that they were transported

to voting stations and that they appeared on the voting rolls. The ANC, for example, had established 3,500 centres at the municipal level for such purposes<sup>2</sup> and these centres were by law required to be operational outside the boundaries of voting stations.

Despite the stated restrictions, parties often accused each other of transgressing the imposed strictures. For example, this was raised as a complaint by a PAC official, who accused ANC officials of distributing party pamphlets at a voting station in Engcobo.<sup>3</sup>

### WOMEN'S PARTICIPATION

Women's participation on polling day can be engaged from two perspectives: those who were directly involved in the management of the process, and those who participated as voters. In both instances, it is difficult to exactly collate the exact number of women participants. However, it is clear that their role was visible. In terms of management of the electoral process they were involved in such capacities as electoral officials engaged by the Independent Electoral Commission (IEC), as members of the security forces, as members of observer delegations and as party agents and candidates.

In terms of voter participation, given that the majority of registered voters provincially are women – 60 per cent – it can be surmised that

### CONTENTS

<b>EASTERN CAPE</b>	<b>130</b>
<b>FREE STATE</b>	<b>132</b>
<b>GAUTENG</b>	<b>135</b>
<b>KWAZULU-NATAL</b>	<b>137</b>
<b>LIMPOPO</b>	<b>141</b>
<b>NORTH WEST</b>	<b>143</b>
<b>WESTERN CAPE</b>	<b>144</b>

they participated in large numbers on Election Day, as the turnout was high at 74.87 per cent, translating into 2,888,387 voters.<sup>4</sup>

### **THE ROLE OF PARTY AGENTS**

The functions of political party agents are statutorily defined and these include stipulations of the criteria they should satisfy to be allowed to carry out their duties, the maximum number that is prescribed to be present at each voting and counting station per party, and the specific activities they can and cannot engage in during polling.<sup>5</sup>

Thus they must be South African citizens, be specifically accredited by the IEC, and not be candidates in the election. Each party is restricted to having no more than two agents at each voting station, the exception being that if the counting station is at a different venue from the voting station, this number can be increased to a maximum of four agents per party.<sup>6</sup> Their main function was to observe the election, for example, by being present when the counting was carried out, and assist IEC officials in sorting out ballot papers before counting.<sup>7</sup> Thus, they were not directly charged with the duty of running the election, and instead serve more of an observation and monitoring role on behalf of the party, reporting any irregularities in the polling or counting processes that may perceive to have occurred, and raising and lodging complaints and disputes for adjudication, on behalf of their parties where necessary. However, it is clear that the ability of parties to effectively monitor the elections and safeguard the interests of their party through the presence of party agents was dependent on their ability to field enough personnel to be present at every station.

For example, with 4,482 voting stations provincially, this meant that each party would have needed to have mobilised 8,964 party agents. But for smaller parties – for example, such as the African Independent Congress (AIC) – this was a daunting task compared with bigger ones

such as the ANC, which noted that it had fielded 10,000 party agents,<sup>8</sup> which allowed it to monitor all voting stations.

Some disturbing issues cropped up during polling day regarding the conduct of party agents and how some had been impeded in the performance of their duties. Some party agents were accused of campaigning for their parties at the Engcobo voting station,<sup>9</sup> a clear violation of IEC regulations. In Libode, COPE agents complained that they were ignored by the IEC presiding officer when they raised queries about alleged improper conduct of an ANC leader who was interfering with the voting process.<sup>10</sup>

Media reports and observer reports have generally indicated the effectiveness of party agents in the process in various areas of the province. For example, the South African Council of Churches (SACC) commented that, although it did note concerns raised by voters and political parties regarding the misconduct of some party agents – such as distributing their party literature and setting party tables too close to voting stations – it was satisfied with their general overall conduct.<sup>11</sup>

### **ROLE OF THE MEDIA**

The provincial media augmented by the national one – both electronic and print – played an indispensable role in reporting on the polling. This included its role in providing information on pre-polling days, highlighting for example, the voting process, what documentation voters need and so on. On polling day, the media generally carried updated reports on what was happening around the province focusing on unfolding election events.

This was particularly so with, for example, one of the major newspapers in the province, the *Daily Dispatch*, which in addition to its daily print edition, for the first time utilised a special online blog '*DispatchNow 24/7*' to specifically focus on breaking news on the elections in tracking what was happening

around the Eastern Cape Province.<sup>12</sup> The other major daily newspaper, *The Herald*, also supplemented its print coverage with online information. In addition, the paper organised a pre-election public debate, a day before the election where senior politicians in the province gathered at the Port Elizabeth City Hall and responded to questions that had been sent to the paper via sms.<sup>13</sup>

Radio stations such as *Algoa FM* and *Umhlobo we Nene* were also extensive in their coverage of the elections, carrying out interviews with politicians and voters in addition to election information carried on their news broadcasts.

Beyond these bigger media outlets, which served the public in covering most parts of the province, smaller community media played a very critical role in reporting on local events around the election. For example, in Grahamstown, the community paper *Grocott's Mail* was prominent in carrying news of polling day. Two local radio stations, Rhodes Music Radio (RMR) and Grahamstown Radio, also played their part. RMR informed listeners on the voting process, in addition to hosting interviews with local political leaders, whilst Grahamstown Radio set up a special team that focused on polling activities.<sup>14</sup>

### **ROLE OF DOMESTIC ELECTION OBSERVERS**

The most visible local monitoring group in the province was a coalition of Non-Governmental Organisations (NGOs), which included the South African Council of Churches (SACC), the Institute for Democracy in South Africa (Idasa) and Black Sash, which had deployed 500 monitors around the country.<sup>15</sup> The group, in addition to monitoring the election generally, was more focused on identified 'hotspots' that were prone to violence – such as the cross-border area of Matatiele in the Eastern Cape.<sup>16</sup>

The other observer organisation that participated in the monitoring of elections was Business Unity South Africa (Busa), an umbrella

body for businesspeople, which also noted with satisfaction the cooperation between party agents and IEC officials in declaring a successful election.<sup>17</sup> Mention should also be made of the SACC, which fielded 1,500 observers around the country, in addition to the 100 pre-election observers that it had deployed per province to monitor the campaigns.<sup>18</sup>

In summary, the input of local monitors in the polling process provincially – augmented by their international counterparts – has been successful. Although they did note, in general terms, irregularities in the electoral process, they came away with a favourable impression of how the election was conducted. Most significantly, the fact that they did not report any large-scale incidents of political violence indi-

cates that the election indeed went smoothly.

### CONCLUSION

The provincial polling that was undertaken both for special and general voters went well. The role of party candidates, party agents, the media and local observers cumulatively delivered a successful election. The participation of women was high, indicating that one of the sectors of society that is usually marginalised participated in this critical democratic process.

### ENDNOTES

- 1 11,800 voters had applied for special voting status. See Thanduxolo Jika, 'Special votes to be cast on two days', *Daily Dispatch*, 20 April 2009, p. 2.
- 2 <http://www.businessday.co.za/artciles/topstories.aspx?ID=BD4A987045>
- 3 <http://www.dispatch.co.za/article.aspx?id=310470>
- 4 <http://www.eisa.org.za/WEP/sou2009resultsa.htm>
- 5 [http://www.buanews.gov.za/elections\\_2009\\_party-agents.htm](http://www.buanews.gov.za/elections_2009_party-agents.htm)
- 6 Ibid.
- 7 <http://www.dispatch.co.za/politics/article.aspx?id=310785>
- 8 Mawande Jack, Rochelle de Kock, Gareth Wilson, 'All systems go as voting machine to roll', *The Herald*, pp. 1-2.
- 9 <http://www.dispatch.co.za/article.aspx?id=310470>
- 10 <http://www.dispatch.co.za/article.aspx?id=310468>
- 11 <http://www.sacc.org.za/news09/sacsec.html>
- 12 Jan Hennop, 'You can't beat the Dispatch's dual polling coverage', *Daily Dispatch*, 21 April 2009, p. 1.
- 13 *Weekend Post*, 'Join the debate', 4 April 2009, p. 2.
- 14 Kwanele Butana and Rugare Nyamhunga, 'Tune in for election coverage', *Grocott's Mail* 21 April 2009, p. 3.
- 15 Mawande Jack, 'Election monitoring groups urge parties not to stir conflict', *The Herald*, 2 April 2009, p. 2.
- 16 Ibid.
- 17 <http://allafrica.com/stories/200904230811.html>
- 18 <http://www.sacc.org.za/news09/sacsec.html>

## FREE STATE

**KC Makhetha** – University of the Free State

### POLLING

As the elections unfolded, it was important to take a closer look at the role played by different participants during the elections of 2009 in the Free State. There are many role players, but the focus will be on the role of candidates, women's participation, the role of party agents, role of the media, and the role of domestic election observers. As much as the focus is on the above-mentioned roles, it is crucial to include the role of the youth in the Free State.

### ROLE OF CANDIDATES

For any person to be a candidate, s/he has to satisfy certain requirements according to the Electoral Act, Act 73 of 1998. Among these requirements, the candidate should have no criminal record and should formally confirm availability as selected to be on the party list.

The role of candidates can be influential when used to best ad-

vantage. The people within the communities are searching for a face to identify with, a person who shares their concerns and understands their needs. The people want candidates to be people of integrity, who respect the law and strive to serve with commitment. Therefore, there is more pressure on the candidates to assure the electorate of their expertise and preparedness for the challenging work.

In the past, more emphasis was put on the role political parties have to play in the development of their members, as this is where this experience and exposure should stand to be tested. The political party should serve as the practice ground for grooming political leaders. This was also repeated during a live political debate on SAFM in Bloemfontein, on April 15, 2009. This platform was created for political parties to share their views and also give assurance to the electorate. Candidates should

have a clear sense of the political environment and the ability to operate and manoeuvre such an environment with tact and skilfulness.

The manifestos on their own are seen as bare and empty words and this was expressed by people from within the Mangaung community in Bloemfontein, but if the candidates play their role well, these manifestos can develop into policy. This kind of responsiveness was evident during campaigning in the Free State, throughout the election period. Many candidates worked very hard to give support to voters. This was also an opportunity to be visible; marketing themselves and the political parties. It is important to note that among candidates, there were quite a number of women representing the different political parties.

### WOMEN'S PARTICIPATION

The role of women has been under

scrutiny for a while, as it has been a challenge to bring the balance of gender into political circles.

The IEC in the Free State has made efforts in the past two years to promote women's participation in politics. This initiative was launched through an Indaba held in Thaba Nchu in 2007, where political parties and other stakeholders were invited to discuss important issues with regard to women and political leadership. Political parties had to share their thoughts, their views and their intentions for the future with regard to the development of women leaders and the support and exposure they need to give them.

The PEO of the Free State, Mr Mepha, and his team made sure that women were well represented at this Indaba, to afford them a chance to talk for themselves and also present their interests. At this Indaba, political parties in attendance, among others the ANC, FF+ and the DA, seemed committed to promote the position of women within the political parties. Forums of this kind will assist the process of empowering women to stand up for themselves and take the responsibility for their development. They will empower women to get the necessary skills for political leadership.

Throughout the elections, attention has been on political parties' activities. There were some instances when women were involved and others where they were left out completely.

As a point of reference, the signing of the Code of Conduct was one opportunity where political parties afforded women a chance to represent their parties and take an oath on their behalf. At this event, it was very clear that most of the women involved were not sure of their role and therefore not comfortable.

The event which saw women highly motivated to take on a leadership role was during the Women's March on 16 April 2009 in Bloemfontein, organised to propose and demand that Maitland Street be renamed in honour of a woman – Lilian Ngoyi, who was a leader in

the struggle against apartheid policies. On this day, women marched through the streets of Bloemfontein and it appeared more like part of campaigning, as this march was led by the ANC Women's League.

An observation from a distance, watching this march unfold, confirmed that women still feel they have to march to get heard in South Africa. For me this march, in short, signified a bigger struggle women still face in order to be recognised – they have to work hard to earn recognition.

Other opportunities presented themselves when the media came to Bloemfontein with the aim of giving coverage to political parties and providing an opportunity for the communities to air their concerns.

In debates on crucial policy matters, the voice of women was lacking. Even when SAFM invited political parties for a debate on 15 April 2009 none of the six political parties (that is, the ANC, DA, COPE, FF+, ACDP and PAC) were represented by a woman. This raised questions about the parties' commitment to women's representation. When it matters most for political parties to voice and defend their policies and manifestos, women were not considered to be the best people to represent the parties, but at ceremonial events like the signing of the Code of Conduct, women were given the limelight.

In some instances, one could see from the body language and the facial expressions on the women selected to talk that they were not really clear on what they were expected to say on behalf of their political parties.

Within the IEC in the Free State, women are visible and they are given the space and support to specialise in their areas of expertise. In formal sessions with the IEC, one got to experience them in action and they are indeed in control of their fields. There is also harmony in the working relationship among women and men in the office, giving a united front representing the IEC in the Free State.

Women journalists have been involved in the coverage of the Free State and in interviews with political parties. Here again, expertise shone through. The rehearsal for election day coverage, on both television and radio, was handled very well by a diverse team of men and women who treated one another with great respect, even during the actual coverage of elections.

At the signing of the Code of Conduct, women were not represented in the security forces. At the voting stations visited, there were no women from the SAPS or SANDF. It is a possibility that women were deployed in other areas; however this remains a concern. Women should be visible in the security forces and given exposure to elections.

Among domestic observers: in the two briefings which were organised by the IEC, over 90 per cent in attendance were women. It was good to see so many women interested in observing the election, but also disappointing as not all of these women were clear about what the role of observing elections entailed. They were not even aware that their role required that they observe all the phases of an election: pre-election, election-day and post-election periods. They also had expectations of transportation and structure of report writing from the IEC. It was very clear that they were not briefed enough by their organisations and therefore were not ready and prepared for the work they were about to embark on.

#### **THE ROLE OF PARTY AGENTS**

Party agents are members of the respective political parties who have been selected and registered by the political parties to serve as their eyes and ears throughout the voting process. These party agents should be trained to be vigilant; by ensuring that the voting processes are procedurally correct and just. The party agents worked closely with the presiding officers at voting stations and were involved in all situations whenever voters needed assistance.

As stated in section 59 (1) – (3) of the Electoral Act, Act 73 of 1998, the powers and duties of agents are very clear and if expressed well during elections, then the party agents would not be in doubt or in conflict with the presiding officers at voting stations.

In the Free State province, party agents played their role very well during the voting process as well as throughout counting. According to the media briefing done by Mr Mepha, no complaints were registered from voting stations with regard to the fairness of the process. This suggests that the party agents did their work well.

Party agents continued to oversee the counting process until completion. They were present when results were verified by auditors from PricewaterhouseCoopers in the different municipalities. A high level of transparency prevailed, and this improved the level of trust in the system. The level of transparency also made it easier for the media to do their job, bringing fresh updates to the communities continuously.

#### **ROLE OF THE MEDIA**

Apart from broadcasting from the studios in Bloemfontein, the media made an effort to visit areas in the Free State; small towns and rural areas, townships and suburban areas. Closer to the elections, on 15 April 2009, SAFM Radio station visited Bloemfontein. A live broadcast was done from Kagisanong Hall in Rocklands Township, where political parties and their members were given an opportunity to debate critical issues that affect the lives of the local communities. The political parties present were the ANC, DA, COPE, UDM, FF+, and PAC. All had a chance to make a presentation and answer questions raised by the audience.

This event gave members of the local community a chance to clarify the information that they had read in the parties' manifestos and also to pledge their support for their parties. This broadcast took place

within a peaceful environment of different political parties with diverse ideologies singing and dancing in the same space.

The media, throughout the election period, provided continuous updates about all the 20 municipalities of the Free State. Journalists and reporters were scattered all over the Free State and reported on situations as they happened.

Local languages were used optimally in reporting on the Free State and ordinary people within the society managed to keep abreast with the developments and felt free and comfortable to make comments about how they experienced the voting process.

The media briefings at the IEC offices in the Free State were well attended and held regularly throughout the election day as well as on the days that followed. During counting on the 23 April 2009, the media made follow-ups during media briefings and there was enough excitement and interest in the processes.

#### **ROLE OF DOMESTIC ELECTION OBSERVERS**

As already mentioned earlier, it remains a concern that almost all people who attended the briefing sessions of the IEC did not really understand what the role entails. There was a tendency to confuse the role of the observers with that of IEC officials. Some people were expecting the IEC to provide transport and instructions on what is expected of observers, as well as the structure of report writing.

This is a clear indication that more education on elections and civic responsibilities is necessary. There is a need for training on the role of observers. For South Africa and the Free State province to have a pool of credible observers who will contribute to the deepening of democratic principles around elections, it is important to give attention to this aspect. All organisations which might be interested in playing this role in the future need to be empowered.

It is also a cause for serious concern that there are not many observers accredited to observe the elections of 2009 in the Free State. Worse still, the two institutions of higher education, the University of the Free State (UFS) and the Central University of Technology (CUT) were not registered / accredited to observe the 2009 elections. Elections make governments and this should be important enough for any institution of higher learning.

The only domestic organisations eventually accredited to observe elections in the Free State, as confirmed by the IEC, are:

<b>Organisation</b>	<b>Area of Deployment</b>
South African Council of Churches	All municipalities
Infortex	MANGAUNG
Young Women Christian Association	MANGAUNG

In the past few elections, the Political Science department of the University of the Free State took part as an observer. Hopefully, the department will participate again in this capacity in the next election. Elections serve as excellent platforms for students to learn more about their own country.

#### **ROLE OF THE YOUTH**

From the official records of the IEC, it is clear that just over 27 per cent of the registered voters in the Free State were among the youth. The queues at voting stations showed that young people were committed to vote. Some political parties such as the ANC and the FF+ made an effort to help the youth at the University of the Free State with transport to get to the voting stations. Mini-buses went in and out the campus, to make sure that as many as possible of the university students got to vote.

This was done with great respect for the secrecy of the ballot. There was no intimidation reported and everything went very smoothly. This was subtle campaigning, but

also a contribution to the turnout of the voters.

### CONCLUSION

The roles of candidates and party agents are critical and political parties should play their supportive roles to ensure that democracy deepens. The participation of women will continue to be emphasised and efforts made by the Free State province in ensuring that women

are empowered will bear fruit with time. This goes for the role of the youth as well.

The media plays an indispensable role in elections and in support of democracy by bringing information to the people and providing platforms for interaction among all role players.

Domestic observer missions remain important and require intensive training and support.

All these role players, once they realise how critical their roles are, will be able to play their respective parts well.

### REFERENCES

- IEC Media Briefing, April 23 2009.
- Electoral Act 73 of 1998.
- Live Broadcast of SAFM in Bloemfontein, Rocklands, 15 April 2009.
- Briefing Session of Domestic Observers, April 15, 2009.
- Observations on Election Day, 22 April 222009.

## GAUTENG

**Shaheen Buckus** – Independent Researcher and **Ebrahim Fakir** – EISA

### ROLE OF CANDIDATES

All candidates are bound by the Electoral Code of Conduct. Thus, sub-section 99 of the Electoral Act No 73 of 1998 declares: 'The Electoral Code of Conduct must be subscribed to by every candidate before that candidate may be placed on a list of candidates in terms of section 31e'.

The purpose of the Electoral Code of Conduct is to promote conditions conducive to free and fair elections, including political tolerance, free campaigning and open public debate.<sup>1</sup> The Code requires every party and candidate to publicly state their commitment to a range of rights allowing everyone to, inter alia, freely express their political beliefs and opinions and to challenge and debate the political beliefs and opinions of others.

The primary role of candidates during an election is to represent their political party and campaign for that party. They do not have any formal public administrative role during the elections, as this role is the preserve of election officials and party agents, though candidates may be allocated administrative and logistics tasks related to the conduct of the party's campaign. Certain poll-watching functions, however, are largely the domain of registered party agents. Candidates

are nonetheless welcome to visit polling stations and observe the unfolding processes associated with the elections.<sup>2</sup> If candidates feel that their party is being prejudiced or treated unfavourably they could raise this with the appropriate party agent accredited by the IEC. The electoral law provides for political parties to display party regalia outside polling stations. However, in Gauteng some overly fervent political parties displayed party material within the perimeter of some voting stations and were consequently asked by presiding officers to remove this. According to the EISA observer mission, this practice, while not a direct legislative infringement, can be tantamount to campaigning. Therefore the mission has recommended that the law be amended to dissuade and prohibit this practice.<sup>3</sup>

### WOMEN'S PARTICIPATION

The participation of women in the election can be gauged primarily at two levels – firstly as voters, and secondly as electoral officials, including party agents, election observers and security personnel. In terms of electoral staff at senior level, women are favourably represented in the form of the chairpersons and powerful commissioners

who are women, and the Chief Electoral Officer. From a provincial perspective, the majority of electoral staff, including the temporary staff in the Gauteng Province, were female.

In terms of the numbers of voters, at the national level, women represent the majority of voters registered, as they comprise 55 per cent of those registered as opposed to 45 per cent of men.<sup>4</sup> In the Gauteng region, the proportion of women registered was not as great as the national percentage, comprising 51 per cent of the voters.

### THE ROLE OF PARTY AGENTS

Each participating political party has the right to have two party agents at a voting station. In the Gauteng region, which had 2,295 polling stations, this translated into a total of 4,590 party agents. Party agents are accredited by the IEC and accordingly can play an official role in terms of observing the voting and counting process.

The salient roles of party agents are:

- To further ensure that the elections are free and fair, agents must be present when a presiding officer considers an application by a voter who wishes to vote at a voting station outside

the voting district in which he or she is registered.<sup>5</sup>

- Two agents are present when a presiding officer assists a voter who cannot read or write to vote.
- Party agents are also present at the start of voting to ensure that ballot boxes are empty, and when filled ballot boxes are sealed, they may attach their own seals and record the seal numbers.
- Agents are also present during the counting and the signing of the results slips which record the results at the voting stations.
- As mentioned above, there is one party agent at three points respectively namely the voters' roll table, finger-inking and ballot-issuing.

A survey conducted by the HSRC<sup>6</sup> amongst 352 observers at 400 polling stations found that 267 (76%) of observers reported seeing party agents in voting stations. Further, 332 (96%) of observers mentioned that procedures at voting stations were fair. Five per cent of the 332 observers attribute this fact (fair voting procedures) to no party political disruptions because party agents did not interfere with proceedings and refrained from intimidating voters.

According to the South African Civil Society Election Coalition,<sup>7</sup> on Election Day in Gauteng, party agents were present from an array of parties including the ANC, DA, COPE, UDM, IFP, ID and PAC. Parties such as Nadeco, ACDP, AZAPO and PAM were present in some stations. In some cases they assisted electoral staff with the counting procedure.

There were no significant challenges faced by party agents in Gauteng despite their lack of clarity in relation to voters wearing party regalia.

According to the EISA mission this practice is not in contravention of the electoral law but is antithetical to international practice and they

recommend it be declared unlawful through legislation.<sup>8</sup>

#### **ROLE OF THE MEDIA**

The media plays three critical roles in the elections, namely information provision, analysis and open debate and discussion.<sup>9</sup> A few examples illustrate the different roles played by the media.

In terms of the information role, the media must inform citizens of the secrecy of the ballot. With respect to the analysis role, the media should compare and contrast candidates and political parties as well as the programmes. Finally, pertaining to open debate and discussion, the South African Broadcasting Cooperation (SABC) organised political party debates providing platforms for party aspirants to discuss key issues of concern to voters.

The media's role in the general election is regulated by the Independent Communication Authority of South Africa (ICASA) and specifically the Regulations on Party Election Broadcasts, Political Advertisements, the Equitable Treatment of Political Parties by Broadcasting Licensees and Related Matter. The regulations cover important issues such as the appropriate timeframe to inform ICASA of a party election broadcast; editing of party advertisements and election broadcasts are forbidden but can be refused; written reasons must be given for any refusal and if a party makes any changes the broadcaster must inform ICASA.<sup>10</sup>

Television and radio coverage of the elections kept voters informed and updated of the latest developments including any problems that might be encountered at polling stations such as long queues and the shortage of ballot papers. Media coverage provided viewers with in-depth reports of results as they trickled in.

Despite this, the HSRC survey reflects that only 45 (13%) observers noticed polling stations being visited by radio, television and other media reporters.

#### **ROLE OF DOMESTIC ELECTION OBSERVERS**

The IEC has accredited a large contingent of domestic election observers – estimated to be in the region of 4,900.<sup>11</sup> The primary national observation effort was undertaken by the South African Civil Society Election Coalition (SACSEC). Concomitant with this was the Election Monitoring Network (EMN), which deployed a smaller mission.<sup>12</sup> SACSEC is a national initiative of over 40 non-governmental and faith-based organisations and has offices in all nine provinces.<sup>13</sup> In the Gauteng province, there were approximately 18 accredited domestic observers.

The primary role of observers in an election is the purposeful gathering of information regarding an electoral process and the making of an informed judgement about the process on the basis of the information collected. The purpose of gathering this information is to arrive at a conclusion as to whether or not the election is transparent and free and fair. Domestic election observers are more beneficial than international observers because they stay on for longer and are able to contextualise reports as they understand local dynamics and South African languages.<sup>14</sup> Notwithstanding this difference all election observers add immense value to the electoral process as they confer legitimacy on the process by providing an independent, impartial and objective perspective.

#### **CONCLUSION**

The election generally went off smoothly in Gauteng, with the only problem at polling stations being the shortage of ballot boxes due to the overwhelming number of voters that turned up. All actors – candidates, media, women and domestic election observers – played a constructive role and participated meaningfully. There were generally no official and conclusive reports of voter intimidation, electoral violence or any other significant complaints.

**ENDNOTES**

- 1 [www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=2476](http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=2476)
- 2 Interview with Walter Shiburi (IEC Gauteng provincial office)
- 3 <http://www.eisa.org.za/EISA/pr20090424.htm>
- 4 <http://www.pmg.org.za/report/20090127-independent-electoral-commission-report-financial-statements-20072008>
- 5 <http://www.buanews.gov.za/rss/09/09042115251001>
- 6 HSRC: 2009. IEC voter and election observer report.
- 7 SACSEC: 2009. Report on the 2009 National and Provincial Elections.
- 8 <http://www.eisa.org.za/EISA/pr20090424.htm>
- 9 [www.elections.org.za/MultiStakeholderConference/DocumentView.aspx?pkIDocumentID=69](http://www.elections.org.za/MultiStakeholderConference/DocumentView.aspx?pkIDocumentID=69)
- 10 [www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=2476](http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=2476)
- 11 [http://www.elections.org.za/news\\_get.asp?press=0&NewsID=413&Opt=&Data=&RecNum=21](http://www.elections.org.za/news_get.asp?press=0&NewsID=413&Opt=&Data=&RecNum=21)
- 12 <http://www.eisa.org.za/WEP/sou2009eom.htm>
- 13 [www.sacc.org.za/news08/sacsec.html](http://www.sacc.org.za/news08/sacsec.html)
- 14 Interview with Walter Shiburi (IEC Gauteng provincial office).

**KWAZULU-NATAL**

**Salomé van Jaarsveld – ACCORD (writing in personal capacity)**

**POLLING**

South Africa held three successful national and provincial elections in 1994, 1999 and 2004. In 2009, elections took place in the context of political tension, nationally and owing to recent electoral problems in a number of African countries such as Kenya and Zimbabwe, continentally. The elections were closely monitored and thousands of international election observers descended on South Africa, joining domestic observers. With the elections behind us, the results accepted by all parties and the process widely regarded as successful, free and fair, it is instructive to look at the roles various agents played on the day of polling in the KZN province. This update will consider the roles of candidates, party agents, the media and domestic election observers on polling day. It will also briefly consider the participation of women in the polling process.

**THE ROLE OF CANDIDATES**

The aim of the Electoral Code of Conduct, appended to the Electoral Act of 1998, is to ensure free and fair competition between competing parties, and to prevent violence, intolerance and intimidation. It applies to all parties and candidates contesting the election. In addition to requiring parties and candidates

to affirm publicly their commitment to free and fair elections, and to promote and protect the rights of women to participate in all electoral activities, the act also requires parties and candidates to condemn publicly any action that undermines free and fair elections.<sup>1</sup> The code prohibits incitement to violence, making false or defamatory allegations, discrimination, the removal or defacement of election materials, and so forth.

To this end, let's consider the role that some political party candidates and other party members played on Election Day, and the extent to which their actions and statements contributed (or not) to the relative peace during the elections in KwaZulu-Natal.

A number of acts of political intolerance were recorded at Wembezi Township, outside Estcourt on the day of the elections. A small group of IFP supporters tore down ANC flags from a cavalcade and blockaded the road with rocks. The IFP members then gathered outside the main polling station before the arrival of ANC provincial chairperson Zweli Mkhize (who was tipped to be next premier for the province). Later, at Emahhashini also in Wembezi, Mkhize talked with leaders from both the ANC and IFP, reminding them of their

responsibility for their members' actions. At some point, it seemed that Mkhize's bodyguards, who were 'brandishing big guns', might inflame the situation. According to reports the IFP Umtshezi constituency chairperson felt that the weapons were used to threaten IFP supporters, although the presence of the police and army probably averted confrontations.<sup>2</sup> Mkhize also visited other polling stations around Estcourt (a hot spot area, the focus of international and domestic observers), such as Emabhanoyini, Imbabazane, KwaMashu and Ntabamhlope, where he monitored the situation.<sup>3</sup> Siyabonga Cwele, the minister of intelligence in the province, also visited the area on polling day and reported that the police would stay in the area for a number of days after the elections.<sup>4</sup>

IFP leader Mangosuthu Buthelezi cast his vote in the province and visited other voting stations in the province afterwards. In a move that could have exacerbated existing tensions, especially in the 164 violent hot spots, Dr Buthelezi claimed on television on the morning of the elections that the party had received information that ballot papers were printed at night in the offices of the KZN Premier, S'bu Ndebele. A 'little war' of words erupted between Buthelezi and lawyers for



Mr Ndebele on the day, after which Dr Buthelezi stated publicly that he did not imply that Mr Ndebele had any knowledge of the alleged irregularities taking place in his offices. Dr Buthelezi also reported on stuffed ballot boxes being found in an IFP stronghold, reportedly with ballot papers marked for the IFP, but noted that it was probably down to 'dirty tricks' by other political parties.<sup>5</sup> The case was investigated by the SAPS and Mr Cwele and an election officer were arrested shortly afterwards (*ibid*).

### **THE ROLE OF PARTY AGENTS**

With the exception of a number of unrelated incidents, the 2009 elections are regarded as having been free and fair, and are uncontested by the conceding parties. The role that party agents played – especially to engender faith and transparency in the voting process – is of utmost importance.

Their efforts to bring irregularities to light, contributing to free and fair elections, will no doubt be contained in observer mission reports (still forthcoming). It is useful, however, to consider the appointment, powers and duties of party agents, as set out by the Electoral Act 73 of 1998.<sup>6</sup>

- Party agents can be present at the voting and counting sites and must wear prescribed tags that state 'Party Agent' and the party they represent.
- Only two agents per party may be appointed to a voting station. If the counting takes place at a different venue from voting, then the agents can be increased to four per party.
- An agent must be a South African citizen and cannot be a candidate for that election.
- Every agent must be issued with an appointment form by his or her party and notice given to the presiding officer. Appointments can be revoked in a similar fashion using other forms.

The law also regulates what a party

agent may and may not do within the boundaries of a voting station:

- They may not interfere with the voting processes in any way or with voters in the station.
- While observing proceedings in terms of section 59(1) of the Act, an agent must not interfere with the proceedings but may lodge objections with, or bring any irregularities to, the attention of the presiding officer.
- The presiding or any other officer in a voting station must allow at least one of the party agents present in the voting station to observe proceedings at each of the following points:
  - a) The voters' roll station
  - b) The ballot paper station
  - c) The inking station.
- At least two party agents present in the voting station must be allowed to observe the application proceedings in terms of section 24A of the Act.
- Party agents will be accommodated, as set out above, on a rotational basis agreed upon among themselves, or should they fail to do so, as directed by the presiding or deputy presiding officer
- The allocation of party agents, as set out above, must be in a manner that ensures all parties have an equitable opportunity of observing the process.
- They may only communicate with the presiding officer or his or her deputy and not with ordinary voting officers.
- They may not display or distribute any information about their party, nor may they wear or carry any item that displays a party logo, picture or sign.
- Party agents and candidates must comply with any orders given by the presiding officers.
- They may witness the voting proceedings, except the marking of the ballot.
- They may not display or distribute any party billboard, poster, placard or pamphlet.
- They may not attempt to induce,

influence or persuade a person to vote or not to vote.

- While party agents are important to ensure that the process is free and fair, it does not invalidate the proceedings if there are no party agents present at a voting station.

### **Party agents' role during counting**

- Check and verify the seals on the ballot boxes to ensure they are intact (i.e. unbroken) before the boxes are opened.
- Witness the process whereby the status of questionable ballot papers is determined.
- Witness the completion of the result forms and add their signatures.
- Copy the results for that voting station.
- No communication with people outside the venue is allowed until counting has been finalised.

The ANC deployed 17,000 party agents in voting stations in the province in this year's elections to ensure that the elections were free, fair and uncontested. The intention was for agents to monitor the situation and report on problems straight away and report to a call centre to gather details. The party's provincial secretary, Senzo Mchunu, said the operations room would be linked to every single agent and candidate on the ground so that problems could be dealt with quickly.<sup>7</sup> Although it is unlikely that COPE could muster similar resources, in a briefing document to party agents titled 'Will you COPE on election day?' the party provided a full briefing for its party agents. It asked agents to 'be very vigilant to ensure that every COPE vote counts'. In particular it highlighted the importance of the special vote and for party agents to be present during special voting.

### **ROLE OF DOMESTIC ELECTION OBSERVERS**

Schedule B of the Electoral Commission Regulations Concerning the Accreditation of Observers and

Code of Conduct for Accredited Observers sets out that an observer and any person appointed by that observer should be non-partisan, neutral, competent and professional. It also states that observers should provide the Commission (IEC) with a comprehensive review of the elections, taking into account all relevant circumstances including:

- the degree of impartiality shown by the Commission;
- the degree of freedom of political parties to organise, move, assemble and express their views publicly;
- the opportunity for political parties to have their agents observe all aspects of the electoral process;
- the fairness of access for political parties to national media and other resources of the state;
- the proper conduct of polling and counting of votes; and
- any other issues that concern the essential freedom and fairness of the election.<sup>8</sup>

To this end, the Electoral Act 73 of 1998 sets out the role of observers during polling.<sup>9</sup> The act determines, *inter alia*, that observers can observe the election with respect to any voting procedure and all the steps of the counting process, including being present to view the opening of the seals of the ballot boxes and all the containers before counting. Observers can also take notes and write reports on all aspects of the counting process and raise any possible concerns with the Counting Officer. This of course does not limit the activities of observers to the day of the election and most observer missions start observation in the run-up to elections and continue until after counting.

Five thousand national and 355 international election observers were deployed in the KZN province in the 2009 elections.<sup>10</sup> The Election Monitoring Network (EMN), made up of local civil society organisations, including the

Institute for Democracy in South Africa (Idasa) and the Black Sash, reported on the day of elections that the day was marked by calm and peace with no major incidents of violence or intolerance. The organisation believes that citizens are becoming politically more mature, that political parties have been restraining themselves and importantly, that the vigilance and number of election monitors may have averted some incidents. It also recorded that no one party was claiming all the 'political space', evident in the absence of no-go areas.<sup>11</sup>

In a joint domestic and international observer effort in the province, former Nigerian President, Olusegun Obasanjo, headed the African Alliance for Peace (AfAP) election observer mission, a collaboration between the Umhlanga-based African Centre for the Constructive Resolution of Disputes (ACCORD), the Nairobi Peace Initiative and the West Africa Network for Peace.<sup>12</sup> Members of the observer mission were deployed throughout the province, and particularly in hot spots such as Nongoma, Ulundi and other IFP strongholds in the north of the province, to observe the levels of violence and intolerance.<sup>13</sup>

After deploying more than 2,000 monitors to at least 85 per cent of voting stations in the province in 2004, the KZN Democracy and Election Forum (KZNDEF) also deployed domestic observers in the province<sup>14</sup> as part of its coalition with the South African Coalition of Election Observers (SACSEC). SACSEC is a national initiative of over 40 non-governmental and faith-based organisations committed to free, fair and credible elections.

Since 1995, the Coalition has trained and deployed over 5,000 domestic observers for national, provincial and local government elections.<sup>15</sup> The KZNDEF network is wide and inclusive, and includes the KwaZulu-Natal Christian Council (KZNCC) network and the KwaZulu-Natal Community Based Organisation Coalition (Comboco),

a network of 500 member organisations.<sup>16</sup>

Other, mostly African, observer teams that were deployed nationally and in KZN included a Southern Africa Development Community (SADC) observer team, a team from the AU led by Ambassador Salim Ahmed Salim and an Electoral Institute of Southern Africa (EISA) team. The latter deployed four teams in KZN.<sup>17</sup>

#### ROLE OF THE MEDIA

During the election period, media and broadcasters are governed by the procedures and guidelines set out in the Independent Communications Authority Act 13 of 2000, which establishes Icasa (the Independent Communications Authority of South Africa) as the relevant authority in media election matters. Icasa, on 14 January 2009, issued 'Regulations on Party Elections Broadcasts, Political Advertisements, the Equitable Treatment of Political Parties by Broadcasting Licensees and Related Matter'.<sup>18</sup>

The regulations require adherence by parties and candidates to the Electoral Act, the Electoral Code, the Constitution, the Broadcasting Act and the Electronic Communications Act. The regulations are binding during the election broadcast period, which commences 120 hours after allotment of time-slots by Icasa until 48 hours before polling commences. The regulations make provision for, *inter alia*, time limits on notifying broadcasters of party election broadcasts, airtime quotas, criteria for refusing to broadcast party elections, and so forth.

On polling day, both the print, radio and television media in the province and nationally played a key role in ensuring that elections were free and fair. Nationally, with breaks to cover provincial proceedings, SABC2's coverage of the election from the IEC results centre in Gauteng was reported to be the most comprehensive yet. In a SAFM radio interview with William Bird of Media Monitoring SA (which has monitored every democratic

election in South Africa), Mr Bird reported that of the 4,500 SABC news items, 97 per cent were fair, and were a 'model for Africa'. He noted that smaller parties may have lost out on media coverage, as 30 per cent of coverage focused on political party infighting and political identities, to the detriment of issues such as HIV/AIDS, poverty and unemployment. Mr Bird reported that provincial analytical pieces were often more effective in educating voters, as they looked at issues in depth.<sup>19</sup>

Television coverage of the elections started before dawn, and by 8.10am SABC2's coverage indicated that a significant number of voting stations were still 'outstanding', (indicating either that the voting station had not yet opened (for a range of reasons) or that the IEC simply could not reach the presiding officer to confirm that the station was open. By visually displaying, on a large map, the areas where voting stations were not open, the media was able to put significant pressure on the IEC to ensure that the stations opened as soon as possible.

A number of analysts were interviewed throughout the day, focusing on national, as well as provincial issues. For the KZN province, Eddie Webster of Wits University and Ebrahim Fakir (a political analyst) provided perspectives of the future of the IFP in the province. Mary de Haas, violence monitor, was interviewed, and highlighted the importance of the 5,000 national and 355 international observers in the KZN province. She also called for more police to be on standby to respond quickly to intimidation and violence in the province and said that police should stay deployed until a number of days after the announcement of results. President Abasanjo was interviewed a number of times throughout the day by both television and print media, and early on indicated that he was 'cautiously optimistic' but that there were concerns about flashpoints in KZN province. Later that evening

President Abasanjo was interviewed again and confirmed that, from observation reports received, by and large the will of the people was freely and fairly expressed. He reported that no incidents of 'a great proportion' were recorded that would render the results invalid.<sup>20</sup>

Media coverage of the elections and incidents in the province and nationally on the day of elections went a long way to reassure voters and observers that elections were being largely freely and fairly conducted. For example, when an IEC official was shot in QwaQwa, the IEC was quick to report that this was a criminal and not politically motivated act. SABC2 also reported that by 9.40 am most polling stations in the province were open after covering complaints earlier that some remained closed. Early in the morning, the SABC also covered the discovery of ballot boxes with ballot papers in Ulundi, and shortly afterwards interviewed Dr Buthelezi, after he cast his vote in the province, about this discovery and the allegations he made about ballot papers being printed in Mr Ndebele's offices. These stories were covered throughout the day by television, and later on that day and the next in the print media in the province.<sup>21</sup> At 9.30 pm, SABC2 switched to areas in the province that had been identified as potential hot spots for violence. From Nongoma, it reported that the area was quiet, that most voting stations were closed and that voting all day was peaceful. At 10.10 pm SABC2 News reported on earlier confrontations in Estcourt, but reassured viewers that large numbers of police were deployed and that the area was peaceful and quiet.

#### **WOMEN'S PARTICIPATION**

In KwaZulu-Natal, over 4.4 million people registered to vote, 57 per cent of these, women.<sup>22</sup> With nearly six out of ten registered voters in the KZN province being female, it is important to explore the extent to which women participated in polling on the day of the election. This

does not refer to voting only but also whether:

- women were considered during polling (e.g. pregnant women or those with children)
- there was evidence of intimidation or threats against women in particular during polling (be it against voters or against those executing some function);
- there was gender parity in the appointment of IEC officials, party agents and domestic observers;
- gender issues were considered in media coverage of the elections.

Surprisingly, there seem to be no reports available at the time of writing that address any of the above issues. Post polling surveys over the next few months will indicate the extent to which female voters turned out to vote. Election observer reports, civil society organisations (such as Women's Net) and political parties (such as Women Forward) who seek to protect and promote the rights of women, should specifically consider and highlight the above issues.

#### **ENDNOTES**

- 1 To see the Code of Conduct in its entirety, see [http://www.elections.org.za/Documents/iec-a6\\_act.pdf](http://www.elections.org.za/Documents/iec-a6_act.pdf)
- 2 'Estcourt a hot spot', *Daily News*, 23 April 2009.
- 3 'Barricade stops ANC, IFP tensions from escalating', *The Witness*, 22 April 2009.
- 4 'Estcourt a hot spot', *Daily News*, 23 April 2009.
- 5 SABC 2 Election Coverage, 22 April 2009.
- 6 The rest of this section is from 'Party Agents and Observers', *Independent Electoral Commission*. Available at [www.elections.org.za/Documents/Voting2009/Party%20Agents%20and%20Observers%20ZCard%20\\_2\\_.pdf](http://www.elections.org.za/Documents/Voting2009/Party%20Agents%20and%20Observers%20ZCard%20_2_.pdf) accessed on 30 April 2009.
- 7 'ANC deploys party agents', *Sapa*, 20 April 2009.
- 8 Electoral Commission Regulations Concerning the Accreditation of Observers and Code of Conduct for Accredited Observers, Government Gazette, Vol. 405, No. 19857, 17 March 1999, Regulation Gazette, No. 6460. Available at <http://www.elections.org.za/Documents/R362-1999.doc> accessed on 1 May 2009.
- 9 This paragraph is from 'Party Agents and Observers', *Independent Electoral Commission*. Available at [www.elections.org.za/Documents/Voting2009/Party%20](http://www.elections.org.za/Documents/Voting2009/Party%20)

- [Agents%20and%20Observers%20ZCard%202.pdf](#) accessed on 30 April 2009.
- 10 SABC2 Election Coverage, 22 April 2009.
- 11 'Democracy comes of age', *The Witness*, 22 April 2009.
- 12 'Observers give elections in KZN the seal of approval', *The Mercury*, 23 April 2009.
- 13 Obasanjo to observe SA election, *The Times*, 20 April 2009.
- 14 More than 2,000 election monitors for KwaZulu-Natal, SABC News, 31 March 2004.
- 15 SACSEC begins preparations for 2009 elections, *South African Council of Churches*, 19 March 2008.
- 16 Personal Communication, KZNDEF Political Officer, 25 March 2009.
- 17 Interim Statement: EISA Observer Mission to the 2009 South African National & Provincial Elections, *EISA*, 24 April 2009. Available at <http://www.eisa.org.za/EISA/pr20090424.htm> accessed on 1 May 2009.
- 18 'Regulations on Party Election Broadcasts, Political Advertisements, the Equitable Treatment of Political Parties by Broadcasting Licensees and Related Matter', *Gazette #36102* published 14/01/2009. Also available at [www.icasa.org.za](http://www.icasa.org.za).
- 19 SAFM interview with William Bird, *Media Monitoring SA*, 7.15am, 25 April 2009.
- 20 Ibid.
- 21 SABC2 Election Coverage, 22 April 2009.
- 22 'Registration statistics as on 13 Feb 2009', *Independent Electoral Commission*, [www.elections.org.za](http://www.elections.org.za), accessed on 13 February 2009.

## LIMPOPO

Lesiba Teffo – University of Limpopo

### THE ROLE OF PARTY AGENTS

Sections 58-59 of the Electoral Act provide for the appointment of party agents, their powers and duties. Political party agents, as per these provisions, are elected by their own parties to represent them during the elections. Their primary responsibility is to observe if the elections are conducted in a free and fair manner. They therefore do not have an active role to play in the sense that they can dictate terms to appointed IEC officials. The two are not at the same level of operation, and their roles and responsibilities are distinct and should never be confused or conflated. There is always a temptation on the part of party agents to arrogate powers that do not belong to them.

Party agents are subject to the Electoral Act and as such they should always conduct themselves within the confines of the law. The Act stipulates clearly the roles of various parties, candidates, agents and officers at the polling stations. The integrity of the election results is informed in the main by the conduct of various role players. The overall impression gathered from the media, print and electronic, as well as through observation, attests to the fact that party agents have generally acquitted themselves well. There were, however, instances where some party agents

had to be expelled or barred from entering voting stations due to conduct inimical to the spirit of the elections. This information was provided by the Provincial Electoral Officer (PEO) at one of her briefing sessions with political party agents and the media at the Provincial Electoral Centre in Polokwane. A communiqué to this effect was also issued. Additional information in this connection can be obtained from her office. A typical example would be an attempt to influence voters to vote for parties of their preferences rather of the voters' choice. The Act does not allow anybody, let alone an elected official with a letter of appointment from his/her party, and accredited by the IEC, to flout the rules.

Political party agents are required to undergo some training under the auspices of the IEC. Inter alia, they are trained on the procedures for lodging complaints and objections, as the case may be. But most importantly, their role is to observe or monitor the proceedings in the interests of the party and the nation so that they may ultimately be declared to be free and fair.

### THE ROLE OF DOMESTIC OBSERVERS

The continuing interdependence among nations of the world impels every country to conduct its govern-

ance in a manner that is consistent with international norms and standards. It has become an acceptable practice to have both domestic and foreign observer missions during national democratic elections. This is construed as an efficient method of gauging the freeness and fairness of elections in such countries.

The role of domestic observers does not differ substantially from that of the political party agents. The only material difference stems from the fact that domestic observers are appointed by their institutions and organisations, and not by political parties themselves. The mission is the same but the report of the outcome is intended for use by the mother bodies, for example, EISA, SACC, SADC, AU and EU. Each has its own agenda. For example, an institution may want to use the credibility and legitimacy of the election results to determine if it should grant a loan or donor aid to the government. It is therefore prudent to have independent observers attesting that the election was free and fair. This is a loaded expression that can ruin or build a government. As is the case in any leadership contest, the legitimacy of the process is as important as its outcome.

International observers from Accord, SADC, AU, for example, came on board and played a similar role. They ensure that elections

run smoothly and report this to their respective governments and organisations. As a matter of fact, the presence of international observers gives credibility to the election, even before the commencement of the process. I suspect this is informed in the main by the fact that rogue governments never allow international election observers on their shores. They seldom play the game by the rules because they are afraid of being exposed and having to contend with the consequences.

As in sport, when teams are engaged in a contest, there should be a referee. The rules of natural justice do not allow someone to be both a player and a referee. Other international observers did not come because there was a sense that South Africa's nascent democracy was on course, and that after three flawless general elections, she can be trusted to be upholding the law, and promoting and deepening democracy.

#### **THE ROLE OF THE MEDIA**

Section 89 of Electoral Act provides how every registered party and every candidate should relate to the media.

By and large the media acquitted itself well during the elections. There was commendable compliance by both the media and political parties. Liaison with the IEC officials was commended by the officials themselves. There was also a healthy partnership in terms of information dissemination, and alerting each other about potential and actual irregularities. Some reports to the IEC came directly from the media.

There were, however, instances where journalists from print and electronic media sought to use their positions to influence the electorate in one direction or another. In some cases there were deliberate distortions of certain messages and profiles of some individuals. There was also evidence of journalists projecting personal views as facts,

and thereby compromising objectivity. Some of them blatantly behaved like embedded journalists. This is a blot on a media that has earned itself some kudos over the years as fearless, objective, tenacious, and critical but patriotic. The SABC was also accused of blacklisting certain commentators whose views differed with those of the ruling party bosses or employees at the corporation.

#### **WOMEN'S PARTICIPATION**

Chapter nine, section ninety-nine on the role of women provides among other things that every registered party and every candidate must:

- a) Respect the right of women to communicate freely with parties and candidates;
- b) Facilitate the full and equal participation of women in political activities;
- c) Ensure the free access of women to all public political meetings, marches, demonstrations, rallies and other public political events; and
- d) Take all reasonable steps to ensure that women are free to engage in any political activities.

Prior to the 22 April 2009 Elections the IEC reported that women constitute 54.88 per cent (12,722,622) of South Africans who are registered to partake in the elections. Gauteng province scored the highest number (2,783,841) of women voters as compared to all other provinces. Next is KwaZulu-Natal (2,548,839), then Eastern Cape (1,772,999), Western Cape (1,418,474), Limpopo (1,360,851), Mpumalanga (924,165), North West (858,354), Free State (757,081), and Northern Cape (298,018). About 54.30 per cent of new registrations are women and predominantly within the age category of 18–29.

It is also reported that 38.37 per cent of candidates for 2009 elections are women as compared to 61.63 per cent of male candidates. But in

terms of comparative analysis, the 2009 figures are a significant improvement from the 2004 electoral situation with regard to women's participation and representation as candidates and public office bearers. I, however, remain concerned that we should move with speed to a stage where women are appointed on merit and not due to affirmative action. This policy spawned more contradictory conduct and appointments than was anticipated. Equally, it even cast some doubts on those women who are clearly deserving and worthy of the offices they had.

#### **ROLE OF CANDIDATES**

Chapter seven sections thirty-five and thirty-six of the Electoral Act on the role of candidates and agents prohibit certain conduct within the voting station. For example, no agent or candidate may within the boundaries of a voting station:

- a) display or distribute any party bill-board, poster, placard or pamphlet;
- b) wear, carry or display any clothing, headwear, footwear or other apparel in such a manner that any political party is visible;
- c) attempt to induce, influence or persuade a person to vote or not to vote for a particular party; or
- d) attempt to induce, influence or persuade a person not to vote.

Candidates just like party agents were at times tempted to flout the rules in order to advance their own cause. There were reported cases of the violation of procedures and protocols. But the quantity and substance of transgressions could not detract from the overall credibility of the results. As reported by the PEO, some violations like the wearing of T shirts with political logos were considered not deliberate but a consequence of forgetfulness, especially because the culprits always showed remorse and willingness to redress the indiscretions.

# NORTH WEST

**Bernard K Mbenga** – North-West University

## **SECURITY PREPARATIONS FOR THE ELECTIONS**

A police official, Senior Superintendent Kebaakae Metsi, reported on 21 April 2009 that 4,268 uniformed police personnel had been deployed throughout the province as a precautionary measure against any potential security threat to the forthcoming elections. Furthermore, police detectives had been put on standby to investigate any possible election-related complaints, in addition to strategies of routine policing and crime prevention (TV News 24, 20h30, Tuesday 21 April 2009).

There were 1,502 polling stations in the province, based on the numbers reflected on the voters' roll. Prior to the election itself, preparations included advertisements through posters everywhere, including some the remotest parts of the province, which is mostly rural. Polling stations were well-staffed, each with one presiding officer and his/her deputy, plus another seven officials under the two polling station leaders. In this province, all Party Liaison Committee members from all parties checked the credibility, reliability and integrity of each polling station's presiding officer and his/her deputy to ensure that they met all the criteria for the positions: e.g. integrity, good standing in the community and not holding a senior position in any political party.

The voting process itself generally went very well, without major obstacles to the voting process. However, in one of the polling stations in the Madibeng Municipality in the Brits area, the Democratic Alliance (DA) party alleged that there had been an irregularity regarding one or two pre-marked ballot papers. But upon

investigation by IEC officers and the presiding officer, it was established that such an incident did not, in fact, occur.

## **ELECTION OBSERVERS**

To ensure the credibility and transparency of the elections and their outcomes, a number of international observers came to observe the voting process in the province. A number of international observers were sent in by the African Union headquarters in Addis Ababa, Ethiopia. But they did not come from Ethiopia itself. Upon arrival into the country, they all headed directly to the IEC headquarters in Johannesburg. From there, they were distributed to the various provinces. Seven were sent to the North-West Province: one from the Gambia; one from Angola; one from Mozambique and four from Botswana.

Following their briefing at the IEC provincial office in Mmabatho, with their IDs on their persons, they donned their bibs labelled 'Observer', had their accreditation cards and were given location maps of the various polling districts and stations in the province. The observers from the Gambia, Angola and Mozambique all had their own transport and so mobility around the polling stations in the province was not difficult.

However, the observers from Botswana did not have their own transport, a matter which compelled the IEC provincial office to assist them with transport. All the observers went out to polling stations very early in the morning and returned to their hotels late in the afternoon. None of them reported any anomalies in the voting process or in the physical set-up of the polling stations. At some polling stations, however, there

were shortages of voting materials, such as ink, etc, but these were rushed to such stations quickly and they arrived in time for the voting process to resume.

Various non-governmental organisations (NGOs) also sent in their observers – about 20 in all. There were also local observers. The latter were rather disorganised. Many of them claimed to have accreditation and yet when requested by the provincial IEC officials to produce such identification, they could not produce any. Upon verification with the Head Office of the IEC in Pretoria, the problem was found to be one of poor communication between the observers, the IEC Head Office and the IEC Provincial Office. Clearly, this is an area that needs attention in the future, before any election takes place.

## **THE MEDIA**

The various forms of the media reported on the election process, from the registration of voters, the recruitment and training of staff, the voters' roll at the voting stations, the voting process, party agents, security material, ballot papers, results and seat calculation, the call centre, etc.

The *Mafikeng Mail*, the *Herald*, and other local community papers, the SABC-TV, various radio stations, e.g. Mafisa, Motswedding and SAFM, all reported on every stage of the election process.

## **POLITICAL PARTY REPRESENTATION AT POLLING STATIONS**

In all, 16 political parties participated in the election. All voting stations in the province had opened on time and voting generally took place smoothly. All polling stations were adequately

staffed, with an average of about nine members of staff manning each voting station. With regard to political party agents covering the actual voting, the provincial IEC was not happy with that aspect because of the fact that although every party participating in the election was required to send its representative to each polling station, some of the parties did not.

There seems to have been a general apathy in this regard. At every polling station, there ought to have at least three representatives from each political party present. This has been attributed to a lack of training of political party agents – they need to be trained properly in

order to know their responsibilities as party representatives at polling stations. This last point is the opinion of the provincial IEC's Outreach Manager, Mr Moss Makodi (personal communication, Moss Makodi, IEC Offices, Mmabatho, 28 April 2009). Clearly, in future elections, this ought to be given more attention by all participating political parties.

For the first time in the history of elections in South Africa, some of the ballot papers had been prepared in Braille, specifically for blind voters. A blind official working for the Office of the Premier in Mmabatho was requested to check the usability of the Braille ballot papers

and he certified them user-friendly, suitable and usable. Nevertheless, blind voters still had to be helped by voting staff.

#### **RESULTS OPERATIONS CENTRE, MMABATHO**

The SABC regional studio in its Mmabatho premises hosted the IEC's Regional Operations Centre (ROC). The ROC, with some 60 personal computers and printers as well as temporary offices, made the voting results available practically on a minute-by-minute basis. The ROC did not experience any major hitches regarding the results, apart from minor complaints, which were attended to and resolved speedily.

## WESTERN CAPE

**John Akokpari** – University of Cape Town

NATIONAL and provincial polling was conducted on 22 April 2009. This was South Africa's fourth democratic elections. The polling itself generated a great deal of enthusiasm as a large proportion of registered voters turned out to cast their vote. This update focuses on the role of candidates; the participation of women in the process; the role of party agent; the role of the media and the role of domestic election observers in the poll of 22 April.

#### **THE ROLE OF CANDIDATES**

Much expectation was placed on candidates in the days leading to the pools of 22 April. Given the stakes in the elections it was clear that unguarded utterances by party candidates could potentially incite supporters into violence. To a large extent, candidates conducted themselves professionally in their campaign trails. Such professional conduct was expected on polling day. Party candidates were expected to be exemplary in their conduct.

This was particularly needed in the Western Cape, which clearly became a hotly contested battleground. On a general note, all party candidates conducted themselves well on polling day. All expressed optimism about their chances. Helen Zille in particular was confident about the DA polling a majority of votes and not only displacing the ANC, but also forming a government. Patricia de Lille maintained that only the people of the Western Cape could deliver a verdict on who would govern them. The general mood among leaders of the DA, COPE and the ID was one of optimism in outwitting the ANC and preventing it from governing the province.

The party candidates set good examples by casting their votes at their respective voting districts. Helen Zille, the DA candidate, cast her vote shortly after 8:00am at the St Paul's Anglican Church, in Rondebosch in full view of the media. Patricia de Lille, the ID leader, cast her vote at the Pinelands Community Hall at about 7:20am, while

Alan Boesak, the candidate for COPE, voted at his polling district in Somerset West. The media captured the voting of all the leading party candidates, some of whom used the occasion to either express their views on the outcome of the polls or made general political statements. For example, Alan Boesak, whose nomination as COPE's provincial candidate generated a degree of controversy, said shortly after casting his vote that for people in the Western Cape the April 22 election was about 'freedom and what it is that political parties deliver in terms of the promises they've made.'<sup>1</sup> As opinion polls pointed to the party's losing of ground in the province, Patricia de Lille on voting day opened the doors to possible coalition with other opposition parties, a position she publicly declared after results showed a dismal performance by the ID.<sup>2</sup>

#### **WOMEN'S PARTICIPATION**

Women participation in the 22 April polls can be discussed under two

headings: first, women as voters and, second, women as candidates. Statistically, women make up the majority of registered voters in the Western Cape. Of the total 2,634,439 people registered to vote in the province 1,418,474 were women,<sup>3</sup> representing 54 per cent of the total voting population.

At the time of preparing this update neither the national nor the provincial IEC office had worked out the proportion of registered women voters who actually turned up to vote on polling day. However, given that since 1994 there has been a pattern of more women than men registering and voting in the province, it is probable that more women than men cast their vote on 22 April. It is widely assumed that women are more politically active than men regarding voting because the former are usually more the victims of the challenges facing the country – crime, violence, diseases and poverty. Women are therefore more inclined to vote in an attempt to improve upon their conditions.

According to Genderlinks, gender issues did not really feature as key in the policies of the major opposition political parties – COPE, DA, IFP, UDM and ID. The only party that made specific reference to gender issues was the ANC. The report also found that the ANC and COPE were the only parties that suggested targeted women's projects in their manifestos.<sup>4</sup>

However, in terms of candidates the gender pendulum swings heavily in favour of men in many of the political parties. Historically, since 1994 the percentage of women represented in parliament increased in each election. The representation of women in the Western Cape provincial legislature has increased by 4.7 per cent from 23.8 per cent in 1994 to 28.5 per cent in 2004. However, the ANC was the only party with established quotas for female representation. After the Polokwane conference in 2007 the party adopted a resolution for 50/50 representation of men and women on its candidate list for the 2009

election. Of the top ten candidates on the national list, 5 were women. In the Western Cape 19 out of the 41 candidates on the provincial candidate list were women, which fell just short of the 50 per cent ideal. Lynn Brown occupied the number 2 spot on the ANC party list.

The DA was very strongly against quotas of any kind in all areas of social, political and economic life. Despite this, the percentage of the party's women representatives increased from 23 per cent in 2004 to 35 per cent in 2009. There were 12 women out of 42 names on the party's Western Cape candidate list for the 2009 elections. Party leader Helen Zille topped the list as she is running for the premiership of the Western Cape. The ID leader, Patricia de Lille, ran for premiership of the province and topped the party's national list. The ID had only six women out of the 22 candidates on its provincial list. COPE was the only major opposition party in the province that did not field a female candidate for the premiership. Although COPE had 50 per cent representation of women in its national executive council, it had no specific gender quotas. The Western Cape candidate list was headed by Alan Boesak and contained the names of 19 women out of a total of 42 names, a number that was just under 50 per cent.

#### **THE ROLE OF PARTY AGENTS**

Party agents play a crucial role in democratic elections. Their role is particularly critical on polling day when their presence at polling stations and especially during counting is necessary to ensure the transparency and credibility of results.

Party agents are provided for by the Electoral Act, which allows each political party to station two party agents at each voting station. These party agents, however, had to have been officially registered with the IEC. The 22 political parties contesting the national and provincial election in the Western Cape sent representatives to the

various polling stations. However, with 1,541 voting districts across the province, it proved difficult for some parties to deploy two agents to each polling station. Unable, in practice, to deploy agents to all polling stations, some political parties stationed agents only in voting districts considered strongholds. The dominant parties – the ANC, COPE and DA – were, however, able to station party agents in all the polling stations in the Cape.

The main function of party agents was to ensure transparency in the voting process. In this regard, they saw to the smooth running of the voting and also ensured that the process was conducted in accordance with the provisions of the IEC and the electoral laws. Essentially, party agents ensured that anyone coming to vote was duly registered and that polling officials did not engage in acts that compromised their impartiality as electoral officers and the credibility of the voting process.

More crucially, party agents observed the counting of votes to ensure transparency and credibility in the process. As Mr Jonathan Moakes, the deputy CEO of the Democratic Alliance (DA), explained in an interview with the press, party agents had a crucial role to ensure that 'nothing funny' happened during the counting process. Party agents were to raise objections if in their view any of the regulations governing voting or counting had been breached. They signed the relevant confirmation forms to indicate their satisfaction with the counting, before results were captured into the computer. Political parties depended a lot on their polling agents. A party's acceptance or contestation of results from a particular polling station would be influenced by the judgment of the party agent.

Generally, there were no objections by party agents to election malpractices in the Western Cape. However, the DA raised concerns about the shortages of ballot papers and ballot boxes in townships,



including Khayelitsha and Delft and other voting stations in the City of Cape Town. The DA also complained about the use at some voting stations of marker pens instead of indelible ink to confirm that a person had voted. Although the DA party agents expressed concern, this was not officially lodged with the IEC. Helen Zille seemed to be more confident about winning the province in spite of the disquiet her party expressed about the lack of adequate logistics. In the midst of logistical challenges at polling stations, Zille maintained 'we still believe that we will win in the Western Cape.'<sup>5</sup> The optimism of winning the province overshadowed the need to lodge an official complaint with the IEC. Similarly, neither COPE nor the ID lodged a formal complaint with the IEC although their party agents expressed unhappiness with the shortages of ballot papers. Essentially, this unhappiness was expressed to the media and did not go beyond this level.

The provincial IEC explained that the shortage of ballot papers and boxes was neither the result of negligence nor incompetence on its part, but rather caused by the provision to allow people to cast national ballots in stations other than where they were registered. This was also the cause of the shortage of ballot papers.<sup>6</sup>

Given the high stakes in the province, it was initially feared that the presence of party agents, while ensuring clean polls, could potentially generate trouble. This pessimistic scenario, however, did not materialise partly because of the determination of party agents to adhere to IEC rules and partly because of police presence.

#### **ROLE OF THE MEDIA**

The media played a central role in the election process on polling day. Throughout the period of political campaign the media has been instrumental in informing the electorate on developments not only within their parties but also in other

opposition parties. This kept the electorate informed on issues and developments. The role of the media on polling day has not been different. The media has been effective in reporting major developments on polling day. For example, by mid-day of 22 April many of the problems emerging at polling stations had been brought to the attention of the public. In fact, the morning edition of *Cape Argus* reported that by 7:30 am, just 30 minutes after voting began, the printers at St Augustine cricket ground in Heathfield, Elfindale, a voting station, had run out of stickers, forcing election officers to check lists manually and creating considerably delays for voters.

The media also reported the shortage of ballot papers, ballot boxes and other essential materials at the following voting stations in the City of Cape Town: South Peninsula High School (Ward 73); Pinelands Town Hall (Ward 53); Parklands Baptist Church (Ward 104); Voortrekker High School (Ward 59); and Schotse Kloof Civic Centre (Ward 77). In some cases, as in Nyanga, the commencement of voting was delayed due to the late delivery of voting materials. It was reported that on the whole about 41 stations across the province began voting long after 7:00 am for various reasons.

Yet the media did not only focus on the 'negatives' of the polls: it also underscored the transparency and the generally peaceful manner in which Western Cape voters conducted themselves during the day. The intensity of the campaign and the skirmishes that characterised it gave a sense of potential tension. This, to the joy of many people in the Western Cape, did not happen.

The media reported that elections went on smoothly and people cast their votes in a free and secret environment. The media also reported on the peaceful counting of votes, a process which added to the general serenity of the entire voting process. On the whole, the media reported that voting has been orderly in the province.

#### **THE ROLE OF DOMESTIC ELECTION OBSERVERS**

Since the democratic wave in Africa in early 1990s, election observation had become one of the key elements of the democratic process on the continent. The 2009 South African elections generated a great deal of interest caused by, among other factors, the formation of COPE as a splinter group from the ANC, and the possibility of a fundamental transformation of the political landscape. The tensions and skirmishes that characterised the electioneering campaigning heightened fears of election rigging. The monitoring of the election by observers was therefore necessary to give credence to the polls.

Two main groups of observers were involved – domestic and international. The 22 April polls were observed by 4,900 domestic observers countrywide. The majority of the observers focused on KwaZulu-Natal, which showed greater potential for violence and electoral malpractices. The domestic observers who were in the Western Cape included the Electoral Institute of South Africa (EISA), which deployed two teams to the province, and the South African non-governmental and Civil Society organisation (SACSEC), which is coordinated by the South African Council of Churches. SACSEC deployed over 100 observers in the Western Cape. Other observers in the Cape were international observers and included the African Union, the SADC, the Pan African Parliament monitoring group, Nigeria and Zimbabwe. The United Church of Canada (UCC) sent seven international observers, two of which observed elections in the Western Cape. With 1,541 voting districts, the observers were simply too few to observe all the voting stations on polling day. The activities of the election observers were thus confined to Cape Town.

Essentially the role of domestic observers is to observe the conduct of the polls. This role differs from that of election monitors. The

latter involves keeping an eye on the electoral process not just on polling day but from the start of the process – registration of voters – to the counting and declaration of results.

Monitoring involves identifying shortcomings and possibly recommending ways of rectifying them. By contrast, observation is a passive exercise in which observers establish if on the whole the process had been compromised in any significant way.

Observers are thus interested in the overall outcome rather than in isolated incidents. Although

there may be hiccups and reported cases of malpractices, observers are interested in establishing whether such isolated cases impact on the overall results.

The domestic observer teams all expressed satisfaction over the conduct of the polls in the province, although they noted isolated cases of shortages of election materials at certain voting stations. Domestic observers augment the conclusions of international observer teams to give credibility to the electoral process. In the Western Cape, observers were generally satisfied with the process.

## ENDNOTES

- 1 <http://www.ewn.co.za/articleprog.aspx?id=11914>
- 2 See 'South Africa: De Lille Urges Minority Parties to Unite for 2011 Municipal Elections' *Business Day* 24 April 2009.
- 3 IEC.
- 4 Genderlinks, 'SA Factsheet 2009', Available at [http://www.genderlinks.org.za/page.php?p\\_id=509](http://www.genderlinks.org.za/page.php?p_id=509) [Accessed 23 March 2009]
- 5 <http://c2c2009elections.contributetochange.org.za/2009/04/22/sapa-western-cape-parties-confident-of-toppling-anc/> (accessed 16/10/2009)
- 6 *Ibid.*



## EASTERN CAPE

Thabisi Hoene – Rhodes University

This review article on polling primarily discusses the events which unfolded on the main voting day of 22 April, addressing specifically the voting process, citizen participation in the election and voter turnout, voting behaviour and the role of international election observers. The objective is to outline and engage how polling processes were conducted on the day.

### THE VOTING PROCESS

The processes of voting can be concretely engaged by firstly focusing on the readiness of the election management body the Independent Electoral Commission (IEC) and secondly by highlighting the challenges that were experienced on that day.

On the weekend preceding polling day, the provincial IEC announced that it was ready to operate its 4,482 voting stations spread across the province. Its chairperson Reverend Bongani Finca noted that, 'All our voting stations have received their voting material except ballot papers, which are secured in security storage facilities.'<sup>1</sup> That is, physical infrastructure such as the securing of venues, the supply of ballot boxes and screening machines were already available at the voting stations. For security reasons, ballot papers were only delivered as close as possible to the actual voting day to obviate the possibility of fraud.

Forty-two thousand IEC officials were engaged to undertake the functions of the IEC, with 1,000 handling the process on the two special voting days on 20 and 21 April, culminating in the general voting day on 22 April.<sup>2</sup> That the IEC was sufficiently prepared is vindicated by how the process successfully unfolded throughout the day. Media and IEC reports indicated that polling day started well, with voting stations opening on time as scheduled at 7:00 a.m.<sup>3</sup>

Some of the challenges encountered as the day progressed included relatively minor issues such as the belated opening of some stations due to the late arrival of IEC officers in places such as Port Elizabeth and long queues in Gonubie, caused partly by older voters who did not vote on the two special voting day being given preference to vote first.<sup>4</sup>

Of the more serious problems that had the potential to mar the poll was voting stations running out of voting material such as ballot papers. The main reason for this was identified as new electoral laws that allowed voters to vote at stations other than those at which they had registered.<sup>5</sup> Some voting stations therefore became oversubscribed whilst others experienced relatively lower numbers of voters turning up to vote. This, for example, occurred in Port Elizabeth, where 15,000 ballot papers had to be flown in from

### CONTENTS

<b>EASTERN CAPE</b>	<b>148</b>
<b>FREE STATE</b>	<b>151</b>
<b>GAUTENG</b>	<b>155</b>
<b>KWAZULU-NATAL</b>	<b>156</b>
<b>LIMPOPO</b>	<b>158</b>
<b>WESTERN CAPE</b>	<b>160</b>

the provincial IEC office in East London, after voting had to be temporarily halted, resulting in further long queues.<sup>6</sup>

Indeed, the IEC noted that some 'criminal challenges'<sup>7</sup> were reported around the country during the day, with reports that provincially one woman voter was allegedly found with ballot papers at Port St Johns and ballot papers were found in a car that allegedly belonged to an ANC member in Queenstown.<sup>8</sup> These complaints led the IEC to urgently convene a Provincial Liaison Committee (PLC) meeting with all parties contesting the election to discuss how to address and resolve the issues.<sup>9</sup>

In addition to general voters, the IEC also accommodated voters who had problems with voting, either because of their physical impairment or because they could not read or write. In this regard, illiterate voters and the blind that were not accompanied by friends or relatives to assist them were offered help by IEC officials.<sup>10</sup>

And the contribution of the security forces in delivering a successful poll should also be noted. Eight thousand police officers were on specific election duty around the province, supported by three rapid response helicopters stationed in Port Elizabeth, Bisho and Mthatha, with the army being on standby with two platoons and three helicopters.<sup>11</sup>

Some non-governmental organisations also rendered services to assist in ensuring that the process of voting was a success. For example, the Red Cross provided medical assistance at voting stations in the Port Elizabeth area, where 128 volunteers, treated voters with ailments that ranged from epileptic seizures to sprained ankles.<sup>12</sup>

In general, voting day was a peaceful process in the province, despite some of the problems that were encountered by the IEC. Its success was ensured also by the provision of security by the army and police as well as volunteer organisations such as the Red Cross,

which offered medical assistance to voters.

#### **CITIZEN PARTICIPATION AND VOTER TURNOUT**

The enthusiasm of citizens for the election was palpable, as they turned out in droves and early at most voting stations, resulting in a very high turnout. One factor that had been of concern to both political parties and the IEC was the weather, but, as it turned out, there were favourable weather conditions on the day.<sup>13</sup>

Media reports throughout the day underlined this phenomenon, with for example young voters being the most visible category of voters at stations. Media reports for instance noted that at Rhodes University in Grahamstown a long queue stretching over 150 metres was evident by mid-morning.<sup>14</sup> This was a reflection of the high registration trends at this voting station, which reportedly had almost doubled from 1,713 registered voters in the 2004 election to 3,225 in 2009.<sup>15</sup>

The same mood was also captured at the campus of the Walter Sisulu University (WSU) at Butterworth, where although relatively few students turned up early, they still indicated a strong determination to vote. This was reflected in the following comment by one student: 'To me voting is no big deal so I do not have to rush as it will make no difference what time I do it, as long as I vote. That is what matters.'<sup>16</sup>

Many voting stations were swamped by voters to the extent that the IEC had to convene a meeting with all political parties to assess how the situation should be addressed. It was agreed that, although the voting stations were to officially close at 9.00 pm, all voters who were in the queues at the time would be allowed to vote.<sup>17</sup> This compromise was reached after disagreement had arisen between some political parties, with the ANC pushing for extension of the closing time and the DA objecting to the suggestion.<sup>18</sup>

The final provincial turnout was registered at 74.87 per cent, translating into 2,888,387 voters having cast their vote.<sup>19</sup> This was five per cent short of the 80 per cent that the provincial IEC had targeted.<sup>20</sup> However, the significance of the turnout can be put into perspective by comparing it with 2004, where although the turnout was higher at 79 per cent (2,259,903), this year's turnout had in absolute terms increased by 628,484 voters.

#### **VOTER BEHAVIOUR**

Given the highly contested nature of the provincial poll, especially due to the intense contest between the ANC and COPE, voters' behaviour on polling day was commendable. That is, the poll went off peacefully, dispelling fears that it might be marred by violence, especially after a COPE leader was shot dead in Port Elizabeth, on the eve of the election, with the party charging that was a political killing.<sup>21</sup>

Such fears that the poll would be derailed by misbehaviour by voters had been further fuelled by COPE accusations that the IEC was biased in favour of the ANC, and against its own interests, in a protest march organised five days before the election in Port Elizabeth<sup>22</sup> and reports of alleged assaults of UDM supporters in the Alfred Nzo district.<sup>23</sup>

However, these fears did not become reality on voting day, as the poll was peaceful with no reports of violence in the province. This disciplined behaviour of voters was especially impressive, particularly because in areas that had been identified as potential 'hotspots' where violence might break out (such as Stutterheim), the poll was also peaceful. The area has been the scene of bitter rivalry between the ANC and COPE, but as the *Dispatch Online* reported, 'Under the heavy police presence peace reigned, which hasn't been always the case in the last six months after 15 ANC councillors were suspended on suspicion of being COPE members'.<sup>24</sup>

Indeed, the role of party leaders in warding off the possibility

of violence breaking out cannot be underestimated, as exemplified by the comment of one young voter in the same area who noted that their party leaders had restrained them from causing violence in the town.<sup>25</sup>

To sum up how voters' conduct contributed to a successful election, the statement by the Provincial IEC head, Reverend Bongani Finca, is apt: 'The atmosphere was calm and peaceful overall, although this has been marred by the death by shooting ... of the COPE leader in the Nelson Mandela Metro.'<sup>26</sup>

### THE ROLE OF INTERNATIONAL ELECTION OBSERVERS

To indicate the extent and depth of how the election was observed nationally the IEC noted that an estimated 355 international observers and 358 diplomats from 61 embassies observed the election.<sup>27</sup> According to the Electoral Institute of Southern Africa (EISA), in addition to its own delegation, nine international organisations sent delegations: these included those from the African continent such as from the African Union (AU) and the Southern African Development Community (SADC) and other organisations such as the Commonwealth.<sup>28</sup> EISA was one of the most visible, deploying 15 teams to all provinces, with two teams covering the Eastern Cape.<sup>29</sup>

In general terms, the opinions of the observers just like their local counterparts: notwithstanding noting some limitations of the process, they deemed it a success. This can for example be deduced from the following comment by Dr

Salim Ahmed Salim, who headed the African Union (AU) observer mission: 'There is no reason for concern here. There are strong institutions and great tolerance despite the past ... There is also much enthusiasm by young people. It is an example to other countries in the continent.'<sup>30</sup> Some of the recommendations to address the limitations in the process which were put forward by the Southern African Development Community (SADC) and AU missions included applying stricter measures to enforce laws that ban campaigning near polling stations, the use of transparent ballot boxes, and the strengthening of security to safeguard ballot papers.<sup>31</sup>

### CONCLUSION

Overall, polling day went well provincially with a very impressive high voter turnout, especially by young voters. Relatively few unsavoury incidents were noted by observers, indicating the integrity of the process, as well as the political maturity of voters who refrained from violent conduct. Thus, in line with what happened around the country, it is credible to summarise that the process was successful in the Eastern Cape.

### ENDNOTES

- 1 Brian Hayward, 'It's all systems go as IEC staff start on poll stations', *Weekend Post* 18 April 2009, p. 1.
- 2 Ibid.
- 3 The IEC indicated that nationally 98 per cent of voting stations had opened on time at 7:00 a.m. See *The Herald*, 23 April, p. 1.
- 4 <http://www.dispatch.co.za/article.aspx?id=310173>

- 5 Patrick Cull, 'Glitches mar poll', *The Herald*, 23 April 2009, p. 1.
- 6 Patrick Cull, 'More Bay ballot papers flown in', *The Herald*, 23 April 2009, p. 1.
- 7 Patrick Cull, op. cit.
- 8 Mayibongwe Maqhina, 'National protest threat over string of irregularities in EC', *Daily Dispatch*, 23 April 2009, p. 1.
- 9 Ibid.
- 10 Lee-Anne Butler, 'Electoral officers aided illiterates to cast ballots', *The Herald*, 23 April 2009, p. 2.
- 11 Thanduxolo Jika and Mayibongwe Maqhina, 'All go for tomorrow's election', *Daily Dispatch*, 21 April 2009, p. 1.
- 12 Eleanor Douglas-Meyers, 'Red Cross helpers praised', *The Herald*, 23 April 2009, p. 2.
- 13 <http://www.dispatch.co.za/article.aspx?id=310173>
- 14 <http://www.dispatch.co.za/article.aspx?id=310137>
- 15 <http://www.dispatch.co.za/articles.aspx?id=310443>
- 16 <http://www.dispatch.co.za/article.aspx?id=310443>
- 17 Mayibongwe Qhina, 'Election to rival '94', *Daily Dispatch*, 23 April 2009, p. 4.
- 18 Patrick Cull, 'IEC refuses to extend voting hours despite long queues', *The Herald*, 23 April 2009, p. 1.
- 19 <http://www.eisa.org.za/WVEP/sou2009resultsa.htm>
- 20 Political Editor, 'Finca calls for provinces to be given responsibility for papers', *The Herald*, 24 April 2009, p. 4.
- 21 Mawande Jack, 'Bay shooting politically motivated, claims Cope', *The Herald*, 24 April 2009, p. 1.
- 22 Zandile Mbabela, 'Cope supporters march on city hall', *The Herald*, 17 April 2009, p. 4.
- 23 Mawande Jack, Rochelle de Kock and Gareth Wilson, 'IEC, police ready for tomorrow's poll', *The Herald*, 21 April 2009, p. 2.
- 24 <http://www.dispatch.co.za/article.aspx?id=310454>
- 25 Ibid.
- 26 Msimelelo Njwabane and Mayibongwe Maqhina, 'ANC back in power in EC', *Daily Dispatch*, 24 April 2009, p. 1.
- 27 [http://www.iol.co.za/index.php?click\\_id=3086&set\\_id=1&art\\_idnw2009042117125](http://www.iol.co.za/index.php?click_id=3086&set_id=1&art_idnw2009042117125)
- 28 <http://www.eisa.org.za/WVEP/sou2009.htm>
- 29 <http://www.eisa.org.za/EISA/pr20090424.htm>
- 30 <http://www.mg.co.za/article/2009-04-22-elections-observers-applaud-sa-standards>
- 31 *Business Day*, 'African observers offer IEC advice on elections', 28 April, 2009, p. 3.

## FREE STATE

KC Makhetha – University of the Free State

### THE VOTING PROCESS

For the voting process to be efficient, thorough planning and training of election officials are crucial. The IEC in the Free State confirmed on several occasions that the team was ready for the voting process. At many voting districts, voters started queuing long before the voting stations opened. Reports suggested that voters exercised patience in the long queues and waited their turn to cast their ballots, signalling a degree of acceptance of the institutionalised routines and processes inherent in the voting process.

On election day, 11,938 staff members were working at voting stations throughout the Free State province. In addition, 50 officials fulfilled the function of data capturing, an important role in keeping appropriate and adequate records.

There were 300 Area Managers who were recruited and trained, 4 Regional Managers, 19 Electoral Project Coordinators (EPCs), and 1 Assistant Project Coordinator (APC). There were also 10 members who served on the Conflict Management Panel. These panellists were divided – two were allocated to each of the five districts of the Free State.

With respect to warehousing and logistics, by 15 April 2009 all materials had already been taken to the Municipal Electoral Officers (MEOs) in the twenty municipalities of the Free State. From 17–24 April all municipalities were provided with rented transportation for the distribution of election materials to ballot stations. A total of 24 vehicles were hired, and the bigger municipalities were provided with two vehicles while most of the municipalities received one each. This was to improve the level of efficiency on election day.

The process of voting went smoothly at most voting stations, and senior citizens were given an opportunity to vote first. At the door of each of the voting stations, there was a person with a Zip-Zip machine/scanner, who checked the identity document to verify if the voters were indeed registered to vote in the 2009 national and provincial elections. The scanner printed a piece of paper with information to support the person checking names on the segment of the voters' roll, then the identity document would be stamped, followed by ink on the cuticle and nail of the left hand thumb. From there, ballot papers were provided, both national and provincial. These had to be marked with an 'X' in a box next to a party of choice, in the secrecy of the booth. Afterwards, the voter had to fold these ballot papers and put them in the appropriate boxes. In almost all voting stations this precise routine, as agreed by all electoral stakeholders was followed without many reported irregularities in the process.

In the voting stations, there were party agents on duty, as well as the election officials. The police stood outside the voting stations and at some, they had presence inside the voting station as well. From observation, the role and function of the security forces on election day and at polling stations will have to be given serious attention, especially because there was an IEC official shot while trying to open the voting station in the Qwa-Qwa area, in the eastern Free State.

It is expected that the security forces would provide protection to IEC officials in exactly the same way that they protect the ballot papers and the stamp with which these ballot papers are marked. Consistency with regard to the standard

requirements at polling stations needs to be spelled out. It should be standard practice that there should be security forces inside and outside the polling stations. This decision should not be left to the discretion of the presiding officer, and requires standardisation for the future as a precautionary measure, even though security risks are variable from place to place.

As much as the voting process reportedly occurred without too many incidences, it should also be noted that there were challenges. Some voting stations did not open on time and some voting stations ran out of ballot papers, and this delayed closing of these voting stations. Plans were made for additional ballot papers to be delivered to polling stations which experienced shortages, and it is reported that most voters managed to cast their votes, and none were seriously prejudiced or robbed of the opportunity to vote. Whilst patience prevailed, future elections may not see such high levels of patience amongst voters and more adequate and appropriate contingency plans may need to be instituted.

The main contributing factor to the situation described above is the challenge put through the High Court in 2009, which sought to allow registered voters to vote outside their voting districts within South Africa's borders. They claimed and won their right to vote, based on the constitutional provision granting all South Africans the right to vote, whilst not specifically excluding those residing outside the country.

In the Mafube municipality an electricity outage affected the entire township. Seven voting stations were affected for some time on election day. In some other areas, there were strong winds that disturbed the voting processes. Overall, the

process was well managed and administered, however, and problems were eventually ironed out.

### **CITIZEN PARTICIPATION AND VOTER TURNOUT**

In this national and provincial election, one could sense a higher level of freedom to express differing views among the citizens: people were very open and proud to wear the t-shirts and caps of the parties they supported. People were free to talk across party lines: one would find, for example, a supporter of the ANC having a fruitful political conversation with a supporter of the DA. That is a milestone in a deepening democracy.

In the Free State, it was a great achievement to have debates been held right in the townships with the buzz of many political parties, including political parties like the Freedom Front plus (FF+) free and willing to attend. The FF+ was afforded an equal opportunity with other political parties to clarify their manifestos and people listened even though many of them did not share the views of the party. Political tolerance in Free State therefore appears to be high.

As much as there is still lack of political education, citizens participated in numbers to elect a new government of South Africa and for the Free State Province. Voter turnout in the Free State was generally high. As appears in the table below, the lowest turnout was 72.56 per cent at Naledi (Zastron) municipality, which is still a high voter turnout.

From the total number of registered voters (1,388,588), the total number of people who actually voted is 1,069,127 – 76.99 per cent of registered voters. According to the estimation done by the PEO in the Free State, Mr Mepha, the Free State performed very well. The youth in particular, made a huge contribution to this election (see Table 1).

### **VOTING BEHAVIOUR**

Having looked at voter turnout figures, it is interesting to see the

outcome of voting. The people voted strongly for the ANC, out of loyalty. Some voted mainly because of expectations created and a belief that there will one day be a better life for all, especially that Jacob Zuma, the President of the ANC, was and is still seen by many as a 'man of the people'.

The new kid on the block, COPE, performed very well. Having had about 108 days to organise itself as a party to contest the national and provincial elections in all the nine provinces, this party made its mark. COPE has been voted the official opposition party in the Free State. There is a thin margin between the number of COPE and DA votes. COPE beat the DA by 174 votes and these few votes saw COPE replace the DA as the official opposition in the province.

In comparison to 2004, the only party that gained more votes in the Free State is the DA. The ANC and the FF+ appeared to have lost some votes, compared to their performance in the 2004 elections. These parties appeared to have lost votes to the DA, and it appears also that the ANC lost a bigger number of votes to COPE.

One expected FF+ to perform better in the Free State as it is apparently its stronghold, but it only received 16,969 votes, which means that the FF+ now has only one seat in the Free State provincial legislature for the next five years.

It will be important to observe the performance of these parties in the Free State as what they do now will affect the outcome of the local government elections in 2011 and eventually the next national and provincial elections of 2014.

### **THE ROLE OF INTERNATIONAL OBSERVERS**

The role of international observers is valuable for a young democracy like South Africa and, in particular, the Free State province. The role includes assessing the preparedness of the IEC, and the degree to which the whole election is free and fair, the pre-election, election and post election processes.

The international observers' contribution to an election is more than just observing especially observers from the African Union (AU). Their reports are valuable to the IEC and the country and are considered when improvements are made to electoral processes, especially because there are clear principles guiding elections within the SADC region.

From the conversations with some of the international observers who were in the Free State during the 22 April 2009 elections – amongst others, Ambassador Andrew Bangali and Hon. Omar Musa from the African Union (AU) – it was clear that they were impressed by the relatively peaceful atmosphere in which the elections took place and high level of organisation and preparedness from the side of the Independent Electoral Commission.

They expressed their appreciation on how development has progressed since the last time they were in South Africa in 1994. They were impressed by the high levels of tolerance in comparison to 1994 elections and, for them, there was growth and maturity developing around elections and campaigning.

**Table 2: Results in the Free State – seats per party**

Political party	Number of seats
ANC	22
COPE	4
DA	3
FF+	1

International observers bring experience and exposure, apart from their own expertise. They also elevate the standard of elections and also contribute to the legitimacy of the process. Observers from the outside bring a fresh outlook and therefore help develop electoral processes further.

Reasons for observing elections are provided:

‘Guided by – Principles for Election Management, monitoring and Observation, SADC Principles and Guidelines Governing Elections and African Charter on Democracy Elections and Governance.

The Electoral Commission invited domestic and international observers to play a role of enhancing transparency and credibility of elections and acceptance

of results. This mission also without interfering with the voting and counting process gathers information at polling stations in order to provide informed judgement about transparency, credibility and legitimacy of the voting process.

Observing elections may also provide assistance in preventing, transforming and managing

**Table 1: Voter Turnout 2009: Free State Province – as at 25/04/2009 07:45:11 AM, according to IEC records**

Municipalities	Registered population	Registered voters in completed VD's	Total votes cast in completed VD's	% Voter turnout
FS161 - Letsemeng [Koffiefontein]	17,586	17,586	13,360	75.97%
FS162 - Kopanong [Trompsburg]	24,755	24,755	19,661	79.42 %
FS163 - Mohokare [Zastron]	17,590	17,590	13,438	76.40 %
FS171 - Naledi [Dewetsdorp]	12,961	12,961	9,405	72.56 %
FS172 - Mangaung [Bloemfontein]	372,733	372,733	295,970	79.41 %
FS173 - Mantsopa [Ladybrand]	27,049	27,049	20,304	75.06 %
FS181 - Masilonyana [Theunissen]	32,672	32,672	25,156	77.00 %
FS182 - Tokologo [Dealesville]	12,518	12,518	9,200	73.49 %
FS183 - Tswelopele [Hoopstad]	24,172	24,172	18,911	78.24 %
FS184 - Matjhabeng [Welkom]	207,022	207,022	207,666	76.16 %
FS185 - Nala [Bothaville]	39,987	39,987	29,402	73.53 %
FS191 - Setsoto [Senekal]	57,955	57,955	43,378	74.85 %
FS192 - Dihlabeng [Bethlehem]	65,532	65,532	51,930	79.24 %
FS193 - Nketoana [Reitz]	29,545	29,545	21,715	73.50 %
FS194 - Maluti a Phofung [Qwa-Qwa]	175,326	175,326	130,458	74.41 %
FS195 - Phumelela [Vrede]	24,581	24,581	19,114	77.76 %
FS201 - Moqhaka [Kroonstad]	82,899	82,899	61,265	73.90 %
FS203 - Ngwathe [Parys]	64,648	64,648	49,287	76.24 %
FS204 - Metsimaholo [Sasolburg]	70,575	70,575	57,052	80.84 %
FS205 - Mafube [Frankfort]	28,325	28,325	22,197	78.37 %
FSDMA19 [Golden Gate Highlands NP]	157	157	258	164.33 %
<b>Total</b>	<b>1,388,588</b>	<b>1,388,588</b>	<b>1,069,127</b>	<b>76.99%</b>



election-related conflicts through timely reporting as well as identification of strengths and possible weaknesses of the election as a whole.

Observer missions may take place in three phases 1) pre-election phase 2) election phase 3) post-election phase, but for NPE 2009 preferred to observe the Election Phase due to the perception that South African Democracy has matured and gained credibility. Observers submit their reports to the national office of the Electoral Commission but domestic observers may submit their reports to the provincial office'.

### CONCLUSION

The voting process in the election of 22 April went smoothly, and voter behaviour, as complex as it is, brought about the result that the Free State has a new kid on the block – COPE as the official opposition to the ruling party, the ANC.

With the improved participation of the citizens, there is no doubt that democracy will be vibrant and society will be more engaged and interested in what the government is doing. The voters will make an effort to keep the government accountable. With the input from international observers, electoral procedures will improve.

### REFERENCES

- Media briefing, Mr Mepha 23/04/2009.  
Workshop organised by IEC Free State 15/04/2009.  
Observations on election day 22/04/2009.  
Conversations with AU Observers 21/04/2009.  
In-person research interview with Mr Chris Mepha, Provincial Electoral Officer, Free State Province.

### International Observers (list provided by IEC Free State office)

	Name & Surname	Country	Organisation	Area of Deployment
1.	Reza Isscak	MP Mauritius	SADC (PARLIAMENTARY FORUM)	Mangaung
2.	R. F. Shea	MP Lesotho	SADC (PARLIAMENTARY FORUM)	Mangaung
3.	Clare Musonda	Zambia	SADC (PARLIAMENTARY FORUM)	Mangaung
4.	Jeremiah Msibi	Swaziland	SADC	Mangaung
5.	George Bello	Malawi	SADC	Mangaung
6.	Hon. N. Mpofo	Zimbabwe	SADC	Mangaung
7.	Ibrahim Mkwawa	Tanzania	SADC	Mantsopa
8.	Rodrigues Muebe	Mozambique	SADC	Mantsopa
9.	Mika Angula	Namibia	SADC	Mantsopa
10.	Lisiany Da Silva	Angola	SADC	Mantsopa
11.	Justin Mwansa		SADC	Moqhaka
12.	Sara Rwambali		SADC	Moqhaka
13.	Cathrine Lishomwa		SADC	Moqhaka
14.	Ambassador Andrew Bangali		AU	Mangaung
15.	Hon. Omar Musa		AU	Mangaung
16.	Annissa Izidine		EISA	Mangaung
17.	Egidio Manais		EISA	Mangaung

# GAUTENG

Shaheen Buckus – Independent Researcher and Ebrahim Fakir – EISA

## CITIZEN PARTICIPATION AND VOTER TURNOUT

The national voter turnout stood at 17.9 million out of 23.1 million registered voters, representing a 77 per cent voter turnout. In Gauteng a total of 4.4 million voters cast their votes from a registered provincial total of 5.6 million people, constituting a percentage of 79 per cent.<sup>1</sup> Gauteng contributed 24 per cent of registered voters towards the national voters' roll.

The assumed trend of declining youth participation in Gauteng appeared to have reversed, since over 70 per cent of new voter registration in the province was made up of youth. In terms of voting stations, there were 217 that drew more voters than had registered there, causing a shortage of voting and other materials. Of particular note was an instance of this in Diepkloof, Soweto, where 43 per cent more voters turned up at a temporary voting station than the number that were originally registered. In terms of gender participation, turnout levels across gender differences were negligible in Gauteng.<sup>2</sup>

## VOTING BEHAVIOUR

Generally the behaviour of voters nationally was exemplary. Their mood was exuberant and jovial and they displayed high levels of tolerance outside of voting stations. In Gauteng the mood echoed that of the national voters, though tensions ran high at voting stations where ballot papers ran out, for instance at the voting station at Cosmo City Junior secondary school,<sup>3</sup> where because of the shortage of voting materials tensions between voters and officials, and between political party agents of different parties, ran high. These tensions were isolated to particular voting stations and were not general.

A survey conducted by Mark-data in late March 2009 entitled *The Impact of COPE on Political Support in Gauteng* suggests that though voting behaviour can still be viewed in racial terms, it has moved beyond this simplistic characterisation to adopt class and socio-economic orientations.<sup>4</sup> This in itself is unsurprising in an urban metropolis such as Gauteng. The emergence of the Congress of the People has heralded a shift way from raced-based voting in Gauteng to one of class orientation, since, according to the survey, Gauteng possesses a multi-racial profile located largely among middle-class African and white citizens. In contrast, the ANC's support in the province is among the poor, who are largely African.

## THE ROLE OF INTERNATIONAL ELECTION OBSERVERS

The role of election observers has been outlined in a previous update. There were 355 international observers deployed to observe the elections.<sup>5</sup> The following bodies sent international observer missions:<sup>6</sup>

- African Alliance for Peace (AFAP)
- African Union (AU)
- Association of African Electoral Authorities (AAEA)
- Commonwealth
- Electoral Institute of Southern Africa
- Electoral Commissioners' Forum of the SADC
- SADC Parliamentary Forum
- Southern African Development Community (SADC)
- Senegal People Development Institute

The delegations were briefed by the IEC on election-related subjects and by the UN on deployment, roles

and methods of reporting. EISA also deployed an observer mission and provided contextual and deployment briefings to almost all of the other observer missions. The main advantage of international election observers such as the Commonwealth is the excellent advice that they can provide due to their vast experience of observing elections throughout the world. The Independent Electoral Commission (IEC) said that the recommendations of the international observers would be taken into consideration in preparations for the next elections.

The African Union (AU) and the Southern African Development Community (SADC) declared the elections free and fair. Elections were conducted in compliance with guidelines adopted by all SADC countries, SADC mission leader Balefi Tsie and AU observer mission leader Salim Ahmed Salim are both reported to have said.<sup>7</sup> Notwithstanding this, Tsie noted some problems such as campaigning material being paraded around on polling day and the fact that the provincial and national ballot papers were difficult to distinguish from each other and appeared to cause some confusion.

Salim said there had been some minor logistical problems; however, none had affected the voting process adversely. The logistical problems included the number of delays on polling day as some stations had run out of ballot papers due to an increase in unexpected voters. Irregularities included the display of party identities and party literature within the perimeters of voting stations, which was criticised by Salim. He stated: 'We believe that this goes against the spirit of Article 108 of the Electoral Act 73, 1998 prohibiting certain political activities on voting day'.<sup>8</sup>

**ENDNOTES**

- 1 <http://www.elections.org.za/NPEPW-StaticReports/reports/ReportParameters.aspx?catid=12>
- 2 IEC national and provincial report.
- 3 Interview with Walter Shiburi IEC (Manager: Electoral Reports)
- 4 <http://www.markdata.co.za/cope1.html>
- 5 [http://www.elections.org.za/news\\_get.asp?press=0&NewsID=413&Opt=&Data=&RecNum=21](http://www.elections.org.za/news_get.asp?press=0&NewsID=413&Opt=&Data=&RecNum=21)
- 6 <http://www.eisa.org.za/WEP/sou2009eom.htm>
- 7 [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=3086&art\\_id=nw20090424141918901C865871](http://www.iol.co.za/index.php?set_id=1&click_id=3086&art_id=nw20090424141918901C865871)
- 8 *ibid*

## KWAZULU-NATAL

**Salomé van Jaarsveld – ACCORD** (writing in personal capacity)

### THE VOTING PROCESS

The voting process in KwaZulu-Natal was described by the provincial IEC head, Mawethu Mosery, as running 'fairly smoothly' aside from a few administrative hiccups relating to the late opening of some polling stations and a shortage of materials at others (Dell & Coen, 2009).

The most severe administrative hiccup occurred when an IEC presiding officer at a Ulundi voting station was arrested for forgery on Election Day, when it was discovered that one of the unused ballot boxes at her station contained a hundred marked and stamped ballot papers. The ballot papers were all marked in favour of the IFP (Madlala & Mbuyazi, 2009). An electoral officer in Nkandla was also investigated for failing to deliver materials required for voting to a station, namely, ballot papers, indelible ink, scanners and stamps (Savides & Da Costa, 2009).

Prior to Election Day, the IFP party leadership levelled complaints at the ANC provincial leadership via the provincial police commissioner regarding balloting irregularities. The complainants claimed that ballot papers were being generated from the KwaZulu-Natal Premier's office and then stuffed into ballot boxes, effecting vote-rigging in the ANC's favour. The provincial police department stated that there was no evidence to prove these claims and no substance to the allegations. Premier S'bu Ndebele demanded

that the IFP retract its allegations and tender an apology (Da Costa, 2009).

Procedurally, voting in the province progressed smoothly with complaints mainly pertaining to the long queues (at least four polling stations in the greater Durban area still had queues after 11 pm). There were also sporadic complaints (in Reservoir Hills and Westville) about voters having to fill in additional forms if they were not registered at the stations at which they were voting, or if they had changed their names. Voters in Umbilo waited for up to two hours owing to a shortage of ballot papers and some of them were advised to vote at alternative voting stations. Voting stations in Umlazi also ran out of ballot papers, but these were replenished after a couple of hours wait (Padayachee *et al*, 2009a & Mfusi *et al*, 2009).

The provincial IEC recorded the receipt of 71 electoral complaints ranging from assault to damage to posters and disruption at meetings. None of the complaints were, however, deemed serious enough to have a marked impact upon election results. According to the IEC, there were 47,092 spoilt national ballots and 43,713 spoilt provincial ballots in KwaZulu-Natal (Kockott & Hlongwane, 2009).

### CITIZEN PARTICIPATION AND VOTER TURNOUT

Voter turnout in KwaZulu-Natal was high at 78.81 per cent, with 3,526,700 votes cast out of 4,475,217

registered voters. This was an increase from the 2004 elections when voter turnout was 72 per cent. The number of female registered voters was also higher than male registered voters, at a ratio of 2,548,839 women to 1,926,378 men. The highest voting group was in the age bracket of 20-29, while there were 84,438 females and 72,720 males registered in the 18-19 year old category (IEC Registration Statistics, 2009).

Voting patterns along urban and rural lines were informative as they revealed that despite the IFP's decline in the province, it still retains significant popularity in its rural strongholds of Nongoma and Ulundi, where it gained 81.63 per cent of the vote, securing 48,227 votes out of 59,078 votes cast and 83.62 per cent of the vote, with 53,747 votes out of 64,276 votes cast.

This is in contrast to the ANC gaining 16.82 per cent of the vote in Nongoma and 14.92 per cent of the vote in Ulundi (IEC results report 2009). This reflects a prevailing trend in which the ANC makes a more significant electoral impact in urban, rather than in rural areas of the province. Election results for urban areas such as eThekweni (Durban area) and Msunduzi (Pietermaritzburg) show that the ANC leads with 67.52 per cent and 73.79 per cent of the vote respectively, followed by the DA with 18.04 per cent and 13.29 per cent respectively. While the DA is the ANC's main opposition in

these areas it is followed by the IFP with 6.81 per cent and 7.91 per cent, with COPE trailing behind, having gained 2.57 per cent of the vote in the Durban area and 1.96 per cent in Pietermaritzburg (IEC results report, 2009). Voting patterns in ANC President Jacob Zuma's home territory, Nkandla, reflect an ANC victory by only a small margin – 51.7 per cent to the IFP's 46.16 per cent. Voting in the Estcourt area, which was the only site of political tension in the province relating to the 2009 elections, also reflected a close contest between the ANC and IFP. The ANC gained 45.47 per cent of the vote and the IFP 44.63 per cent (IEC results report, 2009).

Notwithstanding the DA's official opposition to the ANC in KwaZulu-Natal, it has expressed its disappointment at not being able to increase its representation in the provincial legislature to its target of 10 seats. It has attributed this to provincial support for Jacob Zuma (Kockott & Hlongwane, 2009). The poor showing of the Minority Front (MF) in the Durban and Pietermaritzburg areas (2.50 per cent and 0.50), aimed at clinching the Indian vote especially in Chatsworth and Phoenix, has been blamed by party leadership on the Indian cricket premiers league matches which took place on Election Day (Kockott & Hlongwane, 2009). Furthermore, COPE's performance in the province did not quite match up to the strides it made in the Northern and Eastern Cape. It took 2.57 per cent of the vote in the Durban area and 1.96 per cent of the vote in Pietermaritzburg.

Voter turnout was, in general, high among both urban and rural voters. In the Durban area, out of a registered population of 1,639,153 there were 1,331,246 votes cast. Similarly, in Pietermaritzburg, out of a population of 276,008, there were 227,432 votes cast. Out of a population of 75,854 in Nongoma, 59,078 votes were cast. In Ulundi, from a registered population of 79,383, there were 64,276 votes cast (IEC results report, 2009).

## **VOTING BEHAVIOUR**

One of the main challenges facing voting in KwaZulu-Natal has always been the behaviour of ANC and IFP supporters. Clashes between them have often resulted in violence and their campaigns to intimidate supporters have affected the voting process. Election Day in KwaZulu-Natal during this election was not significantly affected by political intimidation and violence and was described, for the most part, as peaceful. This has largely been attributed to the extensive deployment of security forces in traditional hotspots for violence such as Nongoma and Ulundi, where some 650 police officers and soldiers monitored 200 voting stations (Padayachee *et al*, 2009 b).

Historical violence hotspots such as Richmond, which was the site of clashes between ANC and IFP supporters in the 1990s, claiming several lives, has now been described as an area of prevailing political maturity, where, in the run-up to elections, various political parties were able to campaign freely and display their campaign materials, with supporters being able to wear party-affiliated T-shirts. Likewise, Shobashobane, another historical hotspot for violence known for the 1995 massacre in which some 1,000 IFP supporters carrying traditional weapons and guns descended on a village destroying everything in sight, experienced voting without incident. This was despite fears of violence and political intimidation of voters who are mostly ANC supporters, but surrounded by settlements loyal to the IFP (Mboti & Wicks, 2009, Wicks *et al*, 2009).

The most serious incident of election related violence in KwaZulu-Natal on Election Day occurred in Wembezi Township outside Estcourt. According to reports, a group of IFP supporters in Wembezi C Section tore down ANC flags and blocked a road leading to the polling station with rocks. The group, clad in IFP regalia, gathered outside the main polling station chanting anti-ANC songs and generally

making it known that Wembezi is an IFP area and did not welcome ANC voters. Additional SAPS and SANDF personnel were deployed to the area on standby in case violence erupted. Their presence was useful when they later averted a confrontation between IFP and ANC supporters in Emahhashini and also in Wembezi. While the ANC complained that the IFP had bussed supporters into the area to vote, the IFP asserted that a visit by ANC provincial chairman, Zweli Mkhize, was designed to intimidate IFP voters, owing to the presence of bodyguards brandishing large guns (Mbanjwa, B. 2009).

KZN Violence Monitor, Mary de Haas, labelled Election Day in the province as 'quiet'. She stated that the levels of violence cannot be compared to those of 1994 when thousands of people died in election related violence. De Haas compared the levels of violence with those of the 1999 and 2004 elections, confirming the trend of a reduction of political intimidation and violence in KwaZulu-Natal. Aside from the incidents reported in the mainstream media, de Haas received complaints relating to alleged infringements of electoral rules in terms of canvassing around polling stations and unauthorised party supporters entering voting areas. Allegations of insulting and intimidatory behaviour at entrances to voting areas were also a common complaint. The areas highlighted were Mpumzuza, Sweetwaters, Ehlabeni and Macambini (Dell & Coen, 2009 + Coen, 2009).

## **INTERNATIONAL ELECTION OBSERVERS**

International observer missions deployed in KwaZulu-Natal were all from the African continent. They included the African Union (AU) and the Southern African Development Community (SADC). The Electoral Institute of Southern Africa (EISA) deployed an observer mission comprising participants from continental Africa. Likewise, the South Africa Civil Society Elec-

tion Coalition (Sacsec) included participants from Africa. The African Alliance for Peace Mission (Afacp) convened by the African Centre for the Constructive Resolution of Disputes (Accord) based in Durban, was a partnership between Accord, the Nairobi Peace Initiative (NPI) and the West Africa Network for Peace (Wanep).

The general consensus among the various observer missions was that elections were free and fair and credibly run. The AU and SADC missions commended the strong security presence at voting stations and recommended that transparent ballot boxes be used in future elections and that national and provincial ballot papers be more distinguishable. The missions also suggested that allowing voters access to polling stations at which they were not registered may have led to the shortage of ballot papers in some areas, as well as the longer queues. Concern was also expressed at political parties who continued to campaign during voting and who displayed their campaign materials within the vicinity of polling stations (Mbanjwa, X. 2009).

The EISA mission comprised members from Nigeria, Lesotho, Sudan, DRC, Cote d'Ivoire, Zimbabwe, Kenya, Sierra Leone, Ethiopia, Mozambique, Cameroon, Tanzania and Angola. The mission found that despite incidents of political violence in KwaZulu-Natal be-

tween the ANC and IFP, the election campaigning process was generally calm and orderly. It also noted incidents of ballot paper and ballot box shortages.

Among the recommendations made by the EISA mission were that processes should be put into place to curb campaign related intolerance, hate speech, obstruction and intimidation. Furthermore, electoral law permitting parties to display campaign material in the vicinity of polling booths, should be amended. This should be broadened to include disallowing voters from wearing party affiliated T-shirts (EISA Observer Mission Interim Statement, 2009). The Sacsec mission, coordinated by the South African Council of Churches, included participants from the United Church of Canada and the All Africa Conference of Churches. The mission deployed observers and monitors to violence hotspots in KwaZulu-Natal. It found that incidents of violence in the province related to the disruption of party meetings, election posters being removed or defaced, parties denied access to venues and supporters from various political parties displaying low levels of tolerance (SASEC, 2009). The Afap mission, deployed solely in the province of KwaZulu-Natal with the specific aim of observing levels of political intimidation and election-related violence, found that there were only a few incidents of

minor political intolerance which were neither systematic nor widespread but rather, isolated and sporadic (Coen, 2009).

## REFERENCES

- Coen, S. 'Elections free, fair, transparent', *Witness*, 24 April, 2009.
- Da Costa, W. 'No proof of ballot allegations', *Mercury*, 22 April, 2009.
- Dell, S. Coen, S. 'Democracy comes of age', *Witness*, 23 April, 2009.
- EISA Observer Mission to the 2009 South African National and Provincial Elections, Interim Statement, 24 April 2009, Johannesburg.
- Election Synopsis, 2004, 1, 4, Centre for Policy Studies, Johannesburg .
- IEC Election Results Report 2009 – [www.elections.org.za](http://www.elections.org.za)
- IEC Registration Statistics 2009 – [www.elections.org.za](http://www.elections.org.za)
- Kockott, F. Hlongwane, A. 'IFP all but wiped out as political force', *Sunday Tribune*, 26 April, 2009.
- Madlala, M. Mbuyazi, N. 'IEC officer charged with forgery', *Daily News*, 23 April, 2009.
- Mbanjwa, B. 'Estcourt a hot spot', *Daily News*, 23 April, 2009.
- Mbanjwa, X. 'Observers praise poll despite concerns', *Saturday Star*, 25 April, 2009.
- Mboto, S. Wicks, J. 'Living with the ghosts of intolerance', *Mercury*, 22 April, 2009.
- Mfusi, N. *et al.* 'Long queues the only problem in most parts of Durban', *Mercury*, 23 April, 2009.
- Padayachee, K. *et al.* 'Elderly man dies in queue at polling station', *Mercury*, 23 April, 2009.
- Padayachee, K. *et al.* 'All systems go for KZN voters', *Mercury* 22 April 2009.
- 'SASEC commends free and fair national and provincial 2009 elections', Statement, 2009.
- Savides, M. Da Costa, W. 'Observers give elections in KZN the seal of approval', *Mercury* 23 April, 2009.
- Wicks, J. *et al.* 'Voting tranquil on south coast as people brave chilly weather', *Mercury*, 23 April, 2009.
- [www.politicsweb.co.za](http://www.politicsweb.co.za)

## LIMPOPO

Lesiba Teffo – University of Limpopo

### CITIZEN PARTICIPATION AND VOTER TURNOUT

After fifteen years in power the ruling party, like previous liberation movements, had been arrogant, aloof, and impervious to any positive influence. This

appeared to be precipitated by the internecine strife within the ruling party. The December 2007 ANC Conference in Polokwane was the watershed that ushered in a new political era in South Africa. Since the Polokwane conference the

politicisation of the South African society multiplied and intensified. Since then it has been a rollercoaster ride, culminating in the hugely successful election process. Over the past year politics dominated public and social conversations in

the churchyards, taverns, hamlets, valleys, cities, and indeed in any mode of transport, among the young and old and in all race groups.

No fewer than 150 parties were registered with the IEC across the land. The sense of disenfranchisement that characterised the Mbeki era was no longer there. As some political analysts observed, the electorate had been energised, and they would give a clear mandate to the next ruling party, and in the same vein they would not hesitate to 'recall' or revoke it.

Voter registration statistics of the past elections were as follows: in 1999 there were 18,172,751 registered voters, in 2004 20,674,926, and in 2009 23,181,997. The voter turnout in 2009 was around 77 per cent. The population showed up in large numbers and spoke in different voices. The strongest party won, but most importantly, democracy won. For democracy only thrives on the strength of citizen participation. Like a child democracy needs to be guarded and nurtured. The 77 per cent poll made it a triumph for democracy.

#### **VOTING BEHAVIOUR/ PATTERNS**

At national level, the ANC ultimately received 65.9 per cent, the DA 16.5 per cent and COPE 7.5 per cent. The ANC did well across the provinces except the Western Cape. In this province the DA as expected performed well, amassing 51.46 per cent, which gave it an absolute majority to form a party on its own. The DA enjoyed a much higher level of support from white voters than was the case in 2004. The energised white population that was disenchanted in the past turned up in large numbers to support it. There were also a sizeable number of the

middle-class blacks who trekked from the ANC to either DA or COPE. In the main ANC became the principal loser across the provinces, except in KwaZulu-Natal. Two factors explain the ANC's victory in that province. First the IFP is, as it were, perceived as a Zulu cultural movement rather than an inclusive national political party. Second, the 'homeboy' syndrome benefited the ANC. That Jacob Zuma was a Zulu with a clear shot at the presidency undoubtedly swayed people. This consideration alone was largely responsible for the overall results and either impacted positively or negatively on the parties. One thing is certain: it spelt doom for the smaller parties, especially in KwaZulu-Natal.

The ID has always capitalised on the coloured vote. However, this time voters opted for parties with potential growth and national appeal. It is against this background that one can explain the decimation of parties like UDM, PAC, and AZAPO. Regardless of their pedigree, they could not hold their own even against the new kid on the block, COPE. That most of them were creatures of the floor-crossing legislation bedevilled their course.

Racial identity always plays a part in voter behaviour. The ANC was voted in the main by blacks, especially the rural and poor people. The DA was voted for in the main by whites and a relatively small black elite. COPE is emerging as a truly non-racial party with a liberation pedigree. My prognosis is that we are heading for three strong parties contesting elections rather than the plethora we witnessed in this election.

Substantive issues played less of a role than historical and racial considerations. In some instances

people chose to take their votes where the leadership majority was of their colour, and for others it was a matter of history and tradition. Despite this picture, one has sense that South Africans are likely to remain closely involved, and they will with time make a transition from culture- or race-based politics to issue/substance-based politics. The signs are there and with quality voter education we may get there sooner than later.

#### **THE VOTING PROCESS**

In Limpopo Province voting proceeded fairly well. There were, however, a few instances where party agents and supporters of certain parties, especially the ruling party, were found to be in breach of the certain provisions of the Electoral Act.

For example, certain presiding officers were found to be campaigning and assisting prospective voters to act contrary to their wishes. Some party agents wore T-shirts that promoted their parties, and certain party officials and candidates pitched tents next to the boundaries of the voting stations. They played music loudly and provided food freely as a means to coax people to vote in the favour.

In identified hotspot areas the police and the army were deployed and the election proceeded with minimum hindrance. What was commendable in all instances was the co-operation of all senior party officials based at the provincial IEC electoral centre. When misdemeanours were reported, the solutions recommended, including instant dismissals of officials, were approved without dissent. In this way parties displayed political maturity.

## WESTERN CAPE

John Akokpari – University of Cape Town

THE much-anticipated April 22 elections have passed without any major incidents. There were a few surprises: the ID, and perhaps COPE, performed more poorly than expected. The tradition of the Western Cape not being won outright by a single party came to an end as the DA polled over 51 per cent of the province's votes. The aftermath of the elections has left a task for observers and social scientists to attempt to explain or comment on some of the outcomes of the election. This update focuses on the voting process, citizen participation and voter turnout, voting behavior and the role of international election observers.

### THE VOTING PROCESS

For the first time since South Africa made the historic transition from apartheid to majority rule in 1994, the country's electoral process excited considerable enthusiasm. This enthusiasm is in part generated by the reality that South Africans living abroad had been granted the opportunity to vote. Thus, while South Africans living in the country were elated by the changing terrain of the electoral landscape, caused most especially by the formation of COPE, those living abroad celebrated the unique opportunity to vote away from home.

On 15 April, a week before the national polls, South Africans living abroad cast their vote. The IEC reported that 16,000 South Africans living abroad cast their vote in the country's 124 foreign missions. Of these, 7,000 voted in the South African mission in London, while over 1,000 South Africans voted in Canberra, Australia. The ballots from overseas were sent down to Pretoria but were not counted until after South Africans at home had voted.

The voting process involved six major stages. The first stage involved the verification of the identity or the valid temporary identity certificate of the voter. This stage also involved the inspection of the fingers of the voter. The objective here was to ensure that the potential voter in possession of a valid green bar-coded identity book and that the individual had not voted earlier in the day at another polling station. Second, the polling assistant verified that the photo in the green bar-coded identity book was the person presenting it. At this stage the polling assistant also verified that the holder of the ID book was registered to vote. Third, once the polling assistant was satisfied that the ID book holder was registered and eligible to vote, the name of the potential voter was crossed in the voter's roll. Fourth, the voter's thumb was marked with indelible ink. Fifth, the voter was issued with two ballot papers – a national and provincial ballot papers. The ballot papers bore the acronyms of political parties as well as the pictures of their leaders. Sixth, the voter was directed to a polling booth to cast his or her vote. Prior to placing the ballot paper into the ballot box, the voter marked his or her preferred party and candidate. The IEC made provision for voters who made mistakes in marking their party/candidate to be given a new ballot paper. However, there was no second chance once the ballot paper had been dropped into the ballot box.

For those voting in the South Africa's foreign missions, the process was the same. Prospective voters needed to go to the South African mission in their countries of residence with their valid green bar-coded identity book or valid South African passports for their identities

to be established. Then they went through the same steps as their countrymen and women in South Africa to cast their vote. Prospective voters should have applied to the IEC and have their names on the voters roll compiled for voting in their countries of residence.

In both the local and foreign mission voting, steps one to five were designed to ensure that registered individuals did not engage in double or multiple voting. The voting process was not expected to prove complex for many voters although it was quite certain that a few still found the process complex and perhaps confusing.

### CITIZEN PARTICIPATION AND VOTER TURN-OUT

If there was anything that set the April 22 elections apart from previous polls in the Western Cape, it was the higher voter turnout. In turn, this reflected the high participation rate by voters. The voter turnout on 22 April saw a marked improvement over the 2004 polls. In 2004, the total number of registered voters in the province stood at 2,220,177. Of this number only 1,621,839 actually cast their vote, representing a 73.05 per cent turnout. In 2009, however, 2,634,439 registered as voters, an increase of over 414,000. While 1,621,839 citizens voted in 2004, the corresponding figure in 2009 was 2,049,097, representing a whopping 77.78 per cent. Generally, there was a 4.7 per cent increase in the voter turnout. In practice this meant that the vast majority of the large number of voters in 2009 actually turned out to vote (see Table 1).

No systematic study has been conducted in the Western Cape to determine the underlying factors explaining the rise in voter turnout. However, it makes sense to believe

**Table 1: Voter turnout in 2004 and 2009**

Year	No. of registered voters	Total votes cast	Voter turnout %
2004	2,220,177	1,621,839	73.05
2009	2,634,439	2,049,097	77.78

that the shakeup in the political landscape reflected in, among other things, the emergence of COPE from the ANC; the potential presidency of Mr. Jacob Zuma, who many thought had questionable moral credentials; the outbursts and sometimes unguarded utterances of the ANC Youth League leader, Julius Malema – all of which were rooted in developments in Polokwane and its aftermath – seem to explain the added interest and enthusiasm in the electioneering process. These factors played no mean role in inciting the hitherto politically apathetic South Africans in the Western Cape and especially the youth to develop interest in the electoral process. Other factors that could possibly generate such enthusiasm were the renewed demands by the public for better and faster service delivery and the press, which highlighted the topical issues of the day and in the process fomented opinion among the electorate.

#### **VOTING BEHAVIOUR**

It was often believed that people in the Western Cape were apathetic towards politics. The 2009 elections, however, proved this perception wrong as voter turnout saw a massive increase. Yet what remains to be explained is what exactly informed the voting behaviour of citizens in the country in general and in the Western Cape in particular. Generally speaking, a number of factors tend to influence the behaviour of voters. These include the credibility of candidates presenting themselves for election; previous record of parties seeking election or re-election; the manifesto and development programmes of parties; election promises; and the perceived ability of a party to address

pressing challenges of the day – unemployment, housing, crime, education, poverty, etc. Race also tends to influence voting behaviour in South Africa. In practice, however, the influence of race in voting behaviour in the Western Cape appeared inconclusive. Voters in the Cape seemed to have taken many, if not all, of these factors into consideration. For example, the Western Cape has a high concentration of Coloureds, who account for 53.91 per cent of the province's total population. Africans and Whites make up 26.68 per cent and 18.41 per cent respectively.

The key factor influencing voting behaviour in the Western Cape seemed to have been service delivery and the credibility of the candidates. Helen Zille was, for example, seen to have been able to reduce public corruption in the administration of the City of Cape Town during the last five years when she served as mayor. Voters thus thought she was a good and reliable candidate for the premiership of the province. At the same time, the ANC failed to demonstrate a clear ability to deal with corruption or provide services. The party was accused of cronyism, nepotism and corruption. Its provincial leader, Mcebisi Skwatsha, had been accused of fomenting division in the party. This concern, and implication for party performance, led the ANC to elevate Lynne Brown, Skwatsha's deputy, as the party's provincial premier candidate. Yet, Brown's candidacy still could not deliver the province to the ANC. COPE performed below expectation possibly because of its poor visibility during the terminal stages of the campaign and also because of the candidate it fielded

for premiership. Mr Alan Boesak, the party's provincial candidate, had a tainted and controversial political background which, in a period of increased public demand for accountability, deflated interest in Boesak. Many felt the nomination of Boesak damaged the message about high moral standards preached by COPE. Boesak's candidacy thus did little to promote the fortunes of the party in the province. Having excited much hope and optimism, COPE polled only a paltry 7 per cent of the total votes in the province. It appeared therefore that the record of parties and the credentials of candidates, more than anything else, informed voters' behaviour in the Western Cape.

#### **THE ROLE OF INTERNATIONAL ELECTION OBSERVERS**

If domestic observers are necessary to give credibility to national elections, international observers are crucial in giving international legitimacy. International observers have featured in the electoral politics in Africa for a variety of reasons, the dominant ones being to generate international legitimacy for the elected regime. The growing global disdain, since the end of the cold war, for undemocratic governments has given credence to the role of international observer teams. Yet, international observation is also necessary to convince the international community, which is traditionally the main source of aid to Africa, that the elected government has truly been mandated by the electorate.

The April 22 elections were witnessed by more than 300 international observers from various international organisations, including the Commonwealth, the African Union (AU), and SADC, to name just a few. The AU observer mission included a delegation from the Pan-African Parliament, and members of civil society. The mission was headed by Dr Salim Ahmed Salim, a former Prime Minister of Tanzania and a former secretary-



general of the Organisation of African Unity (OAU). Another prominent member of the AU delegation was former Nigerian president Olusegun Obasanjo, who headed straight to KwaZulu-Natal upon arrival because of the province's high potential to witness election-related inter-party violence. However, the exact size of the AU delegation remains unclear. While the AU claimed to have deployed a 42-member observer team, the local press puts this number at 20.

The SADC sent in an 88-member observer team, which was deployed to eight of the nine provinces. Thus a number of international observers were in the Western Cape.

The role of the international observers has been similar across the country. Among other functions, observers saw to the smooth running of the elections. In this regard they took note of any incidents that breached or could potentially undermine the credibility of the polls, including political intimidat-

tion, violence, and utterances of party functionaries. Observers also took note of the strengths of the electoral process. They prepared reports based on their observation and made official statements at the conclusion of the electoral process in which they commended the IEC for its success as well as indicated areas of the election processes needing strengthening. The idea behind international observers was to accord the entire process domestic and international legitimacy.



## EASTERN CAPE

Thabisi Hoene – Rhodes University

THIS ARTICLE focuses on the provincial post-election processes: the counting process, results management, the announcement of results and post-election disputes.

### THE COUNTING PROCESS

As in other provinces, the process of counting election ballots was carried out at voting stations or in some instances in specially designated counting stations. This involved the collation of votes at stations around the province, which were then relayed to the provincial operation centre in East London for onward transmission to the National Results Operations Centre (ROC) in Pretoria.

The process at the voting stations commenced after the closing of voting stations at 9.00 pm. The stipulation was that counting be done in the presence of party agents and each party be accorded at least two representatives, observers and the police.<sup>1</sup> There were five stages of the process followed sequentially at each counting station: the verification of ballots, their unfolding, sorting, and reconciliation, counting, check counting and the bundling of the ballots before they were handed over to the counting officer. The process was the responsibility of IEC officials with observers and party agents monitoring the activity and police providing security.

According to overall media

reports, the process was not attended by major problems although some challenges were encountered at some stations. For example, at the Mthatha counting station, problems that were experienced ranged from time-consuming activities such as the counting of ballots, which generally took 30 minutes, to disagreements among party agents about the proper counting procedures to be followed, which led to the process stretching from 9.00 pm after the close of the station to the following day at noon.<sup>2</sup>

One serious allegation that was lodged with the police was raised by COPE in the OR Tambo district of Transkei with the party alleging that envelopes that carried special votes had been tampered with by the ANC.<sup>3</sup> But indicative of the extent to which the process was a success in the Eastern Cape together with the Northern Cape and Mpumalanga was that the IEC in its interim press release on 24 April on counting, said that they had completed all their counting and lodged them with the national results centre in Pretoria.<sup>4</sup>

### RESULTS MANAGEMENT

The provincial results centre, which was responsible for collating all results from the various voting and counting stations, was located at Regent Hall in East London. According to the IEC, the provincial centre's activities were to mirror the national centre in Pretoria by having

### CONTENTS

<b>EASTERN CAPE</b>	<b>163</b>
<b>FREE STATE</b>	<b>165</b>
<b>GAUTENG</b>	<b>167</b>
<b>KWAZULU-NATAL</b>	<b>168</b>
<b>WESTERN CAPE</b>	<b>173</b>

technical help desks, a results resolution authority, an electoral operations 'nerve centre' and an information technology division.<sup>5</sup>

To this end, the provincial centre utilised 57 computers and printers, 50 phone lines and 5 km of fibre and telephone cabling and, according to provincial IEC head Reverend Bongani Finca, 'It is intended to provide up-to-the minute information so as to ensure that the election results remain relevant and credible'.<sup>6</sup>

The centre also housed media representatives (both print and electronic), with the public broadcaster, the South African Broadcasting Corporation (SABC), allocated a whole floor and 16 offices having been made available for utilisation by political party representatives.<sup>7</sup>

Thus from an infrastructure point of view the centre was adequately equipped to handle data processing from the polling and counting stations around the province and the media also had adequate access to report the processing of results.

Despite this there were complaints related to how the IEC managed the processing of election results, with, ironically, some of the complaints emanating from IEC officials. For example, some IEC officials, who chose to remain anonymous, complained about the inefficiency experienced at the provincial nerve centre, citing lack of cooperation and unavailability of officials to collect the equipment they had used such as scanners and ballot boxes.<sup>8</sup>

The other concern was that confidential information, such as the ID numbers of voters, might have fallen in the hands of criminals due to the negligence of the IEC. This is because at various voting stations in the Nelson Mandela Bay Metro, envelopes containing this information were found littered about and unattended to after the election.<sup>9</sup>

However, these were isolated issues and were at best anecdotal or it can be safely said they were to be expected given that a seamless process could not have been

expected given the unprecedented high turnout of voters.

The provincial IEC also raised critical issues in terms of strengthening and making efficient the process of election management. Reverend Finca recommended that provincial IECs be allowed to print and package ballot papers, just as in local government elections, in order to obviate the challenges that were faced with regard to shortages of these materials during election day.<sup>10</sup>

### **ANNOUNCEMENT OF RESULTS**

The announcement of provincial results from the provincial centre proceeded well, with up-to-date results being made available by the media from the East London nerve centre as they came in. The provincial IEC made available the first interim results from as early as 8.00 pm on 23 April.<sup>11</sup> By midnight, about 99 per cent of the votes had already been counted and relayed to the national centre, indicating the ANC's leading role, followed by COPE in second place and the DA in third place.<sup>12</sup> Testifying to the smooth way in which the counting was conducted, it was reported in the press on the morning of 24 April that the centre had already been officially closed on the preceding night.<sup>13</sup>

The critical role that the media played in this regard can be deduced from the special websites set up by the two main news dailies in the province (*the Daily Dispatch* and *The Herald*), which carried updated reports from the centre and indeed published front-page reports on interim results on their print editions on the morning of 24 April.<sup>14</sup> The accessibility and availability of the results can be indicated by the fact that the *Saturday Dispatch* of 25 April was able to publish a detailed, multi-coloured, full-page provincial map of the province indicating how the major three parties had fared in all the municipalities, and comparing these with the 2004 election results.<sup>15</sup> The other critical source of election

results and developments were public and private radio stations around the province, which also carried the results announcement from the centre.

### **POST-ELECTION DISPUTES**

Post-election disputes, as would be expected, ranged from parties raising objections to the perceived limitations in the electoral process to parties blaming each other for committing electoral irregularities.

Although provincial voting was generally hailed by the media, political parties and the IEC as having been successful, there were still complaints that were registered from various quarters. For example, both COPE and the DA raised concerns about voters who were ineligible to cast special votes having done so, arguing that this would potentially lead to abuse of the process.<sup>16</sup> Much more seriously, COPE's Port St John's liaison officer, Archie Ralo, alleged that an unidentified woman was found with ballot papers at a voting station.<sup>17</sup>

Other complaints revolved around accusations lodged by parties against each other, with the most common being the illegal campaigning at voting stations. The PAC made this allegation with respect to ANC officials who were allegedly seen distributing party pamphlets around a voting station at Engcobo, releasing a statement to the effect that this 'amounts to campaigning and that is not allowed in the vicinity of a polling station'.<sup>18</sup>

In another incident, a dispute ensued at Scenery Park in East London when IEC officials confronted ANC members for allegedly setting up a table too close to the voting station and telling voters to choose the party, a charge denied by the ANC.<sup>19</sup>

Despite all these disputes, it should be observed that, overall, these occurrences were not so major as to have tainted or adversely affected the outcome of the election results, as political parties generally welcomed the way the process was handled. That is, the complaints

were of such a minor nature that they did not significantly change the outcome of the results.

And, indeed, countrywide the IEC noted that only 12 formal objections to the elections (neither the nature nor province in which they allegedly occurred were specified) were lodged with the IEC by three parties (the DA, COPE and the IFP) by the end of polling day.<sup>20</sup> This led to the holding up of the official announcement of the election results, until these were addressed by the IEC.<sup>21</sup>

The results were formally announced on 25 April, two days after the poll and well within the seven days in which the IEC is legally obliged to announce the results. A deduction can be made therefore that whatever the nature of these formal objections, they were not serious enough to have negatively impacted on the results.

## CONCLUSION

Despite some relatively minor glitches, the processes discussed above – the counting and management of election results, their announcement and post-election disputes – signified that the process was indeed successful. Media analyses, observer reports and IEC pronouncements indicated that, provincially, there were no serious defects in these processes, which mirrored the national scene.

## ENDNOTES

- 1 <http://www.dispatch.co.za/politics/article.aspx?id=310788>
- 2 Ibid.
- 3 Sue Blaine, 'Voting in cold Eastern Cape goes smoothly in the main', *Business Day*, 23 April 2009, p. 4.
- 4 [http://www.elections.org.za/news\\_get.asp?NnewsId=419](http://www.elections.org.za/news_get.asp?NnewsId=419)
- 5 <http://www.dispatch.co.za/therep/article.aspx?id=308896>
- 6 <http://www.dispatch.co.za/politics/article.aspx?ID=310807>
- 7 Ibid.
- 8 Asanda Ntini, 'Inside the disgruntled IEC machinery', *ECTODAY*, 6 May 2009, p. 4.
- 9 Rochelle de Kock, 'IEC litter abandoned at polling venues', *The Herald*, 24 April 2009, p. 4.
- 10 Political Editor, 'Finca calls for provinces to be given responsibility for papers', *The Herald*, 24 April 2009, p. 4.
- 11 Msimelelo Jwabane, 'ANC back in power in EC', *Daily Dispatch*, 24 April, 2009, p. 1.
- 12 Ibid.
- 13 Msimelelo Jwabane and Myibongwe Maqhina, 'ANC back in power in EC', *Daily Dispatch*, 24 April 2009, p. 1.
- 14 See Msimelelo Jwabane, 'ANC back in power in EC', *Daily Dispatch*, 24 April 2009, p. 1., and Patrick Cull, 'Zuma parties as ANC seals victory', *The Herald*, 24 April 2009, p. 1.
- 15 'Eastern Cape's new political map', *Saturday Dispatch*, 25 April 2009, p. 4.
- 16 Msimelelo Jwabane and Myibongwe Maqhina, 'IEC to probe eve-of-election irregularities', *Daily Dispatch*, 22 April 2009, p. 1.
- 17 Ibid.
- 18 <http://www.dispatch.co.za/artciles.aspx/id=310470>
- 19 <http://www.theherald.co.za/special reports/article.aspx?id=414448>
- 20 [http://www.elections.org.za/news\\_get.aasp?NewsId=419](http://www.elections.org.za/news_get.aasp?NewsId=419)
- 21 Ibid.

## FREE STATE

**KC Makhetha** – University of the Free State

THERE ARE three significant phases of elections and each one carries great importance. The pre-election stage prepares and puts plans in place to ensure that the elections themselves are free and fair. The second phase, the polling phase, focuses on operations and activities on the actual polling day, focusing on ensuring the integrity of the voting and all stakeholders' roles within it. The third and final phase of elections is the post-election period, which begins when the voting stations close. When voting comes to an end, the voting stations literally close and the ballot boxes are sealed in the presence of political party agents and all party agents also sign the boxes to confirm their satisfaction with the process. These boxes are packed in a secure

area, and then the voting station is converted into a counting station. Once the preparations have been completed for counting, the boxes are opened and the job of counting begins.

### THE COUNTING PROCESS

The counting process began immediately after voting had ended and involved three processes and stages: the counting, sorting and verification processes. The counting process required that the numbers tally and that the utilised ballot papers are checked for an official stamp.

The safety of ballot boxes is of the utmost importance. For example, on 20 and 21 April 2009, special votes were cast in the Free State, as in other provinces. On

each day, new ballot boxes had to be used. A new ballot box would be checked thoroughly in the presence of party agents, to make sure that it was empty when voting began. It would then have to be sealed at the end of the day, in the presence of party agents. All these boxes had to be locked up in a strong room for safety and were released at the time of counting. Seals had to be checked to ascertain that no interference or fiddling with the seals had occurred. Once the party agents had satisfied themselves by checking, they had to add their signatures to confirm their satisfaction.

Capturing of results started immediately after the voting stations had closed, and once the counting was done the counting officer had to sign the results off. Results slips had

to be signed immediately and the results were pasted at voting stations for transparency. Counting at some counting stations was delayed due to power failure, but once the electricity issue was resolved, counting got underway.

The results from the counting stations had to be sent to the office of the Municipal Electoral Officer (MEO) for capturing, and at each MEO's office there were auditors contracted by the IEC to check the correctness of the data capturing, before the results could be transmitted to the national IEC results centre.

It is also important to note that the Provincial Electoral Officer of the Free State province also checked the results (both provincial and national) before posting these. The other important part of the process was the Exception Reports that had to be addressed, and explanations provided for all queries.

Counting was completed in just over 24 hours in the Free State. The bigger municipalities like Mangaung (FS172), Matjhabeng (FS184), and Maluti a Phofung (FS194) took longer to complete. By the end of the counting process no complaints had been received with regard to the counting process. Party agents played their part in the process well, and worked well with the counting officers at the respective counting stations.

### **RESULTS MANAGEMENT**

Transparency plays a huge role in building trust in the process. At every stage of counting, political representatives were made aware of the status of results and, where necessary, an interpretation of results was provided.

What should be considered

is the innovation of establishing results centres in the province, drawing stakeholders into a single location, providing a venue for constructive interaction, and allowing the media and the public to join the monitoring of the results. This will contribute to democracy and the legitimacy and acceptance of the outcomes/results of the elections. A process this transparent benefits political parties and the results management system allows for representatives to monitor and keep track of the counting process and lodge complaints should any irregularities be immediately apparent.

The clarity with which the IEC handled the process of results coordination, counting and announcement was designed to build trust in the process. The verification process at each stage, from the counting stations, to the MEOs' offices through the hands of auditors and PEOs, before being given to the IEC National Results Centre, was a sensitive area which had to be scrupulously handled. Only when all parties involved were satisfied could the results be announced.

### **ANNOUNCEMENT OF RESULTS**

As the results trickled in at the Free State provincial office of the electoral commission, regular media briefings took place to keep the media and the public informed. Results were interpreted and publicised based on the total voting districts completed.

The provincial results were readily available by 25 April, but they were still being treated as preliminary results, awaiting the finalisation of all complaints before they could be signed off as official.

### **POST-ELECTION DISPUTES**

It is important to note that disputes were handled as well as the process required. It was reported that there were no formal complaints registered with regard to election day proceedings, except the DA's complaint with regard to the shortage of ballot papers at some polling stations. The DA feared that this would rob its own voters of a chance to vote, leading to a possible loss of support for the party.

The complaints that there were were about the shortage of ballot papers on election day and the fact that it took too long to provide extras. A claim made by the DA is that certain people decided not to wait for ballot papers, and that such people could have been their supporters and members. Such a claim could not be proven and therefore became very difficult to address.

### **CONCLUSION**

The level of fairness displayed in how the post-election process was handled gave hope that democratic principles are deepening within the Free State society. Procedures with regard to counting and verification were strictly followed, allowing transparency throughout. Participation of the different stakeholders was impressive and all complaints and contributions were handled well by the IEC. In the end, all political parties accepted the results.

### **REFERENCES**

- IEC Free State office – Media briefing session 23/04/2009.
- Informal conversations with Political party representatives in the Free State 24/04/2009.
- Markinor Ipsos Research Survey, April 2009.

# GAUTENG

**Ebrahim Fakir** – EISA and **Shaheen Buckus** – Independent Researcher

## COUNTING PROCESS

Once voting has been officially completed the used ballot boxes are sealed ahead of counting and the voting station is closed and rearranged for counting. The counting process consists of a number of steps, namely verification, unfolding, sorting of ballots, reconciling of ballots and, finally, the actual counting of the ballots.

In essence, verification is a process to check the ballot paper statement against what is received, viz. sealed used and unused ballot boxes and containers.<sup>1</sup> In terms of unfolding, a sealed ballot box is chosen and opened by breaking the seal. The ballot box is emptied onto the unfolding table, where counters unfold each ballot and place it face down.

The next step is to sort the ballots in terms of provincial or national ballots and into the different parties. Once the ballots for an election are sorted the counting officer reconciles the ballots by checking that they correspond with the number on the ballot paper statement.

After reconciling the ballots, at each counting table counters write the names of each candidate or party on separate pieces of cardboard or paper that will serve as markers on the table.<sup>2</sup> Thereafter counters sort the ballots face up into party votes, using the markers to pile the ballots against.

Ballots that are not in dispute are counted and placed in batches. Once the figures for these ballots are checked they are entered into the appropriate section of the results slip.

During the entire counting process no one is allowed to leave or enter the counting station except the presiding officer. In Gauteng all results were declared with no problems or complaints being lodged.

## RESULTS MANAGEMENT

Once the counting process is finished, results slips are completed in duplicate. One result slip is left at the venue and the other is escorted by police in a tamper-proof bag to the results capturing centre. In Tshwane and Johannesburg results were captured centrally as opposed to Ekurhuleni, where they were captured in a decentralised manner.

At the results capturing centre the results slips are verified and if there are any mistakes these are amended and signed off by the presiding officer in conjunction with the relevant party agent.<sup>3</sup> The results slips are recorded once officials are satisfied there are no mistakes.

After the results slips have been recorded, they are scanned for greater transparency. The results are then captured twice before being saved on the system. Once the results are captured the auditing stage commences with checks for consistency of the scanned image and captured result. If there is no problem the auditor does an audit report that declares the results as final.<sup>4</sup>

In relation to the quality of the results management there are categories of exceptions built into the system, for example in which there is a discrepancy between provincial and national results for a party. The management of results in Gauteng progressed smoothly, encountering only one major challenge: incomplete results slips due to section 24A votes or special votes being overlooked.

## ANNOUNCEMENT OF RESULTS AND POST-ELECTION DISPUTES

The Independent Electoral Commission cannot announce election results before the 48-hour period as

provided for in the Electoral Act No 73 of 1998. The 48 hours is a window period for parties to raise objections with the commission. In Gauteng the last results were captured at 5.50 am on Saturday 25 April 2009, and were officially announced later that morning. The national results were announced officially on Saturday evening. Therefore, the results were announced timeously and within the seven days as provided for in legislation.

There have been no formal post-election disputes in Gauteng despite disappointed individuals from certain parties. Notwithstanding this, simmering tensions are beginning to emerge within the ANC-led alliance, particularly between the African National Congress and the Congress of South African Trade Unions. This was clearly manifested when Gwede Mantashe addressed the National Union of Mineworkers conference. He warned unions about public attempts to force the newly constituted ANC government to capitulate to their demands, citing the National Union of Metal Workers of South Africa's march to the South African Reserve Bank to favourably influence the interest rate decision as an example.<sup>5</sup> Much of the evident contestation amongst constituent members of the ANC ruling alliance is at the level of policy, and a struggle to determine the strategic policy thrust of the new administration, nationally. These tensions have not manifested in open political conflict, especially not in the Gauteng Province as they have to the same extent in the Western Cape, Eastern Cape and North-West Provinces, where the ANC has considered options to dissolve the provincial party leadership structures, because of internal political conflicts.

Another example of tension in the alliance is the remark by Trevor Manuel, Minister in charge of the Planning Commission. He accused business of being cowards because they were giving into unions and working together to act as a counterweight against the unions.<sup>6</sup> These examples suggest that the African National Congress is not going to accede to the demands of unions to shift policy to the left. This might lead to a strained and antagonistic relationship amongst alliance partners, but it is unlikely to degenerate into a sustained conflict. However, occasional acts of political and social violence, especially in

Gauteng Province, have never been completely absent, in part because of the violent political cultures which characterised both the repression of the apartheid state as well as the political cultures of resistance of and protest against apartheid. None of the political and social violence, however, is directly attributable to election-related political conflict and political violence in the post-apartheid era.

#### CONCLUSION

In Gauteng voters turned out en masse to participate in the elections. Their behaviour was exemplary, with no incidents of violence

being reported. The results were announced timeously and there were no post-election disputes despite tensions between alliance partners, which is not peculiar or endemic to Gauteng.

#### ENDNOTES

- 1 [http://www.elections.org.za/documents/FlowChart\\_Handbook.doc](http://www.elections.org.za/documents/FlowChart_Handbook.doc)
- 2 Ibid.
- 3 Interview with Walter Shiburi: IEC (Manager: Electoral Reports)
- 4 Ibid.
- 5 <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/pagepage71627?oid=131079&sn=Detail>
- 6 <http://www.mg.co.za/article/2009-06-12-manuel-brands-business-cowards>

## KWAZULU-NATAL

Salomé van Jaarsveld – ACCORD (writing in personal capacity)

#### THE COUNTING PROCESS

Counting in the KwaZulu-Natal (KZN) province ended on Friday afternoon, 24 April 2009. At the time the Independent Electoral Commission (IEC) had received no objections to results from party agents observing the counting process. The counting proceeded fast: on midday of the day after elections, the IEC Provincial Electoral Officer in KZN, Mawethu Mosery, reported that nearly 50 per cent of the votes in KZN had been captured on the IEC's electoral system and that the rest had been stored in secure tamper-proof transparent envelopes. He also reported that by that time 900 of KZN's polling stations had been audited.<sup>1</sup> 47,092 spoilt national ballots and 43,713 spoilt provincial ballots were recorded in KZN.

The IEC is guided by the Electoral Act 73 of 1998<sup>2</sup> which provides guidelines<sup>3</sup> on procedures and regulations to be followed by the IEC staff, party agents and observers at voting stations during the counting process. The graphic on the next

page represents the counting process and counting station layout, with party agents and observers observing counting.

The verification process involves verification of, *inter alia*, Ballot Paper Statements, used and unused ballot boxes, and other documentation. IEC officials double-check that the Ballot Paper Statement corresponds to the number of used and unused ballot boxes received and other contents. Some other items that should be verified against the Ballot Paper Statement include the certified segment of the voters' roll and unused and cancelled ballot papers. Of importance are the Objections to Voting forms (on which party agents can note objections during voting) and a report on all the objections and decisions taken up to that time. The ballot boxes are then opened and ballot papers are reconciled. This involves unfolding the ballots, sorting the ballots and final reconciliation.

When unfolding ballots, officials follow a specific procedure that includes examination of seals to

verify that they are intact and asking party agents to check and verify the state of the seals. During the sorting process, counters examine each ballot paper to ensure they carry the official IEC stamp, which is unique to each voting station. Ballot papers without the stamp are rejected. Ballots are then sorted into those for provincial and national votes. The Counting Officer keeps a record of the number of rejected ballots that do not have the official stamp on the back. The number must be confirmed with party agents and observers and placed in a separate envelope marked 'Rejected Ballot Papers'. Reconciliation is the final step of the verification process and involves counting the number of ballot papers for each election, noting down total numbers. The total number should correspond with the number on the Ballot Paper Statement. During counting, ballots are sorted into party votes, with questionable votes separated into a different pile. The Counting Officer will take a decision on whether or not questionable votes should

be rejected. Counted ballots are sorted into batches of 100; figures are entered onto the appropriate section of the relevant Results Form. When the count for the different elections is completed and the status of questionable ballots decided, the Counting Officer completes the different results forms for national and provincial elections respectively. The Deputy Counting Officer may double-check calculations. Parties are then asked to endorse the different results forms by signature next to their party's results and are allowed to take a copy of the results form.

**PERSPECTIVES ON THE COUNTING PROCESS**

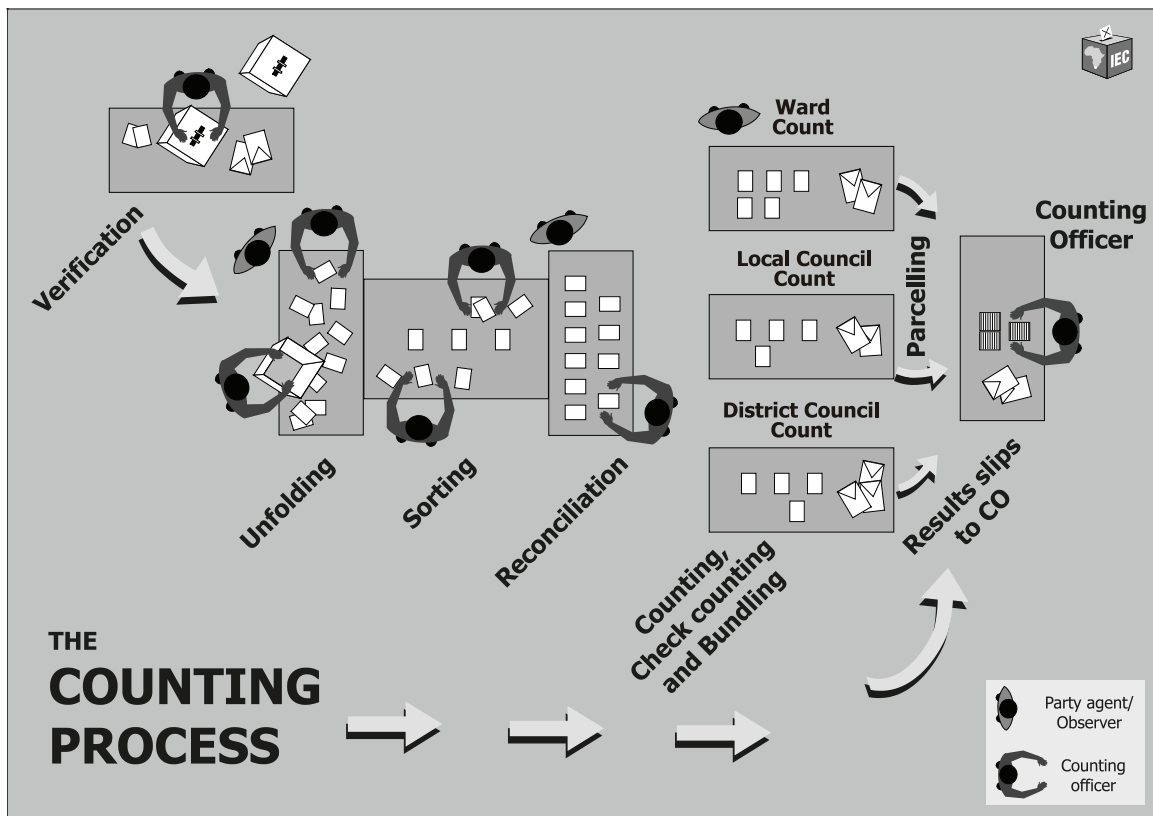
By all accounts the counting process nationally and in the province proceeded fairly, was free from political intimidation and was transparent. The Southern African Development Community (SADC) and the South African Civil Society Election Coalition (SACSEC) have commended IEC staff and party agents, noting that counting started immediately, 'was conducted meticulously and lawfully', and that the entire process

was observed by party agents who, after counting, signed the results slips.<sup>4</sup> The general behaviour of party agents was also commended.<sup>5</sup> There are indications that some aspects of the process can be further improved, however. For example, the Electoral Institute of Southern Africa (EISA) Observer Mission recommend in its interim report that training should be provided to ensure that election officials understand election procedures, including the guidelines for counting ballots. The mission also found that procedures were not applied uniformly, for example, some polling stations used one ballot box for both national and provincial ballots, and others used two.<sup>6</sup>

Both the EISA and SADC observer missions recommend that translucent ballot boxes would increase transparency and minimise chances of attempted fraud.<sup>7</sup> (The IEC had planned to use transparent boxes but the samples tested were not strong enough – one box cracked on testing.)<sup>8</sup> President Kgalema Motlanthe, in his national address after results were announced, also called for electronic voting and

counting, which he argued would minimise problems such as queues and counting delays.<sup>9</sup>

In KZN, the Community Based Organisation Coalition (COMBOCO), which forms part of the KwaZulu-Natal Democracy Education Forum (KZNDEF) coalition, led on polling and counting observation. COMBOCO itself deployed 440 observers and in total 27 KZNDEF observers were deployed per district in the province.<sup>10</sup> The coalition reports that although it had not witnessed any serious counting irregularities it was concerned about political intimidation at polling stations, which may well have influenced counting. The Democratic Alliance (DA) was not able to deploy party agents at all 4,187 voting and counting stations in KZN, but the party is confident in the process – it is felt that the presence of party agents (not necessarily of the DA) generally ensure transparency, accuracy and fairness (other parties were not available for comment). While the DA had raised a number of complaints with the IEC, many relate to non-counting issues like ballot papers and ballot boxes running





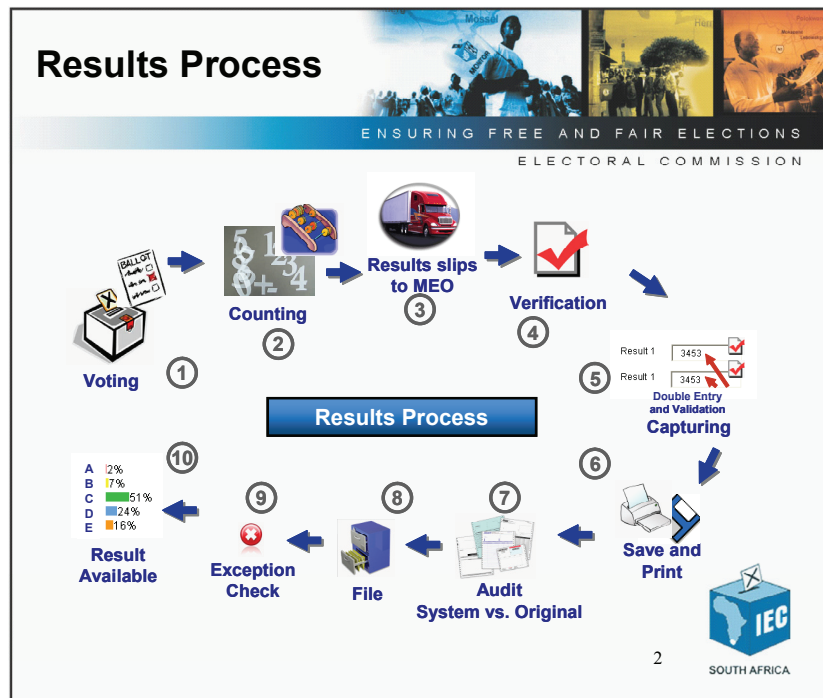
out. These issues were dealt with swiftly and efficiently by the IEC, however, and any issues pending relate to the performance of specific IEC staff, rather than on the outcome of the elections. The party is of the view that IEC staff were well trained and that the IEC dealt with any problems professionally and swiftly. The DA reports that the IEC in KZN, under Mr Mosery, ran a very successful and professional election; that the process was transparent and that IEC staff were very approachable.<sup>11</sup>

## RESULTS MANAGEMENT

### *Results process*

The results process starts when the result at each voting station is finalised and agreed by the Counting Officer and party agents. After counting, two results slips are produced, each unique, to stop them from being used elsewhere. Every voting station also has a unique number and that number is captured on the results slips. A copy of the results slips should be displayed publicly. The original is then sent to one of the 300 capturing centres across the country, where the two results slips are checked against a scanned image of the slips. The results are then scanned electronically, using barcode scanners. The results are captured and if they match, are saved. They are then printed out and sent to the auditors for checking against the original results slip before signing off on the entry. The original slips are then further validated and sent for filing. The results system is protected against fraud by making it impossible for auditors or data capturers to change results once the results match. Spoilt votes are also entered into the system. The validation, done by auditors who went to every data-capturing centre, was checked through a unique audit code, which was used after the auditor had validated the results.<sup>12</sup>

The IEC had worked over the past years with political parties to improve the counting system. In the 2009 election, the process included,



for the first time, the scanning of results slips to improve transparency and efficiency. In terms of security, the security system is said to be 'impeccable' and likened to a banking system, both in terms of the process and against hackers, in particular because results slips are saved at more than one location.<sup>13</sup> The system is also enabled to check for anomalies. For example, in one case there was a large discrepancy between the number of national and provincial votes for one party in KZN. The system asked for a recount and it was discovered that a presiding officer was responsible (wittingly or unwittingly) for the error. The system also automatically asks for a recount when the voter turnout at a voting station is more than 100 per cent, although auditors are able to override this function because of the change in electoral law which allows voters to vote outside their voting districts.<sup>14</sup>

### *Results management*

Results Operation Centres (ROCs) that were set up by the IEC in each province helped to give the voting and counting process legitimacy, by opening up the entire process to public scrutiny. The ROCs helped to ensure that results were relayed to the headquarters and that the

centres were well equipped and accessible. Further credibility was lent to the process as results were streamed on screens as they came into the results centre.<sup>15</sup> The KZN ROC, at the Durban Exhibition Centre, served as a base for the media and a meeting place for political, business and government leaders to keep abreast of results. It was headed by IEC provincial electoral officer, Mawethu Mosery. Election related activities from across the province were coordinated from ROC, which was operational until April 26. Radio and television stations, newspapers, and all 17 political parties contesting elections provincially, were allocated offices to operate in from the run-up to the elections and afterwards. The ROC also served to inform the electorate and to create a base from which information could be disseminated to people in the province and the country.<sup>16</sup>

Results were fed from the KZN ROC and other ROCs to the IEC's geographic information system (GIS) at its National Results Operation Centre (NROC) in Tshwane. The GIS captured results from 19,000 voting stations across the country and depicted them on the display boards at the National Results Operations Centre. The NROC

is from where the IEC operated and where election results were tallied, verified and announced. The centre also served as a base for journalists, political analysts, election observers and representatives of the 26 parties contesting the national elections. It had 450 computer workstations, 300 telephone units and more than 1,000 electricity power points. Over 220 call centre staff and 30 GIS staff members were working shifts from Election Day until all the votes were received at the NROC.<sup>17</sup> The media was also allocated space at NROC. Office space with the relevant technology was made available from one week prior to the election.<sup>18</sup>

### ANNOUNCEMENT OF RESULTS

The results of the 2009 national and provincial election were announced on national television on the third day after polling, by the Chairperson of the IEC, Dr. Brigalia Bam, from the IEC results centre in Tshwane. In terms of Section 57 of the Electoral Act 73 of 1998, the Election Commission of South Africa declared the 2009 national and provincial elections free and fair and that they reflected the will of South African voters.<sup>19</sup>

The announcement of results was witnessed by the president, political parties, election observers, IEC staff and the media. The then president, Kgalema Motlanthe, highlighted some of the lessons learned in the run-up to, and execution of, the election. He spoke of the importance of people-centred and participatory democracy and urged political parties to stay in touch with their constituencies.<sup>20</sup> In a convivial and reconciliatory atmosphere at the results centre, party leaders later exchanged hugs, congratulations and good wishes.

While commending voters, parties, observers, IEC staff, the media and others for their contribution to free and fair elections, the IEC took the opportunity to defend itself against allegations from some parties that it had planned poorly. While all losing political parties

conceded defeat, complaints related largely to ballot papers and boxes running out, causing delays in some voting districts. Dr Bam, in her address, noted that many of the problems that arose were not of the IEC's making. These included the Constitutional Court decision to allow South Africans overseas to vote and the short notice to comply with the judgement; increases in the number of people casting special votes on 20 and 21 April; the higher than expected voter turnout of 77.3 per cent; adverse weather conditions in some voter areas (especially where voting tents were used); and increases in voting outside of voting districts.<sup>21</sup> There were some who also argued that the IEC had received an 'unfair battering'; that 'molehills were made into mountains' and that many of the achievements of the IEC were not acknowledged.<sup>22</sup> These views were generally mirrored by election observers, political parties, and others: in the KZN province, the DA indicated that the elections were free, fair, and transparent and

commended the IEC for professionalism and for dealing swiftly and efficiently with any problems.<sup>23</sup>

### Final provincial results – KZN

The African National Congress (ANC) won 62.95 per cent of the vote in KZN, giving it 51 seats in the provincial assembly. It was followed by the main opposition in the province, the Inkatha Freedom Party (IFP), which won 22.4 per cent of the vote, and 18 seats in the provincial assembly. Although the IFP remains the main opposition in the province, it continued to lose support to the ANC. After winning the 1994 elections in the province, the IFP won again, but marginally, in 1999 by 40.45 per cent to the ANC's 39.77 per cent. In 2004 the ANC won with 47.47 per cent to the IFP's 34.87 per cent.<sup>24</sup> The Democratic Alliance (DA) won seven seats in the provincial assembly with 9.15 per cent of the vote, followed by the Minority Front (MF), traditionally representing the Indian vote, with 2.05 per cent of the vote and two seats in the provincial assembly.

**Table 1: Provincial Results**

Parties	Votes	%	Seats
ACDP	23,537	0.68	1
ANC	2,192,516	62.95	51
APC	5,087	0.15	0
AI JAMAH	7,612	0.22	0
COPE	44,890	1.29	1
DA	318,559	9.15	7
GKSA	1,730	0.05	0
ID	6,853	0.20	0
IFP	780,027	22.40	18
MF	71,507	2.05	2
Nadeco	6,881	0.20	0
PAC	2,578	0.07	0
Sadeco	3,883	0.11	0
UCDP	1,798	0.05	0
UDM	7,953	0.23	0
FF+	5,760	0.17	0
WF	1,816	0.05	0
Total	3,482,987	100	80
Registered voters	4,475,217		
Total votes cast	3,526,700		

IEC 25 April 2009 – accessed from [www.politicsweb.co.za](http://www.politicsweb.co.za)

The newcomer, Congress of the People (COPE), secured one seat, with 1.29 per cent of the vote.

### COMPLAINTS AND POST-ELECTION DISPUTES

The Electoral Act 73 of 1998<sup>25</sup> sets out clear guidelines on how the IEC should deal with objections to results. Parties are generally able to lodge objections that are *material to the final outcome of the election* no later than 9.00 pm on the second day after voting day. The IEC decides on the objection, and if parties are aggrieved by the decision they are able to appeal to the Electoral Court. The announcement of results is not suspended pending the decision of the Electoral Court.

On the day before the announcement of results, and when counting in the KZN province had been nearly completed, no objections had been received by the IEC in the province. Nationally, only in the Western Cape were election results temporarily suspended after allegations of vote rigging when ballot books, some empty and some marked, were found at Dunoon and Khayelitsha. Both incidents turned out to be false alarms.<sup>26</sup>

Nationally, by the time election results were announced, 12 complaints lodged by parties (COPE, the DA and IFP) remained outstanding, with none deemed to have an effect on the outcome – nor did they delay the announcement of results.<sup>27</sup> In KZN, the IEC received 71 complaints in the April 2009 elections about, *inter alia*, damaging of posters, interruption of meetings and other acts of political intolerance. In terms of counting there seem to have been few problems but COMBOCO reported on one – votes had to be recounted three times in Harding. Results were delayed, but mistakes were found and all party agents agreed to the final result.<sup>28</sup>

While none of the aforementioned complaints was deemed to have a marked impact on the provincial election,<sup>29</sup> a number of issues that relate to the electoral act and political intolerance remain.

Complaints on voting day included political canvassing around polling stations and party supporters entering voting areas without permission. Mary de Haas, KZN Violence Monitor, reported that intimidating behaviour at the entrances to voting stations was common on the KZN South Coast, at Sweetwaters in Pietermaritzburg, Pongola and in northern KZN. Similar incidents, mostly of political intolerance, were recorded by COMBOCO. In the Ugu district, in the local municipality of the Hibiscus Coast, and in Nkokhaneni near Margate, ANC and IFP supporters clashed outside the boundaries of the polling stations. IFP supporters prevented voters from entering until police defused the situation. The tensions may have been about party clothing, with some parties surprised to see many other party supporters in some strongholds. In the Uthungulu district in the area of Port Dunford, gates to polling stations were also closed by supporters and voters seemed afraid to enter.<sup>30</sup>

As a result of such incidents, the EISA and SADC observer teams have recommended that electoral law be amended, prohibiting political activity near voting stations. They also suggest that the wearing of party clothing should not be allowed around polling stations.<sup>31</sup> The African Alliance for Peace (AFAP) election monitors, who were deployed in traditionally violent hotspots such as Ulundi, Vryheid and Nongoma, are of the view however, that these incidents of political intolerance were 'isolated and sporadic'.<sup>32</sup>

Shortly after results were announced, the IFP said it stood by the claim that information was received from 'impeccable sources' that ballot papers were being printed in the offices of the KZN Premier S'bu Ndebele. IFP leader Mangosuthu Buthelezi, who has been asked to retract the statement, clarified that the papers were printed at a time the premier was not in his office, but that the discovery of ballot papers in Mpumalanga,

Limpopo and Ulundi, corroborated the allegations.<sup>33</sup> COMBOCO also reports on an incident in Ulundi, after a presiding officer was arrested when stuffed ballot boxes were found on the premises. There, Dr Buthelezi was reportedly involved in a scuffle with police and a firearm was drawn by the police.

### ENDNOTES

- 1 Macpherson, D., 2009, 'Counting at KZN going ahead at full steam', East Coast Radio News Watch blog, April 23. <http://blog.ecr.co.za/newswatch/?p=5138> accessed on 25 May 2009.
- 2 'Electoral Act 73 of 1998: Part One', Independent Electoral Commission. Available at <http://www.elections.org.za/Documents/Act73of98andRegs.pdf> accessed on 17 May 2009.
- 3 A fuller visual outline of the voting and counting processes as stipulated by the IEC is available at [http://www.elections.org.za/documents/FlowChart\\_Handbook.doc](http://www.elections.org.za/documents/FlowChart_Handbook.doc).
- 4 'SA elections free and fair: SADC', *The Citizen*, 24 April 2009.
- 5 Observer Mission Report, 2009, South African Civil Society Election Coalition.
- 6 'Interim Statement: EISA Observer Mission to the 2009 South African National & Provincial Elections', 2009, Electoral Institute of Southern Africa, 24 April.
- 7 'Interim Statement: EISA Observer Mission to the 2009 South African National and Provincial Elections', 2009, Electoral Institute of Southern Africa, 24 April. [www.eisa.org.za/EISA/pr20090424.htm](http://www.eisa.org.za/EISA/pr20090424.htm) accessed on 25 May 2009.
- 8 'Observers praise poll despite concerns', *Saturday Star*, 25 April 2009.
- 9 Motlanthe, K., 2009, Address to the nation at the announcement of election results by the IEC, 25 April, SABC2.
- 10 Telephone interview with Nsome Vuyani, Comboco Provincial Coordinator, 28 May 2009.
- 11 Telephone interview with Mike Beaumont, DA Deputy Director/member of the Provincial Party Liaison Committee, 28 April 2009.
- 12 'IEC on Registration Activity & 2009 Elections; RSA/Lesotho Agreement on Facilitation of Cross Border Movement of Citizens', 2009, Parliamentary Monitoring Group, 17 February. Available at <http://www.pmg.org.za/report/20090217-iec-presentation-registration-activity-elections-2009> accessed on 30 May 2009.
- 13 'IEC on Registration Activity & 2009 Elections; RSA/Lesotho Agreement on Facilitation of Cross Border Movement of Citizens', 2009, Parliamentary Monitoring Group, 17 February. Available at <http://www.pmg.org.za/report/20090217-iec-presentation-registration-activity-elections-2009> accessed on 30 May 2009.

- 14 Telephone interview with Mike Beaumont, DA Deputy Director/ member of the Provincial Party Liaison Committee, 28 April 2009.
- 15 'Interim Statement: EISA Observer Mission to the 2009 South African National and Provincial Elections', 2009, Electoral Institute of Southern Africa, 24 April. [www.eisa.org.za/EISA/pr20090424.htm](http://www.eisa.org.za/EISA/pr20090424.htm) accessed on 25 May 2009.
- 16 'IEC results centre to keep stakeholders informed during elections', SABC NEWS, 19 April 2009.
- 17 Thakali, T., 2009, 'All systems go at IEC nerve centre', Saturday Argus, 18 April.
- 18 <http://forafrica.co.za/?p=1127>
- 19 'IEC announces final results in South African poll', 2009, Independent Electoral Commission, 25 April. [http://www.elections.org.za/news\\_get.asp?NewsId=420](http://www.elections.org.za/news_get.asp?NewsId=420) accessed on 25 May 2009.
- 20 Motlanthe, K., 2009, Address to the nation at the announcement of election results by the IEC, 25 April, SABC2.
- 21 Bam, B., 2009, Announcement of election results by the IEC, 25 April, SABC2.
- 22 Makhanya, M., 2009, 'Lessons from an election that brought out our best and worst', Sunday Times, 26 April.
- 23 Telephone interview with Mike Beaumont, DA Deputy Director/ member of the Provincial Party Liaison Committee, 28 April 2009.
- 24 Compiled from IEC elections data, available at [www.elections.org.za](http://www.elections.org.za)
- 25 'Electoral Act 73 of 1998: Part One', Independent Electoral Commission. Available at <http://www.elections.org.za/Documents/Act73of98andRegs.pdf> accessed on 17 May 2009.
- 26 'W Cape results suspended', The Independent on Saturday, 25 April 2009.
- 27 'IEC: Objections will not affect outcome', 2009, Independent Political Bureau, 25 April. Available at [http://www.iol.co.za/index.php?click\\_id=3086&set\\_id=1&art\\_](http://www.iol.co.za/index.php?click_id=3086&set_id=1&art_)

## WESTERN CAPE

John Akokpari – University of Cape Town

CONTRARY to pessimistic expectations, the general elections of April 22 went smoothly. With the exception of a few problems which related mostly to the shortages of ballot papers and boxes at some voting stations, the entire voting process proceeded without major hiccups. The smoothness of the election and the general peace and tranquility, especially in the aftermath of the polls, were attributed to a number of factors, including transparency in the counting process, the professional management and the announcement of the election results. This update focuses on these critical elements of the elections in the Western Cape. The update also indicates if there were any post-election contestations.

### THE COUNTING PROCESS

The counting of ballot papers, if not seen to be transparent by various stakeholders, can be a potential source of dispute. For this reason, it was essential that established procedures were followed during the counting process. Sections 46-50 of the Electoral Act 73 of 1998 clearly set out the procedures for counting, as well as modalities to be followed in lodging complaints against the process. The Act provides for count-

ing to be done at the voting station after the close of polls. The counting process, to be done in the presence of party agents, is to be managed by the counting officer who is a representative of the IEC. The Election Act provides for political parties to station two agents at each polling station. However, these party agents should be registered with the IEC. In the Western Cape these important procedures were followed. The Electoral Act also provided details on how the actual counting was to be conducted and also how 'spoiled ballot papers' were to be managed. A ballot paper would be considered 'spoiled' if it paper indicated the identity of the voter; if it contained a mark for more than one candidate or party; if it was unmarked; and if it was marked in such a way that it was reasonably impossible to determine the voter's choice. The counting officer marked 'rejected' on the back of each spoiled ballot paper in accordance with the Election Act. The counting officer also marked 'disputed' on the back of ballot papers over which there was disagreement among party agents regarding the choice of the voter.

The counting of the ballot papers was preceded by a process of verification. Here, both the election officer

and party agents inspected the ballot boxes to satisfy themselves that seals on the ballot boxes were not broken, i.e., to be certain that the filled ballot boxes had not been tampered with. After the counting of votes was concluded, both the counting officer and party agents ensured that the number of ballot papers supplied to that particular polling station tallied with the sum of votes cast (valid and spoiled), as well as unused ballot papers. Thereupon, party agents signed the necessary forms to indicate their satisfaction with the counting process. In the Western Cape this process proceeded smoothly. At the end of the counting process it was discovered that the total votes cast were 2,049,097. Of these, 2,027,579 were considered valid while 21,518 were deemed spoiled.

### MANAGEMENT OF THE RESULTS

In addition to transparency and credibility in the counting of ballot papers, the manner in which results were managed also had the potential to impact on the credibility of the outcome of polls. To ensure effective and responsible management of election results, the Election Act outlined modalities for the

management of election results. According to Sections 50-51 of the Electoral Act 73 of 1998, the counting officer must announce the results at that particular polling station to the public and party agents present. The announcement of the results at the polling station was a separate event from the final declaration by the IEC. The announcement of the results by the counting officer at the polling station was meant to inspire confidence in the counting process; to assure all stakeholders of the transparency and accuracy of the counting process. This process was part of the management of the election results. The result declared at the level of the polling station was considered provisional. The IEC had to resolve any legitimate outstanding disputes around the results before they were declared as final.

The management of the poll results in the Western Cape was, on the whole, transparent, professional, and followed established procedures laid down by the Election Act. At the conclusion of the counting process, all party agents were satisfied with the process. No party agents raised objections to the counting process and all signed the necessary forms indicating their satisfaction with the process. In this regard, credit went not only to the party agents for conducting themselves in the most professional way, but also to the counting officers who demonstrated uttermost neutrality in the management of the poll results. Credit was also due to the hundreds of party supporters who waited to hear the announcement of the results at the voting station and for gracefully accepting the figures as announced by the election officers. The security officers are also due commendation for ensuring an atmosphere that was free of intimidation and harassment.

#### **ANNOUNCEMENT OF RESULTS**

As indicated above, the announcement of results underwent two phases. First was the announce-

ment at the polling station by the counting officers at the conclusion of the counting process. This, as indicated already, was done in the presence of party agents and in accordance with the provisions of the Election Act. The figures announced at the polling station were provisional, although these were subsequently confirmed as final by the IEC, as there were no serious objections raised against them. The second phase of the announcement involved the official declaration by the IEC in Tshwane. At the ICT election nerve-centre in Tshwane, the results, once certified by the IEC and deemed not to have been vitiated by disputes or contestation, were displayed on a large screen. At that point the results were declared official.

While the announcement of the results at voting stations were made immediately after counting by the counting officer, in accordance with the provision of the Election Act, the IEC had the power to delay the final announcement for seven days. This provision was to allow time for the IEC to deal with any disputes relating to the election and to ensure that the final results were credible and acceptable to all contending political parties.

#### **POST-ELECTION DISPUTES**

It is fair to assert that the 2009 elections went smoothly, notwithstanding the pre-election skirmishes especially between supporters of the ANC and COPE, as reported in the media in the province. The stakes were extremely high in the Western Cape where no political party had won a majority since 1994. The expectation among pessimists was that the election process would be marked by serious controversies and post-election disputes. This pessimistic scenario, however, never materialised. In fact, there were no major post-election disputes in the Western Cape. The only complaints that came close to disputes was DA leader Helen Zille's complaint that the voting areas which suffered shortages of

election materials, especially ballot papers and boxes, were areas of her party's strongholds. It will be recalled that some polling stations in the City of Cape Town, including South Peninsula High School (Ward 73); Pinelands Town Hall (Ward 53); Parklands Baptist Church (Ward 104); Voortrekker High School (Ward 59); and Schotse Kloof Civic Centre (Ward 77) run out of ballot papers, while the commencement of voting was delayed in Nyanga due to the late arrival of voting material. The shortages clearly disenfranchised those individuals who were eventually unable to cast their vote.

The shortages and late arrival of election material did not, in the end, result in post-election disputes. This was mainly due to the fact the DA, which initially expressed concern about them, eventually polled over half of the total votes in the Western Cape. The DA would most probably have made a strong case about these shortages if it had not won a majority of the votes or if any political party, especially its most bitter rival, the ANC, obtained a bigger percentage of votes than the DA. Contented with its simple majority vote, and realising that it was making history, the DA did not pursue the matter further. The ANC also made no protestation over the results, seeming to have accepted its waning popularity in the province.

#### **CONCLUSION**

The outcome of the election was significant in a number of ways. First, it was an election marked by the fiercest competition ever seen in the province. The competition was given importance by the emergence of COPE, which was largely a breakaway faction from the ANC. It will be recalled that until the 22 April election, the ANC had the largest following in the province. But, above all, the election was significant for being the first, since the province's post-apartheid history, to deliver a majority party. The implications of DA majority votes and other related issues will be highlighted in the next update.



## EASTERN CAPE

Thabisi Hoeane – Rhodes University

### POST-ELECTION REVIEW

THIS post-election review focuses on the following areas: election results and their political implications, a discussion of the gender dimension of the election results and the challenges faced by the new Eastern Cape government.

### RESULTS PATTERN AND POLITICAL IMPLICATIONS

In a trend that almost mirrored the national results, the province registered a high voter turnout of 74.87 per cent (2,888,387 votes cast), with the African National Congress (ANC), as predicted in numerous media reports such as in the *Cape Times*,<sup>1</sup> maintaining control of the province with slightly more than a two-thirds majority, at 68.82 per cent. It was followed in second place by the newly formed Congress

of the People (COPE) with 13.67 per cent. The Democratic Alliance (DA) thus lost its status as the official opposition, coming in third with 9.99 per cent of the vote. Most significantly, the waning strength of the United Democratic Movement (UDM), which since 1999 had been the official opposition party in the province, was evident as it fell to fourth position, registering 4.13 per cent of support. Of particular note was the performance of the African Independent Congress (AIC), which was contesting elections for the first time<sup>2</sup> and which came in at fifth place, with 0.77 per cent.

Twelve out of the seventeen parties that contested the poll, significantly among them the Pan Africanist Congress (PAC) which had won representation to the provincial legislature in the 2004

### CONTENTS

<b>EASTERN CAPE</b>	<b>175</b>
<b>FREE STATE</b>	<b>177</b>
<b>GAUTENG</b>	<b>181</b>
<b>KWAZULU-NATAL</b>	<b>184</b>
<b>LIMPOPO</b>	<b>187</b>
<b>WESTERN CAPE</b>	<b>189</b>

Table 1: Election results 2009, Eastern Cape elections

Party	% votes	Seats in Provincial Legislature
African National Congress (ANC)	68.82	44
Congress of the People (COPE)	13.67	9
Democratic Alliance (DA)	9.99	6
United Democratic Movement (UDM)	4.13	3
African Independent Congress (AIC)	0.77	1
Others	2.62	0
<b>Total</b>	<b>100.00</b>	<b>63</b>

Table adapted from <http://www.eisa.org.za/WEP/sou2009resultsa.htm>

poll, failed to be represented in the provincial legislature.<sup>3</sup>

Thus the ANC once again demonstrated its political dominance of the province, although compared to 2004 (79.29 per cent) its percentage poll was reduced by 10 per cent. This means that in the process it lost 216,311 voters compared to 2004, most of these losses coming from the urban areas of the province such as Port Elizabeth and East London, but it maintained its hold in the rural areas.<sup>4</sup> The ANC partly dispelled some pre-election analysis that COPE would be a significant challenger to its power base. This can be noted from the fact that in many municipal by-elections which had been necessitated by some ANC members defecting to join COPE in the in the lead-up to polls, most were won by the ANC.<sup>5</sup>

However, the tight race between the ANC and COPE cannot be dismissed, as evidenced by the intensity of the parties' political campaigns in the province, with both launching their manifestos in East London and Port Elizabeth respectively.<sup>6</sup>

The ANC's losses propelled COPE into the position of official status, but this was at the expense of entrenched parties such as the UDM, which lost half its support.<sup>7</sup> This is because COPE had actually, despite its impressive showing at the polls, managed to muster only around 20 per cent of the ANC's support. However, given that it is a relatively new party, the performance was still credible.

And these results indicate that in the Eastern Cape, one of the five provinces where COPE is the official opposition, the party poses a serious and credible challenge to the ANC in future elections, particularly the 2011 local government elections. The DA's provincial support showed a marginal increase to 9.99 per cent from the 7.34 per cent it gained in 2004. This factor indicates the anomalous situation that the DA, although it is the ruling party in the Western Cape and is the national official opposition, has negligible

support in other provinces, with COPE being the official opposition in five provinces around the country, including the Eastern Cape.

What is dramatically demonstrated by these results is the continuing weakness of opposition parties in the province, with more than half of those which contested the election – 12 out of 17 – failing to gain a seat in the provincial legislature.

A future scenario might be one in which the provincial political battlefield will be seriously contested by the ANC and COPE, with parties such as the DA on the margins and the real possibility of hitherto significant political parties such as the UDM totally disappearing from the political radar.

#### **GENDER ANALYSIS OF THE ELECTION RESULTS**

A gender analysis of the elections can be approached from two angles: participation in the elections and representation in two critical public bodies after the elections, the provincial legislature and the provincial cabinet. With respect to the former, just as in other provinces, the Eastern Cape registered a very high interest from women voters for this election. For example, 58 per cent of registered voters provincially were females. And, most significantly, in all age categories of registered voters, women outnumbered men.<sup>8</sup> Although it is impossible to obtain a gender breakdown of actual voters it would be safe to assume that the high voter turnout in the province means that women indeed participated in large numbers in the elections. Thus, from a participatory perspective, provincially, women are firmly making their mark in elections.

In terms of representation in the provincial legislature after the elections, it may be noted that after the 2004 elections the provincial legislature was among six that had more than 30 per cent of women representation in the legislature,<sup>9</sup> a figure that is usually used a benchmark to judge progression in their represen-

tation. After the 2009 elections, some small change has been registered, with 26 out of the 63 members of the provincial legislature being women, translating into an increase to 41 per cent.<sup>10</sup> A similar situation pertains to the provincial cabinet, which has a 40 per cent female representation. However, when the premier, Noxolo Kiviet, is added to the list, the situation changes to a 50 per cent representation.

Political parties do not have set quotas for female representation, the ANC being the exception, with a commitment to 30 per cent representation in elected public bodies.<sup>11</sup> To this end the party has 23 female members of the provincial legislature (MPLs) out of a total of 44, translating into 52 per cent.<sup>12</sup>

Thus, although female participation in the elections was high, women's representation in the legislature and provincial cabinet is not really reflective of this fact, as there have been only marginal increases in women MPLs and MECs. However, considering that 30 per cent is the usual benchmark, the over 40 per cent representation in both bodies is commendable and indicates room for possible improvement.

#### **CHALLENGES FOR THE NEW GOVERNMENT**

Given that the Eastern Cape is one of the poorest provinces in South Africa, a factor that was revealed in a report released just before the elections, in which it was disclosed that seven out of every 10 people in the province live in poverty and that unemployment has reached 27.4 per cent,<sup>13</sup> the immediate challenge is how to reverse this state of affairs.

The two immediate critical areas to address are rural poverty and how to ameliorate the negative effects of the global recession, which has seriously affected urban industries such as the manufacturing sectors in East London and Port Elizabeth, where workers have been laid off and jobs are under threat. The latter is highly critical, as reports have indicated that the province's economy shrunk by 17.1 per cent

at the end of the previous financial year, which ended in April.<sup>14</sup>

The government will have to immediately address rural development, because this was one of its main election manifesto promises.<sup>15</sup> Indeed, the dire desperation of poor rural people was captured in an interview with the amaXhosa king, Mpendulo Sigcau, who asked 'Have you ever seen a Kingdom without running water ...? We voted for change but nothing is coming forward.'<sup>16</sup> And given that voters have given their support in these areas, expectations are high to see tangible change being implemented.

In the latter case the problems faced by the retrenchment of workers, especially in the motor manufacturing plants, should be a priority of the government.<sup>17</sup> This is especially so because it has been made clear that COPE actually presents a formidable challenge in these urban areas, where it has made serious inroads into ANC support.

Thus, in broad terms, the ANC will have to translate into reality its campaign promises by providing services to rural areas and alleviating the economic slump in cities, issues which are imperative for the party to shore up its support and regain lost political ground, in light of the strong emergence of COPE in the province.

Underlying the success of these challenges would be the extent to which the ANC is able to deal successfully with internal discord within the broader tripartite alliance

to maintain political unity. This is because its alliance partners, COSATU and the SACP, have indicated misgivings about some of the appointments that have been made, particularly regarding the omission of their leaders for appointment to influential positions.<sup>18</sup> The danger is that if this political in-fighting continues it will likely destabilise the ability of the new government to effectively deliver on its mandate.

### CONCLUSION

The provincial victory of the ANC has underlined its continuous political dominance of the province. However, it is clear that with the emergence of COPE, the party faces a credible opponent for power, which then makes it imperative for the new government to deliver on its election promises and address the serious poverty-related problems that afflict the province. The position of women is that their representation in public bodies is also an issue that still needs to be addressed, particularly considering their high participation and role in the elections.

### ENDNOTES

- 1 Siyabonga Mkhwanazi, 'Analysts can't see ANC losing Eastern Cape', *Cape Times*, 24 February 2009, p. 5.
- 2 Disgruntled ANC members formed the African Independent Congress after the ANC government decided to incorporate their area of Matatiele to the Eastern Cape instead of KwaZulu-Natal. See Thanduxolo Jika, 'Success for another ANC breakaway', *Saturday Dispatch*, 25 April 2009, p. 5.

- 3 The rest of the parties that contested the poll and failed to make it into the provincial legislature were the African Christian Democratic Party (ACDP), the Independent Democrats (ID), Azanian Peoples Organisation (AZAPO), African Peoples Convention (APC), Freedom Front Plus (FF+), the National Democratic Convention (Nadeco), Pan Africanist Movement (PAM), United Christian Democratic Party (UCDP), Christian Democratic Alliance (CDA) and the New Vision Party (NVP).
- 4 Mayibonwge Maqhina, 'EC's urban voters give ANC a wake-up call', *Daily Dispatch, Saturday Dispatch*, 25 April 2009, p. 3.
- 5 Sibongakonke Shoba, 'COPE sticking to election strategy despite defeats', *Business Day* 12 March 3.
- 6 Mpumelelo Mkhabela and Brendan Boyle, 'Race is on for struggle of heartland', *Sunday Times*, 4 January 2009, p. 4.
- 7 <http://www.eisa.org.za/WEP/sou2009restlsa.htm>
- 8 <http://www.elections.org.za/Statistics1.asp?page=1>
- 9 <http://www.eisa.org.za/WEP/soquotas.htm>
- 10 [http://www.eclegislature.gov.za/mpls/list\\_mpl39s](http://www.eclegislature.gov.za/mpls/list_mpl39s)
- 11 Ibid.
- 12 [http://www.eclegislature.gov.za/mpls/list\\_of\\_mpl39s](http://www.eclegislature.gov.za/mpls/list_of_mpl39s)
- 13 Charles Molele, 'ANC blamed for under-spending', *Sunday Times*, 12 April 2009, p. 4.
- 14 Derrick Spies, 'EC economy worst hit but trend easing', *Daily Dispatch*, 11 June 2009, p. 1.
- 15 Lubabalo Ngucakana and Bongani Hans, 'Helping to put people back onto the land', *Daily Dispatch*, 14 January 2009, p. 6.
- 16 Bongani Fuzile, 'King waits for proper rural service delivery', *Daily Dispatch*, 23 April 2009, p. 9.
- 17 Siphon Msondo, 'Rescue plan for battered motor industry kicks in', *The Herald*, 20 May 2009, p. 1.
- 18 Mismelelo Njwabane, 'Shocks galore on ANC's nomination list', *Daily Dispatch*, 24 January 2009, p. 7.

## FREE STATE

KC Makhetha – University of the Free State

IN THIS article, the areas that will be covered are the results patterns and political implications arising there from, a gender analysis and challenges for the new government

### RESULTS PATTERN AND POLITICAL IMPLICATIONS

The pattern of results in the Free State suggests that 'things are falling apart' within individual political

parties. There is a clear signal that political parties need internal work on structure and focus. It appears as if political parties put aside their internal conflicts and displayed



unity of purpose and coherence for the sake of fighting elections with the edifice of cohesion fracturing in the post-election phase, with cracks appearing in their internal structures.

The results of the provincial election in 2009 in the Free State are presented in Table 1.

When looking at the results as provided by the IEC above, it is important to keep the number of spoilt papers in mind; that is, the number provided at the bottom of the table, which is above 17,000.

The results are a powerful tool that makes one realise that each individual vote counts. As was mentioned in the previous article, the DA was not able to comprehend the fact that it lost the official opposition position to COPE by such a small margin. It was a painful realisation and that is why all political parties have to awaken to the shifting views and opinions of the voters. No political party can claim to fully understand the mentality of the voters and what informs their choices. It is extremely important to make time to have conversations with the people, to understand their needs, their attitude to government and also their expectations.

For the Free State province, it is clear that the four parties serving within the provincial legislature of 30 seats, ANC (22), COPE (4), DA (3) and FF+ (1), have to work tirelessly to make sure that they take the people with them, to make sure that there is more participation and thorough consultation processes.

The results are an eye-opener for political parties. They need to be taken seriously as they serve as an early warning signal of a serious need for improved service delivery in all areas of social life. Ignoring this feedback will be to the detriment of some of the smaller parties like the VF+ and DA and might mean a reduction in support for the ruling party, the ANC.

New parties like COPE stand to benefit from studying the election results very carefully. For them it will be a planning, strategic tool

**Table 1: Results as provided by the IEC website**

Party Name	Abbr.	Number of votes	% votes
A Party	NO ABBR	182	0.02
African Christian Democratic Party	ACDP	7,410	0.70
<b>African National Congress</b>	<b>ANC</b>	<b>756,287</b>	<b>71.90</b>
African People's Convention	APC	3,091	0.29
Al Jama-Ah	NO ABBR	323	0.03
Alliance of Free Democrats	AFD	353	0.03
Azanian People's Organisation	AZAPO	3,927	0.37
Christian Democratic Alliance	CDA	568	0.05
<b>Congress of The People</b>	<b>COPE</b>	<b>116,852</b>	<b>11.11</b>
<b>Democratic Alliance</b>	<b>DA</b>	<b>127,259</b>	<b>12.10</b>
Great Kongress of South Africa	GKSA	768	0.07
Independent Democrats	ID	1,786	0.17
Inkatha Freedom Party	IFP	2,260	0.21
Keep It Straight And Simple	KISS	197	0.02
Minority Front	MF	169	0.02
Movement Democratic Party	MDP	1,797	0.17
National Democratic Convention	NADECO	633	0.06
New Vision Party	NVP	314	0.03
Pan Africanist Congress of Azania	PAC	3,003	0.29
Pan Africanist Movement	PAM	287	0.03
South African Democratic Congress	SADECO	307	0.03
United Christian Democratic Party	UCDP	3,095	0.29
United Democratic Movement	UDM	3,408	0.32
United Independent Front		415	0.04
Vryheidsfront Plus	VF Plus	16,929	1.61
Women Forward	WF	238	0.02

<b>Registered Population in the Free State</b>	<b>1,388,588</b>
<b>Total valid votes in the Free State (100%)</b>	<b>1,051,858</b>
<b>Total spoilt papers / votes in the Free State</b>	<b>17,269</b>

for repositioning themselves in the political arena. For them it will also be a tool giving hope for better performance.

When a political party is aware of the kind of support it carries, it sometimes get motivated to do more, especially in a competitive environment now emerging. Political parties get to realise that a competitive environment requires a high level of alertness and an attitude which does not take the supporters for granted.

The results are a sign that it will not be business as usual; political parties will have to work hard for their continued support. An example is the ANC: the party realised soon enough that only hard work would pay and therefore had to face huge expenditure/cost of campaigning to make a mark.

With this kind of result, one is able to understand the pain the DA is experiencing, by losing to a newcomer, COPE. Again, any party like the DA has itself to blame as throughout campaigning the focus was shifted to the need to take over the Western Cape province. Even in some of the debates close to elections in the Free State, it was possible to read through the party's comments that it had already given up on winning the official opposition in the Free State, or maybe even took it for granted as already won. Perhaps the Markinor Ipsos Survey results also had something to do with the morale of the political parties. Interestingly, the survey proved to be correct prediction with regard to the Free State province.

The results caused the DA to lay a complaint with regard to the outcome and the IEC awaited a formal written submission in this regard. There were calls for Mr Mepha, the PEO in the Free State, to resign and the IEC made it clear that valid claims would be investigated and these should be reported in writing, to the IEC.

Complaints have to be done formally so as to get the attention of the powers that be. This assists authorities to sift baseless allegations from

real, evidence-based allegations. Once this distinction is made, then full attention is given to investigating the complaints and resolving the issues to the satisfaction of all parties involved.

**Table 2: Results in the Free State – seats per party**

Political party	Number of seats
ANC	22
COPE	4
DA	3
FF+	1

In general, there is a decline in support for all the political parties which took part in the 2004 National and Provincial elections, except for the DA as much as it has now lost position of official opposition in the Free State to a newcomer, COPE. The ANC is still the ruling party with a high margin, but its support has gone down by a few percentage points in the Free State.

A newcomer in the Free State, COPE, performed very well. As the results show, COPE has been voted the official opposition party in the Free State, removing the DA from that position by a very small margin of less than 200 votes.

The implications of COPE being the official opposition in the Free State are great. What is critical for COPE in the post-election phase is to consolidate its internal structures and processes to convince the electorate of its future stability.

Based on the results, it is clear that FF+ needs to rethink its plan and strategy for the future within the fold of opposition politics. It appears as if Freedom Front voters voted strategically on the basis that the DA would better represent their interests. Support for the FF+ in the 2009 election went down, with the FF+ only holding one (1) seat in the Free State provincial legislature.

#### **GENDER ANALYSIS OF THE ELECTION RESULTS**

In the Free State, women comprised

54,5 per cent of the total number of people registered to vote in the 2009 elections and were in the majority of people who voted. Women are also in the majority in terms of the provincial population. Consequently, as a majority of the population and comprising a majority of the voters, it is clear that women are key to both forming, and feeling the effects of, government. With greater mobilisation this should allow women as a political constituency to pressure for greater results, and shape the policy outlook and the administration of government. In order to do this, however, women would need to be in leadership positions in political parties, the legislature and in government

On the party lists of the political parties, especially the ANC, a commitment to balance men and women candidates is clear. The rest depended on the outcome of the election, and those parties with fewer seats had less chance of proving their commitment to empowering women. As for the ANC, it showed its commitment by even ensuring that there are four women MECs in the current provincial government. Within the legislature, the proportion of women gives hope for greater things to happen in the future.

The IEC office in the Free State province should be acknowledged for the efforts made over the years, for making the political parties conscious of the important role women can play in politics and ensuring that a platform is created where political parties can discuss the issues affecting women openly. However, I get a sense also that some political parties are just giving an impression that they support the involvement and inclusion of women on candidate lists, but, in reality, there is no commitment.

This can be sensed in the general operations of some parties, where women are expected 'to be seen and not heard' – polite and not question anything. Cultural belief systems of some communities affect

the political lives of those who are members of such communities, to a point where culture is equated to politics and it becomes so confusing for those who live in fear of authority. In such communities, when a woman is in a leadership position, such a woman is expected to allow the men to take a lead and talk through them. Such a woman is not allowed to think for herself, but culture requires that she be silent and obedient.

### **CHALLENGES FOR THE NEW GOVERNMENT**

By the time elections came, it was already clear that the Free State province had serious challenges that needed urgent attention. There were challenges on all social fronts, and some of the most urgent will be highlighted.

### **POLITICAL ISSUES**

*Internal political squabbles:* It is extremely important for the provincial government to ensure that there is a united ruling party in the Free State. There should not be camps supporting different groupings within one political party, as this affects service delivery as well as team spirit among colleagues who are supposed to have a common goal. Before the elections, there were factional camps and these will not simply disappear through wishful thinking. Efforts will have to be made to build a united front within the ruling party, throughout the Free State. This begins with acknowledging the problem.

*Service delivery:* The government slogan of 'Batho Pele' never seemed to work and was never taken seriously even by people who were supposed to provide services to the public. This will have to be investigated and revisited. Performance management is critical to deal with the quality of service delivered to the public. It has been reported that, currently, 12 municipalities are under project consolidate. Furthermore, the largest service backlogs are in Mangaung,

Matjhabeng, Maluti-a-Phofung, Setsoto and Metsimaholo. This situation points to several problems that the new administration will inherit, including a lack of skills, misuse of funds, and a lack of accountability. Challenges around service delivery require the provincial government to recommit itself to get to the root of the problem and correct the situation.

*Corruption within civil service:* This is a challenge facing the country and Free State province is not an exception. During campaign trails in the Free State, communities went as far as stating examples of cases where there was nepotism and irregularities with tender processes, making it clear that there were serious problems in this regard which require attention from the new provincial government.

*Administrative effectiveness and efficiency:* it is critical that the new government ensures quality service by keeping the highly experienced staff in the administration. I state the issue around administrative staff mainly because people in administration should serve 'the government of the day' even when regimes and governments change. In the Free State currently, the factionalisation of the ANC and the formation of COPE has led to loss of trust amongst members of the public service. This has the effect of a loss of institutional memory and creates problems in the continuity of administration.

Currently in the Free State, departments of government are busy with processes of interviews, in order to fill posts of Heads of Departments and many others which were frozen just before elections. That means that many departments are understaffed and service delivery takes a back seat.

### **SOCIO-ECONOMIC ISSUES**

*Mining and farming:* crucial areas to be boosted. It is important to note that 12 gold mines operate in the Free State, and with the economic

downturn, chances are that some face closure, thereby increasing poverty and unemployment. According to the Labour Force Survey (March 2007), the provincial unemployment rate stands at 26,4 per cent. The province contributes about 5,5 per cent towards the national GDP. With these figures in mind, it is clear that the situation might worsen.

*Tourism and protecting the environment:* The Free State will require more focus and planning.

*Education and skills development:* The functional literacy rate in the Free State is about 65 per cent. The repositioning of the FET sector is critical for addressing the problem of school drop-outs. According to the SABC News Research, as much as there is progress in the grade 12 pass rate, there is concern with regard to low performance of learners in mathematics, science, and information technology. Another question would be: how can the institutions of higher learning in the Free State contribute? It is important for institutions like the Central University of Technology and the University of the Free State to play a developmental role to benefit the province.

There is a scarcity of critical skills in the Free State and this puts the province in a situation where these skills have to be provided for by people from other provinces. The high number of young people who are unemployed creates an opportunity for the province to focus on skills development and ensure that there are more people to serve the population of the Free State, thereby improving quality and efficiency.

*Housing and sanitation* are other areas where there is a huge backlog. As stated in some reports, apparently nearly 50 per cent of the housing backlog in the Free State is found in the Mangaung and Matjhabeng municipalities. These municipalities happen to be among the largest in the province. Although it is reported

that only about 9 per cent of the soil in the Free State is optimal for agriculture, it is crucial that the support system for agricultural and farming communities be strengthened.

*Health* is another area which is critical for wellness of society. Recently, just before the elections, there were headlines in the newspapers with regard to shortage of medicines at several hospitals, including Pelonomi Hospital in Bloemfontein. This situation affected even the people living with HIV and AIDS, who could not receive ARVs. This is a situation that requires serious attention from the Health MEC, be-

cause the HIV and AIDS prevalence rate is estimated at about 16.7 per cent. The maternal death rate is estimated at 150 per 100,000 live births. The child mortality rate is estimated at 76.7 per 1,000 live births. Health is a serious area of focus and a huge challenge for the province.

There is also a huge challenge with the cleanliness of drinking water in some areas around the Free State.

#### **CONCLUSION**

There is a clear pattern in the results of the Free State, showing a decline in support, as much as parties are

satisfied with what they eventually got. When it comes to gender, there is a great improvement and a culture developing to give women the platform they deserve. With all these results and the patterns, the fact remains that the new government still has huge challenges to deal with in order to bring a better life to the people.

#### **REFERENCES**

- www.fs.gov.za  
SABC News Research: Election 2009 Handbook.  
IEC website.  
Free State State of the Province Address, June 15, 2009.

## GAUTENG

**Ebrahim Fakir** – EISA and **Shaheen Buckus** – Independent Researcher

#### **RESULTS PATTERN AND POLITICAL IMPLICATIONS**

In terms of the results at national level (the top five were the ANC, DA, COPE, IFP and ID as indicated in Table 1). From the above one can clearly see that the ANC is the dominant party nationally, outstripping the DA by an estimated 49.24 per cent. The most significant political implication of the results is that although the ANC won the majority of the votes, by failing to get a two-thirds majority it does not have the prerogative to amend the constitution. However, it should be borne in mind that the ANC did not use its two-thirds majority in the past to amend the constitution.

Further, in terms of the national ballot, the ANC won all the provinces with the exception of the Western Cape, which was won by the DA. In terms of percentages, the ANC garnered the most support in Mpumalanga, with 85.81 per cent of the vote, followed closely by Limpopo, with 85.27 per cent of the vote.<sup>3</sup> In Gauteng, the ANC managed to secure 64.76 per cent of the vote, the DA 21.27 per cent and COPE 7.78 per cent of the vote.<sup>4</sup>

**Table 1: Results National Level**

<b>National</b>	<b>Percentage<sup>1</sup></b>	<b>National assembly seats<sup>2</sup></b>
African National Congress (ANC)	65.9%	264
Democratic Alliance (DA)	16.66%	67
Congress of the People (COPE)	7.42%	30
Inkatha Freedom Party (IFP)	4.55%	18
Independent Democrats (ID)	0.92%	4

Therefore in Gauteng the ANC did not manage to secure a two-thirds majority, something that occurred on the national level as well.

Table 2 summarises the percentage results and party seat distribution of all participating parties for the Gauteng provincial ballot from 1994–2009. The trend from 1994–2009 regarding the main parties – ANC and DA – illustrates that the number of seats allocated to the ANC has dropped marginally (50 seats in 1994 to 47 in 2009), but has increased significantly for the DA (5 seats in 1994 to 16 in 2009).

#### **GENDER ANALYSIS OF THE ELECTION RESULTS**

Female representation in the

national parliament has increased from 34 per cent<sup>6</sup> in the 2004 general election to 43 per cent in the 2009 election. COPE and the United Christian Democratic Party have the largest percentage of women – an estimated 50 per cent as a proportion of seats allocated. The ANC follows with 49.2 per cent with the IFP at 22.9 per cent and the DA at 22.2 per cent. Despite the lower representation of the DA and IFP, overall the representation of women has increased by 9 per cent from the 2004 general election.

At the cabinet level, the Jacob Zuma administration has continued with the trend of his predecessor of maintaining a substantial number of women in the cabinet. The

**Table 2: Percentage results and party seat distribution: Gauteng 1994–2009<sup>5</sup>**

Party	Abbrev	1994		1999		2004		2009	
		% Vote	Seats	% Vote	Seats	% Vote	Seats	% Vote	Seats
African Christian Alliance	ACA							0.06	0
African Christian Democratic Party	ACDP	0.61	1	1.16	1	1.64	1	0.87	1
Afrikaner Eenheids Beweging	AEB	–	–	0.31	0	–	–	–	–
Alliance of Free Democrats	AFD	–	–	–	–	–	–	0.03	0
African National Congress	ANC	57.6	50	67.87	50	68.4	51	64.04	47
African People's Convention	APC	–	–	–	–	–	–	0.12	0
Azanian People's Organisation	AZAPO	–	–	0.16	0	0.25	0	0.21	0
Black Peoples Convention	BPC	–	–	–	–	0.04	0	–	–
Christian Democratic Alliance	CDA	–	–	–	–	–	–	0.07	0
Christian Democratic Party	CDP	–	–	–	–	0.23	0	–	–
Congress of the People	COPE	–	–	–	–	–	–	7.78	6
Democratic Party	DP	5.32	5	17.95	13	20.78	15	21.86	16
Economic Freedom Movement	EFM	–	–	–	–	0.05	0	–	–
Federal Alliance	FA	–	–	0.89	1	–	–	–	–
Great Kongress of South Africa	GKSA	–	–	–	–	–	–	0.05	0
Independent Democrats	ID	–	–	–	–	1.52	1	0.61	1
Inkatha Freedom Party	IFP	3.66	3	3.51	3	2.51	2	1.49	1
Labour Party	LP	–	–	0.03	0	–	–	–	–
Nasionale Aksie	NA	–	–	–	–	0.14	0	–	–
Movement Democratic Party	MDP	–	–	–	–	–	–	0.14	0
National Democratic Convention	NADECO	–	–	–	–	–	–	0.04	0
New National Party	NNP	23.88	21	3.89	3	0.76	0	–	–
New Vision Party	NVP	–	–	–	–	–	–	0.03	0
Pan Africanist Congress of Azania	PAC	1.47	1	0.73	0	0.85	1	0.31	0
Peace and Justice Congress	PJC	–	–	–	–	0.09	0	–	–
Pro-Death Penalty Party	PRO-D	–	–	–	–	0.05	0	–	–
Socialist Party of Azania	SOPA	–	–	0.05	0	0.09	0	–	–
United Christian Democratic Party	UCDP	–	–	0.24	0	0.26	0	0.24	0
United Democratic Movement	UDM	–	–	1.95	1	0.99	1	0.4	0
Freedom Front	VF/FF	6.17	5	1.25	1	1.34	1	1.63	1
Women Forward	WF	–	–	–	–	–	–	0.05	0

proportion of women in cabinet in Zuma's administration stands at 41 per cent compared to Mbeki at 42 per cent. While it is laudable that the Zuma administration has maintained a satisfactory representation of women in the cabinet, there has been a notable decline in female deputy ministers, dropping from 60 per cent under Mbeki to 39 per cent under Zuma.<sup>7</sup>

The gender parity principle of 50/50 adopted at the ANC Polokwane conference in 2007 informed the National Executive Committee decision to appoint four women and men as premiers in provinces where the party had a majority. One of these provinces is Gauteng, where Nomvula Mokonyane was appointed as the premier.

Nomvula Mokonyane carried through the 50/50 principle when she announced her provincial cabinet. She announced her team of 10 MECs on Friday 8 May at the Gauteng legislature in the Johannesburg city centre. She has appointed five women and five men to the executive, keeping to a promise she made at her inauguration that gender parity would take priority.<sup>8</sup> 73 seats have been allocated to parties in the Gauteng legislature and of this figure 34 members (47 per cent) are female.<sup>9</sup>

### **CHALLENGES FOR THE NEW GOVERNMENT**

Research conducted by TNS research surveys over the past three years looked at the challenges facing the new government. The challenges were divided into two main areas,

namely civil and economic. The three main civil challenges are: crime, health services, particularly HIV/AIDS and service delivery at the local level. The three main challenges facing the economic dimension are job creation and poverty alleviation, inflation control and the creation of a climate suitable for economic growth.<sup>10</sup>

The challenges facing Gauteng were identified through interaction with the citizens of the province. The main issues that were raised were the creation of decent jobs, fighting poverty, crime and corruption, improved access to basic services in hospitals, better schools and quality education, clean running water, electricity, better municipal services such as removal of refuse and general maintenance of roads.<sup>11</sup>

In order to promote inclusive economic growth and decent work there will be massive public investment in infrastructure such as clinics, schools, community centres and public transport routes. In terms of crime, a process to determine provincial policing priorities in consultation with communities will be pursued. Co-operation between the South African Police Services (SAPS), the Metro Police from various municipalities and other law enforcement agencies will be strengthened to deal with crime in an integrated and multi-disciplinary manner. To make police more accountable and measure whether they are meeting identified targets in line with provincial policing priorities, it is expected that the

Provincial Police Commissioner will account to both the executive as well as the Gauteng legislature on police performance.<sup>12</sup>

To improve service delivery, local government structures will need to be strengthened. Measures include: strengthening ward committees so that people play a meaningful role through access to information, empowering local councillors and reviewing the lines of accountability and reporting of community development workers.

### **ENDNOTES**

- 1 <http://www.elections.org.za/NPEPWStaticReports/reports/ReportParameters.aspx?catid=7>
- 2 <http://www.elections.org.za/NPEPWStaticReports/reports/ReportParameters.aspx?catid=9>
- 3 <http://www.elections.org.za/NPEPWStaticReports/reports/ReportParameters.aspx?catid=7>
- 4 <http://www.elections.org.za/NPEPWStaticReports/reports/ReportParameters.aspx?catid=9>
- 5 [www.sacc-ct.org.za/ppu\\_elect99.html](http://www.sacc-ct.org.za/ppu_elect99.html). [www.anc.org.za/elections/2004/results/prov-gp.html](http://www.anc.org.za/elections/2004/results/prov-gp.html). <http://www.elections.org.za/NPEPWStaticReports/reports/ReportParameters.aspx?catid=9>. <http://www.elections.org.za/NPEPWStaticReports/reports/ReportParameters.aspx?catid=7>
- 6 [http://www.genderlinks.org.za/attachment\\_view.php?pa\\_id=1056](http://www.genderlinks.org.za/attachment_view.php?pa_id=1056)
- 7 Ibid.
- 8 <http://www.joburg.org.za/content/view/3818/209/>
- 9 Statistic supplied by Gauteng IEC office.
- 10 <http://tnsresearchsurveys.co.za/news-centre/pdf/ZumaAdminChallenge-7May2009.pdf>.
- 11 <http://www.info.gov.za/speeches/2009/09061008551001.htm>
- 12 Ibid.

# KWAZULU-NATAL

**Shauna Mottiar** – Researcher, ACCORD (writing in personal capacity)

## **ELECTORAL REFORM IMPERATIVES FOR SOUTH AFRICA**

The South African Constitution guarantees universal adult suffrage, a national common voter's roll and regular elections (Constitution, sec 1d). It provides for a national assembly consisting of no fewer than 350 and no more than 400 members elected under an electoral system based on a national common voter's roll which results, in general, in proportional representation (Constitution, sec 46, 1). South Africa therefore uses a proportional representation (PR) electoral system based on fixed party lists. Half of the 400 national assembly members are chosen from nine provincial lists and the other half from a single national list prepared by each party. Provincial parliaments are chosen from the party lists for each provincial legislature.

This ensures an almost complete proportionality with no votes 'wasted'. The droop quota is used to apportion seats: this quota results in seats being awarded through the largest remainder method. So if a seat is left unfilled after all allocations have been made, the political party with the highest remainder of unallocated votes will be given that seat. No mandatory threshold for parliamentary representation exists, thus ensuring inclusiveness by enabling even very small parties representation in parliament (Mottiar, 2003). The South African local electoral system differs from the national and provincial system in that it is of a mixed member representative system and consists of a party's list of candidates drawn up in order of preference for election by proportional representation, combined with a system of ward representation based on a particular municipality's segment of the com-

mon national voter's roll. It therefore combines the accountability of direct personal representation with the equity of proportional representation (Mottiar, 2005).

The choice of proportional representation for South Africa had much to do with the negotiated settlement that sealed the transition to democracy. Proportional representation, because of its inclusiveness, was seen as a way to mitigate conflict and create a sense of national inclusiveness among all groups, especially minorities. Proponents for change of the national and provincial electoral system emphasise the strengthening of the constituency element in terms of increasing direct links between voters and representatives, to better serve accountability. Alternative electoral systems that have been put forward for South Africa, adhering to the constitutional requirement for proportionality, include a 50 per cent single member constituency, 50 per cent closed list system and a multi-member closed list system. In the first case, 50 per cent of MPs would be elected in geographically defined constituencies and the other 50 per cent drawn from a closed national list. The country would then have to be divided into 200 constituencies, each represented by one MP, on the principle of first past the post (FTP). This would mean, however, that the number of voters per constituency would be extremely large, diluting accountability. The system would also entail 'wasting' votes – for example it would be possible for a candidate to win a constituency with only 30 per cent of the vote, assuming the other 70 per cent of the vote were spread among other candidates. The second case would remedy abovementioned weaknesses as it would entail 300 of the 400 MPs being elected in 43

multi-member constituencies and the remaining 100 from a closed national list. Here, the advantage would be that no new constituencies would have to be delimited as their boundaries would correspond to existing municipal/district boundaries. Furthermore, no constituency would have fewer than two MPs (Mottiar, 2005).

The South African post-democracy electoral reform debate officially began in the mid-1990s, and in 2002 government appointed an Electoral Task Team to assess whether the electoral system ensured fairness, inclusiveness, simplicity and accountability. The Task Team proposed implementing a mixed system that would involve a combination of proportional vote distribution and a constituency-based first-past-the-post system (Electoral Task Team Report, 2003).

Current debates relating to the electoral system continue to stress the need for greater accountability and proximity of MPs to voters; raise problems relating to floor-crossing, which permits MPs to change allegiances without voter input, and consider the fact that party leadership holds too much power in terms of compiling party lists (Chiroro, 2008). Despite this, however, a recent survey conducted by Afrobarometer found that electoral reform is not a high priority for many South Africans. Notwithstanding the fact that only 3 per cent of South Africans interviewed could correctly identify their MPs (compared with a 12 country average of 41 per cent) the majority believed the main task of their MP was to deliver jobs and development (29 per cent) and make laws (25 per cent). Only 19 per cent believed that MPs should prioritise listening to their constituencies (IDASA, 2009).

## RESULTS PATTERN AND POLITICAL IMPLICATIONS

Following the African National Congress's (ANCs) overwhelming victory in KwaZulu-Natal, 2,192,516 votes and 62.95 per cent to the Inkatha Freedom Party's (IFPs) 780,027 votes and 22.40 per cent, there is a view that the 'IFP [is] all but wiped out as a political force' in the province (Kockott and Hlongwane, 2009). Indeed, the ANC's gains are formidable. Election results for urban areas such as eThekweni (Durban area) and Msunduzi (Pietermaritzburg) show that the ANC leads with 67.52 per cent and 73.79 per cent of the vote respectively, followed by the Democratic Alliance (DA) with 18.04 per cent and 13.29 per cent respectively. While the DA is the ANC's main opposition in these areas, it is followed by the IFP with 6.81 per cent and 7.91 per cent, with the Congress of the People (COPE) trailing behind, having gained 2.57 per cent of the vote in the Durban area and 1.96 per cent in Pietermaritzburg (IEC results report, 2009). The ANC's election successes have been linked with its struggle credentials, its campaign tactics and its strong financial capacity (Egan, 2009). In terms of struggle credentials, the ANC is inextricably linked, by most of its followers, with liberation from apartheid. ANC campaigning involved posters and adverts designed to maximise loyalty to the party and the memory of the struggle. The face of Jacob Zuma as the 'people's' man following the ANC Polokwane conference was also a significant campaign draw card. This may have been especially so in KwaZulu-Natal, given Zuma's Zulu ethnicity, where the IFP has historically campaigned around issues of Zulu national identity. The ANC also has significantly more finances than any other political party in South Africa from both public and private sources. This ensured widespread party campaigning. In the case of the KwaZulu-Natal province a widespread campaign saw the ANC's penetration of traditional IFP stronghold areas.

**Table 1: Final provincial results – KwaZulu-Natal**

Parties	Votes	%	Seats
ACDP	23,537	0.68%	1
ANC	2,192,516	62.95%	51
APC	5,087	0.15%	0
AI JAMAH	7,612	0.22%	0
COPE	44,890	1.29%	1
DA	318,559	9.15%	7
GKSA	1,730	0.05%	0
ID	6,853	0.20%	0
IFP	780,027	22.40%	18
MF	71,507	2.05%	2
NADECO	6,881	0.20%	0
PAC	2,578	0.07%	0
SADECO	3,883	0.11%	0
UCDP	1,798	0.05%	0
UDM	7,953	0.23%	0
FF+	5,760	0.17%	0
WF	1,816	0.05%	0
<b>Total</b>	<b>3,482,987</b>	<b>100%</b>	<b>80</b>
<b>Registered voters</b>	<b>4,475,217</b>		
<b>Total votes cast</b>	<b>3,526,700</b>		

IEC 25 April 2009 – accessed from [www.politicsweb.co.za](http://www.politicsweb.co.za)

Notwithstanding the ANC's gains in KwaZulu-Natal, which follow trends set by the 1999 and 2004 elections, it is interesting to note that the IFP still retains a healthy level of support in its rural strongholds. Examples of this are Nongoma and Ulundi, where the IFP gained 81.63 per cent of the vote, securing 48,227 votes out of 59,078 votes cast and 83.62 per cent of the vote and 53,747 votes out of 64,276 votes cast, respectively. This is in contrast to the ANC's gaining 16.82 per cent of the vote in Nongoma and 14.92 per cent of the vote in Ulundi (IEC results report 2009). This is reflective of a prevailing trend whereby the ANC makes more significant electoral impact in urban, rather than in rural areas of the province. It is interesting to note that some of the areas where IFP support is high are still classified hot spots for violence. Both Nongoma and Ulundi received security deployments during the elections, following their classification as areas for potential violence and intimidation. The Estcourt area, which was the only real site of political tension in the province relating to the 2009 elections, reflected a close contest between the ANC and IFP. The ANC gained 45.47 per cent

of the vote and the IFP 44.63 per cent (IEC results report, 2009).

Following the 2009 provincial elections the IFP has suffered a number of internal challenges. The first has come from the party's youth brigade which lobbied for party leader Mangosuthu Buthelezi to step down in the face of the party's election poll humiliation. The youth brigade argued that a younger leader was needed to revive and rejuvenate the party ahead of the next local government elections in 2011 (Khumalo and Olifant, 2009). IFP national organiser Albert Mncwango, however, denied that there had been calls for Buthelezi to step down. He claimed that although the youth brigade expressed frustration with the election results they 'vowed to work closely with leadership' to improve the party's showing in the next elections (Olifant, 2009a). Despite this, however, an IFP national council meeting in Ulundi in May resulted in the suspension of several executive members of the youth brigade for 'defying the party'. It was also reported that the views of the suspended youth brigade members were supported by senior IFP members Zanele kaMagwaza Msibi and



Stanley Dlada (Khumalo, 2009a). The IFP is also officially losing ground within its historical power base of the KwaZulu-Natal traditional leadership. Buthelezi refused to stand for re-election as chairman of the KwaZulu-Natal House of Traditional Leaders in May, after the nominations process revealed that he had received the support of only 24 ama-khosi out of 53. Inkosi Bhekisisa Felix Bhengu was subsequently elected chairman of the house unopposed (Harper, 2009).

The IFP's misfortunes notwithstanding, it still retains 18 seats in the provincial parliament to the ANC's 51, the DA's seven, the Minority Front's (MFs) two and newcomer COPE's one seat. Given its continuing rural support base it will be working towards consolidating its status for the next local government election. It has begun this process through its 'Vuku'uzithaathe' Campaign (pick yourself up campaign) which targets poorly functioning branches, weak leadership, the absence of a political programme, a lack of engagement with party membership and an inability to keep in touch with community needs (Khumalo, 2009b).

Both the DA and MF have expressed disappointment in their respective showings in the provincial election. The DA failed to meet its target 10 seats while the MF's showing among its target Indian voters was poor. It is interesting to note that violence, historically a feature of elections in KwaZulu-Natal, although tempered during the election has been reported in the post-election period. As opposed to violence between ANC and IFP supporters, however, the incident occurred between ANC and COPE supporters. Violence broke out in early June at an Umlazi hostel in Durban reportedly between ANC and COPE supporters. The police had to disperse the crowd with rubber bullets and several people were injured. While COPE claimed that ANC supporters were attempting to attack its supporters, the police and the ANC have claimed that the

incident was more criminally than politically motivated (Da Costa, 2009).

#### **GENDER ANALYSIS OF THE ELECTION RESULTS**

Following national trends, the number of female registered voters in KwaZulu-Natal was higher than male registered voters, at a ratio of 2,548,839 women to 1,926,378 men (IEC Registration Statistics, 2009). According to Gender Links, South Africa is third in the global rankings of female representation in politics. At a provincial level women's representation has increased from 30 per cent to 43 per cent (*Daily News*, 1 May 2009). In KwaZulu-Natal the ANC has a 49 per cent female representation in the provincial parliament, the DA 15 per cent and COPE 0 per cent, given that it secured only one seat in parliament in the province (Lowe Morna et al., 2009). The IFP has, to some extent, broken out of its traditional male dominated approach to politics in the province, evident when it fielded its first female candidate, Zanele kaMagwaza Msibi, for premiership in the 2009 elections. Ka Magwaza Msibi, mayor of the Zululand district municipality, is the first female national chair of the IFP since the party's inception. She was quoted as saying that 'times have shown that women are better leaders and even in the IFP there is now acceptance'. She illustrated her point with reference to other women occupying leadership roles within the party, including two former education MECs, Faith Gasa and Ellen kaNkosi Shandu, and IFP caucus leader in eThekweni, Thembi Nzuza (Olifant, 2009b). In spite of these strides towards gender parity, of the 18 seats the party holds in the provincial legislature only two are occupied by women (Moosa communication, 2009).

The new KwaZulu-Natal cabinet, headed by premier Zweli Mkhize, consists of four women and six men. The women are Minister for Agriculture and Environmental Affairs, Lydia Johnson; Minister

for Human Settlements, Maggie Govender; Finance Minister, Ina Cronje and Minister for Arts, Culture and Tourism, Wesizwe Thusi (*Mail & Guardian*, 11 May 2009). This is far more representative than the former cabinet, which, when constituted by premier S'bu Ndebele in 2004, included just one woman (*The Times*, 7 June 2009). Despite this, however, current female representation in the KwaZulu-Natal legislature at 33 per cent is the lowest across all provinces (Lowe Morna et al., 2009).

#### **CHALLENGES FOR THE NEW GOVERNMENT**

As is the case nationally, the new KwaZulu-Natal provincial administration will have to deal with issues relating to service delivery and poverty alleviation in the light of a global recession. Specific challenges for the province are reducing rural inflation; settling outstanding land claims; improving local government performance and boosting basic service delivery. The province's last five-year report covering the period 2004–2009 recorded that rural areas in the province had an inflation rate at 13.3 per cent ahead of the national average, in 2004 in more than half of the 61 municipalities less than 60 per cent of households had access to formal housing, water and electricity. Only 45 per cent of municipalities had the capacity to provide refuse removal and sanitation facilities. The report also alluded to a need to deal effectively with xenophobia, the need to improve integration of government programmes and partnerships with the private sector and the need for a research and development programme for co-ordination on HIV/AIDS, agricultural production, poverty eradication, rural development and land reform (Mkhabela et al., 2009). New premier Mkhize has committed to delivering on ANC election promises relating to health, education, rural development and job creation. He has also stressed 'working closely with all the

people in the province to promote love and friendship'. This is with particular reference to eliminating political tension and intolerance and deepening a culture of respect among leaders and members of various political parties (Khumalo, 2009c).

## REFERENCES

- Constitution of South Africa, Act 108 of 1996.  
IEC Registration Statistics 2009 – www.elections.org.za  
IEC Election Results Report 2009 – www.elections.org.za  
Chiroro, B. 2008. 'Electoral system and accountability: options for electoral reform in South Africa', KAS Policy Paper no 3, Electoral Institute of Southern Africa, Johannesburg.
- Da Costa, W. 2009. 'Violence erupts in Umlazi', *Mercury*, 8 June.  
Egan, A. 2009. 'South African elections 2009: an analysis', *Thinking Faith*.  
Harper, P. 2009. 'Final nail in the coffin for Buthelezi', *Mercury*, 24 May.  
Kockott, F. and A. Hlongwane. 2009. 'IFP all but wiped out as a political force', *Sunday Tribune*, 26 April.  
Khumalo, S. 2009a. 'I am not leaving the IFP', *Mercury*, 22 May.  
Khumalo, S. 2009b. 'IFP to do something to pick themselves up', *Mercury*, 18 June.  
Khumalo, S. 2009c. 'Mkhize's KZN Dream', *Mercury*, 12 May.  
Khumalo, S. and N. Olifant. 2009. 'Calls for Buthelezi to step down after IFP poll losses', *Mercury*, 30 April.  
'KZN Premier announces new cabinet', *Mail & Guardian*, 11 May 2009.  
Lowe Morna, C., K. Rama and L. Mtonga. 2009. 'Gender in the 2009 South African elections', *Gender Links*.  
Mkhabela, M., N. Mafela and P. Harper. 2009. 'Local's not lekker for Zuma', *Sunday Times* 31 May.  
Mottiar, S. 2003. 'Evidence strongly favours PR', Synopsis, 7.1, Centre for Policy Studies, Johannesburg.  
Mottiar, S. 2005. 'Elections and the electoral system in South Africa: Beyond free and fair elections', *Policy Brief*, 39, Centre for Policy Studies, Johannesburg.  
'Sour grapes are half the battle', *The Times*, 7 June 2009.  
'South African electoral reform not high priority for citizens'. 2009. Institute for Democracy South Africa, Cape Town.  
Olifant, N. 2009a. 'No one wants Buthelezi to step down, says IFP', *Mercury*, 1 May.  
Olifant, N. 2009b. 'IFP projecting image of feminine success', *Mercury*, 20 April.  
Personal communication with Carol Moosa, IFP Caucus Office, Pietermaritzburg, 8 June 2009.  
Report of the Electoral Task Team, January 2003, Cape Town.  
'Women in rightful places'. 2009. *Daily News*, 1 May.

# LIMPOPO

Lesiba Teffo – University of Limpopo

## CHALLENGES TO PONDER

Section 24A of the Electoral Act provides for voting in a voting district where not registered. A person whose name does not appear on the certified segment of the voters' roll for a voting district and who applied for registration as a voter before the date of the election was proclaimed may submit as per prescribed policy and procedure to the presiding officers the necessary documents so that she/he can vote in that district where he/she was not originally registered. The presiding officer would grant permission only if stipulations have been satisfied.

The position is that a voter is entitled to two ballot papers, one for the national assembly and the other for the provincial legislature. The challenge for electoral officers arises when unexpected people from outside the province, or registered in other provinces and districts, turn up to vote where they were not catered for in terms of electoral materials. The arrangements fall into disarray because the facilities and equipment tend to be

inadequate. This area needs to be revised because it severely impacts on the distribution of election material. It also retards the voting process. A constitutional amendment to this effect should be considered.

Training of electoral officers is one area that needs urgent attention. The pattern is that once someone has been an electoral officer, he/she can expect to play the same role every time there is an election. The net result is that people tend to consider themselves sufficiently versed in matters of the election and become reluctant to go for further training or upgrading as systems and technologies improve. Unless there is a pecuniary interest attached to training, the process might end up with under-equipped officers as midwives of the electoral process. This is prevalent in Limpopo, especially in areas that I visited, and as well as among the NGOs and CBOs that I consulted. Political parties could, and should, help nurture a culture of volunteerism and patriotism. The IEC, on the other hand, should provide the necessary

leadership, education and training. A rotation system and perhaps an alternate method of deployment could help avert possible corruption of the officials, the system and procedures especially in rural areas where monitoring mechanisms are fairly weak.

The electoral system itself is due for reform. There is unanimity among the parties that what we have was appropriate for a transitional phase. However, a new system as alluded to in the first section should kick in. This may not be an attractive proposition for the ruling party, at least for now since it is monopolising the political landscape. However, the apathy and negative perception of the politician by the public has to do with the hegemony that is being sewn by the ruling elite and a self-serving ideology. This reform is key and urgent if this nascent democracy is not to flounder. The shelved report on the review of the electoral system by Dr Van Zyl Slabbert should now be tabled before parliament for consideration and implementation.

The current system is arguably undemocratic and thus subverts the will of the people.

What empirical evidence and research attest to is that there is a disconnection between politicians and the people they are supposed to represent. The party system of deployment rather than direct election by the constituencies has forced politicians to pay more allegiance to the party (bosses) than to the electorate. At times politicians are frustrated by having to take instructions from party bosses who act in the name of the party, even though they may not agree with the mandates. There are at times instances of conflict of interest, consciousnesses, consciences, and policies between the bosses and individual politicians. The latest example one can cite pertains to Ms Barbara Hogan, former Minister of Health. At the time she decried, and in a very unprecedented style, criticised the government for not allowing the Tibetan spiritual, the Dalai Lama, a visa to visit South Africa. What was indisputable was the fact that there was neither a formal/official party nor government decision to deny him access to the country. However, party bosses denounced her, and ultimately she succumbed to party pressure and apologised. Recently, as Minister of Public Enterprises, Ms Hogan raised the ire of party bosses and the unions when she appraised the public enterprises and hinted that they are so unproductive that some of them will have to be privatised. Again, she was summoned to the ANC headquarters and not to the Union Building, to come and explain her views. Once more, she apologised. For how long is she going to be tolerated?

The above scenarios regarding Ms Hogan illustrate very clearly the internal conflict that politicians at times have to grapple with. As things stand to date, party loyalty is more important than the interests of the electorate and the nation. In this instance the state is subservient to the party.

This also leads to the blurring of lines between the state and the party. Party deployees pledged allegiance to the national constitution and not to the party. Section 9 institutions should ensure that democracy is not undermined by the government of the day. They should help nurture, develop, promote, and protect democracy. That is their principal mandate.

#### **RESULTS PATTERN AND POLITICAL IMPLICATIONS**

The results pattern confirms the view that those parties that have well-established infrastructures and a solid financial base have a good chance of doing well in the election. In the 2009 election, ideology, substance and or issues played a lesser role than political pedigrees, ethnic/tribal affiliations, race, and to a lesser extent/class. In the following order, the ANC, DA and COPE did well.

The Americanisation of the election process put small and financially strapped parties at a disadvantage. This feature seems to be here to stay and as a result one would be inclined to conclude that the withering away of those parties has begun. I think this would serve democracy better. South Africa is too small a country to afford one hundred and fifty parties competing for about twenty million votes. Multiparty democracy needs to be

encouraged but not over-stretched or abused.

The successful democracies of the world like India have two to three main political parties despite the size of the population. It is understandable, though, why the situation is as it is in Africa in the main, because political office is seen as a vehicle for self-enrichment rather than public service. Unless we make a transition from this ideological bankruptcy, the mushrooming of political parties will persist.

I suspect that due to natural attrition, and the rise in the political consciousness of the nation, the electorate will in the future be compelled to vote for bread and butter issues rather than sentiments and historical loyalties. In the process small parties might just wither away, and fewer parties with clear policies and the requisite resources will survive. That day is, in my opinion, fast approaching. It would be opportune that when it does, it finds the electoral system already reformed.

#### **GENDER ANALYSIS OF ELECTION RESULTS**

The provincial IEC office is awaiting the verification of the statistics by the national office. However, preliminarily, it appears that female voters, as informed, inter alia, by the voters' roll and turnout, were much higher than the males. This is consistent with the previous results in the province. And for some reasons unbeknown to us, the turnout is always much higher in the rural areas than in the cities and (peri) urban areas. There was also a commendable participation by the youth, and again the scale tilted in favour of young females.

## WESTERN CAPE

John Akokpari – University of Cape Town

SINCE the official declaration of the 22 April results by the IEC, social and political commentators have been analysing the outcome of the polls. One of the greatest questions was whether the voting pattern conformed to expectations. Another related to the gender dimension of the results – did the results and their aftermath highlight the prominence or the marginalisation of women in political life? And what are the implications of this development for the Western Cape? This update focuses on three main issues:

- i) The pattern of the results and its political implications
- ii) The gender dimension of the results, and
- iii) The challenges for the new Western Cape government.

### RESULTS PATTERN AND POLITICAL IMPLICATIONS

The results of the polls in the Western Cape are ambivalent in that they produced both surprises and confirmed expectations. In light of the huge euphoria that greeted COPE's inauguration in December 2008, there was massive expectation for it to do well – in fact to overtake the ANC and the DA as the dominant party in the province. However, it polled only 7.74 per cent of the provincial vote. Also disappointing was the performance of the ID. Many had expected that the ID, along with COPE, would draw many of the disaffected members of the ANC. Surprisingly, this did not happen. Rather, the ID lost ground to both COPE and the DA, polling only a paltry 4.68 per cent. This figure was almost half of the 7.97 per cent of votes it obtained in the 2004 election. Similarly, the Freedom Front Plus, which polled 1.24 per cent in 2004, managed less than 1 per cent in 2009. The ANC was perhaps not

too surprised by its poor performance. Various opinion polls preceding the elections pointed to the party's declining popularity. In spite of a last-minute membership drive to salvage its waning popularity, the ANC lost ground – obtaining only 31.55 per cent, although it had 46.28 per cent of votes in 2004. All political parties in the region, except for the DA and COPE (which did not exist in 2004), suffered losses in the 2009 polls, as indicated in Table 1.

The DA won an outright majority, polling 51.46 per cent of the total provincial votes and becoming the first political party to win an outright majority in the Western Cape since the demise of apartheid. As indicated in Table 1, the ANC was the only party which came close to winning a majority in 2004. However, falling short of an outright majority, the ANC formed a coalition with the now-defunct New National Party (NNP), which obtained 9.44 per cent, to form the provincial government. The DA's majority victory in 2009 was thus spectacular and unprecedented. Overall, the main victor in the 2009 election was the DA, which almost doubled its share of votes from 26.92 per cent in 2004 to 51.46 in 2009.

The political implications of these results for the province are far-reaching. Firstly, for the first time in the history of the province, the majority party has the choice of either governing the province by itself or

coalescing with other political parties. The DA was, from the outset, prepared to share power with other parties, besides the ANC. COPE looked the most likely preferred partner given the two parties' common antipathy for the dominance, and what they considered the arrogance and corruption of the ANC. The DA's overtures were, however, turned down by COPE, which preferred to remain distinct by staying clear of the DA. The ID was not initially a particularly attractive alliance candidate for the DA, given their past rivalries in the Cape. With a predominantly Coloured population, popular expectation was for the ID to garner a larger following in the province as the DA was often considered a 'White' party. The majority of Coloured votes, however, went to the DA, much to the disappointment of the ID. Moreover, Patricia de Lille, the ID leader, was highly critical of Zille's, (the mayor of Cape Town during the 2009 campaign) failure to improve the lot of the impoverished communities of the Cape Flats. In addition, the ideological posturing of the two parties seemed wide apart and could not be easily compensated for by their common dislike of the ANC. In the final analysis, however, Zille appointed the Chairperson of the ID in the province, Mr. Sakkie Jenner, to her cabinet. Jenner was put in charge of Cultural Affairs and Sport in the province. Thus, with

**Table 1: Comparison of Political Party performance in the Western Cape in 2004 and 2009**

Political Party	ANC	DA	ID	UDM	COPE	FFP
2004	46.28	26.92	7.97	1.85	N/A	1.24
2009	31.55	51.46	4.68	0.77	7.74	0.86

Source: Compiled from the national IEC official website.

the exception of Mr Jenner, the nine remaining cabinet posts were taken by the DA. Zille rationalised the inclusion of an ID member as part of the DA's 'drive towards inclusivity and [the] realigning [of] politics in South Africa ...'<sup>1</sup>

For the first time, the ANC, the dominant party at national level, has had to accept the reality of its status as the official opposition in the Western Cape. Historically, the ANC has, since 1994, never been in opposition; it has always been either the sole ruling party or has, as in the case of the Western Cape after the 2004 elections, governed in coalition with other political parties. With its failure to emerge dominant, the ANC was for the first time denied the right to either choose or influence the choice of the province's premier.

Consequent upon the emergence of COPE, the politics in the province and the party composition of its legislature have seen considerable changes. In addition to the emergence of a new majority party, there has also emerged a new party in COPE in the provincial legislature, which although being in opposition, will predictably strengthen opposition to the ANC more than to the DA. The post-April 22 composition of the provincial legislature is thus much different from what it was after 2004. Of the 42 seats available, the DA alone has 22, the ANC got 14, while COPE and the ID have three and two respectively. These numbers are significant since the combined votes of all the opposition parties cannot stop the passing of a DA majority decision in the assembly. The tide has changed in the politics of the Western Cape; the DA has risen from being an opposition party to being in government and we might see a new hunter-hunted scenario in the Western Cape.

#### **GENDER ANALYSIS OF THE RESULTS**

In the days preceding the 2009 elections, there was much talk about gender inclusivity and gender parity by political parties. At its

**Table 2: Female representation in the Provincial Assembly in the Western Cape after the 2009 elections**

<b>Party</b>	<b>Total No. of seats</b>	<b>No. of women</b>	<b>% of women</b>
ANC	14	7	50
COPE	3	1	33
DA	22	6	27

Polokwane conference in November 2007, the ANC resolved to have a 50/50 representation of men and women on its party lists. Similarly, upon its inauguration in December 2008, COPE committed itself to equal gender representation on its party lists. In fact, nearly all political parties in one way or another committed themselves to greater gender representation. The exception was the DA, which traditionally has been opposed to any principle of forced gender quotas in representation.

These commitments to gender quotas in representation are consistent with the South African post-apartheid constitution, which strives to create a non-racial, non-sexist and a gender-equal society. Yet, even before votes were cast on 22 April, Genderlinks bemoaned the absence of women's issues in the campaign messages of many political parties, especially COPE, the DA, IFP, UDM and the ID.

Nationally, women make up a higher percentage of the voting population, accounting for 51.68 per cent. In the Western Cape women constituted 54 per cent of the 2,634,439 registered voters in the 2009 election. The dominance of women in the voting population was rewarded by their increased representation in the provincial Assembly from 23.8 per cent in 1999 to 28.5 per cent in 2004. In spite of this development, only the ANC came close to meeting its commitment of giving 50 per cent representation to women. Of the 41 candidates on its provincial list, 19 were women – a figure slightly short of the 50 per cent representation. However, the ANC honoured its

pledge to reserve 50 per cent of its provincial Assembly seats for women. As Table 2 clearly shows, seven of the 14 members in the 42-seat provincial assembly are women. The DA's female representation of 27 per cent in the assembly is the worst among the parties. COPE has a modest percentage of 33. On aggregate, female representation in the provincial assembly is 36 per cent. Yet, though disappointing, this figure is slightly higher than the 29 per cent in 2004.

If the representation of women in the provincial assembly is poor, their representation in the cabinet is worse. The 10-member DA-selected cabinet is all male, with six being white. There is not a single woman in the cabinet except Helen Zille, the premier. In retrospect, throughout the campaign the DA had stopped short of committing itself to a 50/50 gender representation, as did the ANC and COPE. This stance was reflected in its national party list of which men comprised 70 per cent. This philosophy was implemented in the composition of the provincial cabinet which, to every observer's surprise, included no women. For many women activists in the country and beyond, the cabinet composition of the Western Cape represented a massive negation of the gains made to ensure larger female representation in the top institutions of governance.

#### **CHALLENGES OF THE NEW GOVERNMENT**

The DA government faces a great number of challenges, ranging from public criticism to service delivery. The all-male cabinet of the Western Cape government has become the

subject of much criticism from opposing political parties, women's groups and trade unions in the country. COSATU, the country's umbrella trade union organisation, threatened to take Helen Zille to the Equality Court for violating the principle of equality which, the organisation argued, was a fundamental principle in the South African constitution and also for undermining affirmative action. For her part, Zille maintained that her choice of cabinet was motivated by a desire to achieve the best results, stating that 'it was a difficult job determining who I should appoint and to where, but I applied the fit-for-purpose principle'.<sup>2</sup>

While criticism against Zille and her male cabinet is not expected to die out soon, Zille's government

faces an even more formidable challenge relating to service delivery. The ANC's dismal performance in the election is largely attributable to the public's perception of its failure to live up to its previous election promises. For many voters the ANC simply failed to meet popular expectations. The challenge for the new DA government is how to succeed where the ANC failed; to deliver what the ANC failed to deliver. This challenge is daunting given that the province has one of the widest gaps between the rich and poor; it has some of the largest informal settlements, and the most heavily impoverished communities in the country. Moreover, crime, drugs, insecurity, informal settlements, gangsterism and xenophobia are some of the many problems

afflicting the province. With unemployment rising, Zille also has the further challenge of creating an environment that is attractive to investors, both foreign and local. This is certainly going to be a difficult task in the midst of an escalating global economic meltdown and in a country officially in recession. The main challenge of Zille's government will fundamentally be how to craft innovative policies and strategies to mitigate, even eradicate, these social ills.

#### ENDNOTES

- 1 See 'Zille appoints Western Cape Cabinet' *Mail and Guardian online* 8 May 2009.
- 2 [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=13&art\\_id=vn20090509062831564C385341](http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20090509062831564C385341) (accessed 10/6/09)



## FREE STATE

KC Makhetha – University of the Free State

### POST-ELECTION PROCESSES

The elections of 22 April 2009 attracted attention from domestic and international observers. Because South Africa is a young democracy, observers were interested to see how far the country would take democratic principles and especially the electoral code of conduct. The determinant of success would be the declaration of an election as free and fair. In this article, the focus is on election observation and monitoring in the Free State province.

The roles of observation and monitoring can be stretched to include not just the domestic and international observers, but also the role played by political party agents and the Conflict Management Committees. The role the security forces played is also a monitoring role that goes even a step further to take action against those disregarding the rules of the game during an election. The role of observation and monitoring requires that role-players be alert and present as from the pre-election phase, through to Election Day, and until all processes are completed in the post-election phase. Reports have to be written and submitted to the IEC at national level, so as to be considered for the improvement of processes going forward.

### OBSERVING NATIONAL AND PROVINCIAL ELECTIONS 2009

The Electoral Commission invited domestic and international observers to play the role of enhancing the transparency and credibility of elections and acceptance of results. Without interfering with the voting and counting process, these missions gather information at polling stations in order to provide informed judgements about transparency, credibility and legitimacy of the voting process.

Observing elections may also provide assistance in preventing, transforming and managing election-related conflicts through timely reporting as well as identification of strengths and possible weaknesses of the election process as a whole.

Observer missions can take place in three phases – 1) Pre-election Phase; 2) Election Phase; 3) Post-Election Phase – but for 2009 missions seemed to have preferred to observe the Election Phase due to the perception that South African democracy has matured and gained a degree of credibility.

Observers submit their reports to the national office of the Electoral Commission but domestic observers may submit their reports to the provincial office.

### CONTENTS

<b>FREE STATE</b>	<b>192</b>
<b>GAUTENG</b>	<b>195</b>
<b>KWAZULU-NATAL</b>	<b>199</b>
<b>LIMPOPO</b>	<b>205</b>
<b>NORTH WEST</b>	<b>207</b>
<b>WESTERN CAPE</b>	<b>212</b>

Observers as viewed by the IEC in the Free State:

*Observer missions are essential to assist in the identification of potential conflicts which may lead to election disruptions and also to bring attention to aspects of elections that need attention for improvement, alteration or total change. For instance, domestic observers have raised the issue of intensifying the training of electoral staff, especially temporary staff at polling stations, and more accurate supply chains and logistics management.*

### **DOMESTIC ELECTION OBSERVERS**

The role of domestic observers is crucial for the Free State province mainly because the people and organisations involved would understand the circumstances better an appreciation of the context and social dynamics of the areas they would focus on. It remains a concern that almost all people who came for briefings by the IEC, and who were supposed to be domestic observers, were not even accredited as yet and were also not aware of what the role entails. This was a concern because the pre-election phase had already begun. Political parties were campaigning and holding rallies, and the organisations which were supposed to observe did not even understand what it was they needed to observe. To their mind, Election Day was the only day that mattered.

Below (Table 1) is a list of domestic observers who were accredited as well as the municipalities that they covered.

**Table 1: Domestic observers**

<b>Name &amp; Surname</b>	<b>Organisation</b>	<b>Area of Deployment</b>
Sina Moeketsi	South African Council of Churches	All municipalities
Lineo Zwane	Infortex	MANGAUNG
M. Ntechane	Young Women Christian Association	MANGAUNG

Source: Information provided by the Free State IEC

This situation of few domestic observers requires attention. It is a clear indication that more education on elections and civic responsibilities is crucial. Training on the role of observers will be appreciated by many people and organisations who would want to be accredited to play the role in future elections, starting with the local government elections of 2011. It is important that South Africa and the Free State province should have a pool of credible observers who will contribute to the monitoring and observation of democratic principles around elections.

It is cause for serious concern that there were not many observers accredited to observe the elections of 2009 in the Free State. Whether this is due to a lack of interest or lack of information needs to be investigated by the provincial IEC. That includes following up on the institutions of higher learning in the province, such as the University of the Free State (UFS) and the Central University of Technology (CUT), as they also did not feature among domestic observers and could play a useful role in both contributing to the electoral process and encouraging their students to play a more active citizenship role.

Domestic observers should be people and organisations with credibility. The role requires a commitment to objectivity and a proven record of such outstanding behaviour. The organizations should be aware of the guidelines, rules and regulations governing the elections and should also be clear about what they want to assess in their observer role. The observers should

be prepared to write a report at the end of the process – a report that will provide constructive input, advice and recommendations for the IEC. All this should be done at their own cost, according to the accreditation agreement.

### **INTERNATIONAL OBSERVERS AND THEIR ROLE**

There were several teams of international observers in the Free State, including those from the African Union (AU), and among them an Ambassador from Sierre Leone and also from the Pan-African Parliament (PAP). Others appear in the list provided further on.

The role of the international observers was one that was more supportive and developmental in nature. International observers were impressed by the high levels of tolerance in comparison to 1994 elections and, for them, there was growth and maturity developing around elections and campaigning.

It is important to note that the AU and PAP observer missions have clear guidelines and objective standards that govern them. Those of PAP are done in line with the SADC Principles and Guidelines governing democratic elections. The AU also has clear mandates, rights and responsibilities for observation and monitoring missions. These are clearly spelt out in detail.

Table 2 lists international observers and the municipalities they covered in the Free State, as provided by the IEC in the Free State.

### **INTERNATIONAL OBSERVERS**

The role of international observers is valuable for young democracies like South Africa and in particular, the Free State province. Inter alia, the role entails evaluating the preparedness of the IEC, assessing how free and fair the whole election was, and observing pre-election, election and post-election processes. The international observers play more of a monitoring role than just observing.



International observers understand that elections make governments and these governments have to deliver services to society. When they observe elections, they go into the detail of checking the levels of accountability that have been in practice, as well as gauging the level of participation of the civil society in general. With an understanding of what the AU stands for and also knowing that governance issues are high on their agenda, it becomes important for their observation of an election to assess the quality of governance and the institutions created to protect and deepen democratic principles. It is important to note that international observers were given access to all documents and legislation necessary for them to do their job.

International observers bring experience and exposure. They serve to elevate the standard of elections and contribute to the legitimacy of the process. Observers from the outside bring a fresh outlook and

therefore help develop electoral processes further.

As outsiders, the level of freedom is greater and there is less influence on their observations. They work independently and have a high level of integrity.

#### **PARTY AGENTS AND THE MONITORING ROLE**

The decision to include the role played by party agents in the monitoring role is a sound one, given that declaring an election to be declared free and fair, and to be accepted by all, rests on the impression of party agents as well.

Party agents have a role to be present and alert in monitoring processes of an election, and have a responsibility to report to their party leaders on any matter. They have to be aware of every aspect of the election process and check procedures and safeguard the interests of the respective political parties. When everything is said and done and results are announced, the onus

is on the political parties and their members/supporters to offer their impressions. Based on this feedback, all matters can be resolved and details settled.

Party agents were empowered to do their job in the April elections to observe and know the do's and don'ts of serving as party agents. Being members of the respective political parties, who have been selected and registered by the political parties to serve as the eyes and ears of the party throughout the election process, party agents are trained to be vigilant, and to ensure that the voting processes are procedurally correct and just. The party agents worked closely with the presiding officers at voting stations and were involved in all situations whenever voters needed assistance.

As stated in section 59 (1) – (3) of the Electoral Act, Act 73 of 1998, the powers and duties of agents are very clear and if expressed well during elections, then the party agents would not be in doubt or in conflict

**Table 2: International Observers**

	<b>Name &amp; Surname</b>	<b>Country</b>	<b>Organisation</b>	<b>Area of Deployment</b>
1.	Reza Isscak	MP Mauritius	SADC (PARLIAMENTARY FORUM)	Mangaung
2.	R. F. Shea	MP Lesotho	SADC (PARLIAMENTARY FORUM)	Mangaung
3.	Clare Musonda	Zambia	SADC (PARLIAMENTARY FORUM)	Mangaung
4.	Jeremiah Msibi	Swaziland	SADC	Mangaung
5.	George Bello	Malawi	SADC	Mangaung
6.	Hon. N. Mpofu	Zimbabwe	SADC	Mangaung
7.	Ibrahim Mkwawa	Tanzania	SADC	Mantsopa
8.	Rodrigues Muebe	Mozambique	SADC	Mantsopa
9.	Mika Angula	Namibia	SADC	Mantsopa
10.	Lisiany Da Silva	Angola	SADC	Mantsopa
11.	Justin Mwansa		SADC	Moqhaka
12.	Sara Rwambali		SADC	Moqhaka
13.	Cathrine Lishomwa		SADC	Moqhaka
14.	Ambassador Andrew Bangali		AU	Mangaung
15.	Hon. Omar Musa		AU	Mangaung
16.	Annissa Izidine		EISA	Mangaung
17.	Egidio Manais		EISA	Mangaung

Source: IEC Free State office

with the presiding officers at voting stations.

In the Free State province, party agents played their role very well during the voting process as well as throughout counting. According to the media briefing done by Mr Mepha, the PEO of the Free State, no complaints were registered from voting stations, with regard to the fairness of the process.

Party agents continued to oversee the counting process, until completion. They were present when results were verified by auditors from PricewaterhouseCoopers in the different municipalities. A high level of transparency was allowed and that improved the level of trust in the system. The level of transparency also made it easier for the media to do their job, bringing fresh updates to the communities continuously.

#### **SECURITY FORCES: MONITORING AND ENSURING SAFETY**

The monitoring role of security forces is critical. The assurance was given by the security forces in the Free State that peace would be maintained throughout the province. Plans were in place and even troubled areas in need of extra attention had been noted and provided with extra security.

The role of the security forces is critical to create an environment

conducive for free elections. For the security forces to perform their duty well, it is essential that they understand the significance of elections and processes involved, and, for this, the police and the military component allocated to the 2009 national and provincial elections had been taken through training by the IEC team of the Free State.

A report is expected from the security forces as well, in order to give guidance and advice to the IEC in the Free State. Debriefing sessions within the police and military would assist in the development of the report. All involved understand that the intention is to build a better country and deepen the principles of democracy. The same goes for Conflict Management Committees.

#### **CONFLICT MANAGEMENT COMMITTEES' PROACTIVE ROLE TO CURB CONFLICT**

Conflict Management Committees were set up to mitigate and resolve conflict where it occurred, and training in this respect was provided for the purposes of resolving and preempting problems, thereby ensuring a free and fair election.

Dr Brigalia Bam also talked about the Party Liaison Committees (PLCs), which were created as a platform for political leaders to ensure that all stakeholders have the same understanding of electoral codes and processes. This

platform is also there for consultation processes, and, when used optimally, violence and conflict can be avoided.

From these committees as well, reports are expected. Given that they were actively resolving conflict, one would expect reports with regard to their observations, as their role needs to be improved continuously in order to ensure better performance during elections to come.

#### **CONCLUSION**

Observing and monitoring elections brings a lot of value and credibility to the processes. It is clear that there are concerns about the number of domestic observers involved in observing elections, especially in the Free State. There was satisfaction with the role of international observers, who provided feedback to the IEC provincial office. This was a gesture that was appreciated, since it allows the provincial IEC to develop early warning systems and from the experience and advice of international observer missions.

#### **REFERENCES**

- IEC Free State province.
- IEC Briefing sessions for Observers, Free State.
- IEC document on Observers of NPE 2009.
- AU Observers.

## **GAUTENG**

**Ebrahim Fakir** – EISA and **Shaheen Buckus** – Independent Researcher

#### **ELECTION OBSERVATION AND MONITORING**

Election monitoring and observation are key instruments for evaluating and assessing whether or not the electoral process in any given country has been conducted in a transparent and credible manner. In addition, monitoring and observation can assist a country holding

elections to prevent, manage or transform election-related conflicts through impartial and timely reporting as well as identifying strengths and possible weaknesses of the election process as a whole.<sup>1</sup> The process of monitoring and observation, provided it is done thoroughly and credibly, can yield significant insights into identifying

areas requiring attention and reform in enhancing the electoral process, and if not of such high order, at the very least identify areas in which electoral management and administration can be improved. We aim here firstly to cover the legislative context governing election observation and monitoring, secondly, the composition of the observer

missions and thirdly, to outline the principles of election monitoring and observation. Election observation and monitoring of the national and Gauteng Province elections are sketched, and finally a few recommendations are proffered.

### **LEGISLATIVE CONTEXT GOVERNING ELECTION OBSERVATION AND MONITORING**

The regulations governing election observation and monitoring are provided for in the Electoral Act 73 of 1998. Section 84 of the Act provides for the accreditation of observers.<sup>2</sup> In terms of accreditation, the commission may accredit an observer after considering an application and whether:

- a) The accreditation of the applicant will promote conditions conducive to a free and fair election; and
- b) The persons appointed by the applicant will
  - (i) Observe that election impartially and independently of any registered party or candidate contesting that election;
  - (ii) Be competent and professional in observing that election; and
  - (iii) Subscribe to a code governing observers issued by the Commission in terms of section 99.

Section 85 provides for the powers and duties of accredited observers. The section stipulates that a person appointed by an accredited observer for that election can observe proceedings concerning voting, the counting of votes and the determination and declaration of results.

The Electoral Commission has, in terms of section 99 (3) read with section 84 (3)(b)(iii) of the Electoral Act, 1998 (Act No. 73 of 1998), compiled and issued the Code of Conduct for accredited observers.<sup>3</sup> The Code of Conduct requires that every accredited observer and every person appointed by that observer should:

- Observe the election impartially and independently of any registered party or candidate contesting the election.
- Remain non-partisan and neutral.
- Be competent and professional in observing the election.
- Provide the Commission with a comprehensive review of the elections, taking into account all relevant circumstances including:
  1. The degree of impartiality shown by the Commission;
  2. The degree of freedom of political parties to organise, move, assemble and express their views publicly;
  3. The opportunity for political parties to have their agents observe all aspects of the electoral process;
  4. The fairness of access for political parties to national media and other resources of the state;
  5. The proper conduct of polling and counting of votes; and
  6. Any other issue that concerns the essential freedom and fairness of the election.
  7. Comply with all instructions given and every obligation imposed by
    - (i) The Commission;
    - (ii) Any electoral officer; or
    - (iii) Any employee or officer of the Commission; or
    - (iv) A member of the security services acting on the instructions of an officer.

### **PRINCIPLES OF ELECTION MONITORING AND OBSERVATION (PEMMO)**

The principles of election monitoring and observation were developed by the Electoral Commissions Forum of SADC countries and EISA and jointly agreed to between electoral management bodies and civil society organisations in November 2003. The following principles inform election monitoring and observation:<sup>4</sup>

- Monitoring and observation missions should deploy pre-election

observer teams a few months ahead of voting day to assess the climate in the run up to the elections.

- Monitoring and observer missions should prepare timeously for the elections so that adequate logistical arrangements can be made well in advance of polling day.
- Observer and monitoring missions should ensure that all participants declare any conflict of interest.
- Election monitoring and observer missions need to possess adequate knowledge of the country holding the elections.
- The election monitoring body (EMB) or any other relevant body should invite and accredit election observer missions timeously. The accreditation should be speedy and non-discriminatory.
- Upon accreditation, election monitoring and observer missions should be accorded the same legislative protection given to citizens of the host country.
- Monitoring and observer missions should compile a check list defining their scope and should organise briefing and debriefing meetings with key stakeholders such as the media and political parties, among others.
- Electoral conflict management bodies may use reports from monitoring and observer missions to contain conflict. Monitoring and observer missions should produce and distribute press releases and interim and final assessment reports to help the EMB and other interested parties identify any constraints and shortcomings of the election.
- Monitors and observers should use these principles to assess future electoral processes in the SADC region.
- The EMB must, in consultation with relevant stakeholders, develop a code of conduct for election observers and monitors in accordance with the constitution and laws of the host country. The code of conduct should not impinge upon monitors and observers in discharging their duties.

The code of conduct should regulate their behaviour in line with, among others, the following salient values:

- To abide by the constitution and laws and to respect the cultures and traditions of the host country.
- To declare any conflict of interest and to act in a strictly impartial manner toward all stakeholders.
- To refrain from actions that could lead to perceived sympathy for a specific candidate or party and to desist from wearing any party symbols or colours.
- To contribute to the legitimisation of the electoral process.
- To support the enhancement of political, social, legal and human rights.
- To uncover and disclose to the public any irregularities and malpractices for possible redress.
- To increase public confidence and to show support for those directly involved in the electoral process.

#### **COMPOSITION OF OBSERVER MISSIONS TO THE NATIONAL AND PROVINCIAL ELECTIONS**

It is estimated that about 5,000 national and 355 international election observers were deployed in the country for the 2009 elections. The following represents a breakdown of domestic and international observer missions.

##### *National observer missions:*

- South African Civil Society Election Coalition (SACSEC): the main national observation body made up of the South African Council of Churches, the South African NGO Coalition, the Electoral Institute of Southern Africa, the Co-operative of Research and Education, the Federation of South African Christian Students, the KwaZulu-Natal Democratic and Elections Forum and the Democracy and Development Programme.<sup>5</sup>
- Election Monitoring Network made up of IDASA, Action for South Africa, the South African Council of Churches-Western Cape, the South African Catholic Bishops Conference, the Western Cape Religious Forum, the Justice and Peace Commission of the Archdiocese of Cape Town, the Quaker Peace Centre, the Centre for Conflict Resolution and the Black Sash.<sup>6</sup>

##### *International observer missions:<sup>7</sup>*

- African Alliance for Peace (AFAP)
- African Union (AU)
- Association of African Electoral Authorities (AAEA)
- Commonwealth
- EISA
- Electoral Commissioners' Forum of SADC
- SADC Parliamentary Forum
- Southern African Development Community (SADC)
- Senegal Peoples' Development Institute

#### **OBSERVATION AND MONITORING:**

##### **NATIONAL SCENARIO<sup>8</sup>**

SACSEC observation methodology is underpinned by the PEMMO. SACSEC trained and deployed 1,500 observers in all nine provinces. In addition it deployed 100 pre-election observers who attended political party rallies and other meetings in the run-up to the elections.

The main findings of the SACSEC observer mission centred on the role of the IEC, voting day and polling and counting stations, voter education, political parties and party agents.

#### **ROLE OF THE IEC IN THE CONTEXT OF THE ELECTIONS**

The IEC was commended and saluted by SACSEC for the efficiency and transparency of the elections. EISA unequivocally found that the elections conformed to the PEMMO and other internationally recognised standards that conferred credibility and integrity upon it. Despite

technical glitches (late delivery of ballot boxes, ballot papers and ballot and VCE forms running out), the elections were run smoothly by the IEC.

More than 90 per cent of electoral officers performed their functions competently. In many stations the IEC staff appeared to require intense training as SACSEC observers assisted them. On other occasions observers were asked to clarify procedures and provide information on voting and counting procedures.

#### **POLLING STATIONS AND VOTING DAY**

There were 19,726 voting and counting stations countrywide. The counting of ballots and the release of results met international standards in terms of quality and timeousness of release. The accessibility of polling stations was enhanced due to the increase in the number of polling stations. Notwithstanding this, SACSEC did observe that in some polling stations provision was not made for people with disabilities, the infirm and pregnant women.

Problems that were encountered on voting day included the shortage of ballot papers and boxes in the Gauteng and Western Cape and the late arrival of ballot papers at some stations in Gauteng. Further, the amendment in the electoral law to afford people the opportunity to vote at any station added to logistical problems. Despite these hiccups, voting proceeded smoothly and the incidents did not compromise the overall efficiency of the elections.

#### **VOTER EDUCATION**

Irrespective of the role of the IEC in the provision of voter education, it remains a colossal challenge due to the size of the country and the different levels of formal literacy. The primary reason for spoilt ballots can be attributed to a lack of voter education. Furthermore, voters find the process daunting and some party agents capitalise on this. For example, many voters asked questions such as where and what to vote for.

## **POLITICAL PARTIES AND PARTY AGENTS**

In general, political parties and their representatives behaved exemplarily. However, some parties set up stations too close to the voting station, while others engaged in distributing party literature. Also, some party agents were poorly prepared and trained on the electoral process.

## **MONITORING AND OBSERVATION: GAUTENG<sup>9</sup>**

Gauteng SACSEC divided Gauteng into six regions and identified and appointed two provincial co-ordinators and either one or two regional co-ordinators from among the ten partner organisations. The six regions were: Vaal, Tshwane, West Rand, Ekurhuleni, Soweto and Johannesburg. One hundred and twenty four observers were deployed throughout the six regions and they used the PEMMO as a yardstick to assess the elections.

## **ROLE OF IEC IN CONTEXT OF ELECTIONS**

The IEC based in Gauteng was prepared for the elections in terms of logistic and administrative arrangements, despite the problems of long queues and ballot paper shortages. Staff were identified, recruited and trained in advance. Further mobile stations were identified and arrangements for special votes were in place.

The IEC arranged two specific voter registration weekends. It had a visible campaign to encourage registration including the print media, television and radio. It also put in place conflict management panels at provincial level where trained mediators were available to assist in resolving election disputes.

## **POLLING STATIONS AND VOTING DAY**

Observers witnessed that voting stations opened on time and electoral staff followed the correct procedures. The observers in Gauteng

noted that many voting stations ran out of ballot papers and boxes. This is attributed to the fact that voters registered in other provinces opted to vote in Gauteng, coupled with other voters who opted to vote outside their voting stations. This culminated in a shortage of ballot papers and long queues. In addition, these problems resulted in several polling stations not closing on time.

## **VOTER EDUCATION**

SACSEC, using the regional co-ordinators, identified 250 community voter educators across the six regions. Co-ordinators attended a 'train the trainer' course and in turn identified, recruited and trained the voter educators in their respective regions.

Community trainers were each required to facilitate 10 workshops in their respective areas. All in all community trainers were able to facilitate 1,698 workshops, reaching 31,890 prospective voters, 14,601 of whom were men and 17,289 were women, during the period mid-February to mid-April.

From the perspective of SACSEC a number of lessons were learnt from the voter education exercise. These included the time needed to oversee and supervise community trainers and the energy required to implement a programme of this nature.

## **POLITICAL PARTIES AND PARTY AGENTS**

Party agents from a broad array of political parties in Gauteng were present, such as the ANC, DA, COPE, UDM, IFP, ID and PAC. No incidents involving political party agents were recorded.

There was a new regulation allowing political parties to engage in lawful and legitimate election related activities outside of voting stations. However, some political parties abused this regulation because in some stations presiding officers requested them to remove tables and banners.

## **RECOMMENDATIONS BY SACSEC AND EISA**

- In terms of training, SACSEC recommends that the training of IEC staff should be intensified and quality controlled to ensure uniform application. Further, SACSEC proposes that party agents be trained in their roles and responsibilities. In the same vein, EISA recommends that training of election officials should be adequate so that they understand and apply procedures uniformly.<sup>10</sup>
- EISA recommends that planning take into account the maximum amount of people who would vote, in order to obviate the shortages of election material nationally and in Gauteng.
- EISA proposes that the number of polling stations should be increased to cater for larger amounts of voters.
- SACSEC recommends that an intensive voter education programme is required in all nine provinces and especially in remote large rural communities. Furthermore, the size of Gauteng necessitates that more voter education take place.

## **CONCLUSION**

The elections were conducted in accordance with the PEMMO electoral standards and good practice. The voters were enthusiastic and demonstrated their confidence in the elections as many turned out to cast their vote nationally, thus ensuring the secrecy of the ballot.

In the same vein, in Gauteng, observers found that voting and counting proceeded in accordance with the regulations, with staff committing themselves to ensuring that the process ran efficiently.

## **ENDNOTES**

- 1 Electoral Commissions Forum and Electoral Institute of Southern Africa. (2003). *Principles of Election Management, Monitoring and Observation*. Available from <http://www.eisa.org.za/PDF/pemmo.pdf> (accessed 10 November 2009).

- 2 Government of South Africa. *Electoral Act no 73 of 1998*. Available from <http://www.info.gov.za/view/DownloadFileAction?id=70732> (accessed on 27 May 2009).
- 3 Independent Electoral Commission. *Regulations Concerning the Accreditation of Observers and Code of Conduct for Accredited Observers*. Available from <http://www.elections.org.za/Observers.asp> (accessed on 20 June 2009).
- 4 Electoral Commissions Forum and Electoral Institute of Southern Africa. (2003). *Principles of Election Management, Monitoring and Observation*. Available from <http://www.eisa.org.za/PDF/pemmo.pdf> (accessed 10 November 2009).
- 5 South African Civil Society Election Coalition. (2009). *Report on the 2009 national and provincial elections*. Johannesburg: SACSEC.
- 6 Election Monitoring Network. *Election Alert No3 April 2009*. Available from [www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID](http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID) (accessed 19 June 2009).
- 7 Electoral Institute of Southern Africa. *South Africa: Election Observer Missions to 2009 Elections*. Available from <http://www.eisa.org.za/WEP/sou2009eom.htm> (accessed 23 June 2009)
- 8 This section is drawn from: South African Civil Society Election Coalition. (2009). *Report on the 2009 national and provincial elections*. Johannesburg: SACSEC.
- 9 This section is drawn from: South African Civil Society Election Coalition. (2009). *Report on the 2009 national and provincial elections*. Johannesburg: SACSEC.
- 10 EISA: EISA interim statement EISA observer mission to the 2009 South African National and Provincial Elections. Available from <http://www.eisa.org.za/EISA/pr20090424.htm>. (Accessed June 23).

## KWAZULU-NATAL

Salomé van Jaarsveld – ACCORD (writing in personal capacity)

### INTRODUCTION

In providing an analysis of elections monitoring in South Africa and in KwaZulu-Natal during the 2009 elections, the legal context of elections monitoring will be outlined. This is followed by a brief discussion of the main international and domestic election monitoring missions and their findings. In the context of critiques against observer missions, elections observation in the province and nationally will be analysed.

### ELECTIONS OBSERVATION IN SOUTH AFRICA

The main instruments governing the conduct of elections in South Africa include the Electoral Act, 73 of 1998; the Electoral Commission Act, 51 of 1996; the Public Funding of Represented Political Parties Act, 103 of 1999 and the Independent Broadcasting Authority Act, 153 of 1993. To this end, the Electoral Act 73 of 1998 sets out the role of observers during polling.<sup>1</sup> The act determines, *inter alia*, that observers can observe the elections with respect to any voting procedure and all the steps of the counting process, including being present to view the opening of the seals of the ballot boxes and all the containers

before counting. Observers can also take notes and write reports on all aspects of the counting process and raise any possible concerns with the Counting Officer. This of course does not limit the activities of observers to the day of the elections and most observer missions start observation missions in the run-up to elections and continue until after counting.

Schedule B of the Electoral Commission Regulations Concerning the Accreditation of Observers and Code of Conduct for Accredited Observers sets out that an observer and any person appointed by that observer should be non-partisan, neutral, competent and professional. It also states that observers should provide the Commission (IEC) with a comprehensive review of the elections taking into account all relevant circumstances including:

- the degree of impartiality shown by the Commission;
- the degree of freedom of political parties to organise, move, assemble and express their views publicly;
- the opportunity for political parties to have their agents observe all aspects of the electoral process;

- the fairness of access for political parties to national media and other resources of the state;
- the proper conduct of polling and counting of votes;
- any other issues that concern the essential freedom and fairness of the election.<sup>2</sup>

### OBSERVER MISSIONS TO THE 2009 NATIONAL AND PROVINCIAL ELECTIONS

It is estimated that 5,000 national and 355 international election observers were deployed in the country in the 2009 elections,<sup>3</sup> with 2,000 national and international observers in KZN alone.<sup>4</sup>

The main national observation effort was undertaken by the South African Civil Society Election Coalition (Sacsec) a network of South African non-governmental and civil society organisations. Sacsec is a national initiative of over 40 non-governmental and faith-based organisations committed to free, fair and credible elections. Since 1995, the coalition has trained and deployed over 5,000 domestic observers for national, provincial and local government elections.<sup>5</sup> The network is co-ordinated nationally by the South African Council of Churches (SACC) and provincially

by partner organisations such as the Electoral Institute of Southern Africa (EISA), the South African Catholic Bishop's Conference and the KwaZulu-Natal Democracy and Election Forum (KZNDEF). A number of smaller bodies such as the Election Monitoring Network (EMN) also deployed observers.

The main international (or African) observation efforts were undertaken by the Electoral Institute of Southern Africa (EISA), the African Alliance for Peace (Afap), the African Union and the Southern African Development Community (SADC). Other international teams were the Association of African Electoral Authorities (AAEA), the Commonwealth, the Electoral Commissioners' Forum of the SADC, the SADC Parliamentary Forum and the Senegal Peoples' Development Institute. The European Union did not send an observer team, saying that they would only send teams if there was potential for violence or instability. The European countries accredited their diplomats in Pretoria to act as observers, however.<sup>6</sup>

#### **KZNDEF**

After deploying more than 2,000 monitors to at least 85 per cent of voting stations in the province in 2004, the KZNDEF also deployed domestic observers in the province<sup>7</sup> in 2009 as part of its coalition with Sacsec. The KZNDEF network is wide and inclusive, and includes the KwaZulu Natal Christian Council (KZNCC) network and the KwaZulu-Natal Community Based Organisation Coalition (Comboco), a network of 500 member organisations.<sup>8</sup> Sacsec trained and deployed 1,500 observers nationally to scrutinise the entire electoral process in all provinces – a third of those observers were deployed in KZN, as part of the coalition with the KZNDEF. Traditional hotspots for violence – most in KZN – were carefully monitored in the run-up to and during elections. Sacsec also deployed 100 pre-election observers nationally who attended rallies

and political meetings and events in the electioneering period. Seven international observers were also deployed in Gauteng, KwaZulu-Natal and the Western Cape. It is felt that their presence and visibility contributed to the smooth running of the elections at voting and counting stations.

In KZN, Comboco led on polling and counting observation. Comboco itself deployed 440 observers and in total 27 KZNDEF observers per district were deployed in the province.<sup>9</sup> In a press statement on 24 April 2009, Sacsec declared that it was 'satisfied that South Africa's fourth round of national and provincial elections were conducted in a substantially free, fair, transparent and credible manner'.

Notwithstanding its commendation of the IEC's work and the ruling to allow overseas voters to participate in elections, the statement notes that the network was concerned about incidents of political violence and political intolerance such as disruption of party meetings, election posters being removed or defaced and parties denied access to venues. The observers recognised that technical issues had to be addressed on election day, such as late delivery of ballot papers, and some voting stations running out of ballot papers, ballot boxes and VEC4 forms. Despite these glitches the observers were of the opinion that this did not materially affect the overall smooth running of the election. Sacsec noted their satisfaction with the high level of professionalism displayed by election officials. IEC's use of modern technology played a major part in delivering a transparent election of which the nation could be proud.<sup>10</sup>

#### ***Election monitoring network***

A number of smaller bodies such as the Election Monitoring Network (EMN) also deployed a few observers. The EMN is a collaboration between civil society organisations in South Africa. The network deployed teams of 500 independent and trained community member

monitors nationwide to keep a lookout for election related abuse or violence. The EMN members were drawn from the Institute for Democracy in Africa (Idasa), Action for a Safe South Africa, the South African Council of Churches – Western Cape, the Western Cape Religious Leaders Forum, the Southern African Catholic Bishops' Conference, the Justice and Peace Commission, the Quaker Peace Centre and the Black Sash.<sup>11</sup>

The network deployed monitors as early as November 2008 and by March had identified a number of areas of concern, which it raised publicly. These included warnings against using the xenophobic violence of 2008 as a campaign tool; calls for the taxi industry not to act on its threats to disrupt elections because of its dispute with government about the bus Rapid Transit System; warnings against redeploying, as part of restructuring work, police officers between stations in the run-up to elections and concerns about the use of social grants as a tool to manipulate voters. The EMN also revealed that it had found 'instances of political parties pushing the Independent Electoral Commission to take on a partisan role in the hope that this will help them settle scores with other parties'. It also identified attempts to undermine the legitimacy of the IEC and how such manipulation could be used as a ploy by political parties to reject the election results.<sup>12</sup> The Election Monitoring Network (EMN) reported on the day of elections that the day was marked by calm and peace with no major incidents of violence or intolerance.

The organisation believes that citizens are becoming politically more mature, that political parties have been restraining themselves and importantly, that the vigilance and number of election monitors may have averted some incidents. It also recorded that no one party was claiming all the 'political space' evident in the absence of no-go areas.<sup>13</sup> A day after the elections the network gave their provisional endorsement by labelling the process as 'credible'. Despite some administrative and

management issues on election day, the network did not believe that anyone had any underlying agenda that undermined the democratic process, not least, fraud.<sup>14</sup>

#### *African Alliance for Peace (Afap)*

In a joint domestic and African violence observer effort in the KZN province, former Nigerian President, Olusegun Obasanjo, headed the African Alliance for Peace (Afap) election observer mission, a collaboration between the Umhlanga-based African Centre for the Constructive Resolution of Disputes (Accord), the Nairobi Peace Initiative and the West Africa Network for Peace.<sup>15</sup>

Members of the observer mission were deployed throughout the province, and particularly in hotspots such as Nongoma, Ulundi and other IFP strongholds in the north of the province, to observe and monitor the levels of violence and intolerance.<sup>16</sup> President Obasanjo noted that improved levels of political tolerance were testimony to a maturing democracy. While the teams observed a number of incidents of minor political intolerance in KZN, it was noted that these were not systematic or widespread and thus the mission believed the process to be sufficiently free, fair and transparent so as to reflect the will of the people of the province. The IEC was also commended for its work, despite the logistical issues it faced on the day.<sup>17</sup>

#### *Electoral Institute of Southern Africa (EISA)*<sup>18</sup>

The EISA observer team comprised 34 individuals from election bodies, civil society organisations and academic institutions across Africa and was led by Professor Ade Adefuye, Senior Governance Adviser at the Economic Community of West African States (Ecowas). Fifteen teams were deployed across South Africa, with four teams in KwaZulu-Natal. In total, the teams visited 234 stations nationally. EISA's monitoring started in January 2009

when it recruited researchers in each province to prepare election updates on each province (of which this update is one). It also held stakeholder meetings with, *inter alia*, the IEC, civil society organisations, local government, other observer missions and political parties. The observers also attended political rallies.

In an interim statement<sup>19</sup> released on 24 April 2009, the mission provisionally reported on a range of pre- and post-polling issues. It noted major successes. The IEC for displaying 'utmost competency' and the SABC for the role it played in diffusing pre-election tensions through its political party debates that focused on issues which were not divisive, regional, ethnic or personality matters. It also highlighted the valuable role the ROCs played to enhance transparency and integrity and the role electoral staff, conflict mediators and additional security staff, in KZN particular, played in conflict management. The mission also commended the IEC and civil society organisations who undertook extensive voter education in the run-up to elections. Finally, it notes that special voting and external voting (for citizens abroad) will be an 'inspiration for other African countries in democracy building'.

The statement outlines a number of areas of concern such as incidents of political violence and intimidation during campaigning in KZN in particular, instances of hate speech and mudslinging. It also noted the disruption to voting in some areas as a result of ballot papers and boxes running out. Counting delays occurred because some election officials did not adequately understand and apply counting procedures. Procedures not applied uniformly – e.g. some polling stations used one box for both national and provincial ballots; ballot seals not applied uniformly. EISA will be producing a comprehensive report covering the entire election process, which will contain in-depth analysis, detailed observation and recommendations.

Other, mostly African, observer teams that were deployed nationally and in KZN included a Southern Africa Development Community (SADC) observer team and a team from the African Union. The SADC sent 100 observers earlier in April, for the elections.<sup>20</sup> The African Union deployed a team of 42 observers to the elections a week before. The mission was led by Dr Salim Ahmed Salim, the former prime minister of Tanzania and former secretary-general of the Organisation of African Unity. Dr Salim noted that the team was not in the country for an investigation but to show support for the process.<sup>21</sup> AU observers included members of the AU Parliament, officials from African election bodies and civil society representatives. The statement released on 24 April by the AU mission largely mirrored the commendations and concerns of the EISA mission. It judged the election process to be free, fair and credible. (For more observer analyses on polling and post-polling processes see KZN Election Update 8.)<sup>22</sup>

#### **THE PURPOSE OF ELECTORAL OBSERVATION AND MONITORING**

International, regional and local electoral observation and monitoring have become an integral part of the democratic and electoral processes in Africa. The intended purpose of election observation is to contribute to the strengthening of democratic processes and institutions by providing support to ensure elections are peaceful, credible, transparent, free and fair. It also plays a key role in the acceptance of results and in mitigating or preventing violence in the run-up, during, and after elections.<sup>23</sup>

International election observation in particular, also serves, *inter alia*, to demonstrate the international community's interest in democratic processes that meet international standards; to assist and increase the impartiality of civil society and local elections monitoring



groups in their work and to provide neutral and impartial judgement on electoral processes and to make recommendations to improve those processes.<sup>24</sup> Political conditions attached to aid and development assistance,<sup>25</sup> and even admission to certain international organisations, not only require multiparty elections to be held, but also for elections to be scrutinised. For states in transition from civil war or single-party rule, an 'international seal of approval' is often sought in the form of democratic elections, indicating free and fair elections, the legitimacy of the elected government and international respectability.

While to many it may seem like a relatively 'toothless' activity or even greatly flawed, evidence suggests that the work and reports of observers can bring about action by domestic and international players by influencing or informing perceptions and beliefs. It is also relatively inexpensive to do, and the action it can bring to bear has been linked to democratic change. In addition, observer missions are relatively low key in diplomatic and political terms and do not tend to be as controversial, say, as sanctions.<sup>26</sup>

#### **CHALLENGES AND CRITIQUES OF ELECTIONS MONITORING AND OBSERVATION**

Election observation has long been a subject of controversy and debate.<sup>27</sup> It is useful to look at some of the challenges and criticisms.

From a 'recipient' perspective, international observers can be seen as meddlers in domestic affairs, imposing inappropriate Western liberal agendas,<sup>28</sup> tolerated not because leaders have a true interest in the democratic project but merely because their presence is seen as a strategic way to ensure an inflow of donor funding and credit. Others question the complex interplay between power, politics and diplomacy – while it is recognised that observer missions are born of the noble desire to promote democracy, it is argued

that observers – both local and international – need to contend with 'powerful national, political and diplomatic vested interests'. This influence extends beyond national borders to the 'hegemonic, strategic and economic calculations of the dominant political elites and post-Cold War powers'.<sup>29</sup> In 1992 in Kenya, for example, discrepancies emerged between observers' interpretations and conclusions, suggesting that external interests played a role. Their acceptance of flawed elections – in contrast to the verdicts of national observers and disgruntled voters – elicited fierce criticism. Cited as an example of donor-imposed political conditionality, the Kenyan elections contributed to tarnishing the reputation of both the donors and the international observers.<sup>30</sup>

The often superficial nature of observer missions' fanfare and short-term project-orientated focus, have also been questioned.<sup>31</sup> It is argued, for example, that elections can be rigged before polling and therefore it is important for local and international observer missions to be deployed in the pre-election stage, during registration and voter education. International observer missions tend to ignore 'the local' and take little time to familiarise themselves with the situation on the ground and in particular, localities, before arriving, observing elections and leaving shortly after releasing reports.

There are calls for greater engagement with local organisations, in local democracy building efforts and for local observer efforts to be supported. In fact, the international community should play a supportive role while citizens take ownership of their democracy and democratic change.<sup>32</sup> Local monitoring tends to be more efficient and effective, more 'knowledgeable, linguistically more mobile, available for longer periods, and perhaps more observant of what really matters'. Compared with local observers, however, international observers are still viewed as more impartial,

professional and less influenced by political pressure, so they have a function to serve. What that is, may be limited. When international observers depart, their influence in strengthening democratic processes declines and so there have been calls for the international community to develop 'more imaginative ways of sustaining the process of consolidating democracy'.<sup>33</sup>

#### **ANALYSIS**

It is useful to consider the 2009 elections in the context of some of the above criticisms.

#### *A focus on, and local ownership of, observation*

In contrast to the 1994 election – 'the most monitored election ever', with international observers visiting 7,430 polling stations during the elections,<sup>34</sup> – international (i.e. non-South African) observer missions did not dominate the scene on the ground in 2009. Less than ten percent of observers were international, with a composition of national to international observers of 14:1 (or 5,000 to 355). Indeed, it is possible that only the Commonwealth observer team had a non-African element in their international observer mission. All observer missions were either South African, African or a collaboration between national and African teams (such as the Afap team). The absence of international observer teams was probably due to, *inter alia*, South Africa's maturing democracy; the low probability and incidence of political violence; the greater role of the African Union on the continent and a recognition of African ownership and local ownership of democracy.

Interestingly, on election day the television media tended to concentrate media coverage of observers in particular, on non-South African 'eminences' such as Obasanjo and Salim. Local civil society observer groups (such as Sacsec, KZNDEF, COMBOCO) and even EISA received little or no coverage and these groups were not consulted

much for analyses on the day. Mary de Haas, KZN Violence Monitor, was interviewed, however, throughout the day as were various academics, about the situation in KZN. As nearly half of all observers were deployed to KZN, the aforementioned civil society organisations, having conducted pre-election monitoring and even voter education, would have been ideally placed to provide additional in-depth analyses and commentary about the issues on the ground.

***Focus on the electoral process, not only on the elections***

One may question the extent of engagement with the entire electoral process by international observer teams such as SADC and the AU, who arrived days before and left just after polling. (However, as noted, their mandate seemed to be one of merely showing support for democratic processes.) In any case, when considering the scope of work of the Sacsec network and the KZNDEF in KZN, EMN, EISA and the Afap missions as outlined above, there are clear indications of a move away from pure elections observation to focus on electoral processes, acknowledging that there was more to the elections than election day. This is particularly the case in the KZN province where local civil society organisations utilise their networks nationally and internationally to contribute to the wider process of democratic deepening and peace-building in South Africa.

In KZN, the KZNDEF network not only observed elections but have been part of a broader process of democratic deepening in the province through its network, in particular with the Democracy Development Programme (DDP). The KZNDEF network conducted grassroots-level voter education throughout the province, violence monitoring, mediation, election observation and litigation. The network seeks to address problems relating to the 2009 national government elections, as voter apathy, political intolerance, electoral ir-

regularities, political violence and political and electoral conflict continue to plague the province.<sup>35</sup> The DDP supports capacity-building on governance and civil society levels and promotes, *inter alia*, citizen participation and political awareness and good governance.<sup>36</sup> Also in the KZN province, Accord drew on its network with other conflict resolution and peace-building organisations on the continent, and academic institutions locally, to bring together a joint mission to observe levels of violence and political intolerance in the province. The organisation, which has been involved in conflict resolution on the continent for seventeen years, will be producing a full analytical report on the elections as part of its work on 'Peace-building in South Africa'.<sup>37</sup> Although President Obasanjo is a controversial figure, his presence in South Africa and in KZN gave prominence to the observer effort, while the collaboration between Accord and its network partners fused local knowledge and conflict resolution experience with the benefits international observers can bring – professionalism, expertise and impartiality.

Interestingly, although the international community appears to be taking a hands-off approach to elections observation in South Africa, much of the abovementioned work is funded by them. For example, the KZNDEF voter education programme is funded partly by the Finnish Embassy in Pretoria,<sup>38</sup> EISA is funded largely by North American and European donors,<sup>39</sup> the DDP by the German Konrad-Adenauer-Stiftung and Accord by Nordic, European and North American donors.<sup>40</sup> This is a clear indication that donors often support broader democratic processes that include election legislation, human rights, providing technical expertise to electoral commissions, funding voter education, and so on. There is also a greater focus on democratic governance, support for an independent judiciary and an active civil society.<sup>41</sup>

**THE FUTURE OF ELECTIONS AND DEMOCRACY**

This update has not covered in depth the role of elections in the democratic project in South Africa,<sup>42</sup> or indeed the role that observer missions played to curb the violence in KZN during the 2009 elections. However, it highlighted that while elections are crucial, one day of successful elections is not enough to ensure democracy or democratic consolidation. The lesson from Africa is that despite the institutionalising of electoral democracy in many countries on the continent, challenges remain. Notably, conflict, as a result of democratic deepening in some nations and democratic consolidation in others, marked by violence and instability resulting from disputed elections.<sup>43</sup>

To this end, South Africa has seen a decline in political violence and intimidation over the last four national and provincial elections, although this update points to challenges that remain. It has also seen the IEC grow into a world-class institution that has been commended by most for its work in ensuring free, fair and transparent elections. It has seen a strengthening of its democratic institutions and voters who are, by all accounts, becoming more informed, discerning and empowered.

In KwaZulu-Natal, with the decline of the IFP (as shown in the table 1), political support in most areas has consolidated around Mr Zuma and the ANC and political violence is likely to decline further as a result. However, with the rise of other political parties (such as Cope and to some extent, the DA) new political tensions may be created in other areas of the country.

Important work lies ahead for all – political parties, the IEC, academia, civil society organisations (and their donors) – to contribute to further democratic deepening and peaceful democratic consolidation in the country.

**Table I: Voting outcomes, 1994–2009<sup>44</sup>**

	KZN 1994	KZN 1999	KZN 2004	KZN 2009
Registered voters	All with ID	3.4m	3.8m	4.47m
Voter turnout	3.6m (80%)	3m (87.38%)	2.8m (72.84%)	3.53m (78.81%)
<b>% Votes/Support</b>				
ANC	32.23%	39.38%	47.47%	63.97%
DA	2.12% (as DP)	8.16% (as DP)	10.00%	10.33%
IFP	50.32%	41.9%	34.87%	20.52%
Cope	-	-	-	2.36%
MF	1.34%	2.93%	1.84%	1.1%
<b>Seat Allocation – Provincial Legislature</b>				
ANC	26	32	38	51
DA	2 (DP)	7	7	7
IFP	41	34	30	18
Cope	-	-	-	1
MF	1.34	2	2	2
ACDP	1	1	2	1
UDM	-	1	1	0

**ENDNOTES**

- 1 Independent Electoral Commission, 'Party Agents and Observers'. Available at: [www.elections.org.za/Documents/Voting2009/Party%20Agents%20and%20Observers%20ZCard%20\\_2\\_.pdf](http://www.elections.org.za/Documents/Voting2009/Party%20Agents%20and%20Observers%20ZCard%20_2_.pdf) (accessed 30 April 2009).
- 2 Electoral Commission Regulations Concerning the Accreditation of Observers and Code of Conduct for Accredited Observers, Government Gazette, Vol. 405, No. 19857, 17 March 1999, Regulation Gazette, No. 6460. Available at <http://www.elections.org.za/Documents/R362-1999.doc> (accessed 1 May 2009).
- 3 SABC2 Election Coverage, 22 April 2009.
- 4 'Obasanjo jets in to observe election process', *The Mercury*, 21 April 2009.
- 5 SACSEC begins preparations for 2009 elections, *South African Council of Churches*, 19 March 2008.
- 6 'Election Observers Applaud SA Standards', *Mail and Guardian*, 23 April 2009.
- 7 'More than 2 000 election monitors for KwaZulu-Natal', *SABC News*, 31 March 2004.
- 8 Personal Communication, KZNDP Political Officer, 25 March 2009.
- 9 Telephone interview with Nsome Vuyani, Comboco Provincial Coordinator, 28 May 2009.
- 10 'SACSEC commends free and fair national and provincial 2009 elections', *South African Civil Society Election Coalition*, 24 April 2009.
- 11 *Election Monitoring Network*, 2009, Press release, 12 March. Available at [www.idasa.org.za](http://www.idasa.org.za) (accessed 21 June 2009).
- 12 Election Monitoring Network, 2009, Press release, 12 March. Available at [www.idasa.org.za](http://www.idasa.org.za) (accessed 21 June 2009).
- 13 'Democracy comes of age', *The Witness*, 22 April 2009.
- 14 Smook, E. (2009), 'Election Monitoring Network gives elections a provisional thumbs up', *Cape Argus*, 23 April.
- 15 'Observers give elections in KZN the seal of approval', *The Mercury*, 23 April 2009.
- 16 Obasanjo to observe SA election, *The Times*, 20 April 2009.
- 17 'Observers give elections in KZN the seal of approval', *The Mercury*, 23 April 2009.
- 18 This section draws directly from *Electoral Institute of Southern Africa* (2009), 'Interim Statement: EISA Observer Mission to the 2009 South African National & Provincial Elections', 24 April. Available at <http://www.eisa.org.za/EISA/pr20090424.htm> (accessed 30 April 2009).
- 19 Electoral Institute of Southern Africa (2009), 'Interim Statement: EISA Observer Mission to the 2009 South African National & Provincial Elections', 24 April. Available at <http://www.eisa.org.za/EISA/pr20090424.htm> (accessed 30 April 2009).
- 20 'AU deploys election observers', *Sapa*, 16 April 2009. [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=3086&art\\_id=nw20090416161001696C929333](http://www.iol.co.za/index.php?set_id=1&click_id=3086&art_id=nw20090416161001696C929333)
- 21 'Election Observers Applaud SA Standards', *Mail and Guardian*, 23 April 2009.
- 22 Van Jaarsveld, S. (2009), 'KwaZulu-Natal Election Update No 8', EISA.
- 23 African Union (2002), 'Guidelines for African Union Electoral Observation and Monitoring Missions'. Available at [www.africa-union.org](http://www.africa-union.org) (accessed 5 July 2009).
- 24 The Carter Centre, (2009), 'What is election observation?' Available at [http://www.cartercenter.org/peace/democracy/nav\\_question1.html](http://www.cartercenter.org/peace/democracy/nav_question1.html)
- 25 Geisler, G. (1993), 'Fair? What Has Fairness Got to Do with It? Vagaries of Election Observations and Democratic Standards', *Journal of Modern African Studies*, Vol. 31, No. 4 (Dec., 1993), pp. 613-637.
- 26 Donno, D. (2007) 'Monitoring Matters: IGO Election Observation and Democracy Protection', Conference paper, Annual Meeting of the International Studies Association, Chicago, IL 2 March.
- 27 See for example Abbink (2000) and Carothers (1997).
- 28 Anglin, Douglas (1998), 'International Election Monitoring: The African Experience', *African Affairs*, 97, pp. 471–495
- 29 Donno, D. (2007) 'Monitoring Matters: IGO Election Observation and Democracy Protection', Conference paper, Annual Meeting of the International Studies Association, Chicago, IL 2 March.
- 30 Geisler, G. (1993), 'Fair? What Has Fairness Got to Do with It? Vagaries of Election Observations and Democratic Standards', *Journal of Modern African Studies*, Vol. 31, No. 4 (Dec., 1993), pp. 613-637.
- 31 Ministry of Foreign Affairs, Sweden, 'Free and Fair: towards democratic governance', *International Electoral Institute Commission*, Stockholm, March 1993.

- 32 Obi, C. (2008), 'International Election Observer Missions and the Promotion of Democracy: Some Lessons from Nigeria's 2007 Elections', *Politikon*, 35(1), pp 69–86.
- 33 Anglin, Douglas (1998), 'International Election Monitoring: The African Experience', *African Affairs*, 97, pp. 471–495.
- 34 Anglin, Douglas. (1995), 'International Monitoring of the Transition to Democracy in South Africa', 1992–1994', *African Affairs* 94, pp.519-543., quoted by Lodge, Tom (1999), *Consolidating Democracy: South Africa's Second Popular Election*, Witwatersrand University Press, Johannesburg, p.5.
- 35 Personal Communication, KZNDP Political Officer, 25 March 2009.
- 36 Democracy Development Programme, [www.ddp.org.za](http://www.ddp.org.za) (accessed 8 July 2009).
- 37 ACCORD, [www.accord.org.za](http://www.accord.org.za) (accessed 9 July 2009).
- 38 Personal Communication, KZNDP Political Officer, 25 March 2009.
- 39 EISA, 2009, <http://www.eisa.org.za/EISA/donors.htm> (accessed 11 July 2009).
- 40 ACCORD, <http://www.accord.org.za/us/links/funder> (accessed 9 July 2009).
- 41 Anglin, Douglas (1998), 'International Election Monitoring: The African Experience', *African Affairs*, 97, pp. 471–495.
- 42 See for example Adejumobi, Said (2000), 'Elections in Africa: A Fading Shadow of Democracy?', *International Political Science Review*, 21, pp.59-73.
- 43 African Union (2002), 'Guidelines for African Union Electoral Observation and Monitoring Missions'. Available at [www.africa-union.org](http://www.africa-union.org) (accessed 5 July 2009).
- 44 Compiled from IEC elections data, [www.elections.org.za](http://www.elections.org.za)

## LIMPOPO

Lesiba Teffo – University of Limpopo

### ELECTION OBSERVATION AND MONITORING IN GENERAL

Election observation and monitoring are essential processes and quality assurance mechanisms that are needed to legitimise the election. As is the case with any competitive contest, a neutral referee is always recommended. Accordingly, the liberal democracies of the world have made observation and monitoring permanent features of their electoral processes. In fact these processes are so common that they even have state-sponsored and non-governmental organisations specialising in them. These processes also serve as catalyst in the maturing of a democracy.

The Electoral Act, 1998 (ACT 73 OF 1998), provides for the accreditation of any juristic person for election observation. A juristic person applying for accreditation as an observer of an election must apply and submit specified forms so that a certificate of accreditation can be issued.

It is at the discretion of both the state and the Electoral Commission to approve or reject an application. National interests often inform what the best form of action to take should be. However, the notion,

'national interest' is nebulous and elastic, and it is often abused by rogue states. It is therefore advisable that such discretion be exercised judiciously.

Accredited observers, national, international, and non-governmental organisations are compelled to comply with the rules, and any breach may lead to disqualification from the process, as well as expulsion from the process and the country concerned. During the 22 April 2009 Election, the general conduct of international observers was commendable. The AU and SADC sent missions comprising men and women of integrity. The sizeable contingent of international election observers mitigated potential violence in the KwaZulu-Natal Province. The situation had become volatile, and belligerence undermined democratic discourse.

Serious reservations, however, surrounded the former president of Nigeria, General Olugesun Obasanjo leading a team of electoral observers. Some commentators expressed reservations that Obasanjo himself as the head of state of Nigeria did not acquit himself as a true democrat. When his tenure as head of state had ended, it appeared as if he was not willing to relinquish power.

Obasanjo, it is argued, sought to amend the Nigerian Constitution for personal gain, rather than in national interests. When his move was duly rejected by the Nigerian parliament, he decided to anoint a successor and vilified his opponents, and abused state institutions in order to advance the fortunes of his protegee. In such circumstances it is difficult to imagine that a former head of state who was perceived not have played by procedural rules of the democratic game and who had undermined the spirit of democracy if not the letter, could be the impartial adjudicator of a democratic, free and fair electoral process when he himself did not give credibility to those processes in his own country and under his own stewardship. It is therefore important that a set of criteria be developed for leadership and composition of election observer missions, failing which, observer missions comprised of individuals who are perceived not to have democratic credentials will themselves have their credibility questioned and their adjudication of an election will lack public trust and confidence. On the whole, however, the inclusion of Obasanjo was a blind spot on an otherwise well constituted team.

The role of international observers does not differ substantially from that of domestic observers. The mission is the same but the reports and outcomes are intended for use by the mother bodies; for example, EISA, SACC, SADC, AU and EU. Each has its own mandate and agenda. For example, an institution may want to use the credibility and legitimacy of the election results to determine if it should grant a loan or donor aid to a government. It is therefore prudent to have independent observers attesting to the election as free and fair. This is a loaded expression that can ruin or build a government. As it is the case in any leadership contest, the legitimacy of the process is as important as its outcome and vice versa.

International observers play a similar role. They ensure that elections run smoothly and report on the process to their respective governments and organisations. As a matter of fact, the presence of international observers tends to give credibility to the election, even before the commencement of the process. This is informed in the main, by the fact that rogue governments never allow international election observers on their shores. They seldom play the game by the rules, and are therefore afraid of being exposed, and having to contend with the consequences thereof.

It is important that election observers be seen as independent of the states that nominate and sponsor their missions. It is equally important that the government that is conducting the elections demonstrates confidence and trust in the observer missions. It is recorded in history that some observer missions tend to act *ultra vires*; pursuing an agenda inimical to the spirit of observer missions.

#### **ELECTION OBSERVATION AND MONITORING IN LIMPOPO**

The observation and monitoring processes proceeded well in Limpopo Province. Missions came from the SADC and non-

governmental organisations. All protocols were observed before their accreditation and subsequent commencement. They submitted reports at the end of the election, and these reports were without exception positive. However, section 24A of the Electoral Act was a bone of contention. It provides that a person whose name does not appear on the voters' roll for a voting district and who applied for registration as a voter before the date the election was proclaimed may submit to the presiding officer relevant documentation that would enable him/her to vote at that station. If the presiding officer is satisfied that the applicant meets all the requirements, (s) he must make an endorsement to that effect. The import of that endorsement is that the person would be allowed to vote in the specified station requested, for the purpose of election for the national assembly, and also for the purposes of the election for the provincial legislature if that person had applied for registration in the province where the voting station is situated. Local observers recommended very strongly that it should be reviewed. The provincial IEC officers also conceded as much.

The argument is that it negatively affects their planning and the distribution of election material. Their argument is that the resources were adequate for each voting station but political parties would ferry voters from one station to another in search of shorter queues.

The problems were exacerbated further by the fact that in some instances where queues were long, people migrated to other voting stations where they were short only to find that they were not catered for in terms of stationery, that is, ballot boxes and papers. Personnel, especially for the disabled and illiterate, became inadequate. There was also some interference with processes as political parties and party agents indirectly fought to advantage those perceived to be aligned to them. Queue marshals in particular were

to blame. In this connection I would recommend that some education and training should be provided to them, and they should remain under strict supervision at all times.

Another phenomenon that has to be curbed pertains to some individuals, either aligned to certain parties or not, providing 'free' food and drinks to voters, and playing music loudly next to the voting stations. This practice could influence prospective voters, especially in areas where there is a chronic shortage of food. The vulnerable people might easily be abused and manipulated. Deliberate misinformation was also reported and this could not be easily discerned, especially by non-activists and semi literate people. Their strategy is understandable in that they would not want to miss out on those votes that people would have given them were it not for the long queues.

An observation made by a senior manager in the provincial IEC office is that, the observer missions were smaller than in the past and that it appeared that journalists covering the polling process in Limpopo were few and seemed uninterested in the overall proceedings, and focused on a few isolated negative incidents. The IEC official's contention was that the province appeared less exciting, especially for those who were searching for sensational stories. Both journalists and observers appeared less enthusiastic in Limpopo province than it was the case in the past.

#### **ELECTORAL REFORM**

Several issues could be considered in order to improve on the election process as a whole, *inter alia*, voter education, and electoral system, service delivery on the day of the election, observer missions, election material distribution and media coverage.

The South African society is to a large extent semi-literate, especially in the countryside. It is therefore imperative that voter education in such areas should start early and be intensified. It would also

require some innovation in order to optimise the gains. The engagement of traditional as well as community leaders would supplement the effort of the IEC officers.

The current electoral system has become anachronistic. There are clarion calls for its reform. A mixed system of a constituency election with elements of a proportional representation system is strongly recommended. It is on record that cabinet did consider in the past, this reform and mandated the Minister of Education, Kader Asmal, to liaise with a committee led by Dr Van Zyl Slabbert. Several political parties have motivated for this reform, with a number of them alluding to this in the manifesto and election campaigns.

On the whole the IEC acquitted

itself well during the election. However, there are persistent areas of concern that need to be addressed. For example, the voters' roll gives a good sense of the type and number of resources and equipment required on the day at a particular polling station. What caused the shortages of ballot papers and other materials experienced in 2009 and how can this be mitigated? This area needs further research and subsequent workshops with relevant stakeholders. The greatest challenges are often in rural arrears, and such challenges are common and therefore a remedy or a modification of the modus operandus might be required.

Media coverage in the previous election was commendable. In the province there were regular briefings by IEC officials, and

most importantly, the officials were always ready to receive information and tip-offs and they dealt with them promptly and transparently. The radio stations came in handy in the rural areas, and in the future, when appropriate voter education programmes are designed, they certainly would contribute immensely in deepening an understanding of democratic activities. The coverage given to all the political parties was less contentious than was anticipated. If anything, the public broadcaster found itself in the public eye for all the wrong reasons. Unfettered international media coverage lent sufficient legitimacy to the electoral process and the same conditions should be maintained if not improved in the future.

## NORTH WEST

**Bernard K Mbenga** – North-West University

### **ANALYSIS OF THE PATTERN AND TRENDS OF VOTE RESULTS FOR 1994, 1999, 2004 AND 2009**

Looking at the regional summary of the national election results of the 1994, 1999, 2004 and 2009 election results in the North-West Province, we can discern certain developments in terms of change as well as discontinuity on a number of fronts, from which we can draw some conclusions and informed assumptions, some of which are clear and obvious, but others not. The most obvious is the fact that the African National Congress (ANC) still retains its leading majority in the province by far, in terms of the votes received by any political party by the year 2009. As can be seen from the Table 1, its closest rival, the newcomer on the provincial political scene, COPE, lags behind by a really wide margin, with a very meagre 8.33 per cent of all the

provincial votes. However, COPE did very well, given the fact that it was/is only a political novice and that it had very little time to campaign for the election.

However, the ANC's majority votes in the North-West Province have been reduced steadily (see Table 1), albeit only slightly (except for 2004 when it went up by only 1.31 per cent), from 83 per cent in 1994, to 80.52 per cent in 1999, 81.83 per cent in 2004 and 72.89 per cent. In other words, over the 15-year period since it came to power, the ANC has lost 10.11 per cent of its popularity. This reduction in votes may seem small, but the decline is, nevertheless, significant, as is the fact that the decline is fairly steady and consistent – the 2004 result notwithstanding. Clearly, this is indicative of a loss of popularity of the ANC in the province.

The ANC decline in popularity is perhaps not surprising and can

be attributed to the following two related factors: (a) poor, or lack of, service delivery of basic services by municipalities to poor communities, as shown by the persistent and often violent service delivery protests in areas such as, for example, Lehurutshe/Motsweding near Zeerust; (b) worsening levels of corruption and embezzlement of public funds within the provincial government, a matter that is frequently reported in all the provincial media. This factor, for example, has resulted in infrastructure (rural roads and bridges, for example) in far-flung areas of the province (such as Taung) being in a state of disrepair and neglect. As government tenders are grossly inflated, money intended for the building of infrastructure goes into the pockets of corrupt senior government officials and incompetent service providers who fail to meet their contractual obligations. The fact that the culprits are generally

**Table 1: Distribution of votes: 1994, 1999, 2004 & 2009 elections**

PARTY NAME	1994		1999		2004		2009	
	No. of Votes	%	No. of Votes	%	No. of Votes	%a	No. of Votes	%
PAC	24 233	1.52	8 878	0.67	10 428	0.79	2 831	0.26
SOCCER	959	0.06	–	–	–	–	–	–
KISS	548	0.03	–	–	349	0.03	–	–
VFPlus/FF	49 175	3.09	15 106	1.15	15 029	1.14	8 426	2.49
WRPP	568	0.03	–	–	–	–	–	–
WLP	331	0.02	–	–	–	–	–	–
XPP	578	0.03	–	–	–	–	–	–
AMP	1 386	0.08	–	–	–	–	–	–
ACDP	3 901	0.24	11 774	0.90	14 503	1.10	2 339	0.69
ADM	701	0.04	–	–	–	–	–	–
AMCP	3 244	0.20	–	–	–	–	–	–
ANC	1 325 559	83.00	1 052 895	80.52	1 083 254	81.83	244 205	72.13
DP	5 826	0.36	48 665	3.72	–	–	–	–
DPSA	2 088	0.13	–	–	–	–	–	–
FP	500	0.03	–	–	–	–	–	–
LUSAP	252	0.01	–	–	–	–	–	–
MF	772	0.04	–	–	271	0.02	–	–
NNP	160 479	10.10	31 072	2.37	5 687	0.43	–	–
IFP	7 155	0.45	5 929	0.45	3 827	0.29	1 619	0.15
AEB	–	–	6 130	0.46	–	–	–	–
AZAPO	–	–	1 426	0.10	3 624	0.27	2 712	0.25
FA	–	–	7 376	0.56	–	–	–	–
GPGP	–	–	320	0.02	–	–	–	–
SOPA	–	–	750	0.05	1 307	0.10	–	–
UCDP	–	–	97 755	7.47	86 476	6.53	56 678	5.27
UDM	–	–	18 574	1.42	14 274	1.08	5 467	0.51
AITUP	–	–	520	0.03	–	–	–	–
EMSA	–	–	–	–	1 158	0.09	–	–
TOP	–	–	595	0.48	595	0.04	–	–
CDP	–	–	–	–	927	0.07	–	–
FD	–	–	–	–	6 645	0.50	–	–
NA	–	–	–	–	1 194	0.09	–	–
PJC	–	–	–	–	719	0.05	–	–
MDP	–	–	–	–	–	–	4 432	0.41
APC	–	–	–	–	–	–	3 116	0.29
SAPP	–	–	–	–	–	–	1 832	0.17
ACA	–	–	–	–	–	–	1 750	0.16
NADECO	–	–	–	–	–	–	978	0.09
ID	–	–	–	–	6 645	0.50	1 873	0.55
DA	–	–	–	–	72 444	5.47	88 728	8.25
COPE	–	–	–	–	–	–	89 573	8.33
UF	–	–	–	–	753	0.06	–	–
NLP	–	–	–	–	297	0.02	–	–

never brought to account for their deeds, of course, compounds the problem and hence the consequent public perception that nobody cares. Thus, retarded development leads to communities being angry with the government for its inability to provide the promised and expected development goals for them. Consequently, communities translate their anger and frustration into protests, which often turn violent, and during the elections, turn such anger into the 'no' vote. Given the trend of voting for the ANC which we can see in the above table, and given the current scenario of the public perception that the government is doing too little or nothing to stem corruption and fraud in the public service, we can safely assume a continuing decline in votes for the ANC – unless, of course, drastic nation-wide action is taken by government to 'stem the tide.'

Following a survey by the Human Sciences Research Council (HSRC) regarding voter participation conducted throughout the whole country in 2008, it was established that 53 per cent of the interviewees in the North-West Province expressed the view that: 'The party that I voted for did not protect my interests.' The response of 53 per cent was in fact the highest of all the numbers of respondents interviewed in all the other provinces of South Africa ('Results of the 2008 Voter Participation Survey Commissioned by the IEC,' HSRC, 2 February 2009, p. 34.) The implication of this response is that the results of the next presidential and general elections could possibly go dramatically lower.

As the the table shows, the major political players in the province as at the April 2009 elections, in descending order of popularity, were: the ANC, COPE, DA, UCDP, FF Plus, ACDP, UDM, ID, MDP, APC, PAC, AZAPO, SAPP, ACA, IFF, NADECO. It should be noted that the 2009 elections had newcomers on the political scene, such as COPE (about which I comment below) and NADECO, while some very small

parties from previous elections, such as UF, SOPA, TOP, EMSA, and KISS, for example, did not participate in the province in April 2009. Of the 'original' 19 parties that had participated in the April 1994 elections in the province, 10 seem to have 'fallen by the wayside' as they have not participated in any election in the province since. A possible explanation for this is that because of their very poor performance in the first democratic election, they would have been too discouraged to continue.

The UCDP in the province, like the ANC, shows a downward trend. This could be attributed to, among other reasons, the UCDP's aging leadership that does not seem to come up with any new ideas that could appeal to the young voters in the province. Instead, UCDP tends to continually reiterate the errors of the ANC on public platforms, rather than suggest more viable political programmes. The future of the UCDP does not seem bright, unless it comes up with a new agenda and novel ideas based upon current issues, such as, for example, social responses to youth problems, like HIV/AIDS.

#### **CERTIFIED VOTERS' ROLL FOR THE NORTH-WEST PROVINCE: GENDER BREAK-DOWN, 20 FEBRUARY 2009**

Table 2 shows that the number of female voters was greater, although not considerably, than that of males. Thus, female voters are clearly an important constituency for political parties. A few implications arise from this. It suggests that, from the point of view of the political parties, issues affecting women in particular, such as, for example, women abuse, must be taken more seriously if they (political parties) are to influence the female vote even more in future elections.

#### **POST-ELECTION FALLOUT**

*Disunity and acrimony still dogging the North-West Province*  
The acrimony, disunity and squabbling that have characterised the pre- and post-election periods still continue to dog the ANC in three of the provincial executive committees in the country. This situation has been described 'problematic' at the highest level of leadership of the ANC. One of such provinces is the North-West (the others being the Eastern Cape and the Western

**Table 2: Gender breakdown, 20 February 2009**

	Female	% of the Age Band	Male	% of the Age Band	Total	% of Total
<b>North-West Province</b>	858,354	51.78%	799,190	48.22%	1,657,544	7.15%

**Table 3: Voters' roll compared: 1999, 2004 and 2009**

	Voters' Roll 1999	Voters' Roll 2004	Voters' Roll 2009	% Increase Since 1999
<b>North-West Province</b>	1,527,672	1,749,529	1,657,544	8.50%

**NB:** The increases in this Table represent the combined effect of additions to, for example, the voters' roll, as well as the movement of voters between provinces due to re-registration, which affects the provincial distribution.



Cape). The situation about this matter is considered by the National Executive Committee (NEC) of the ANC to be so troubling that 'this weekend the ANC national executive committee said it would send members of its national working committee to Eastern Cape, North West and Western Cape to look into problems dogging the party in those provinces.'

The decision by President Jacob Zuma to move the former premier of the province, Edna Molewa, to a ministerial position (Social Development) at national level has not helped matters, as the problems of power struggles with their consequences of disunity and bickering are still there. Calls for the dissolution of the Provincial Executive Committee (PEC) have not been heeded by the NEC. As the ANC spokesperson for the ANC in the province, Oupa Matla, has stated, '... the problems in the province do not yet warrant a dissolution of its PEC.' In Matla's opinion, however: 'The main problem we have [i.e. in North-West] is ill-discipline among those who did not make it to the list' (Zulike Majova, 'Unity eludes ANC in provinces,' *The Sowetan*, Monday, 1 June, 2009, p. 4).

#### ***ANC meeting disrupted in Klerksdorp***

An ANC meeting on Saturday, 6 June 2009, convened and presided over by the ANC provincial secretary, Supra Mahumapelo, in Klerksdorp was disrupted by 'disgruntled' members of the ANC who alleged that the meeting was illegal as it was convened by an illegitimate Provincial Executive Committee. This is, in fact, a continuation of the on-going disunity and acrimony that has dogged the ANC leadership in the province prior to, and since, the recent general and presidential election. The disgruntled group accused the Secretary-General of the ANC, Gwede Mantashe, of having 'endorsed' the PEC, which is, they continue to claim, an 'illegitimate' body, and which they do not recognise. Unnamed members of

the Umkhonto we Sizwe Veterans' Association (MKVA) and other alliance members were reportedly holding a rival meeting in another venue nearby in the same town. Mahumapelo is also reported as saying that he would continue to make efforts to bring about political unity in the province (SABC, Mmabatho Studios, 11:00 hrs news broadcast, Sunday, 7 June 2009).

#### ***Pre- and post-election acrimony continues***

The provincial secretary of the South African National Civic Organisation (Sanco) for North-West, Packet Seaketso, is to appear in the Mafikeng Magistrates Court to answer 'charges of contempt of court and public violence.' Seaketso and eighteen members of the South African Municipal Workers' Union (Samwu) were arrested by Mafikeng police a week ago 'for littering, burning tyres and contravening a court order during a service delivery strike at the municipal offices in Mmabatho.'

Seaketso's own interpretation of what has happened to him, however, is that 'the arrests were part of a ploy to punish him following comments he made about ANC secretary-general Gwede Mantashe a fortnight ago.' At the time, Seaketso and Samwu general secretary, Jacob Modimoeng, had called for Mantashe to resign his position, accusing him of bias and siding with the provincial executive committee (PEC), which, they allege, is 'fraudulent.' The purpose of the arrests is, in the view of Seaketso, 'to silence me.' He insisted: 'We still stand by the statements that Gwede must go and we are not apologetic and not prepared to withdraw the statement.'

Earlier in the week, another unnamed Cosatu leader in the province repeated the call for Mantashe to be sacked. Nevertheless, Seaketso, reported that the national executive of Sanco was in the process of engaging with the national executive of the ANC in order to

find some solution to the impasse. The police, however, state that they did not arrest Seaketso for any reason other than the fact that together with the other eighteen, they were breaking the law (as noted above). Moreover, the police claim that they did not target Seaketso for arrest alone, but as part of a larger group. Seaketso counters this by saying that he was arrested at the Samwu offices in Mafikeng, which is more than a kilometre from Mmabatho – where police claim he was arrested. Another Cosatu official, who works in the Moses Kotane Local Municipality, Madito waga Molebalwa, wrote a letter to 'City Press,' in which he said: 'Yes, indeed, we are calling for the sacking of Gwede Mantashe as he has an interest in the matters of North West and he is biased in favour of this corrupt and self-imposed PEC.'

Molebalwa also makes the claim that just before the elections 'the so-called provincial secretary (Supra Mahumapelo) handed a resignation letter to Mantashe but because of him having an interest in issues of this province Manshe prevented him from leaving and never handed the letter to the leadership of the ANC'.

Cosatu, Sanco and some structures of the ANC are insisting that the PEC must be disbanded. They further accuse it of being sympathetic to the Congress of the People (COPE). Meanwhile, the NEC of the ANC has commissioned report on the situation in the province (just as it has in the Western Cape and Eastern Cape.) Commenting on this unfolding saga, Mantashe is quoted as saying that, following a recent NEC meeting, it has been decided that 'we must do a proper revision, get a proper report, analyse the report and take proper decisions' (George Matlala, 'Mantashe accuser arrested,' *City Press*, 7 June 2009, p. 4).

#### ***Infighting, divisions and bad blood***

The local provincial newspaper, *The Mail*, has published a detailed comment about 'unresolved is-

sues resulting from past provincial elections causing divisions within ANC leadership structures in three provinces, of which the North West is one.' The paper notes that the current problems, 'tensions' as the paper terms them, within the ANC's provincial leadership 'intensified just before the provincial conference at Sun City where some branches complained about being left out of the proceedings and that the elections were rigged ....' Following the elections of that conference, those who were left out called for the dissolution of the PEC which was its product and which, they argued, had been forced upon them. Subsequently, the ANC President visited the province in order to address these and other concerns. Yet the media was told at the time that there were no divisions in the organisation.

Just before the election, the ANC NEC deployed a team of senior ANC officials Luthuli House headed by Lumka Yengeni to the province 'to smooth out the differences' in order to forge unity in readiness for the coming elections.' Clearly, none of this seems to have worked. Also clear is the fact that proper attention was not given to the grievances of the dissenting group(s) who continued to label the PEC as 'illegitimate.' Instead, they called, and continue to call, for 'new all-inclusive re-elections to be held.' On the other hand, the NEC continued to believe that there were no sound reasons why there should be new elections.

But, as the paper further points out, the fact that now the ANC Secretary-General, Gwede Mantashe, belatedly realises the need for 'not just taking a decision on the basis of reports,' as the NEC did in the past but now, instead, 'on the basis of engagements with the structures in the provinces' is a strong indication that proper and genuine consultation had not occurred in the first place. 'Or were they deliberately ignoring the concerns of the protesting group,' asks *The Mail* in its opinion

column. As the protesting group continues to be ignored and vilified, so the divisions and tensions in the province will continue to grow.

Lastly, the paper states that, with the elections and their pressures now in the past, 'it is now incumbent on both the NWC and the NEC to apply their minds properly to the issues that led to the [current] impasse in the first place and indeed analyse the reports 'better' and take 'proper decisions.' Such decisions might be unpopular, but equally important, if not more crucial, is the need to resolve the matter (based on the opinion 'Comment' column in *The Mail*, 5 June 2009, p. 4).

#### *'Taxi Time' newspaper comment on ANC leadership wrangles*

This grass-roots community tabloid bemoans the 'fissures and polarisation' that has beset the ANC leadership in the province, 'all because some still believe that 2008 Provincial Conference in Sun City was so fraudulent that they cannot tolerate it another day.' The paper calls for unity, and people to 'let by-gones be by-gones.' Without specifying how, the paper appeals to the warring groups to deal with their differences 'in a dignified manner without officials washing their linen in public,' which would 'bring disunity and fan acrimony and hate.' The paper blames the leaders for the squabbles and appeals to all to bury their differences and forge ahead with development. This paper, however, appears to take sides with the dissenters. In a thinly veiled criticism of the group opposed to the present PEC, the paper states as follows: 'It is over a year now but the same subject of the PEC keeps resurfacing. Is it out of goodwill or it is part of a thinly veiled sinister agenda to foist losers on the people' (*'Taxi Time'*, Comment, p. 2.).

#### *'ANC PEC calls for unity'*

Through its Provincial Executive Council (PEC), the ANC leadership in the North-West Province

has undertaken to resolve the problems of infighting within the movement. To this end, the PEC has established what it terms a 'unity programme' which is intended to bring about unity amongst all the alliance partners. Through this programme, whose details have not been spelt out to the public, all the alliance partners will, it is intended, be 'impassively involved in its implementation.' This strategy was decided upon during the PEC meeting which was held in Potchefstroom last week. At the same meeting, all members (of the ANC, or all alliance partners?) and leaders in the province were called upon to be 'open minded' when dealing with criticism, to accept each other and to be tolerant of the errors of one another. All ANC cadres were urged to be respectful to one another, accept elected structures and leadership, accept constructive criticism and to be disciplined.

Without giving details, the PEC spoke against what it called 'back stabbing' amongst alliance partners. Despite that, however, the PEC would not lose focus of implementing ANC programmes of building a 'resonant structure, improving on matters of governance and resolving internal disputes amicably and silently.' Critical issues that needed 'practical implementation' were outlined. But such 'issues,' which were not specified, required engagement with other key role players in the province. Apparently referring to the disgruntled group that is calling for the disbanding of the PEC, the meeting agreed to 'grant a second chance to comrades that have acted in contravention with [sic] the principles of the organisation [i.e. ANC] so they could be re-instated to political participation within the ANC.' The PEC, took exception to what they called 'extreme criminal cases' which they would not tolerate and which they would hand over to the National Disciplinary Committee ('ANC PEC calls for unity,' *The Mafikeng Mail*, formerly simply *The Mail*, of 12 June 2009, p. 5).

## WESTERN CAPE

**John Akokpari** – University of Cape Town

THIS REPORT analyses the election observation and monitoring in the Western Cape. In doing so it focuses on certain benchmarks, including campaigning, turnout, results, and the electoral system as a whole. In retrospect, the national elections of 22 April 2009 were largely a success in the Western Cape. The pre-election skirmishes, especially between supporters of COPE and the ANC which created a pessimistic scenario of violence, never really materialised.

On the whole the polls were conducted in an atmosphere of peace, while the electoral process, according to both domestic and international observers, was free, fair and transparent. The practical attestation of this observation was the ready acceptance of the electoral outcome by all political parties. Generally the election brought along few surprises, in large part confirming the thinking of the electorate. The ANC's dwindling fortunes in the Cape were confirmed by its loss of ground in comparison to its achievement in the 2004 polls. The DA's growing popularity was underscored by its winning of a majority, a feat unprecedented in the history of the province since 1994.

However, one of the most significant aspects of the election was the tranquil and peaceful environment that attended its conduct. This, in turn, was attributable to a number of factors, including the national and provincial IE efficiency and effectiveness, which explained the electoral process and put in place the required infrastructure to ensure the smooth conduct of the polls; the security personnel who expeditiously attended to, and mitigated, all threats of violence; the media, which was unrelenting in educating and updating the voting

public about issues relating to the polls; the party candidates and their agents, who showed maturity and who conducted their electioneering campaigns in a professional manner; and the election observers – both local and international – who helped to ensure the credibility of the elections.

### CAMPAIGNING

Campaigning by political parties began long before the announcement of the election date in February. The ANC, for example, began its campaign from Polokwane in November 2007 with the election of its new leadership. The party not only outlined its priorities but also reaffirmed its determination to retain its overwhelming majority in the National Assembly. Developments after Polokwane sent signals to other parties to begin their campaign processes. However, the ANC and the leading parties pushed their campaigns into full gear only with the birth of COPE in mid-December 2008. The ANC, in particular felt threatened, as leading members of the ANC, especially at provincial levels, openly defected to the newly formed party.

These defections and the determination of the ANC to create an image of itself as a party still in control, led to various forms of skirmishes between COPE and the ANC. The ANC used various methods to undermine COPE, including holding mass rallies close to COPE meetings, harassment of known activists of COPE, and subjecting its leaders to various names – cockroaches, rats, snakes and opportunists. For the first time since 1994, the electioneering campaign process was assuming an ugly dimension, compelling the IEC to gather all party leaders on 11 March 2008 to

sign a Code of Conduct. The Code obligated political parties to run 'clean' campaigns by refraining from violence, defamation and intimidation in terms of the Electoral Act.

Although name and character snagging abated, this raised its ugly head again in the two weeks preceding the election. During these days, Helen Zille, the DA leader, ran an aggressive campaign to stop Zuma from becoming president. This approach, aptly dubbed the 'Stop Zuma' campaign, was reminiscent of the initial determination of the ANC to suppress COPE. The DA intensified its anti-Zuma rhetoric when corruption charges against the ANC leader were dropped by the National Prosecuting Authority (NPA) on 6 April, just two weeks before the polls. Some observers, however, criticised Zille's anti-Zuma campaign as being too personal and contravening the IEC's Code of Conduct, while others predicted that it would cost the DA votes. However, the DA's resounding victory in the Cape would seem to suggest that although the tactic was negative it yielded positive results for the party.

While the DA's campaign was gaining momentum, that of COPE appeared to be slowing down. Some suggested that this was due partly to the party's lack of resources and partly to the presentation of Alan Boesak as the party's candidate for premiership. Proponents of this view argued that going for Alan Boesak, who was convicted of fraud but later cleared, compromised the party's anti-corruption stance. Upon its founding, COPE committed itself to maintaining high moral standards and many observers felt this was a crucial characteristic that set the new party apart from the ANC. Although Alan Boesak focused

his campaign on moral integrity, service delivery and the stemming of crime, among other things, the dismal performance of COPE in the polls clearly showed that voters in the Western Cape considered other factors beyond politicians' declaration of intent. While no systematic study exists on the factors influencing electorate's choices of candidates, it can be inferred from COPE's performance in the Western Cape that the moral credentials and previous track record of politicians do play a role.

### **TURNOUT**

The turnout of the elections was phenomenal. The province recorded a 77.78 per cent voter turnout, almost 5 per cent more than the turnout in 2004. At the same time, the number of registered voters for the 2009 elections increased by more than 427,000 over the registered figure of 1,621,839 in 2004. Why was the turnout high or at least bigger than what occurred in 2004? While studies are yet to be done to explain the trend, there can be no doubt that a number of factors played a role in whipping up enthusiasm in the elections. Notable among these were developments in Polokwane and the subsequent recall of Thabo Mbeki as president of the country. The recall of Mbeki polarised the ANC and found expression with the formation of COPE.

The founders of COPE were all leading members of the ANC who were either dissatisfied with the unceremonious recall of Mbeki or with the perceived politics of division and exclusion followed by the new leadership of the ANC. COPE came to be perceived as a major rival political party to the ANC. The competition between the two parties may have contributed to the increased public interest in the election. Another factor may have related to doubts about Zuma's presidency. Having entered the campaign fray with corruption charges hanging over him, the elections became a contest between those who favoured Zuma and

those who opposed the idea of him becoming the next president. Helen Zille's 'Stop Zuma' campaign in large measure reflected the thinking of the latter camp. The question of poor service delivery was no doubt an additional factor in creating greater interest in the election. The ANC-led coalition government failed to meet the expectations of the province. Promises of houses remained unfulfilled, while the provincial government failed to stem crime, violence, and insecurity. In addition, the ANC failed to effectively address fractures that had emerged within its camp, neither was it able or even willing to confront the realities of the different racial demographics in the province. The logical feeling among the electorate was one of betrayal by the ANC. The unguarded and often bombastic utterances of Julius Malema, the ANC Youth Leader, may have incensed a section of the youth who felt that their organisation was being led by ill-disciplined individuals. Some young people may have thus registered to vote against the ANC.

### **RESULTS**

In large measure the results in the province reflected the mood of the voters. The DA enjoyed increased support, reflected in the party's polling of more than 50 per cent of the total votes cast. The ANC on the other hand lost votes – from 46.28 per cent in 2004 to 31.55 per cent in 2009. The lost votes went largely to the DA and COPE. Many felt COPE performed slightly below expectation and did not seem to have profited substantially from the unpopularity of the ANC. Although it obtained 7.74 per cent of votes this was seen by some observers as paltry. In retrospect, it can be seen that COPE excited considerable hope upon its formation. At a time of rising political temperature and exposure of the failures of the ANC and previous provincial administrations, there was great expectation that the party would do well to serve as the new alternative.

Its 7.74 per cent vote was thus seen as disappointing. However, some feel that the percentage was a commendable achievement given the hostile political environment within which the party was born. They argue further that it was too much to expect a breakaway party to completely overwhelm a mother party in such a short span of time. Notwithstanding this debate, it is clear that the tenacity and longevity of COPE will be tested in subsequent elections. The ID performed well below expectation, raising fresh questions about its survival as an independent party in the province.

### **ELECTORAL PROCESS**

The entire electoral process – from registration of voters to the announcement of results – has been successful. At the conclusion of the registration process in February the Western Cape recorded increased voter numbers. The process was almost vitiated by a few hitches in the form of shortages of ballot papers and boxes at certain voting stations on polling day. These problems were swiftly attended to by IEC officials. In the end, the shortages did not affect the outcome of the polls. In the same way, voting proceeded smoothly. Voters conducted themselves maturely and the presence of security personnel at every voting station played a key role promoting an air of peace and stability, which is crucial to a sound, free and fair electoral process. The security personnel also played a role in averting potential threats of violence. The secrecy of the ballot inspired confidence in the process. The counting process went off without incident. Party agents were satisfied with the process, which on the whole conformed to procedures contained in the election code.

### **OBSERVATION AND MONITORING**

The success of the election process was, to a large extent, attributed to the observation and monitoring process. The elections were observed

officially by both domestic and foreign missions and organisations. The domestic observers numbered over 4,900 and included various NGOs and think tanks.

Notable among the domestic observers were EISA and the Africa Centre for Constructive Resolution of Disputes (ACCORD).

The international observers were equally numerous and included teams or representatives from the West African Network for Peace building – WANEP, a network with over 450 member organisations; the Commonwealth; the African Union; SADC; the European Union; and the Nairobi-based Peace Initiative (NPI).

Many of the observer teams concentrated on the KZN province, where violence flared up intermittently between supporters of the ANC and IFP in the few weeks preceding the elections. Nevertheless, some of the local observers, including representatives of EISA and ACCORD, were in the Western Cape. While noting a few hitches, the observers on the whole expressed satisfaction with the electoral process, which was largely free, fair and transparent.

Election observation in the Cape was complemented by the monitoring process undertaken by the provincial IEC headed by Rev. Courtney Sampson. Election

monitoring involved keeping an eye on the election process from its inception to the declaration of results. The objective was to remedy defects once spotted, through early warning systems in order to ensure the credibility of the process. The responsibility of the IEC in this regard was to ensure that adequate resources, facilities and logistics were put in place for the election.

In the end, all stakeholders – political parties, candidates, the electorate, security officers, election observers, the media and party agents – all deserved commendation for their various contributions in making a potentially trouble-prone election safe, fair and free.

# INDEX

*Given that the political parties are mentioned throughout the text, they have not been individually indexed. The context in which they appear should be accessed through the subject term listed in the index.*

- Abahlali Base Mjondolo 55-56  
ACCORD 124, 158, 203, 214  
Action for a Safe South Africa 50, 197  
Adefuye, Ade 201  
African Alliance for Peace 158, 172, 197, 200-201  
African Centre for the Constructive Resolution of Disputes See: ACCORD  
African Union 141, 146, 150, 155, 161, 193, 197, 200-201, 205-206, 214  
Afrobarometer survey 109  
Algoa FM 47  
All Africa Conference of Churches 158  
Alternative Dispute Resolution 52  
ANC Youth League 11, 65, 81-82, 105-106, 161, 213  
Asmal, Kader 207  
Association of African Electoral Authorities 197, 200
- Bailey, Peter 63  
ballot secrecy 116, 118-119, 121, 126-129, 134, 213  
Bam, Brigalia 10, 51, 103-104, 106, 195  
Bekebeke, Justice 63, 93  
Bill of Rights 58  
Bird, William 139-140  
Black Sash 50, 131, 198  
Block, John 63, 93-94  
Boesak, Alan 93, 98, 114, 144, 212  
Boshoff, Carel Willem Hendrik 94  
Botes, Alvin 63  
Botha, P.W. 4  
Botha, Sandra 30, 103  
Botha, Thozamile 79  
Botman, Russell 114  
Broadcasting Act (1999) 139  
Brown, Lynne 96  
Business Unity South Africa 131  
Buthelezi, Mangosuthu 3-4, 38, 54, 83, 137-138, 172, 185  
by-elections, Northern Cape 62-63  
campaigns See: political party campaigns  
candidate nomination See: party lists  
candidate polling role, Eastern Cape 130; Free State 132; Gauteng 135; KZN 137-138; Limpopo 142; Western Cape 144  
Cape Economic Development Corporation See: ECDC  
Cele, Sthembiso 82  
Centre for Conflict Resolution 197  
civil society organisations, Eastern Cape 46; Free State 48; Gauteng 49-50; KZN 55-56; Limpopo 57; Mpumalanga 60; Northern Cape 63; Western Cape 65  
Cjiekella, Grizelda 63  
Cloete, Sampie 64, 94  
Co-operative of Research and Education 197  
Code of Conduct See: Electoral Code of Conduct  
Coetzee, Ryan 28  
COMBOCO 55, 169, 172, 200, 202  
Commonwealth 155, 161, 197, 214  
Conflict Management Committees 104, 192, 195  
Constitution of the Republic of South Africa Act (1996) 4, 16-18, 118, 139, 184, 191; Amendments 15  
Constitutional Court 17, 52  
COPE, post-election prospects 25; COPE/ANC contest 21-25  
COPE/DA relationship 28-29 See also: scattered entries  
corruption 27, 81, 212  
COSATU 56, 61, 65, 75, 105, 167, 210  
counting process, Eastern Cape 163; Free State 165-166; Gauteng 167; KZN 168-170; Western Cape 173, 213  
Cronje, Ina 186
- Dahl, Robert A. 27  
Dalai Lama 123, 188  
Dandala, Mvume 27, 38, 78-79, 82, 102, 105  
DDP 55, 197  
de Haas, Mary 54, 140, 157  
de Klerk, Frits 120  
de Klerk, F.W. 3-4
- de Lille, Patricia 5, 27, 93-94, 100, 113, 144-145, 189  
delimitation, Western Cape 64-65  
Deloitte and Touche 70  
Democracy Development Programme See: DDP  
democracy status 8, 13-15  
Desai, Mohammed 93-94  
Dexter, Phillip 81  
Dlada, Stanley 186  
domestic election observers See: observer missions  
Droop Formula 54  
du Toit, Nately 63
- Eastern Cape 45-47, 68-71, 116-117, 130-132, 148-150, 163-165, 175-177  
Eastern Cape NGO Coalition See: ECNGOC  
ECDC 70  
ECNGOC 46  
Ehrenreich, Tony 65, 96  
EISA 1-2, 48, 50, 52, 109, 141, 146, 150, 157-158, 169, 172, 196-198, 200-203, 206, 214  
election date 65-66  
election environment 8-9  
Election Monitoring Network 124, 197, 200  
election monitoring See: observer missions  
election preparedness, Eastern Cape 45-46; Free State 47-48; Gauteng 49; KZN 56, 124-125; Limpopo 56-57; Mpumalanga 59; North West 143; Northern Cape 62-63, 92; Western Cape 64-65  
election results See: results  
elections, democratic consolidation tool 108-109, 111-112  
elections (1994) 3-4, 88  
elections (1999) 4-5, 8  
elections (2004) 5, 8, 71-72, 75-76, 80, 92, 95-96  
Electoral Act (1998) 9, 18, 49, 51-52, 60-61, 90, 104-106, 115, 126-127, 132, 134-135, 138-139, 141, 167, 171-174, 187, 194, 196, 199, 205, 212

- Electoral Code of Conduct 9, 18, 45, 49, 51, 54-55, 101, 103, 108, 110, 112, 114, 133, 135, 137; observers 139, 196, 199; political parties 106; Eastern Cape 103-104; Free State 103-104; Gauteng 108; KZN 110; Limpopo 112; Western Cape 114, 212
- Electoral Commission Act (1996) 18, 47-48, 52, 59, 106, 199
- Electoral Commissions Forum 196, 197, 200
- electoral conflict 10-11; mechanisms, Eastern Cape 47; Free State 48-49; Gauteng 51-52; KZN 54-55; Limpopo 57-58; Mpumalanga 61-62; Western Cape 66-67
- Electoral Court 9, 55, 172
- electoral framework 16-20, 58-59, 203
- electoral reform 1, 17, 32-34, 184, 187-188, 206-207
- electoral system 14-15, 19, 32-34, 53-54, 119, 207
- Electoral Task Team 1, 17, 32-33
- electoral trends 6, 30-31
- electoral violence 9-12, Eastern Cape 100-101; Free State 104; Gauteng 105-107; KZN 110, 123-125; Limpopo 113; Western Cape 115, 129
- Elklit, Jørgen 8, 10
- Equality Court 191
- eTV 46
- European Union 141, 206, 214
- faith-based organisations, Eastern Cape 48; Limpopo 57; Mpumalanga 60
- Fakir, Ebrahim 140
- Federation of South African Christian Churches 197
- Finca, Bongani 45, 148, 150, 164
- First-Past-the-Post 15, 32-33
- floor-crossing 5, 15, 54, 99
- foreign voter missions 28, 52, 129, 160
- Free State 47-49, 71-74, 102-104, 118-120, 132-135, 151-154, 165-166, 177-181, 192-195
- Freedom Charter 90
- Friedman, Steven 123
- funding 122-123, 125-126; KZN 123-124; political parties 111; See Also: Public Funding of Represented Parties Acts; Regulations
- Gasa, Faith 186
- Gauteng 49-53, 104-108, 120-121, 135-136, 155-156, 167-168, 181-183, 195-198
- Gcabashe, Lungi 84
- gender issues 35-41, 63; Free State 132-133; Gauteng 135; KZN 140; Limpopo 142; quotas 39-40; Western Cape 144-145; See also: results; voter registration
- Gender Links 35, 145, 186
- Govender, Maggie 186
- government challenges, Eastern Cape 176-177; Free State 180-181; Gauteng 183; KZN 186-187; Western Cape 190-191
- Government Municipal Structures Act, (1998) 6
- Grindrod, Simon 93
- Hogan, Barbara 188
- Holomisa, Bantu 5, 27, 105
- Hoo, Sandi Kwon 92
- House of Traditional Leaders 103
- HSRC survey 83, 109, 122, 209
- Human Rights Commission 83
- Human Sciences Research Council See: HSRC
- Huntington, Samuel 53
- ICASA 19, 136, 139
- IDASA 9, 50, 131, 197
- Identity Document controversy (1999) 4
- IEC See: election preparedness; Electoral Act; counting process; polling stations; voter education; voter registration; voting process
- Independent Broadcasting Authority Act (1993) 18, 199
- Independent Communications Authority of South Africa See: ICASA
- Independent Electoral Commission See: IEC
- Independent Violence Monitor 54
- Institute for Media Analysis 38
- intimidation See: electoral violence
- Janielsohn, Roy 103
- Jenner, Sakkie 189, 190
- Jiyane, Ziba 54
- Joemat-Peterson, Tina 93
- Johnson, Lydia 186
- Justice and Peace Commission 50, 197
- Konrad-Adenauer-Stifting 203
- Koornhof, Nick 93
- KwaZulu-Natal 53-58, 108-111, 122-125, 137-140, 156-158, 168-172, 184-187, 199-204
- KwaZulu-Natal CBO Coalition See: COMBOCO
- KwaZulu-Natal Christian Council See: KZNCC
- KwaZulu-Natal Democracy and Elections Forum See: KZNDEF
- KZNCC 55
- KZNDEF 55, 124-125, 169, 197, 200, 202, 203
- Lekota, Mosiuoa 6, 11, 27, 30, 38, 78, 81, 105
- Leon, Tony 103
- Liebenberg, Chris 93-94
- Limpopo 56-58, 85-87, 111-113, 125-127, 141-142, 158-159, 187-188, 205-207
- local government, elections 6-7; issues 42-44
- Lowe-Morna, Colleen 35
- Mabasa, Lybon 89
- Mchunu, Senzo 138
- Mafole, Lyndall Shope- See: Shope-Mafole, Lyndall
- Magashule, Ace 102
- Makodi, Moss 144
- Malebana, M 112
- Malema, Julius 11, 21, 38, 41, 63-64, 81, 84, 107, 161, 213
- Mamabolo, Sy 121
- Mandela, Winnie 94
- Mandela, Nelson 3-4, 62, 84, 100
- Mangena, Mosibudi 93
- Mangope, Lucas 5
- manifesto development 83, 90, 92-93, 96-97
- manifestos, ANC 84, 96; COPE 97; DA 96-97; development 69-70, 73, 77-78; gender issues 38, 41; IFP 83; local government issues 42-44' reform stance ANC 33; IFP 33
- Mantashe, Gwede 210-211
- Manuel, Trevor 168
- Markdata survey 155
- Marshoff, Beatrice 103
- Mashatile, Paul 105
- Masondo, Amos 105
- Mateta, Nkaro 56-57
- Matla, Oupa 210
- Mbeki, Thabo 3, 4, 6, 8, 22, 24, 81-82, 96-98, 213
- Mbisi, Zanele kaMagwaza Zanele 185
- Mda, Anele 93
- Mdladlana, Membathisi 96

- Media ,Eastern Cape 46-47, 70-71, 131; Free State 74, 133-134; Gauteng 50-51, 79, 136; KZN 56, 139-140; Limpopo 87, 142; Mpumalanga 61, 91-92; North West 143; Northern Cape 63; Western Cape 65-66, 146
- Media Monitoring Africa 51, 79
- Media Monitoring SA 139
- Mepha, Chris 47, 119-120, 133, 152
- Meshoe, Kenneth 102
- Metsi, Kebaakae 143
- Meyer, Roelf 5
- Mkhize, Zweli 137, 186
- Mncwango, Albert 185
- Moadira, *Brigadier* 104
- Moakes, Jonathan 145
- Modimoeng, Jacob 210
- Moepa, Mosotho 103-104
- Mokonyane, Nomvula 66, 96, 115
- Molanthe, Kgalema 11, 66, 81
- Molebalwa, Madito waga 210
- Molewa, Edna 210
- Moloto, Sello 113
- Mompati, Neville 93-94
- Morna, Colleen Lowe- See: Lowe-Morna, Colleen
- Mosery, Mawethu 124, 156, 170
- Motlanthe, Kgalema 96, 171
- Moutse Cross-Border Forum 57
- Mpumalanga 58-62, 88-92
- Mpumlwana, Thoko 103
- Mthetwa, Nathi 124
- Mulder, Pieter 103
- NADECO 54, 100, 109
- Nairobi Peace Initiative 158, 214
- National Community Radio Forum See: NCRF
- National Democratic Convention See: NADECO
- National Results Operation Centre 163, 170-171
- National Union of Metal Workers 167
- NCDEF 63
- NCRF 47
- Ndebele, S'bu 137, 172, 186
- Ngonyama, Smuts 78, 81
- Ngoyi, Lilian 133
- Ngqengelele, Lunga 105
- Nissen, Chris 96
- Nkompela, Monwabisi 94
- Nkuhlu, *Professor* 70
- nomination process See: party lists
- North West 143-144, 207-211
- Northern Cape 62-64, 92-95
- Northern Cape Elections and Democracy Forum See: NCDEF
- Nqakula, Charles 124
- Nyerere, Julius 118
- Nzimande, Blade 81
- Nzuza, Thembi 186
- Obasanjo, Olusegun 140, 162, 205
- observer missions 50, 196-197, 199-202, 205-206; Eastern Cape 131-132, 150; Free State 134, 152-154, 192-195; Gauteng 136, 155, 195-199; KZN 138-139, 157-158; Limpopo 141-142, 206; North West 143; Western Cape 146-147, 161-162, 213-214
- Odendaal, Lynda 81
- opinion polls 30; See also: surveys
- opposition politics 5, 8, 21-26; See also: political parties concerned
- Pan-African Parliament 146, 193
- party agents, Eastern Cape 131; Free State 133-134, 194-195; Gauteng 135-136, 198; KZN 138; Limpopo 141, 144; Western Cape 145-146;
- Party Liaison Committees 47, 52, 104, 195
- party lists 37-38, 53-54; candidates 70, 73-74, 78-79; Limpopo 86-87; Mpumalanga 90; Northern Cape 93-95; Western Cape 97-98; women 37-38
- Patel, Ebrahim 96
- PEMMO Electoral Standards 198
- Peters, Dipuo 64
- Petterson, Tina Joemat- 93
- Pitso, Titi 52
- political parties, ANC (1999-2004) 81; ANC/COPE contest 21-25; campaigns 9-12, 23, 27-29, 63-64; dominance 3-5, 13-14, 53; Eastern Cape 68-69; Free State 71-72; funding 110-111; Gauteng 75-76; IFP in KZN 82-83; registration 59-60; See also: individual party concerned; broadcasting; Electoral Code of Conduct; manifestos; media, party lists
- political party campaigns, Eastern Cape 99-100; Free State 102-103; Gauteng 104-105; KZN 109-110; Limpopo 112; Western Cape 113-114
- political violence See: electoral violence
- polling stations 73; Eastern Cape 116; Gauteng 120-121, 197-198; Limpopo 126; North West 143-144; Western Cape 128, 212-213
- Polokwane Conference 8, 185, 212-213
- post-election disputes 164-165; Free State 166; Gauteng 167-168; KZN 172; North West 209-211; Western Cape 174
- PricewaterhouseCoopers 134, 195
- Proportional Representation 14-15, 19, 32-34, 119, 207
- Provincial Liaison Committees 149
- Public Funding of Represented Parties Acts See also: funding; Regulations
- Public Funding of Represented Political Parties Act (1997) 18-19
- Public Funding of Represented Political Parties Act (1999) 110, 122, 199
- Quaker Peace Centre 50, 197
- Ramatlakane, Leonard 97
- Ranney, A. 119
- Rapid Bus Transport system 107
- Rasool, Ebrahim 66, 96
- Regulations, Observers 138, 199;
- Party Elections Broadcasts, Political Advertisements, the Equitable Treatment of Political Parties by Broadcasting Licensees and Related Matters 139; Party Liaison Committees (1998) 18; Public Funding of Represented Parties Acts 125; Registration of Political Parties (2004) 18
- results (1994) 88-89
- results (2009) announcements, Eastern Cape 164; Free State 166; Gauteng 167-168; Western Cape 174; Eastern Cape 175; Free State 178-179; Gauteng 182; gender analysis, Eastern Cape 176; Free State 179-180; Gauteng 181, 183; KZN 186; Limpopo 188; North West 209; Western Cape 190; KZN 185; KZN (1994-2009) 204; Mpumalanga (2004) 89; North West 207-209; Western Cape 189; Western Cape (2004-2009) 213
- results management ,Eastern Cape 163-164; Free State 166; Gauteng 167; KZN 170-172; Western Cape 173-174
- Results Operations Centres 102, 144, 170
- results patterns Eastern Cape 175-



- 176; Free State 177-178; Gauteng 181; KZN 185-186; Limpopo 188; Western Cape 189-190
- Richter, Willem 17
- Roji, Vuyo 63
- Saaiman, Pieter 63
- SABC 46, 51, 71, 91, 104, 115, 123, 142, 164
- SACBC 46, 197
- SACC 50, 63, 131-132, 141, 158, 199, 206
- SACC (Gauteng) 1
- SACC (Western Cape) 50, 197
- SACSEC 1, 46, 49-50, 136, 146, 158, 169, 197-199
- SADC 35, 141, 146, 150, 155, 157, 161, 169, 172, 197, 200-201, 203, 205-206, 214
- SADC Parliamentary Forum 197, 200
- SADC Principles and Guidelines 193
- Sakhele, B. 72
- Salim, Salim Ahmed 150, 155, 161, 201
- Sampson, Courtney 115, 214
- SANCO 210
- SANDF 103-104, 133
- SAPS 52-53, 103-104, 107, 124, 133, 183
- Saul, Zaaïman 64
- Seaketso, Packet 210
- secrecy of the ballot See: ballot secrecy
- Segalo, Rev 63
- Selebi, Jackie 112
- Senegal Peoples' Development Institute 197, 200
- Seremane, Joe 82
- Sexwale, Tokyo 41, 84
- Shandu, Ellen kaNkosi 186
- Sheburi, Masego 51
- Shilowa, M. 6, 81, 114
- Shope-Mafole, Lyndall 81
- Shushu, Norman 63
- Sigcau, Mpendulo 177
- Skwatsha, Mcebisi 114
- Slabbert, Frederik van Zyl 1, 17, 32-33, 187, 207
- social movements KZN 55-56; Mpumalanga 60-61; Western Cape 65
- Sogoni, Mbulelo 47
- South Africa Local Government Association 103
- South African Broadcasting Corporation See: SABC
- South African Catholic Bishops' Conference See: SACBC
- South African Civil Society Election Coalition See: SACSEC
- South African Council of Churches See: SACC
- South African Human Rights Commission 103
- South African Institute of Race Relations 38, 83
- South African Police Service See: SAPS
- Southern African Catholic Bishops' Conference 50
- special votes 49
- state resources Eastern Cape 101; Gauteng 107-108; KZN 110-111; Limpopo 112; Western Cape 114-115
- 'Stop Zuma Campaign' 213
- surveys 83, 109, 122, 183, 209 See Also: specific survey concerned
- Suttner, Raymond 13
- Suzman, Helen 4
- Svensson, P. 8, 10
- Thusi, Wesizwe 186
- TNS surveys 183
- Tomm, Xoliswa 101
- Topkin, Elkin 63
- Trollip, Athol 70
- Tsie, Balefi 155
- Umhlobo we Nene 46
- United Church of Canada 146, 158
- Universal Declaration of Human Rights 118-119
- van Wyk, Francois 64, 93-94
- violence See: electoral violence
- voter education, Eastern Cape 45; Gauteng 50, 197-198; KZN 55, 125, 203
- voter registration (1999) 4
- voter registration (2009) 2, 35-36, 62; Eastern Cape 45, 69; Free State 72-73; Gauteng 49, 76-77; KwaZulu-Natal 56; KZN 83; Limpopo 89-90; Limpopo (1999-2004) 86; Northern Cape 64, 93; Western Cape 65, 96, 213; women 35-36
- voter trends 109
- voter turnout (2004) 3, 28-29;
- voter turnout (2009) , Eastern Cape 149; Free State 152-153; Gauteng 155; KZN 156-157; Limpopo 158-159; Western Cape 160-161, 213
- voting behaviour, Eastern Cape 149-150; Free State 152; Gauteng 155; KZN 157; Limpopo 159; Western Cape 161
- voting process, Eastern Cape 117, 148-149; Free State 119-120, 151-152; Gauteng 121; KZN 156; Limpopo 127, 159; Western Cape 129, 160, 213
- voting stations See: polling stations
- Webster, Eddie 140
- West African Network for Peace 158, 214
- Western Cape 64-67, 95-98, 113-115, 128-129, 144-147, 160-162, 173-174, 189-191, 212-214
- Western Cape Religious Leaders Forum 50, 197
- women: See: gender issues; results; voter registration
- Women's Net 140
- Yengeni, Lumka 211
- Youth 35, Free State 134, Western Cape 213
- Youth Ambassador Programme 86-87
- Zille, Helen 17, 27-29, 38, 41, 66, 70, 82, 96-97, 100, 103, 113-114, 144-146, 190-191, 212-213
- Zondi, Inkosi Mbongeleni 82
- Zuma, Jacob 8, 10-11, 27, 31, 35-36, 38, 41, 54, 63-64, 70, 81-82, 84, 102-103, 105, 107, 109, 124, 157, 159, 161, 203, 210, 213
- Zwelithini, King 54