

# election update



## South Africa 2009 #3

### TABLE of CONTENTS

#### Analytic coverage

Party Political Contestation and Configuration of Power: Likely Scenarios of the Election outcomes	1
Gender in the 2009 South African Elections	7

#### Provincial coverage

Eastern Cape	14
Free State	17
Limpopo	21
KwaZulu-Natal	23
Western Cape	28
Gauteng	31
<b>ABOUT EISA</b>	<b>37</b>

#### EDITORIAL TEAM

Ebrahim Fakir, Jackie Kalley, Alka Larkan, Khabele Matlosa

## ANALYTIC COVERAGE

### Party Political Contestation and Configuration of Power: Likely Scenarios of the Election Outcomes

Prof Dirk Kotzé  
Department of Political Sciences  
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

# election update

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% of all the registered voters: Gauteng - 23.58% of all the registered voters; KwaZulu-Natal 19.29% and the Eastern Cape 13.15%. Together they have 56.02% of all the potential voters. It means that the other six provinces together have less than 44% 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% 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% increase in the voter population between 2004 and 2009 gives an average of 3% per year, which is not much more than the average population growth rate of 2.4%.

# election update

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% of the total number of registered voters - in 2009 increased to 24.24% of the total. The proportion in the age group 30-39 years decreased from 26% to 24.67%. The combined group of 20-39 years is therefore 48.91% of the total voter population, compared with 46.79% 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 was 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% 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 because the last five years 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.

# election update

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 which 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% 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% and in the Eastern Cape with 5.47%. 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%). In the Northern Cape it experienced its second strongest growth at +6.31%, followed by the Free State with +3.14%. All of the other provinces showed a growth of less than three percent. Its lowest growth was in KZN (+0.20%). 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%, but lost 0.15% 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% national support in Parliament, but partly recovered from the losses with an increase of 1.28% in support since

# election update

last year. Its main base remains to be the Eastern Cape, where the ANC recovered 5.5% of its losses in 1999, and the UDM lost 4.3% 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% for the ANC (reported in November 2008) to 47% for the ANC (reported in March 2009 by the HSRC). The ANC itself predicted 64% in its own poll.

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

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

Table 2: Provincial Predictions for four provinces

Province	Company	ANC	DA	COPE	IFP
W. 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	

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.

# election update

## 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%. The DA will be slightly ahead of COPE in this scenario, with about 16% versus 13-15%. 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% 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% 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% of the voters compared to about 18% 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.

# election update

## Gender in the 2009 South African Elections

### Gender Links

South Africa is likely to witness a 12% increase in women's representation in Parliament from 33% to 45%, 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 percent to 27 percent.

The increase would put South Africa firmly on course to meet the Southern African Development Community (SADC) target of 50% women in political decision making by 2015. It would also place South Africa in the lead position in the regional body (at 36% women in Parliament, Angola is currently the front runner). South Africa would, however, still be behind global leader Rwanda at 56%. 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% of voters overall. In the bumper voter registration turnout, young people constitute 12 million of the 23 million voters and young women constitute 53% 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 KwaZulu 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

---

<sup>1</sup> 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)

# election update

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% 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% of all registered voters; this runs as high as 58% in the Eastern Cape.

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%
<b>National</b>	<b>12 718 375</b>	<b>10 455 904</b>	<b>3 174 279</b>	<b>55%</b>	<b>45%</b>

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% are young women and 5.6 million (47%) are young men. This is by far the largest age group of voters (see Table 2 below).

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>

<sup>2</sup> Source: IEC

23 174 279

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% 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

# election update

Convention (APC), Congress 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: Women in party lists

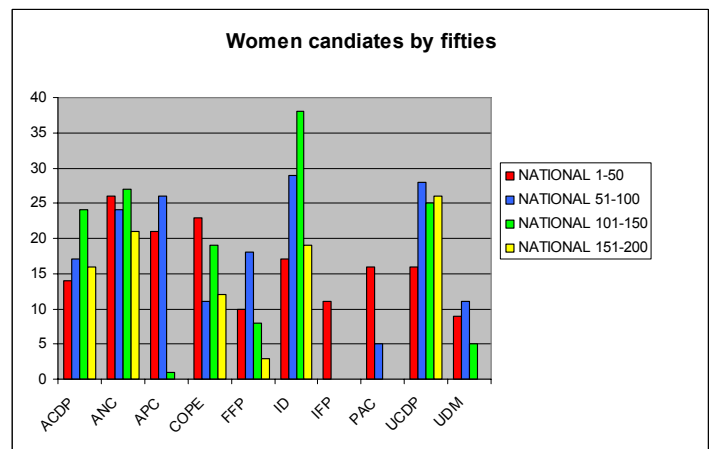
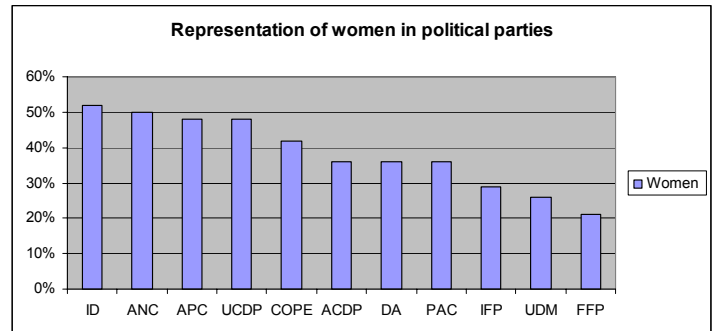
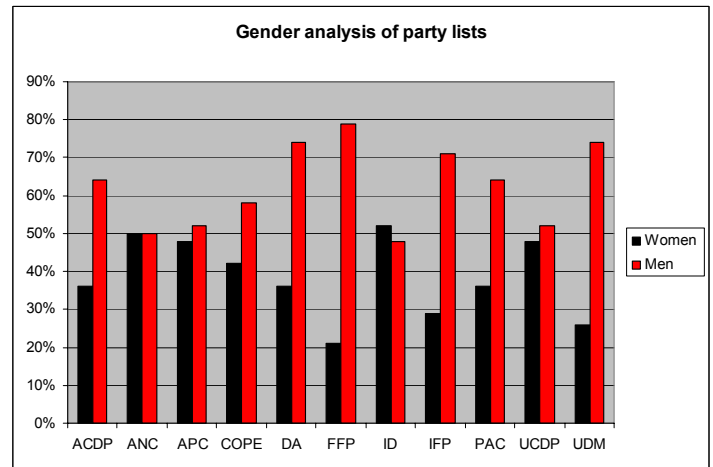
Party	Women	Men
ACDP	36%	64%
ANC	50%	50%
APC	48%	52%
COPE	42%	58%
DA	36%	74%
FFP	21%	79%
ID	52%	48%
IFP	29%	71%
PAC	36%	64%
UCDP	48%	52%
UDM	26%	74%

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%). They are followed by the ANC (50%). The APC has come close to parity with 48% women on the list. The FFP (21%) and UDM (26%) 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% women on their lists. The five remaining parties have 25% or below representation of women on their lists. The FF Plus comes in last with only 21% 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.



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

# election update

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 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% 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% 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% of media coverage while Mangosuthu Buthelezi is getting 7%, Helen Zille 14%, Mvume Dandala 8% and Mosiuoa Lekota 9%.

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

If one assumes that the ANC will get 60% of the vote the ANC will have a 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% 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% women. The DA would likely have about 22 women or 37% women MPs. In this scenario,

the remaining opposition parties will get a total of 40 seats, of whom we predict that about 10 will be women.

This implies a total of 180 women or 45% women in Parliament; up from 33% 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% 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.

<sup>3</sup> <http://www.saelections.co.za/?gclid=CKjV4tO64ZkCFZCD3god1Ax3aQ>

<sup>4</sup> [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)

# election update

Table 4: Gender and political party manifestos

Party	Quota	Gender: Specific references or inferences	Gender mainstreaming
ANC	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>
COPE	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>
DA	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>
ID	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>
IFP	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>
UDM	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>
ACDP	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>
UDCP	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>
PAC	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>
FF+	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>

# election update

This analysis shows that only the ANC has made any real effort to mainstream gender in its manifesto. It has translated the 50% 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% of all our Parliamentarians, provincial legislature members and councillors are women and 43% in cabinet. ANC policies will further increase women representation in Parliament and government to 50% by 2009.’

While the ID lists exceed the 50% representation of women the manifesto is disappointingly deficient 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 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

# election update

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% 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.

<sup>5</sup> <http://www.tac.org.za/community/node/2477>

<sup>6</sup> <http://www.mg.co.za/article/2009-01-26-cope-takes-issue-with-sexwale-malema-comments>

# election update

## PROVINCIAL COVERAGE

### Eastern Cape Province

Thabisi Hoeane

Department of Political Studies, 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>7</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 manifestos in the Eastern Cape Province) and have dominated the campaign.<sup>8</sup> Although PAC also launched its national manifesto in the Eastern Cape, it has largely been out of the provincial media spotlight.<sup>9</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>10</sup>

<sup>8</sup> See Patrick Cull, ANC throws down the gauntlet to Cope, *The Herald*, 12 January 2009, p.1; Sabelo Dlangisa, Cope urges respect for courts at launch, *City Press*, 25 January 2009, p. 2.

<sup>9</sup> Msimelelo Njwabane, PAC to launch election manifesto in Butterworth, *Saturday Dispatch*, 24 January 2009.

<sup>10</sup> [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)

<sup>7</sup> <http://www.info.gov.za/speeches/2009/09030314451001.htm>

# election update

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>11</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 80 000-100 000 and 20 000-30 000 respectively.<sup>12</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>13</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>14</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>15</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>16</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.

<sup>11</sup> For example, a search of the IEC website for registered parties revealed that 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.

<sup>12</sup> See Patrick Cull, ANC throws gauntlet to Cope, *The Herald*, 12 January 2009, p.1; Mayibongwe Maqhina, Cope on the threshold of historic moment, *Daily Dispatch*, 26 January 2009, p. 1.

<sup>13</sup> See <http://www.dispatch.co.za/article.aspx?id=288736>

<sup>14</sup> 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.

<sup>15</sup> 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)

<sup>16</sup> Xolisa Amgwayu, ANC pays for slogans on motorists' cars, *Daily Dispatch*, 21 January 2009, p. 3.

# election update

## 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 countrywide. 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>17</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>18</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>19</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>20</sup>

Another form of violence erupted when party supporters 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>21</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>22</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 time 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>23</sup>

<sup>17</sup> Asanda Nini, Robust election predicted for Eastern Cape, *Eastern Cape Today*, 12 March 2009, p. 3.

<sup>18</sup> Adrienne Carlisle, Amahlati councillors threatened by ANC mob, *Daily Dispatch*, 26 January 2009, p. 4.

<sup>19</sup> Babalo Ndzendze, Chaos in award-winning town', *Daily Dispatch*, 11 March 2009, p. 4.

<sup>20</sup> 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.

<sup>21</sup> Patrick Kukard, Cope v ANC!, *Daily Sun*, 2 February 2009, p. 1.

<sup>22</sup> Student shot in riot at Cope rally, *The Herald*, 23 February 2009, p. 2.

<sup>23</sup> Asanda Nini, IEC orders arrest of disorderly party official, *Eastern Cape Today*, 12 March 2009, p. 3.

# election update

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>24</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>25</sup>

## Free State Province

Dr KC Makhetha  
University of the Free State

The 2009 election will be South Africa's fourth democratic election 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.

<sup>24</sup> Msimelelo Jwabane, MEC accused of giving state project to the ANC, *Daily Dispatch*, 6 February 2009, p. 1.

<sup>25</sup> Lubabalo Ngcukana, Taxpayers cash used to promote ANC, says UDM, *Daily Dispatch*, 9 January 2009, p. 4.

# election update

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.

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.

# election update

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 emphasis 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.

# election update

All the political parties contesting the election in the Free State were represented. In attendance was, 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 (SANDF) 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*, 26 February 2009

*Mail & Guardian*, 6-12 March 2009

Powell, G.B. *Elections as Instruments of Democracy*. Yale University, 2000

SABC Election Update, 12h30, 28 February 2009

*Volksblad*, 10 March 2009

# election update

## Limpopo Province

Prof. Lesiba Teffo  
Department of Political Studies  
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.

The writer 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:

# election update

- tolerance of democratic political activity
- free and fair political campaigning and open public debate.

So far there are eighteen 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 M. W.

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 employee. 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 facilities, 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

# election update

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.

## The Kwazulu-Natal Province

Dr Shauna Mottiar  
Senior Programme Officer, African Centre for Constructive Resolution of Disputes (ACCORD)

### Value of elections for 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

# election update

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% of the sample population was interested in the national and provincial elections. 75% voted because they believed their vote made a difference, while 81% believed it was their duty to vote. This implies that the electoral process is becoming entrenched as a democratic institution. 72% of the sample claimed to have been satisfied with the IEC performance during the last election while only 6% 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% of the sample voted to get quality health, education and other basic services, 41% 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% 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 Ukahlamba 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

# election update

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 Malangen (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

# election update

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, 2009 a).

## 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

# election update

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. 20% 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, JJ, 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)

Oliphant, N, 'Rajbansi targets the black vote', *Mercury* 6 March 2009 (b)  
Piper, L, 2004, 'Politics by other means: the practise 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.*

# election update

## Western Cape Province

**John Akopari**  
Department of Political Studies  
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 percent 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, Prof 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,

# election update

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>26</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,

<sup>26</sup> Lynnette Johns. 'Boesak interested in making himself richer', *Cape Argus*, 9 March 2009

# election update

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 percent 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

# election update

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>27</sup>

## The Gauteng Province

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 for free on the national public broadcaster, South African Broadcasting Corporation (SABC)<sup>28</sup>. This has been hailed as a welcome relief especially by those parties who financial well-being is not on 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).

<sup>27</sup> Aziz Hartley. Handcuffs for 28 after attacks on Cope fans, *Cape Times*, 11 March 2009

<sup>28</sup> ANC launches R3m TV campaign, *The Sowetan*, 26 February 2009.

# election update

The ANC was recently criticised by opposition parties by campaign 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>29</sup>. Added to this issue, there were also complaints of teachers attending political rallies or meetings during schools 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 President Mosiuoa Lekota also visited the areas.

Metrorail operates approximately 450 000 scheduled train per year in Gauteng or 37 700 train trips per month<sup>30</sup>. If these statistics could attract vendors who make a profit through selling various goodies, 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 handed 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>31</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 also briefly focus on the usage of lamp-posts as a campaigning tool. For starters, producing election posters is quiet expensive. However, vandals along Beyers Naude Drive and Parktown in Johannesburg, Gauteng are having filled 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 ways of this year's political campaigns will potentially increase votes for some, while for some it would be the opposite. For a strange reason, parties like the Azanian Peoples' 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 amidst 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 astonishing 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 Provinces main arterial

<sup>29</sup> Stop visiting schools in election campaigns: DA, *The Citizen*, 15 Jan 2009.

<sup>30</sup> <http://www.tshwane.gov.za/documents>, Appendix A: Literature Study

<sup>31</sup> <http://www.iol.co.za>, Dandala gets COPE campaign on track

# election update

motorway the M1, going 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, even though 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 tensions since 1994. On March 28<sup>th</sup> 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 varying 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 Thembisa in the East Rand (now known as Ekurhuleni) were identified as potential 'hotspot' locations. In addition to areas in the city which 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 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'<sup>32</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 has now become an intra party phenomenon. Whilst inter-party conflict and intolerance remains a feature, the historical continuities of political conflict that was a feature of some liberation movement activity before 1994 remains in evidence and thus remains a matter of concern. While 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

---

<sup>32</sup> 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

# election update

sympathisers within the ANC<sup>33</sup> and ANC sympathisers within COPE, the relative calm within parties in the immediate period of campaigning may be fractured, 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 their expectation with respect to electoral performance are not met, in which individual 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 rages 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 jumped up 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, that 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, that is political participation through formal processes as well as political expression through direct action. The Khutsong area presented an acute example of this, in which over a period of three years there have intermittent road blockages, schooling disrupted and some local councillors were chased out of the area and their hoses 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 organized under the COASTU banner were intimidated if they did not form a part of the strikes. Gauteng was one such region identified as particularly problematic<sup>34</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

<sup>33</sup> ANC enforces loyalty pledge, Rapule Tabane, *Mail and Guardian*, 22 November 2008

<sup>34</sup> State threatens tough action, *Pretoria News*, 8 June 2007.

# election update

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 to find that they were unable to eventually 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 flourish 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 (Tshwane) Pretoria 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) they went so far as to identify particular individuals from within the ANC for instigating the violence against IFP members<sup>35</sup>.

The mooted inception of the Rapid Bus Transfer system (BRT) by local councils in view of 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 the streets, and bringing them 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, during which conflation, it is charged that ruling parties have access and abuse the government machinery and state resources for political advantage. Among the various ways, in which it is charged, this is 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 amongst voters for the incumbent government.

Secondly it is alleged that ruling parties openly use the resources of governments, 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

<sup>35</sup> IFP condemns Intimidation of its members in Gauteng, Media statement of the Inkatha Freedom Party; 18 November 2008

# election update

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 they would lay charges with the IEC, the SAPS and approach the electoral court to adjudicate in a matter in which they charge that the ANC<sup>36</sup> 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>37</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>38</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>39</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 being approached by several Gauteng residents with complaints about claims being made, and that fact that the DA has photographic documentary evidence of department of 'welfare officials on duty in Lanseria in ANC T-shirts' which confirm that state officials were openly campaigning for the ANC and

demanding welfare recipients support for the ANC in return for welfare grant payments'.

---

<sup>36</sup> Cope to lay charges over ANC food for votes, *The Times*, 17 April 2009,

<sup>37</sup> ANC uses food parcels to buy votes, Media Statement, COPE, 16 April 2009

<sup>38</sup> ANC uses food parcels to buy votes, Media Statement, COPE, 16 April 2009

<sup>39</sup> DA Statement. Issued by Janet Semple, MP, Democratic Alliance spokesperson on social development, 9 March 2009

# election update

## ABOUT EISA

Since its inception in July 1996 EISA has established itself as a leading institution and influential player dealing with elections and democracy related issues in the African continent.

The organisation's strategic objectives are

- To enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights
- To create a culture of excellence that leads to consistently high quality products and services
- To position EISA as a leader that consistently influences policy and practice in the Democracy and Governance Sector.

The vision of EISA is “an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment”. This vision is executed through the organisational mission of “striving for excellence in the promotion of credible elections, participatory democracy, a human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa”. EISA staff members are essentially drawn from the whole African continent.

In conjunction with the Electoral Commission's Forum of SADC countries (ECF), EISA has helped develop “Principles for Electoral Management, Monitoring and Observation in the SADC Region”, PEMMO, a document reviewing guidelines for running a professional and legitimate election. EISA is also one of the organisations which developed, adopted and launched the Declaration of Principles for International Election Observation in 2005 at the United Nations in New York.

EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral commissions, political parties and civil society in a variety of areas, such as voter and civic education, electoral reform, electoral observation/monitoring and conflict management and transformation. EISA initiated the formation and establishment of the civil society-based SADC Electoral Support Network (SADC ESN) in 1997 and the Electoral Commissions Forum of SADC countries (ECF) in 1998. EISA was the Secretariat of both regional bodies over several years from their inception.

EISA is also helping inter-state institutions like the African Union, the Pan-African Parliament and the SADC Secretariat to reinforce their capacity in the area of election observation and will provide similar assistance to ECOWAS and the East Africa Community in 2009.

EISA has observed and co-ordinated over 30 electoral processes in the continent and beyond. It has conducted training of political party agents, local monitors and regional observers in election monitoring and observation. It has deployed election observation teams to observe electoral processes and possesses the logistical expertise for coordinating such exercises. Countries in which EISA has observed elections include Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zanzibar and Zimbabwe. Beyond the SADC region EISA has observed elections in Burundi, Ghana, Kenya, Nigeria, Rwanda and Somaliland.

EISA has been involved in all the elections in South Africa since 1999 in three important ways namely (a) production of election updates; (b) election observation; and (c) public dialogue especially around electoral reforms.



The *Election Update* series is generously supported by Danida and Dfid