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ANC LEADERSHIP BATTLE: TO DEAL OR NOT TO DEAL?

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While the outgoing ANC president is heading in his own direction, outside the control of the ANC, the government, and Parliament, the battle for a new ANC president is continuing. There are still three main scenarios for a winner (in alphabetical order): Dlamini-Zuma, Mkhize and Ramaphosa.

According to the numbers of delegates from the various provinces that have now been determined, it is clear that there has been strong growth in Mpumalanga (736 delegates), and only KwaZulu-Natal has more (870). The Eastern Cape and Limpopo come in at three and four (648 and 643 respectively). North West and Gauteng are in the middle group (538 and 508), with the Free State (409), Northern Cape (197) and Western Cape (182) at the lower end. The branches make up 90% of the 5 300 delegates, with the rest coming from the Leagues and the Provincial Executive Committees (PECs).

Dlamini-Zuma's campaign has, according to media reports, started to dwindle. But do not underestimate her. She banks on and talks to the people who will vote in December, not the political commentators, or those who buy newspapers, or read articles online. It is, however, true that she has to battle the avalanche of negative publicity generated by her ex-husband and the main protagonist for her candidacy. She has the support of the Leagues (Women, Youth and MK Veterans), and a number of PECs, such as North West and Free State, support her openly.

Ramaphosa's campaign gets most of the publicity, but his challenge is to talk to enough people at grass-roots level, given the fact that with his duties as Deputy President of the country, he can only campaign over weekends. He has the support of COSATU, the SACP, the very influential Veterans, and three PECs have declared their support publicly (Gauteng, Northern Cape and Eastern Cape). His main challenge is that Mkhize may take some of the votes that he has counted on, whereas Dlamini-Zuma's supporters are firmly behind her. If Zuma decided to fire him, it could actually work in his favour in two ways. It will give him more time to campaign, and it would get him a possible sympathy vote.

Mkhize, apparently peeved that he was left off the Ramaphosa slate as deputy president in favour of Lindiwe Sisulu, is positioning himself as the "unity candidate". For those who are really concerned that the ANC may split if either Dlamini-Zuma or Ramaphosa are elected, his candidacy is an attractive option. He also has strong support in KwaZulu-Natal and Mpumalanga. He may, however, have left it too late in joining the race.

In the last few weeks a fourth scenario has presented itself: the postponement of the Elective Conference, brought about by Zuma camp supporters, using a legal challenge. It is surely only the Zuma camp that could benefit from the uncertainty and leadership hiatus continuing after the postponement of the Conference. It remains to be seen what arguments they will use, but it is almost 100% certain that the main question any court would ask is: "Has the ANC followed its own rules?" In this regard, referring to the case of



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the KZN PEC whose election has been declared invalid recently, secretary-general Mantashe has stated that because of the fact that the branch members vote, the PECs are not relevant to the Elective Conference. But as stated above, the Leagues and PECs make up 10% of the delegates, and therefore indeed have a vote and are relevant. A legal challenge to the Elective Conference may actually succeed if the problems with the various PECs are not sorted out.

Be that as it may. If the Conference does continue, it is important to note how the election process will play itself out. The IEC will receive the nominations via Luthuli House and also officiate at the Elective Conference. At the moment, branches are making their nominations for the top six - or as a Luthuli House circular had it, the top eight (adding two more deputy secretaries-general) or the top nine (adding another deputy president). This will be decided on the first day of the Conference, when the proposed constitutional changes are debated and voted on. The possibility of another deputy president could have a bearing on the election of the president.

Branches can nominate six individuals for specific positions in the top six, or they could (as Gauteng branches have done) nominate one candidate (in this case Ramaphosa) for the presidency and then five or more for the other posts in the top six. Any candidate who eyes a spot in the top six (or eight or nine) and wants to make the shortlist for election, must reach a subminimum of 15% of nominations of all branches. If you fall short of the 15%, the only other opportunity is at the Conference, where you must show that at least 25% of the attendees support your nomination. Considering the 15% subminimum, it also looks likely that certain candidates may not make it to the eventual shortlist. At this stage of the leadership race, the most important factor is to get nominated by enough branches to make the shortlist.

The present rule is that for every position there is only one voting session, and whoever gets the most votes, is elected (also called “first past the post”). This means a candidate for president does not need to have 50% plus one of the votes, but could, for example, be elected with a mere 34% of the votes, where the other two get 33% each. This is obviously a highly unlikely scenario, but it does highlight the risk associated with the election when more than two candidates compete. It also incentivises two candidates making a deal and supporting each other for different positions before going into the voting process, so as not to split their votes and let a third walk away with the proverbial cake. If Ramaphosa and Mkhize decided to make such a deal before the voting process, it would enhance both their chances to become president and deputy president respectively. The same is obviously true for a deal between Mkhize and Dlamini-Zuma.

The election of a president and the rest of the top six is not a zero-sum game, where the whole top six would, for instance, be Ramaphosa people if he is elected as president. Even the Gauteng province, although nominating only Ramaphosa as president, has included Dlamini-Zuma in their list for the top six/eight/nine. Compromises will be reached and deals made, not in the least because of the need for organisational unity. For instance, if Ramaphosa does win the presidential race, it is an open question who his deputy would be -



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Sisulu or Mkhize. He may for that reason support the constitutional amendment for a second deputy president.

It is clear that from now until the start of the Elective Conference, reaching the 15% subminimum is paramount. But as the Conference starts, deals and compromises are bound to be made. As political commentator Theo Venter correctly states: “The ANC needs a clean break from the state capture patronage mindset, but deal-making and compromise is part of the ANC political culture. Rather than to make a clean break in the interest of the country, one can expect the new elected ANC top officials to include some of the old captured faces...”.