



**FW de Klerk**  
FOUNDATION

## **ONLY JUST FREE AND FAIR, A MOVE TO THE CENTRE, BUT STILL IN THE MIDST OF EXTRA-PARLIAMENTARY POLITICS**

*By Theuns Eloff: Executive Director, FW de Klerk Foundation*

Democratic South Africa's sixth general election has come and gone. Before reflecting on and interpreting the results, it is necessary to pause and consider the process that unfolded and brought us to this point. According to section 190 of the Constitution, the Electoral Commission must "*manage elections... in accordance with national legislation; ensure that those elections are free and fair; and declare the results of those elections within a period that ... is as short as reasonably possible*".

There was, therefore, a huge amount of preparation done for the 2019 National and Provincial Elections. During that time the Independent Electoral Commission (IEC) was also mandated by the Constitutional Court to ensure that every eligible voter had a correct home address - a task that they had not yet completed by Election Day. Concerns were registered beforehand about the IEC's capacity and its budget. Concerns had also been raised about the number of voters who had registered. Despite the IEC's best efforts, only 27 million of the 36 million eligible voters registered. A further concern was the low rate of youth registration, especially in the category 18 to 36 years.

As it happened, this election had the lowest turnout since the dawn of democracy, as only 66% of registered voters turned up to vote. This means that just over 17 million South Africans exercised their hard-fought right to vote. This is less than 50% of eligible voters. Compared to international figures, this is not particularly bad. Countries with much more established democracies often have a 60% turnout in an election and sometimes even lower. Nevertheless, the fact that the South African percentage has consistently decreased since 2009, and dipped sharply from the 73% in 2014, is cause for concern.

On 8 May some organisational problems were also apparent. There were voting stations that did not open on time or, in a few cases, not at all. In a *bona fide* attempt to make it easier for especially rural voters to vote, tents were used as voting stations. But in a number of cases, inclement weather caused these to be blown away, and, in one case, a voting station was stolen. There were also some technical problems: the attempts to vote more than once and the concerns about the indelible ink on fingers are well-known.

All of the above caused some parties (especially those that had not done well) to question the freeness and fairness of the elections and even demand a revote. After the IEC's verification process had been completed, the election was, however, declared free and fair. International and domestic observers agreed that the election had been, on balance, free and fair.

It is at this stage not known whether any parties plan to resort to legal action.



**FW de Klerk**  
FOUNDATION

The IEC pointed out that these elections had been some of the most complex and difficult since 1994. A novel feature of the 2019 elections was the initiative taken by the Nelson Mandela Foundation to form, together with member foundations of the National Foundations Dialogue Initiative (NFDI), a civil society observer group. This could, in future, become an important domestic mechanism to ensue not only free and fair elections, but also legitimate elections.

Although the IEC completed its constitutional mandate, there are lessons to be learnt from this process. It is clear that the IEC did not always have the capacity or the budget to prevent the above-mentioned problems. Perhaps the IEC should consider appointing an independent panel consisting of some political parties, observers, NGOs and business, to evaluate the process and identify what could be done better. Government should then timeously allocate adequate funding for the municipal elections that are a mere two years away.

The outcomes of the elections are well-known by now. In 2014, 29 parties participated, and eventually 13 made it into the 5th Parliament. This year, a record 48 parties took part, and only 14 will have seats in the 6th Parliament. It is significant to note that of these, eight have only one or two seats, and one has four seats. These nine parties secured less than 5% of the votes. Only five parties have 10 or more seats, with the ANC gaining a majority of 230 seats, but 19 fewer than in 2014. The DA lost five seats and will have 84. The EFF gained 19 seats and will have 44 seats, the IFP gained four seats and will have 14, while the Freedom Front Plus (FF+) gained six seats and will have 10 seats in total.

By far the majority of parties participating in the election, could not secure even 10 000 votes nationally. In fact, 30 of those parties collectively got less than 230 000 votes, which is less than the FF+, the fifth biggest party in Parliament. They also collectively got less votes than the total number of spoilt votes (235 472).

Consequently, questions were raised about a possible threshold of votes to gain access to Parliament, for example 500 000 votes. Our system of proportional representation was designed, amongst others, to benefit smaller parties and broaden democracy. Such a threshold would have negative implications in this regard. The fact that there was - possibly because of the recent past and the "nine lost years" - more dissatisfaction with the present parties, resulted in an extraordinary number of smaller parties trying to get into Parliament. This is probably a temporary phenomenon.

Given the outcome of the election and the seats in Parliament, what major shifts can be detected, if any?

The first is that South African voters are, to put it lightly, hesitant to vote for untested parties, opportunists and ideologues. The majority are also not willing to follow a leader who split off his/her party for reasons other than sound policy differences. The second is that, despite losses from parties with essentially centrist policies, the majority of South African voters (almost 80%) still prefer moderate parties and policies to extremist and radical ones. President Cyril Ramaphosa's person has clearly played a major role in the votes the ANC



**FW de Klerk**  
FOUNDATION

received. But for the time being, the question remains whether this centre can hold, as the Ramaphosa part of the ANC must still show that it is indeed the leader of a stable, middle-ground party. In the third instance, it is clear that the EFF has grown strongly in three elections (2014, 2016 and 2019). This has happened because of bad governance by and corruption in the ANC, as well as lack of socio-economic benefits to the majority of South Africans. Numerous voters expressed a “need for change” and they did not necessarily vote for the DA. The EFF has also stoked racial fires and played on this in its campaign. Whether these factors are enough to sustain continued growth, remains to be seen.

Fourthly, the rise in IFP votes can be ascribed to the situation in KZN, where traditional sentiments (most likely egged on by the King) saw voters turn away from the ANC back to the IFP. The emotional issue of land and the Ingonyama Trust could have been factors in this movement. But the IFP needs a younger leader at the helm to capitalise on these gains.

Fifthly, it is common cause that the FF+ gained a majority of its new votes from those who are dissatisfied with the increasingly racial policies of the DA. But the issue of culture and language is also a factor in this move to the FF+. This is therefore not merely a move to the right, but rather one in which disgruntled Afrikaans-speaking minorities are seeking a new political home to safeguard their increasingly embattled language and cultural rights. And the DA, especially in the Western Cape, has not been a champion of, for example, Afrikaans education. The FF+ should therefore be seen as part of the middle-ground in South African politics.

As was stated before by the FW de Klerk Foundation, the really important and direction-giving struggle still lies ahead, after the election.

This is the struggle for dominance in the ANC. Even though Parliament will probably remain interesting and never dull (given the increased number of red overalls), for the moment we are (again) back to extra-parliamentary politics - inside the ANC and Luthuli House, and not Cape Town. Hopefully President Ramaphosa will promote a return to our constitutionally-established institutions. The country holds its collective breath...