election**synopsis**

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Introduction

With South Africa's ten-year mark of democracy and freedom and the third democratic election upon us, the country is likely to be awash with celebration and festivity to mark both occasions. However, this is not only a time to celebrate achievements of the past decade but also to undertake analytical and critical reflection on the ten years of democracy in South Africa, and the likely trajectories and trends that will reveal themselves in the 2004 general elections.

To this end, four partner organisations are combining their efforts to research and analyse the 2004 elections, and gauge the implications for governance and democracy for the next five years. These partners are the Centre for Public Participation (CPP), the Institute for Democracy in South Africa (IDASA), the Human Sciences Research Council's Democracy and Governance Programme (HSRC:D&G) and the Centre for Policy Studies (CPS). The major themes, which will enjoy specialist attention are public participation, politics and identity, party manifestos and campaigns, and and interpretation of the results of the 2004 polls and their implications for democratic governance. The partnership will also host a series of workshops and seminars throughout the country in order to create opportunities for debate and dialogue over these issues and challenges.

The four partner organisations have created a specialist publication, election**synopsis** as the major vehicle through which we will communicate our findings, analysis and data. Election Synopsis is a revamping of the CPS quarterly governance publication synopsis.

Chris Landsberg
Director
Centre for Policy Studies

Focus on Public Participation and Representation

This issue provides a contextual overview of the contradictory dynamics within which the 2004 elections will take place. It examines the electoral system and processes, and the extent to which these impact on citizens' participation and representation, and government accountability. It interrogates the limits of representation and accountability of such a system, and additional means of participation within formal governance structures during the period between elections. Finally it posits a number of explanations concerning the extent of participation in the forthcoming elections.

The advent of democracy in South Africa resulted in fundamental institutional, procedural and policy transformations. An inclusive citizenship was established, formal, democratic representative institutions and processes were developed, and a new policy regime was instituted. However, **Landsberg** and **Mackay** argue that, in spite of these political achievements, South Africans continue to be confronted with enormous socio-economic inequalities, and problems of development and poverty alleviation.

In addition to the problems of delivery on second-generation entitlements, and despite constitutional guarantees of the protection of first-generation rights and the establishment of a new electoral system, **Southall** argues that the system is flawed in a number of ways. He further submits that these flaws entrench one-party dominance and political control.

The fact that the electoral system requires citizens to vote for parties rather than individual representatives, places severe constraints on the extent of citizen representation and government accountability. These problems are compounded by floor-crossing legislation, which enabled party representatives to change allegiance, thus binding their voters to the policies of parties for which they did not vote. A further consequence of this is that although citizens participated in previous elections, they become increasingly politically impotent, in that they could not hold their representatives accountable for policies for which they initially voted. This results in public participation without concomitant political accountability. It dilutes accountability whilst concentrating ANC domination. This raises one possible explanation for the decline of voters in electoral participation, and the erosion of political accountability.

However, political participation in formal government institutions is not limited to periodic elections. There exist additional structures and decision-making processes for ongoing participation between elections. **Hicks** provides an evaluation of the possibilities and limitations of enhancing public participation through structures such as parliamentary portfolio committees, the allocation of MPs to constituencies, *imbizos*, public consultation in policy formulation and decision-making through white – and green- paper processes and the mixed ward/party list electoral system at local government level. However, these mechanisms are flawed and limited in terms of their ability to enable inclusive participation. More is required from civil society organisations and social movements which can transcend the formal constraints of government institutions in terms of providing a diversity of fora for the representation of diverse interests, associational politics, the forging and strengthening of identities, and advocacy.

If, as **Southall** and **Hicks** imply, the existing electoral system and additional formal government institutions constrain public participation, and if, as **Landsberg** and **Mackay** contend, government has been weak on delivery, why do, or should, citizens participate in voting?

Daniel argues that the 1994 and 1999 elections were essentially "rites of passage", and had little to do with real issues. In 1994, South Africa celebrated the advent of democracy, "the righting of an historic wrong" and "a coronation". In 1999, we witnessed the almost unprecedented voluntary retirement of an African leader – President Nelson Mandela – after only one term in office. And, in spite of attempts by opposition parties to put delivery issues on the agenda, this was tempered by a recognition that five years was not long enough for a new government to address the profound legacies of apartheid. It is only now, in 2004, that real issues which directly impact on the socio-economic conditions of the electorate, are likely to become serious topics of contestation between political parties and their supporters, and impact on voting behaviour. Ironically, with the advent of the rising profile of "real" issues on the political agenda, **Daniel** predicts that the poll is likely to be lower than in previous elections. He surmises that one of the reasons for decline in participation, is the "rapid depoliticisation of post-apartheid youth", and the loss of impetus of "struggle" politics.

Although much has been achieved in terms of the provision of housing, electricity, water and sanitation, government faces the problem of moving targets, as backlogs develop as the population increases, and people migrate from rural to urban areas.

Hemson and **Owusu-Ampomah** explore peoples' perceptions of delivery, and the complex and nuanced ways in which these impact on voting behaviour. The question is not only whether or not delivery issues compel people to vote, but the extent to which they influence which parties citizens vote for. Another determinant of voting behaviour seems to be the quality of service provision and concomitant levels of beneficiaries' satisfaction. Whereas **Southall** suggests that a possible reason for a lower turnout at the polls may be indicative of citizens' distrust of politicians and cynicism towards political institutions, **Hemson** and **Owusu-Ampomah** submit that it may reflect their "disapproval of policies that fail to deliver…., rather than a rejection of the democratic system of governance". Some constituencies explicitly articulate this position. For example, the Landless Peoples' Movement has called for a boycott of the elections, on the basis of "No land, no vote". (This is rather ironic, as, historically, one of the liberal qualifications for enfranchisement was property. In the current South African context, some of those who have the vote, but no land, are positing landlessness as a justification to jettison their franchise).

However, others, who are not satisfied with the pace or quality of delivery, remain critically and conditionally loyal to the ANC, in the belief that 10 years remains an inadequate period over which to have seen greater benefits, and appeal to citizens to "Give freedom a chance".

If perceptions concerning delivery impact on whether citizens vote, and for which party they vote, issues of racial identity appear to exert a similar influence, according to HSRC and Markinor polls. An analysis of the results of these polls by Roefs, suggests that the ANC is likely to win the national election by a substantial majority. Racial identity is largely (although not exclusively) contingent on

political participation, which in turn is largely contingent on support for the ANC. Furthermore, perceptions of political influence are contingent on supporting the dominant party.

This raises two pertinent issues : firstly, the level of accountability which a dominant party, assured of re-election, is likely to afford the electorate; and secondly, the impact of an assured win of the ANC on the political participation of those who do not support it.

Roefs argues that a governing party, assured of re-election, is likely to become increasingly complacent and unresponsive to public opinion. As argued by **Southall**, this lack of accountability is further compounded by the current electoral system. **Roefs** further points out that poll findings suggest that, irrespective of race and class, people who support the ANC are more likely to feel that they are able to influence government decision-making, than those who do not support the ANC. In other words, to the extent that government is responsive to public demands, it is perceived to be more likely to respond to the dominant party's supporters, than to those who do not support it, and who constitute minority groups. This raises problems for the consolidation of an inclusive democracy, as those who do not support the ANC regard themselves as excluded from the democratic polity. In other words, they express their discontent with the system, not by voting for opposition parties, but by targeting the system itself, and effectively, dropping out. This results in decreasing political participation, the further entrenchment of the dominance of the ANC, and the further erosion of accountability.

Issues of politics and identity will be further explore in the next edition of electionsynopsis.

South Africa's **decade of democracy**, inequality and impoverishment

Chris Landsberg, Director, Centre for Policy Studies
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Continuity and change characterize the first ten year's of South Africa's democracy, and the context within which the third national and provincial elections will take place. **Landsberg** *and* **Mackay** *argue that, whilst fundamental changes in the political and policy framework have been instituted, and an inclusive citizenship based on first-generation rights had been achieved, the country continues to struggle with guaranteeing and protecting citizens' second-generation socio-economic entitlements.*

INTRODUCTION

South Africa's third democratic elections will take place against the backdrop of commemorations of the Republic's first decade of freedom. Here, we posit our understanding of the South African polity ten-years into democratic rule. We argue that South Africa can best be understood as experiencing contradictory political, social and economic trajectories. On the one hand the country has made major strides in consolidating political and constitutional mechanisms and policies, and frameworks of governance. The 1996 Constitution is one of the most celebrated in the world, laying the basis for a progressive vision of a non-racist, non-sexist, human rights-based order.

On the other hand, the Republic is beset with many socio-economic and developmental challenges, many of which verge on crises. South Africa remains one of the world's most unequal societies, and in many respects these inequities continue to run along racial lines. South Africa will, for decades to come, be confronted with the legacies of apartheid including acute poverty, deep inequalities, social and structural violence and social dislocation. Given all of this, South Africa should be viewed as a democratic but impoverished and unequal society.

A CONSTITUTIONAL DEMOCRACY

The final settlement of the negotiated transition in 1994 and the first democratic poll afforded this country a high degree of legitimacy. The country's constitution, which is often hailed as one of the most progressive worldwide, provides a framework for the realisation of both socio-economic and political rights. It has an elaborate bill of rights which makes an explicit break with apartheid by providing for a society based on human dignity, freedom and equality.

It is premised on a separation of powers between the legislature, executive and judiciary. The judicial power requires courts to interpret and uphold the Constitution, which inevitably provides for tension

between the courts and the arms of government. Chapter 9 of the Constitution provides for mechanisms such as the South African Human Rights Commission, the Public Protector, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Commission for Gender Equality, the Auditor-General, and the Independent Electoral Commission, to inculcate a culture of democracy and human rights in South Africa. They are also tasked with the monitoring of political and socio-economic rights and the oversight roles of institutions such as the National Assembly.

'GOOD' GOVERNANCE?

The first democratic government of Nelson Mandela (1994-99) emphasized policy-making, nation-building, and reconciliation. It also abolished a plethora of discriminatory apartheid legislation, which eroded citizenship rights of blacks and reduced them to second-class citizens in their own country. The second period, in which Thabo Mbeki headed the government and which we dub 'stabilising democracy', stretches from 1999 to the present. The Mbeki presidency placed an emphasis on the implementation of the new policies promised by the previous phase, including the wide-spread extension of the delivery of essential service, the transformation of society, the economic empowerment of blacks, and the 'African Renaissance' or political, economic and cultural revival of Africa.

Since 1994, government sought to systematically and deliberately unscramble apartheid institutions and replace them with new democratic and legitimate institutions. It has replaced the apartheid-order and polity with a democratic society based on the principle of equity, non-racialism and non-sexism. This involved overhauling the state machinery, fundamentally changing the entire policy tapestry, and introducing a new legislative framework.

The state has committed itself to achieving gender equality; legislation outlawing gender-based discrimination and violence against women was passed. Despite these measures, women continue to constitute the poorest group in South Africa and are mainly unemployed or underemployed. South Africa, especially in its rural areas, remains largely a patriarchal society. In addition, violence against women and sexual assault in South Africa has reached serious proportions.

Government felt hard pressed to tackle crime in a more holistic way by integrating the approaches of government departments connected to the criminal justice system – eg. Justice, Safety and Security and Welfare – in a 'cluster' approach so as to achieve optimal effect. This cluster approach is now in general use by government departments.

MACRO-ECONOMIC CONSERVATISM

By 1996, government had replaced its Reconstruction and Development Programme, essentially a vision of a post-apartheid order, with a more comprehensive macro-economic policy – its Growth, Employment and Redistribution (GEAR) policy. This new policy recognized that economic growth would be a necessary pre-requisite for the realization of the goals espoused by the RDP. GEAR was developed explicitly on the understanding that the world economy represents an integrated capitalist system, with unwritten rules which punish non-compliant actors. One was struck by how South Africa devoted considerable energy to shaping its economic policies in order to impress international actors, by including in them the dominant orthodoxies about the prevailing world order.

FOREIGN POLICY

Foreign affairs was a major policy theatre for both the Mandela and Mbeki governments. Both expressed an obligation to shed the Republic's pariah status and imprint its image as an activist global citizen seeking to bring about a more just and rules-based world order. Pretoria also felt a sense of obligation to reach out to its neighbours not as a hegemon or bully, but as partner. South Africa's international strategy expressly sought to balance local needs and obligations with regional and international responsibilities.

South Africa was instrumental in negotiating a New Partnership for Africa's Development (NEPAD) through which Africa would extract commitments in favour of renewed development assistance, market access for Africa's trading goods, and debt relief in exchange for commitments to democracy and 'good' governance. The country was instrumental in bringing about an African Union which seeks to foster greater continental unity on the basis of commitments to, and mechanisms in defence of peace, security, and governance, and through which African states would make their own peace and the outside world would bolster such initiatives.

South Africa has also played a key negotiating and mediating role in the Democratic Republic of Congo (DRC), Burundi, the Comoros, Swaziland, Lesotho and Zimbabwe. Sub-regionally and continentally, the Republic is party to the African Charter on Human and Peoples' Rights, an instrument, which codifies both civil and political rights, economic, social and cultural rights as well

as other collective rights. Government moved beyond the apartheid state's notion which saw South Africa as an outpost of Europe, and it explicitly developed ties with Latin America, Asia, and of course Africa, all under the banner of South-South solidarity.

TWO NATIONS, TWO ECONOMIES?

Despite the above mentioned achievements, and ten years after apartheid officially ended, there have also been major setbacks and problems and South Africa remains a deeply uneven and unequal society, with significant development challenges: it has both first world and third world characteristics. The Republic has one of the most unequal distributions of income in the world, as measured by the Gini coefficient (0,57 in 2000). The inequalities have led President Thabo Mbeki to observe that South Africa is a country of 'two nations': one rich and largely white, and one poor and largely black.

The richest 10% of South Africans account for over 45% of the national income while approximately 5% of the national income is shared amongst the poorest 40%. This disparity also has a racial basis, with white South Africa's Gross Domestic Product (GDP) ranked 45th in the world while black South Africa's GDP is ranked 180th.

A report on poverty and inequality in South Africa, prepared for government in 1998, corroborates these findings. It classifies South Africa as an upper middle-income country, but says that due to apartheid policies and discrimination against blacks in terms of access to land, education, jobs and political rights, income distribution is extremely skewed and South Africa is one of the most unequal societies in the world. Approximately 19 million of the country's 40 million people are classified as living below the poverty line, and 72% of the poor live in rural areas. Poverty is most serious in three of South Africa's nine provinces: Eastern Cape, Free State and Limpopo. Poverty is not confined to any race group, but is highest amongst Africans (61%), Coloureds (38%), Indians (5%), and Whites (1%). It is clear, therefore, that the past system of apartheid exposed South Africa to unprecedented levels of structural violence; it will take decades, if not centuries to overcome these structural legacies.

UNEMPLOYMENT

During the period 1998-2001, the economy grew at less than 3% per annum; but this sluggish growth has also been jobless growth. The rate of unemployment has grown steadily from 19,3% (2,2million people) in 1996 to 31.2% (5.3million people) in March 2003. Unemployment continues to be one of the country's most intractable challenges - one that could easily undo all of the good work that the government has put into stabilizing the country.

In part, increasing levels of crime are a reflection of the increasing levels of joblessness and poverty in the country. Government is seeking a solution for this through growing the economy - thus kick-starting job-creation - as well as encouraging the growth of small and informal enterprises.

THE AIDS TIME-BOMB

According to UNAIDS, in 2000 South Africa had one of the largest infected populations in the world (after Botswana, Swaziland and Zimbabwe with almost 20% of adults carrying the disease). Projections indicate that by 2006 almost 250,000 South Africans will die of AIDS annually, rising to more than 500,000 by 2008. Average life expectancy is consequently expected to fall from about 60 years to around 40 years between 1998 and 2008. HIV/AIDS will impose both governance and economic costs and will impact on GDP and growth rates, health care spending, education, and social welfare – especially as regards state care of AIDS orphans.

CONCLUSION

South Africa has come a long way in confronting one of its foremost apartheid legacies – democratising its political and governance landscape. It has been accepted back into the international fold, and indeed has become a leading foreign policy actor with numerous interventions in conflicts on the African continent and in the United Nations; its has one of the most progressive constitutions with a comprehensive bill of human rights and a range of institutions devoted to ensuring that these rights are respected. And while progress has been made in tackling socio-economic challenges such as portable water, electricity, housing, welfare and health, much has yet to be done in these areas. Rural areas continue to be greatly under-serviced. Poverty and unemployment – often seen as two sides of the same coin – continue to challenge our democratic gains. Employment equity policies are fast changing the landscape of the workplace with an increasing number of black people, women and the disabled in managerial positions. But despite an official policy of Black Economic Empowerment, ownership of the economy still rests firmly with whites. Overall then, the picture has been a mixed one and while South Africa is now a democracy, it remains a highly unequal society, largely delineated along racial lines. Alongside this are the challenges posed by the HIV/AIDS pandemic, including the limiting effects it has on the ability of the fiscus to address inequality as revenue has to be diverted from other areas to deal with the effects of the pandemic.

Containing **accountability**

Roger Southall, Executive Director, Democracy and Governance, HSRC

*An anticipated decline in citizen involvement in the forthcoming election, may be attributed to popular perceptions that the ANC's party bosses favour political participation of the electorate, without wishing to be held accountable to voters. This is evinced by the retention of the current proportional representation system at national and provincial level, as well as by the floor crossing legislation, argues **Roger Southall**.*

Western triumphalists claim that the defeat of communism has seen an ultimate victory of liberal democracy. Yet, with the defeat of communism, liberal democracy is facing its own major crisis: that of declining popular participation in politics and the erosion of the accountability of politicians. Many established western democracies have in recent elections seen declining or low voter turnout, which many commentators ascribe to an increasing popular distrust of political institutions and politicians. In Africa, meanwhile, popular aspirations towards democracy remain high, yet these are combined with growing disillusion with the ability of liberal institutions to deliver development and promote political accountability. 'Liberation' elections (say in Namibia 1989 or South Africa 1994) and 'democratic renewal' elections (say Zambia 1990 or Kenya 2002) promote high levels of voter enthusiasm, but subsequent elections see a decline in voter participation.

A decline of popular involvement in politics may seem natural as democratic competition becomes institutionalized and rather less exciting. Yet we must appreciate that, despite rhetoric to the contrary, established politicians – especially rulers - tend to be distinctly ambivalent towards political participation. All dictators like to claim unanimous, and established democratic politicians majority, popular support. None the less, there is almost always another side to the story. Historically, elites have usually distrusted the masses as unruly, untrustworthy and dangerous, and the right to vote has had to be wrested away from them by workers, women, blacks, slaves or whoever. Meanwhile, once representative democracy has been achieved, there are many reasons why politicians don't want all people to participate: first, they fear that they might vote against them; and second, they fear that a politically active population may demand greater political accountability.

This ambivalence to popular participation is alive and well in South Africa today. To be sure, unlike in the United States, where major practical obstacles are still placed in the way of the registration of and voting by certain voters (especially blacks in many Republican strongholds), our own politicians are at present overwhelmingly in favour of high turnouts in elections. This is easily explained by South Africa's political demography. Crudely put, given that the ANC can count upon the support of the majority of black voters, and that blacks form the overwhelming majority of voters, it wants as a high a turnout as possible. This is recognized by the DA, which consequently wants to promote as high a participation in voting by whites as possible. To be sure, amongst these it will have to compete against notably the NNP, yet the greater threat to its dominance of the opposition is the clear danger that many whites may not bother to vote at all.

In reality, the situation is much more complicated than this (the IFP doesn't want blacks to vote in Kwazulu-Natal if they are going to vote for the ANC), but the central point remains, that – on the whole - our political elites, for the moment at least, tend to see advantage rather than disadvantage in the promotion of voting, and are likely to hail a high turnout as an indication that our democracy is consolidating. However, the story becomes very different when it comes to the danger of high levels of political participation translating into demands for greater political accountability and can be illustrated by reference to two key developments of the second democratic parliament: the decision to maintain the present national-list system of voting; and the implementation of the floor-crossing legislation.

THE REJECTION OF THE MAJORITY REPORT OF THE SLABBERT COMMISSION

The Majority Report of the Electoral Task Team (ETT), which was chaired by Dr. Frederick Van Zyl Slabbert, favoured a reform whereby the present system of national-list PR would be amended to one wherein some 75 per cent of MPs would be elected from 69 multi-member constituencies, with the remaining 25 per cent being elected by party list in order to guarantee overall proportionality.

The ETT had been appointed in May 2002 under the terms of the 1996 'final' constitution, and had been charged with reviewing the electoral system, so long as any reform that it would recommend would result 'in general' in the maintenance of proportional representation. The majority recommendation was made following the conduct of a survey which indicated that whilst there was overall approval across all racial groups concerning the fairness and representativeness of the existing national-list PR system, there was a widespread sentiment (again, across all racial groups) that individual legislators were not sufficiently accountable to their voters. Overall, therefore, it appeared that voters favoured the introduction of some form of Mixed Member Proportional system (MMP), which would maintain representivity whilst enhancing accountability.

Despite these indications, the government opted to follow the recommendations of the minority report, which favoured maintenance of the status quo, albeit with the proviso that the electoral system would be looked at again in time for the fourth democratic election.

There were, to be fair, a number of reasonable grounds for maintaining the present system: any change would involve challenges of implementation and voter education; there was no huge dissatisfaction with the present system, which most agreed had entrenched values of fairness and inclusiveness; the system was easy to understand and hence facilitated participation by the poor and marginalized; and, as was especially stressed, the national-list system had provided for the substantially increased representation of women (notably because of the ANC's insistence that 30% of places on its lists should be allocated to women). Arrayed against these points were equally valid counter-arguments which provided for a lively public debate. However, at the end of the day, the decision by the government to reject the majority report smacked of a decision, not so much by the ANC at large, as by the bosses of the ANC, for whom the introduction of a new breed of constituency MPs represented a threatened dilution of political control: if 75% of MPs were to be elected from the constituencies, the party bosses' would have to take far more account of local or regional preferences in selecting and placing candidates, and might find themselves encountering the rise of alliances of local or regional factions based upon individual or combinations of constituency MPs.

THE FLOOR-CROSSING LEGISLATION

The decision to allow elected representatives to cross the floor was far more brazenly dictated by party interests.

The constitution, as it was originally promulgated, imposed a bar on floor-crossing, exemplifying the logic that once voters had decided upon the representation of political parties in legislative assemblies through list-voting PR, politicians should not have the liberty to change it. However, politicians from diverse backgrounds were soon complaining that this arrangement was too inflexible to contain the fluidity of the party system.

The precipitant was the collapse of the DA. Having joined up with the DP after the 1999 election as an 'Alliance' to promote a more united opposition in 2000, the NNP leadership had rapidly found itself in danger of being subordinated to the DP within the framework of the DA. In November 2001 it therefore declared its intention of returning to work closely with the ANC, with which it had served as a junior partner in government until 1996. There was no bar at national and provincial level to its doing this, for parties were perfectly free to work in coalition or alliance with whatever other party they liked. However, at local government level, where the NNP and DP had campaigned together as the DA in the elections of 2000, the constitutional bar on floor crossing forced the two parties to continue to share the same bed (which was highly uncomfortable in municipalities in which the DA had been elected the ruling party). Meanwhile, dissidents within the NNP who wanted to remain with the DA or even to cross completely over to the ANC, were now locked into a party with which they were no longer at ease.

This confusion in opposition ranks played into the hands of the ANC, for whom the divisions within the opposition meant that it was enabled to collapse DA rule over the Western Cape and Cape Town city government by entering immediate coalition at those levels with the NNP. Its similar aim, to use NNP support to secure primary control over provincial government in Kwazulu-Natal (where it was already junior partner in government to the IFP), was thwarted only by IFP stone-walling and threats of calling a provincial election.

It was in this context that the ANC, smelling immediate political returns, had introduced bills (for national and provincial, and local government levels) which would enable floor-crossing, albeit at pre-ordained windows of opportunity, so long as those crossing the floor constituted ten per cent or more of a political party's representation in the given forum.

This proposed legislation was to be challenged, unsuccessfully, by the UDM in the Constitutional Court, for good reason: as the UDM feared and as events were to confirm (9 of the UDM's 14 sitting MPs subsequently crossed over to the ANC, and the DA lost control of half the councils over which it had won control in the 2000 local elections), these provisions were guaranteed to serve the interests of government, which can offer all sorts of patronage denied to parties out of power.

In other words, when the chips were down, the floor-crossing legislation was structured to enhance ANC domination at the expense of those voters who had voted for the parties of opposition.

POLITICAL CONVENIENCE AND POPULAR DISTRUST

The failure of the government to reform the electoral system and the cynical adoption of floor crossing election to promote party advantage have probably done much to increase popular disillusion with democratic institutions which are still taking root. Adoption of a Mixed Member Proportional system could have increased the accountability of representatives of voters whilst decreasing the power of party bosses. Insistence that party representation, as decided by the voters at elections, should be maintained rather than manipulated by parties for immediate short-term advantage, would have stressed that our rulers actually believe in the popular sovereignty they exhort, and that our politicians are driven by principle as much by the drive for privilege, perks and power.

There are many indications that South Africa's forthcoming general election will be characterized by a decline in the level of popular participation and enthusiasm for party politics as they are presently conceived. At one level, this may reflect a more global disillusion with liberal democracy. But at another level, our politicians must reflect upon how much they themselves may be to blame.

Public **participation** beyond the election

Janine Hicks, Director, Centre for Public Participation

*Public participation is not an event that occurs every five years when citizens go the polls. Rather, it is (or ought to be), a continuous engagement of citizens with their representatives. **Janine Hicks** evaluates the extent to which South Africa's policy and law-making structures and processes provide for such ongoing participation, and concludes with a recommendations which could strengthen this process.*

INTRODUCTION

On 14 April, we will celebrate ten years of South Africa's democracy, and go to the polls. South Africans are debating the impact of this first decade, and critically, whether democracy has been consolidated. At a recent debate on citizen participation in governance beyond the ballot box, coordinated by the Goedgedacht Forum, Dr Claude Kabemba of the Electoral Institute of Southern Africa (EISA) stated that the definition of democracy itself hinges on "the way the affairs of the state are governed and how citizens participate in that governance" (my italics).

By voting in an election, citizens exercise one of their greatest rights – that of participation in governance – actively selecting the party that best represents and defends their interests. The right and opportunities to participate in governance go beyond election day however. South Africa's policy and law making processes offer numerous opportunities for stakeholders to shape government decision-making – it is critical that having elected our representatives, we take advantage of these opportunities to ensure that the policies and legislation they enact are appropriate and respond to our needs.

WHAT ARE THE MECHANISMS AND HOW EFFECTIVE ARE THEY?

It would appear that the various structures of government in South Africa are not opposed to public participation, but rather that they are not able to manage this effectively. Mechanisms do exist for civil society organisations and individual members of the public to participate in governmental decision-making. These differ according to the relevant arm or sphere of government.

1. LEGISLATIVE FUNCTION

This addresses mechanisms to facilitate participation in processes of the National Assembly (NA), National Council of Provinces (NCOP) and provincial legislatures. As a starting point, our

Constitution provides that each of these structures must facilitate (not merely tolerate) public involvement in their legislative and other processes. They are compelled to conduct their business in an open manner and hold their sittings and those of their committees in public. This can, however, be regulated where this is reasonable and justifiable in an open and democratic society.

Generally, the committee process provides the greatest opportunity for public input, with the same mechanisms holding true for each of the above three institutions:

- Allocating MPs to constituency areas and building constituency periods into the parliamentary schedule.
- Convening public hearings on legislation being debated by portfolio committees and calling for oral and written submissions.
- Providing for members of the public to raise issues with, or make submissions to, portfolio committees on any other issue falling within the jurisdiction of those committees.
- Site visits by portfolio committees.
- Public outreach and education initiatives, including radio programmes, road shows, publications and workshops.

These mechanisms have varying successes in promoting and facilitating public participation. It is important to remember that they should enable public input into the dual function of the legislature, being the processing of legislation and oversight of the executive.

Portfolio committees and impact

Through portfolio committees, members of the public have access to the legislative decision-making process. They can attend meetings and sittings, obtain copies of documents distributed in committee meetings and legislative sittings, lobby MPs prior to committee meetings or sittings to take up a certain issue or angles, make submissions on issues or bills before committees, and channel their concerns into the legislative process through their designated constituency MP.

The biggest question that needs to be asked, is what is the impact of this considerable effort? Where an organisation or individual goes to the trouble of making a submission before a committee, how effective is this? At worst, this input may be ignored. It is of great concern that there does not appear to be a process in place whereby submissions are systematically reviewed, and valid or reasonable recommendations extracted and brought before the committee for its consideration and inclusion or rejection. Each committee seems to have its own procedure, with this task allocated either to the committee chairperson, MPs themselves or secretary or research support (where this exists).

A good outcome will see a statement of political support or expression of political will – the issue is considered serious, MPs believe action should be taken and there is passionate debate about the impact of the issue and the need for action. Again, it must be asked, what is the outcome of this?

It is worrying that very seldom is a concrete plan of action decided upon and implemented. Often, the action that is required falls within the realm of the executive, which through the oversight powers of the legislature, should result in some clear allocation of responsibility, and follow-up. Sadly, this is not vigilantly carried out. On the big issues, such as the arms deal, a formal enquiry process is established and the legislature flexes its muscle. But on the routine issues, such as the hopelessly inadequate management of Social Development grants, or implementation of the Domestic Violence Act, there is no grand course of action.

First prize in the scale of outcome is an actual change in the wording of draft legislation as a result of submissions. When one considers, however, that legislation is researched and drafted by departments and approved by the executive, the period during which it is before the legislature for scrutiny and final approval constitutes the tail-end of a process, with the opportunities to influence this process decreasing as the legislation is gradually concluded.

Access

Another question often raised, is whose voice is heard in the legislative process, and how accessible is this process to marginalized groups? Very often, it is only the business sector and organised civil society, that has the access to information and resources required to firstly know that relevant legislation is on the cards, understand the complex and intimidating legislative process and language, formulate a submission and deliver it – all within a limited period of time, often only three weeks or less, particularly in the case of NCOP proceedings.

As a result, this culminates in the main in NGOs speaking on behalf of community groups, with concerns about the representivity of their views or accountability to these communities. Exacerbating this problem, inadequate information is made available to the public on the legislature's agenda and programme, which is poorly advertised. Public hearings are held in the main in major city centres, and are often also poorly advertised and attended.

Constituency system

At the Goedgedacht Forum, Dr Kabemba posited that it is the choice of the electoral system that impacts significantly on citizens' participation. There has been much debate about the weakness of our proportional representation system, with MPs more accountable to parties than to communities. Our constituency system is supposed to address the considerable gap between communities and legislative structures and processes, by enabling the public to channel input and raise concerns through their designated constituency MP. While some MPs are diligent in working their offices and communities, on the whole, this constituency system has failed us dismally.

Among stakeholders within the legislature, there appears to be no common understanding of the role and function of constituency offices, and this is inadequately publicised within communities. Offices are generally inadequately utilised as a means to disseminate information on, and awareness around legislative processes to communities, and office staff are not adequately trained or resourced to fulfil this function.

The feeling among many community groups is that MPs do not make adequate use of their constituency offices to liase effectively with communities to which they are assigned. Constituency offices do not liaise adequately with community, local government and traditional leadership structures, and are not effective in gathering and channelling community concerns to designated MPs.

In addition, the role of constituency offices is politicised because of their links with political parties, making them inaccessible to certain groups within communities. There is insufficient and uneven funding channelled to constituency offices, which are accountable to political parties instead of to the legislature and communities. There are inadequate controls or reporting systems in place to assess the effectiveness of offices, or run an audit on finances. The unfolding debate on the choice of an electoral system for South Africa, whether on a constituency or proportional representation basis, affords us an opportunity to engage government on this issue.

Outreach

There is some very good work being done by legislatures to overcome these obstacles. The NA and some provincial legislatures have developed and implemented community outreach initiatives, including making greater use of radio and road shows, developing and distributing publications, undertaking civic education workshops and entering into partnerships with civil society stakeholders to supplement these activities and strengthen their capacity.

Some specific public participation initiatives have been developed, such as the Public Participation Practitioners Forum of Parliament, drawing together responsibility officers within each legislature to plan and address issues relating to public participation. Public education units have been established to spearhead community outreach and civic education, and provincial legislation adopted to provide for public petitioning of legislatures.

2. EXECUTIVE FUNCTION

Limited opportunities are created for civil society or members of the public to engage with the decision-making process of executive structures. Essentially, this concerns the policy formulation process, the planning and drafting of legislation and budgets, and their implementation.

Contrary to legislative structures and processes, decision-making within the realm of the executive, at both national and provincial levels, is typically opaque. Meetings are not open to members of the public, nor are documents as widely available. The decision-making process itself is not as rigorously chartered as that of the legislature, nor popularised.

Policy formulation process

The policy formulation process provides for a green and white paper process – a planning and consultative phase – where departments can identify an issue with which they are grappling and moot appropriate approaches and interventions, and then identify its policy position in this regard. These documents can be distributed either internally among relevant government stakeholders, or include affected public stakeholders, inviting comment. The process may also include the convening of workshops or hearings to refine emerging policy and obtain feedback and submissions.

This process is embarked upon at the will of the executive – a department is not compelled by our Constitution or any other government policy, to submit its planning and conceptualising processes to public scrutiny, nor invite input.

Community consultation

In addition, there appears to be inadequate planning and communication between the executive and legislature about forthcoming legislation. As a result, MPs, committees and the secretariat are not given adequate time to consult communities on their views on this legislation.

A recent, welcomed initiative is that of community Izimbizo, or meetings, where departments have convened public meetings to enable members of the public to raise issues of concern and obtain information on departmental initiatives. In addition, the Central Policy Unit of the KwaZulu-Natal government is mooting the idea of forming a KZN Policy Forum, to promote greater transparency and accountability, and facilitate public engagement with the policy formulation process.

When one considers that the identification of problem areas, research and formulation of policy, drafting of legislation and budgets and implementation of all this is conducted by the executive, with a little window period during which some of this comes before the legislature for scrutiny and approval, coupled with some of the problems identified earlier with effective exercise of legislative oversight, one realises that there is a need to focus far greater attention on opening up the executive process to public scrutiny and input.

3. LOCAL GOVERNMENT

Local government structures have an executive function, in the form of a chosen executive system (executive mayor, collective executive – Exco - or plenary executive), and a legislative function through councils. As with national and provincial processes, the local government executive process is not open to the public, but the legislative, or council, process is. The model of developmental local government utilised, emphasises the need for transparency, accountability, consultation, facilitation of public participation and partnerships.

The components of developmental local government in the form of the budget and by-law process, area-based management, performance management of municipal employees, and integrated development planning (IDP) each provide opportunities for public participation in the municipality process.

In addition, provision is made for the creation of ward committees or sub-councils, as advisory bodies comprising municipal and community representatives, to channel community needs and recommendations to council. The dual system of ward and proportional representation means that communities have directly elected representatives accountable to them, to channel and address their concerns.

Challenges to public participation

Community attempts to engage with these processes reveal the following difficulties, impeding effective public participation:

- While provision is made for the creation of ward committees, the reality is that there are already existing structures in the form of development committees or forums, established for particular purpose or geographic area, that are being used to this end. This results in tension between the proposed structure and scope of committees, as well as around issues of adequate representation and accountability.

  In addition, municipalities in many instances have not formalised these structures, to avoid having to make budgetary provision for their operation, and they are as a result under-resourced.

- IDP forums established to drive the IDP formulation and review processes are open only to recognised structures, and not other community groups or individuals. In the main, these are drawn from ward committee structures, with their inherent problems of legitimacy, accountability and representation.

  Likewise, IDP steering committees comprise only officials and councillors, not representatives of community structures. Finally, many municipal IDPs were developed by consultants without adequately engaging affected communities. This does not comply with the White Paper on Local Government requirement that this process be community-driven, and capacitates communities.

- Council legislative processes pose similar challenges to those of provincial and national government, in that they are not easily accessible to marginalized groups, not well publicised, the language is intimidating and time frames for input are tight.

- The accessibility and accountability of councillors continues to be an issue, even with ward councillors, with many communities still claiming not to know who their councillors are. They are typically not consulted or provided with feedback. The code of conduct for councillors applies to action to be taken by municipality in relation to councillors' performance in council, rather than recourse available to aggrieved communities.

- The capacity of councillors and officials is sometimes a further impediment to public participation. Many are dedicated community development activists facing complex and intimidating processes. The role played by skilled and experienced officials in manipulating processes often comes into question, compounded by issues of racism.

- The tension between elected and traditional local government role players and the inadequate use of traditional structures and mechanisms to disseminate information and involve communities in decision-making processes serves to weaken public participation in municipal processes.

Some good models for participatory development have emerged, stemming in the main from municipal partnerships with organisations of civil society. There have also been several interventions by donor communities in providing assistance for developing appropriate communication and public participation mechanisms. Several municipalities have taken the initiative to contract consultants and civil society institutions to assist them in developing such mechanisms. There are also a few powerful electronic networks sharing best practice models and providing opportunities for collaboration and support.

What can be done?

Flowing from its 2003 conference on public participation, the Centre for Public Participation is coordinating a national research initiative on public participation mechanisms and experiences within the spheres of government identified, as well as civil society experience and response, and regional and international best practice models. This will result in the formulation of best practice models to feed into national advocacy initiatives aimed at strengthening public participation in governance. We believe through partnerships, advocacy and capacity-building interventions we as civil society can begin to address some of the key problem areas identified in this response.

Civil society has responded creatively to these issues to ensure that its voice is heard, embarking on strategies ranging from litigation, the use of social movements and the media, and an increasing emphasis on advocacy and partnerships. The capacity of broader civil society to engage with government processes has to be addressed – particularly among marginalized communities and sectors. There are numerous programmes being implemented to this end, although these require greater collaboration and opportunities for replication.

Voting on election day presents a critical opportunity for citizens' voices to be heard. It is as critical that we continue to engage with the structures and representatives we have elected, through the mechanisms that exist, to channel our input and concerns. The greatest challenge facing us as civil society is to create the space, explore the channels and establish the partnerships necessary for us to engage effectively with government decision-making.

The South African Elections of 1994, 1999 and 2004: The (Non) Issues Then and Now

John Daniel, Research Director, Democracy and Governance. HSRC

*The defining characteristics of the 1994 and 1999 national and provincial elections is that they were, in their own respective ways, "rites of passage" for South Africa and its citizens. Only now, in 2004, will salient issues begin to assume center stage, argues **John Daniel**.*

Many historians in their retrospective analyses of distinct periods of historical time (like the 20th Century or the Cold War) draw a distinction between events of import or significance (like a change of government in the UK or USA) and seminal events. These latter are developments of such significant proportions that they change the very nature of the political process and/or the 'political rules of the game'. Such occurrences, historians agree, are rare. Indeed, in one look back at the 20th century which I recently read only six such seminal events were identified, three of which were the US decision to enter the First World War in 1917, the Russian Revolution of the same year and the collapse of communism in eastern Europe and Soviet Union in the late 1980s and early 1990s.

That piece was published in 1992, and had the author waited a few more years, the South African election of 1994 might also have been included. Doubtless it was the seminal event of South Africa's 20th century, but in global terms, it represented the end of an epoch of seismic proportions - that of European colonization. For, even though there remains in Africa today an enclave of foreign occupation in the form of Morocco's colonization of Western Sahara, the ending of white rule in South Africa represented the last major act in the centuries-long and bloody effort to rid the world of foreign and/or minority domination. In 1994, the South African people as a whole joined all but a handful of the global populace in having the right to rule or misrule themselves.

The point of all this is to note that the election of 1994 was no normal ballot and neither was it one whose outcome was decided on the issues. Indeed, 'the issues' were non-existent, or at least invisible. What it was, instead, was a spectacle witnessed by a global community awed by the dramatic and unanticipated righting of an historic wrong. Less a balloting process than a coronation, the 1994 election represented the anointing into power of the party and its allies whose struggle had brought the country to this extraordinary moment.

Such was the joyous nature of the occasion that it was possible to overlook the fact that in some crucial respects, the election of 1994 was an organizational shambles. In many parts of the country the two days set aside for balloting had to be extended to three, while the counting process dragged on for some 10 days and was never really completed. Whereas in India votes cast by hundreds of millions are counted in something like 24 hours, here in South Africa in 1994 the Independent Electoral Commission (IEC) could not manage to tally in ten days the votes of 20 million balloteers. The upshot was a compromise, a negotiated outcome in terms of which the ANC agreed to accept just less than two-thirds of the overall national total and to acknowledge the IFP as the largest party in the provincial government in KZN. It left everyone happy except of course, the ANC in KZN. Subsequent results, however, in both the local government elections of 1996 and all subsequent ballots have shown that the result decided upon for KZN in 1994 was actually a pretty good guess.

Issues surfaced to a degree in the 1999 election but here again they were largely obscured by other factors, like the retirement of President Mandela who by this time had become a global icon and a source of great comfort and reassurance to those South Africans unnerved by the events of earlier in the decade. Of course the fact too, that President Mandela was becoming one of only a handful of African heads of state in some 40 years of decolonisation to agree voluntarily to cede power made it an event of significance in itself. Nonetheless, opposition parties tried their best to raise issues of delivery (or rather, in their view, of non-delivery) but even they had to concede that five years was too short a time to expect a real dent in the horrendous legacy of inequality bequeathed by the apartheid era. So, as in 1994, the election was more a rite of passage than a contest, with the main interest in the outcome focusing on whether the ANC could seize control in those regions which they had missed out on, (or been negotiated out of) in 1994.

And so we come to the 2004 election and the first post-apartheid contest where a surfacing of concerns can be expected, and where it is possible voter preferences could be influenced by one or more 'issues'. I am no average voter but I do not think it would be unreasonable to suggest that one or more of the following four issues could determine voter intentions in this election, even to the point of ANC supporters switching party allegiances. These are the job situation and the steady rise in formal unemployment levels post- 1994; the President's position on HIV/AIDS and its paralyzing impact on policy making within the Department of Health; the Government's position on Zimbabwe and the seeming uselessness of its 'quiet diplomacy' approach; and, finally, service-delivery issues in the realm of housing and utilities.

These are areas which opposition groupings are focusing on and the ANC has recognized its vulnerability to attack on at least two of these issues (jobs and delivery) with an electoral manifesto dubbed a contract to fight poverty and create jobs. It will, in regard to these two issues, point to its achievements in building low-cost and affordable housing units and its provision of electricity and clean running water to "x" numbers of households. It will simultaneously downplay or dispute figures of cut-offs or disconnections provided by NGO groupings, which it will dismiss as 'ultra-leftist' or 'counter-revolutionary'. In regard to jobs, it will argue with good grounds that 'jobless growth' is a global phenomenon and that the most viable engine of employment creation in current global conditions is the public sector. Hence its pledge to release huge sums for infrastructural projects which will create large numbers of probably limited-term jobs. On Zimbabwe, the ANC will continue to ask for the public's patience and trust while on HIV/AIDS it will continue largely to duck and dive on the position adopted by the President and his Health Minister and hope that the commitment to roll out a national anti-retroviral provision programme will be enough to get it off the hook.

Those will be its likely positions when it is forced to confront the issues. But it will also likely resort to certain back-up positions as diversionary tactics. One will be to argue that even ten years is still not enough time to affect redress for past inequities. This was the theme of Speaker Ginwala's address to a conference in Durban in late January focusing on transformation of the judiciary. Its other will be to immerse the election campaign in the national celebrations marking ten years of democracy, evoking the euphoria and national pride which accompanied that transition. It will powerfully remind the electorate that it was the ANC - and not the DA or the IFP or the UDM – that brought about that liberation whose anniversary the country will be observing in the month of the election.

This combination will see the ANC through to another handsome victory. But there will be factors that will be of interest to the informed public, some of which will be pointers to the way the politics of this country might move in the decade ahead. One will be the voter turnout. It will likely be down on the past two elections but will it dip to only half or less than half of the potential electorate? This would not be unusual in the industrialized west but if it is the case here in South Africa, it will be indicative of the rapid depoliticisation of post-apartheid youth and suggestive of the fact that the issue of 'the struggle' is losing its saliency. This will not be good news for the ANC in the near future.. The other will be the outcomes in KZN and the Western Cape. Can the IFP retain power in KZN through its alliance with the DA? The ANC seems to feel that its alliance with the NNP will bring it to power in the province though I can see little grounds for their optimism. It does not seem to matter how incompetent IFP rule is, its docile rural constituency always seems to come through for it.

The other issue of interest to this observer will be how badly the PAC and Patricia de Lille's Independent Democrats fare. The PAC, which seems only capable of producing leaders less impressive then their predecessors, could well be headed for oblivion while I suspect Patricia de Lille will end up regretting her decision not to join the DA. As in 1999, it will not be the big picture but the secondary issues that will make this election interesting.

Will South Africans 'Give **freedom** a chance?'

David Hemson, Research Director and Kwame Owusu-Ampomah, Chief Research Specialist, Integrated Regional and Rural Develoment Programme, HSRC

Will the perceived successes and failures of the delivery expectations raised by the RDP impact on citizens' decisions to vote, and for which party they vote? **David Hemson** *and* **Kwame Owusu-Ampomah** *evaluate service delivery in particular sectors,   and hypothesise on its influence on voting behaviour.*

At many imbizos currently being called by the President, the government is opening itself to critical examination by the people. By bringing all levels of government closer to the people through direct interaction, the idea is to improve delivery. The strategy is to identify challenges and blockages to delivery and come up with solutions together with the people.

The imbizos are certainly yielding results in people confronting government, pouring out their grievances, and expressing their concrete hopes for the future.

At the Tugela Ferry imbizo the concern was with jobs, crime, a cure for HIV/AIDS, water delivery and a soccer field. The people are poor and in the television clips it appears that they feel their lives have changed but have not been transformed. In many rural communities roads have improved, political violence is receding, and welfare is more accessible. But jobs remain more elusive than ever.

The demands and hopes being expressed are the very issues promised by the RDP 10 years ago. They are reflected in national opinion polls, such as the SABC/Markinor survey, which recently reported that that nine out of ten South Africans see unemployment as the most urgent problem for the government to address. This is the prime issue of concern as survey after survey indicates it eclipsing a combination of crime, poverty and HIV/AIDS. But is it is the issue most difficult to resolve.

Government concern has been first to establish 'financial stability' and from a conservative fiscal position then deal with what is possible. At one level, the resulting figures on delivery are a study in improvement, at another, the incrementalist treatment of the vast problems of poverty and unemployment makes them appear intractable.

In conditions of a very limited range of livelihoods for the poor, jobs are the crucial issue. Although officials at times say that government cannot directly create jobs, they not unaware of the great dilemma and have a program of tackling poverty by providing infrastructure, employing people in building roads, water schemes, and schools, etc. The program of meetings people's needs and public works is relatively limited but has it made an impression on people's minds?

TO WHAT EXTENT IS DELIVERY WORKING?

One of the greatest achievements over the past 10 years is said to be that of housing delivery. Although the RDP promised 1 million houses in five years; this target was not met. But the pace of delivery was greatly accelerated: in 1992 only 50 000 houses were built but a peak level of 350 000 units per annum was reached in 2000.

The RDP goal was finally achieved when government succeeded in providing shelter for five million South Africans who previously did not have a roof over their heads, running water and sanitation. But just as this success was announced, it was stated in May 2000, that the housing backlog had now grown. Over the 10 years of delivery the backlog had increased from the 1.3m urban units identified by the RDP planners to 3m.

The population had increased and the number of households grown even faster through the breakup of the large traditional family or through divorce.

The problem is compounded by the poverty of many of those accessing housing for the first time. While the government has extended the social wage by announcing free basic services with 6kl water, health, a relatively small electricity quotient, schooling, etc, and provided capital grants for rural sanitation, many poor large urban families regularly use more than the basic provisions, and encounter problems of arrears.

The early part of delivery processes, which generally involved somewhat better off beneficiaries, who could take advantage of improved access to power and funding, has been followed by difficulties in effectively reaching the remaining poor.

Even in the cities the problems loom large. More than 50% of the population of many of the largest cities continue to reside in informal settlements.

In the Ethekwini Municipality, despite a housing drive, about half the African population (1m people) lives in 356 informal settlements. Surprisingly even in the national economic centre of Gauteng, there are some 300 000 families in settlements without water, sanitation, or electricity, and 500 000 families altogether without housing.

Clearly there are problems in delivering to the urban poor quite apart from the more remote rural population.

THE CHALLENGE OF THE BACKLOG

Various surveys suggest that many people perceive improvements in the provision of basic services. In rural areas there has been a sustained drive to deliver clean drinking water to the rural poor, roads have improved, and many hundreds of thousands now also have access to child and disability grants.

Yet official documents note that even simple problems are not easily resolved. In the Strategic Plan of the Department of Water Affairs and Forestry the statistics of inequality in access to water are presented, and a note of caution sounded :

> South Africa has made great strides in reducing this gross inequality. It is estimated that more than 9 million people have been provided with basic water supplies during the last nine years. This is an impressive achievement. Nevertheless, inequality in access to basic services is still a stark reality and progress with sanitation has been much slower.

The Minister has promised that the backlog in water delivery will be cleared by 2008 and that of sanitation by 2010. These are ambitious targets and require high levels of dedicated people and resources.

The challenge is one of considerable proportion both in the mobilisation of communities, the organisation of systems of delivery, and the provision of additional financial resources. The South African population is not static. In 1994 the backlog in water delivery was some 12m people and it now it has been calculated from census statistics at 10,6m despite delivery to some 3.5m at RDP standards and 8.8m at some level of improvement.

There are similar challenges in electricity and in other services. The RDP reported that there were only 36 per cent of households with electricity, leaving some three million households unelectrified. Now there are 66.1 per cent of households (7,1m) connected and 33.9% (or 3,7m) without. Again there is a considerable achievement but the backlog has grown.

To clear the backlog involves not only a general political commitment but the dedication of financial resources. A recent HSRC position paper by David Hemson on Integrated Rural and Regional

Development, Beating the backlog: meeting targets and providing free basic services, concluded that to beat the backlog in electricity requires an annual investment of R2.3 billion. The budget for water and sanitation delivery should be R3.2 billion annually. These are considerable increases in the existing patterns of investment but they must be made if the targets of meeting the targets of water by 2008 and full electrification by 2014 are to be met.

Increases of this magnitude in financial resources are not currently being considered by the Treasury.

IS SERVICE DELIVERY REALLY AN ELECTION ISSUE?

Instead government is promising a drive to end poverty through gradually expanding public works and improving education. The ANC manifesto mentions a wide range of issues relating to improved service delivery. This is undoubtedly having an effect on public consciousness. The question is whether the effect is sufficient enough firstly to get people to vote or secondly to get them to vote for the ruling party.

Some commentators are expressing alarm that there could be a high level of abstentions in the coming election. There have been sharp declines in the proportion and number of people voting in Namibia and Zimbabwe after the first euphoric 'independence election'. To what extent will the record on delivery affect participation?

The evidence is that service delivery at the level of housing does have an effect on peoples attitudes. In a survey on the quality of life in Durban 43% of the residents included in the survey were satisfied with their lives while 39% were dissatisfied; the remainder being undecided. Levels of satisfaction coincided very largely with housing. The majority who were satisfied lived in formal housing with access to flush toilets or septic tanks, frequent refuse removal by the local authority, piped water at full pressure, and an electricity connection. In contrast the majority of dissatisfied were persons living in informal housing settlements with poor standards of services such as water and sanitation, housing and electricity.

How do these attitudes translate into decisions to vote or votes for the ruling party? The matter is very much open to debate; in the urban centers there have been social movements arising to contest the quality of municipal delivery and resist disconnections. In rural communities there has been mobilization around the demand for land and criticism of the slow pace at which land is passing into the hands of the dispossessed.

The implications of a low turnout (if it happens to be) may not be clear. Some political observers associate a low turnout at parliamentary elections with political maturity of the electorate, implying complacency and/or satisfaction with the status quo. Others see it ominous, throwing into balance the consolidation of democracy, particularly in a fledgling democracy like South Africa's.

In South Africa a low turnout would reflect the cynicism of the electorate and their disapproval of policies that fail to deliver to the poor rather than a rejection of the democratic system of governance.

There are statements that there will be abstentions because the government has not delivered. For example, the Landless Peoples' Movement proclaims : 'No land, no vote!' Among many, however, there is still loyalty to the traditional party of resistance and a belief that in time things will change for the better. This does not imply blind faith but conditional support. A recent poem by Nisa Malange voices a wide range of disappointment and scepticism but encourages registration and voting with the call: 'Give freedom a chance!'

One-party **dominance**, racial cleavages and decreasing voter turnout

## Marlene Roefs, Senior Research Specialist in SAMM, HSRC

*Recent opinion polls suggest that the third term of democratic governance will be dominated by the ANC, that political affiliation remains strongly related to race, and that voter turnout will significantly decrease. These three key findings concern heated debates and controversies over the consolidation and sustainability of South Africa's 10 year old democracy, argues **Marlene Roefs**.*

An extensive nation-wide survey conducted In September 2003, by the Human Sciences Research Council (HSRC), called the South African Social Attitudes Survey (SASAS), predicted that the ANC will secure just over a two-thirds majority in next year's parliamentary election. The prediction is based on a sample of 7 501 respondents of voting age drawn from a random selection across the country.

Nearly one third of the respondents (32,6%) did not indicate which party they will vote for in next year's election. Party preferences were statistically imputed for this group, using a well-known statistical technique called discriminant analysis. This technique assigns undeclared voters to a political party by establishing predictors of party choice among those who had declared their voting intentions, and applying them to those whose voting intentions were not declared. An additional 7,8% of respondents said that they would not vote in next year's election, and were not included in the analysis.

The HSRC's projection is that the ANC will win 67,8% of the votes next year. This is fractionally above the 66,7% required for a two-thirds majority. The ANC won 62,6% of the vote in South Africa's first democratic election in 1994, and 66,4% in the last election in 1999. The DA was predicted to come second, with 10,5% of the vote, followed by the NNP (8,7%), the IFP (7,1%), and the UDM (1,7%). Of the smaller parties, the PAC and AZAPO are predicted to poll 0,51% and 0,49% respectively. The new Independent Democrats of Patricia de Lille are expected to win 0,44% of the votes.

PARTY SUPPORT 1999 AND PREDICTED FOR 2004
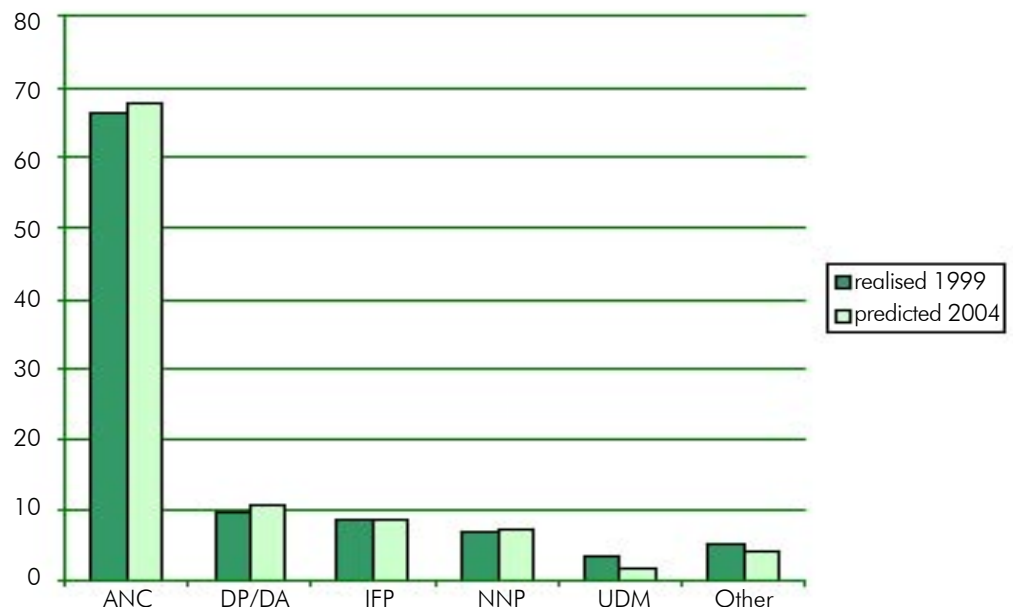
The predicted result would give the ANC 271 parliamentary seats, five more than the 266 it won in 1999. The DA would go up from 38 seats to 42, the NNP picks up 7 seats taking it from 28 to 35 seats, the IFP loses 6 seats and drops from 34 to 28 seats, while the UDM's representation would be halved, from 14 seats in 1999 to 7 in 2004.

election**synopsis**

SEATS IN THE NATIONAL ASSEMBLY 1999 AND PROJECTED FOR 2004
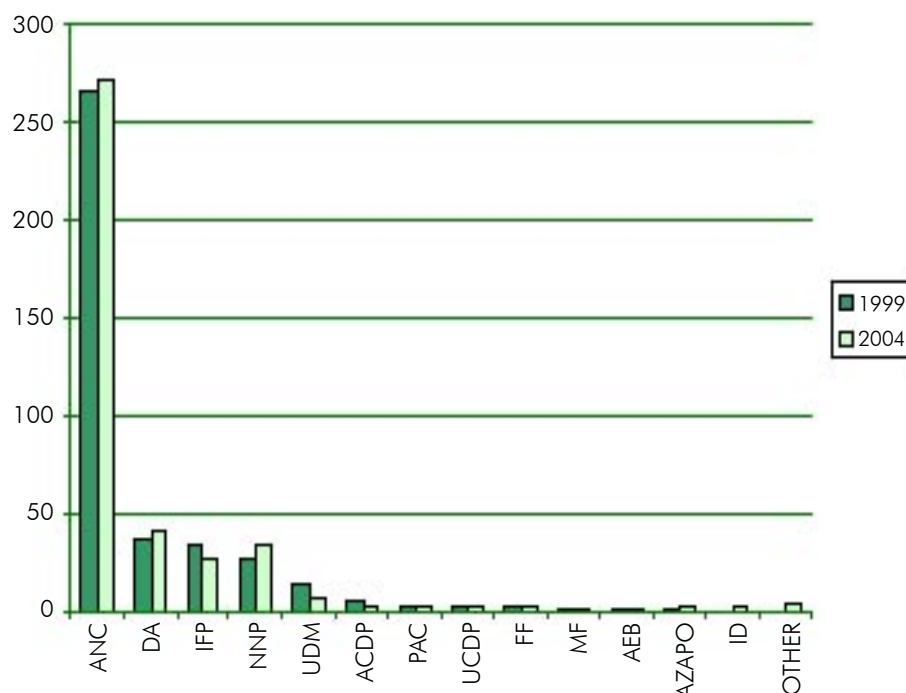
Of the smaller parties, the ACDP would drop from 6 seats to 2 and the PAC would drop from 3 to 2. The new Independent Democrats are predicted to win 2 seats.

The results also predict that the ANC will retain control of the Western Cape, with the support of the NNP. In KZN, the DA-IFP alliance falls just short of a majority over the ANC.

The latest SABC/Markinor Opinion 2004 poll, conducted in October / November last year, suggests a somewhat different outcome of the upcoming elections, however. Based on a smaller sample (3 500) and a selection of respondents who indicated that they "wanted to vote" and were "likely to vote", support for the ANC amounted to 64%. A high voter turnout, however, would, according to the study, result in proportionally lower support for the ANC. Furthermore, the poll predicts that in the Western Cape the ANC-NNP coalition will not receive more than 50% of the votes, however. The coalition would receive 47% of the vote. In line with the HSRC study, the Markinor findings suggest that in KZN, the ANC is supported by 50% of potential voters whereas the IFP and DA by 30%, which will be not adequate to maintain control over the province.

One-party dominance becomes problematic, as Africa, Mattes, Herzenberg & Banda (2003) argue, when a governing party feels it is reassured of re-election and therefore does not respond to public opinion. They explain why an institutionalised, effective opposition is widely seen as essential to a healthy democracy: "Without the possibility of defeating the government, dissatisfied voters may come to focus their discontent not on the party in power, but on the democratic regime in general. Serious opposition parties also help ensure healthy political debate and competition over ideas and policies. Further, they have electoral incentives to use their position and access to information and resources to empower groups who concentrate on highlighting abuses of power and corruption. Thus, the opposition parties play an important role as watchdogs, and in so doing, serve the public interest" (Africa et al, 2003: 2).

One of the relevant questions therefore is whether people who do not support the ANC feel they have a say in political decision-making. More specifically does party support relate to perceived influence on the government, that is a form of political efficacy?

Findings from a cross-sectional survey study over the period 1994-2000 conducted among a total sample of more than 16 000 South Africans of 18 years and older clearly suggest that support for the ANC generally relates to stronger feelings of efficacy (Klandermans, Roefs & Olivier, 1998). Irrespective of class, race, and for instance age, people who supported the ANC were more likely to feel they could exert influence on governmental decisions than people who did not support the ANC (Roefs, 2002). However, racial differences between black and white South Africans better explained differences in efficacy than did support for the ANC. Clearly whites felt that it was difficult for them to influence governmental decisions. Thus, party affiliation appeared to be of less importance than race in explaining perceived influence on the government.

A poll conducted by SABC/Markinor in May 2003 partly corroborates these findings. According to the SABC / Markinor researchers, a growing apathy in terms of political participation is noticeable among the

voters from minority population groups. The poll findings, the researchers argue, do not bode well for the 2004 general election. In fact, when asked about their likelihood to register for the next election a quarter of coloured voters (24%), a third of Indian voters (33%) and more than four in every ten white voters (42%) as opposed to only two in every ten black voters (19%) indicated that they are not likely to register. Of those who said that they are not likely to register, the main reasons were:

• "I do not want to" (42% - especially whites, coloureds and Indians)
• "I do not have an ID book" (19% - mainly blacks and coloureds)
• "I do not want to vote for any of the current parties" (17% -all population groups)

However, the latest SABC/Markinor Opinion 2004 poll revealed that about 85% of those eligible to vote indicated that they will vote – they wanted to vote, and were likely to vote. This suggests an increase in voting intentions, closer to the elections. The HSRC study revealed that (only) about 8% of the respondents would not vote. Of these, the largest proportion (just over 40%) said they would not participate because they were not interested. Interestingly, the proportions of respondents who would not vote within each racial group were quite similar. However, uncertainty about for whom and whether one will vote, which prevailed among a third of the respondents, was approximately twice as big among coloureds, Indians and whites than among blacks.

These surveys suggest that voter apathy does relate to race or perhaps more accurately to minority group membership. In addition, voting intentions vary over time, with more intention to participate near election time. Clearly one needs to better understand the racial divides in intended and actual participation in the election. Do they relate to political and cultural identities, or for instance to feelings of powerlessness, apathy and / or disinterest because of one's minority group status? With regard to the effect of changes of intention over time, one needs to interrogate the effect of campaigns on perceptions of potential voters, macro socio-economic change related to electoral events, and the impact of the registration process on political participation. Enough food for thought?

Legislation and **Electioneering**

Paul Graham

Consternation surrounding the broadcast of President Mbeki's ANC election rally speech in January, and the display of party posters, is part of a "phony war, which becomes real once the elections are promulgated, argues Paul Graham (Executive Director, IDASA)

Did the SABC fall foul of the law when it broadcast, live, the speech of the President of the ANC to an ANC rally on January 11, 2004? Is the pasting of party posters on freeway underpasses illegal?

Elections are hemmed in with legislation and regulation; these rules of the game have to be monitored closely by contestants, the Commission, and citizens.

Decisions about the date of the election are determined by sections 49 and 50 of the Constitution (Act 108 of 1996) and related sections. But although the President determines the date, he must set it in consultation with the Independent Electoral Commission (Act 51 of 1996). And the Commission has to give advice which takes account of the central election legislation (Act 34 of 2003) which amends and confirms substantial sections of the earlier Electoral Act (73 of 1998).

This is the Act which specifies who can register and vote, all the technical procedures for organizing the elections, codes of conduct for parties and officials, and the calculation and formulae for turning votes into seats in the Assembly and legislatures.

But none of these will answer the questions above. For that one must turn in the latter case to municipal by-laws and in the former to the Independent Communications Authority of South Africa – ICASA. Its legislation (Act 13 of 2000) updated the previous IBA Act of 1993. And that is where procedures and guidelines for broadcasters in particular and the media in general will be found. Section 61 explains the care with which broadcasters must approach elections.

With the SABC found innocent of any wrongdoing, voters may be confused. But much of the legislation only begins to apply when an election is promulgated. This technicality means that South Africa has been in the 'phony war' period – when campaigning has started, but elections have not. Election legislation requires, therefore, not only attention to the letter of the law but also much more attention to its spirit.

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