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South Africa 2014 Election Updates

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SA Elections 2014: Sticks & Stones - Political Intolerance, Violence & Intimidation

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The first to defend the rights of other parties? – The ANC and the problem of intimidation in South Africa¹

David Bruce, Independent Researcher on behalf of the Community Agency for Social Enquiry (CASE)²

“We fought against no-go areas and will be the first party to defend the right of other parties to campaign wherever they wish”. (Jacob Zuma, 13 January 2014)³

Introduction

During the build-up to the 2014 election there have been at least four incidents of political intimidation that were widely publicised in the news media.

- On 26 September 2013 members of the ANC-aligned South African Students Congress (SASCO) were involved in a confrontation and ‘scuffle’ with members of the Economic Freedom Fighters at the University of South Africa (UNISA) in Pretoria. The confrontation, during which it is alleged that four SASCO members were hurt, apparently took place while SASCO members were singing songs in order to try to disrupt an address by EFF leader Julius Malema.⁴
- On 11 January 2014 the EFF staged an event close to the Nkandla homestead that has been built for President Jacob Zuma. Prior to the event EFF members built a house for a resident in the area. As EFF leader, Julius Malema arrived for the event, at which he was due to hand over the house: ANC members blocked the progress of his car, forcing him to get out and walk to the house. When he had made his way through the crowd, ANC supporters began throwing bottles of water and stones at him.⁵
- On 12 February 2014 a Democratic Alliance (DA) march to Johannesburg’s Beyers Naude Square was terminated prematurely after the police told the DA that it was too dangerous to continue. At the point when the DA initially announced the march, saying

¹ This article is based on the report ‘Just singing and dancing? - Intimidation and the manipulation of voters and the electoral process in the build-up to the 2014 elections’ published by the Community Agency for Social Enquiry (CASE) in April 2014.

² David Bruce is an independent researcher. The research and publication of the report is supported by a grant from the Open Society Foundation for South Africa (OSF-SA). However, the views are those of the author.

³ SAPA, ANC not pro violence: Zuma, *Times Live*, 13 January 2014, <http://www.timeslive.co.za/politics/2014/01/13/anc-not-pro-violence-zuma>

⁴ You Tube, Malema at Unisa Part 1, Published on 1 Oct 2013, <http://www.youtube.com/watch?v=nqgluw9o0QU>; SAPA, Defiant Malema goes ahead with Unisa talk, *News 24*, 26 September 2013, <http://www.news24.com/SouthAfrica/Politics/Defiant-Malema-goes-ahead-with-Unisa-talk-20130926>; Sipho Masombuka, Guns drawn at Malema speech, *Times Live*, 27 September 2013, <http://www.timeslive.co.za/thetimes/2013/09/27/guns-drawn-at-malema-speech>

⁵ Giordano Stolley, Malema braves stones, bottles in Nkandla, *IOL News*, 11 January 2014, <http://www.iol.co.za/news/politics/malema-braves-stones-bottles-in-nkandla-1.1630524>

that the destination for the march would be the ANC's Luthuli House, the ANC Youth League issued a formal statement threatening the DA with violence.⁶ When the march eventually took place it was agreed that it would head towards Beyers Naude Square, close to Luthuli House. Amongst a crowd of ANC supporters assembled around Luthuli House some 'openly brandished stones, bricks, sticks, knobkerries and sjamboks'. At one point '[d]ozens of men dressed in ANC colours, and who were carrying bricks, were seen charging towards the DA supporters ... This forced those wearing the blue colours of the DA to retreat, seemingly on the advice of the police'. In another incident a group wearing ANC colours threw bricks at the marchers. Another group also dressed in ANC colours hurled petrol bombs at the police.⁷

- On 21 February 2014 various incidents of intimidation took place in Sharpeville related to events commemorating the 1961 massacre.⁸ Pan Africanist Congress (PAC) and EFF members were reported to have tried to disrupt proceedings and force their way in to the Sharpeville memorial precinct while President Jacob Zuma was laying a wreath at the precinct. According to the PAC and EFF they had been locked out after having booked the precinct in order to hold a commemoration event there. A number of other confrontations of various kinds also took place between members of the ANC and EFF and PAC. A bus carrying DA members into the township was prevented from entering the area of the memorial precinct, and then pelted with stones, allegedly by a group of people wearing ANC t-shirts.⁹

Looking at reports on these four events there are a number of observations that can be made. The first and most obvious of these is that all four reports point to the involvement of supporters of the ANC and of groups that are aligned with the ANC, in acts of intimidation.

The fourth report, dealing with the Human Rights Day events in Sharpeville is more complex on this point. The reports seems to point to the possibility that other political groups, notably the supporters of the PAC and EFF, may also have been involved in acts of intimidation. This is firstly because it is not clear if PAC and EFF supporters had indeed booked the venue in question, and therefore whether they were justifiably aggrieved at being excluded from it. There is also no information about many of the other confrontations that took place between the PAC and EFF supporters and those of the ANC, and it is therefore unclear if one or other party could reasonably have been labelled as the primary aggressor in these incidents. Nevertheless, even in this report, the allegations by the DA directly allege the involvement of ANC supporters in acts of intimidation.

Notwithstanding the possibility that other political groups may be involved in intimidation, these reports in themselves point to an apparent pattern of involvement in intimidation by supporters and allies of the ANC. Leaders of the ANC are however on record as having

⁶ Craig Dodds, ANC, DA trade blows over planned city march, *Saturday Star*, 25 January 2014.

⁷ Lebogang Seale, High noon in Joburg, *The Star*, 13 February 2014, 1.

⁸ The Sharpeville massacre is commemorated in South Africa each year as Human Rights Day.

⁹ Thabiso Thakali and Sameer Naik, Insults, stones fly as intolerance and tension fill air at Rights Day event, *Saturday Star*, 22 March 2014, 1.

condemned intimidation. Most notably following the EFF event in Nkandla in January at which stones were thrown at Julius Malema, both President Jacob Zuma, and ANC deputy-president Cyril Ramaphosa¹⁰ made widely publicised public statements in which they condemned intimidation. In his speech, Zuma stated inter alia, that "[the ANC] fought against no-go areas and will be the first party to defend the right of other parties to campaign wherever they wish".¹¹ In certain cases other acts of intimidation by members of the ANC have also been condemned by representatives of the ANC. In mid-February the KwaZulu-Natal ANC spokesperson Senzo Mkhize condemned in 'in the strongest possible terms' the behaviour of a group of ANC supporters who obstructed National Freedom Party (NFP) members from campaigning in the Ntshongweni area, west of Durban.¹²

But can these statements be taken at face value to mean that the ANC is in fact genuinely opposed to intimidation? Recent research by the Community Agency for Social Enquiry (CASE) suggests that intimidation is far more widespread than is generally acknowledged, that the ANC is the main perpetrator of this intimidation, and that this raises questions about whether or not the ANC is in fact genuinely committed to free and open political activity.

Although high-profile incidents of the kind highlighted above receive considerable media attention, intimidation needs to be recognised as a broader problem which continues to shape and impact on electoral politics in South Africa.

Background to the research

Widespread intimidation was a feature of the build-up to South Africa's historic first democratic elections in 1994.¹³ But since then South Africa's elections, including those at national and provincial level, and for local government, are generally regarded as having been characterised by the absence of significant levels of intimidation.

However, during the build-up to the 2009 general election in South Africa there were also a number of incidents of political intimidation. These included the continuation of forms of intimidation linked to the rivalry between the ANC and IFP in KwaZulu-Natal. More widespread than these, though, were a number of incidents generally impacting on meetings or events organised by the Congress of the People (COPE). COPE directly positioned itself within the political tradition that the African National Congress (ANC) embodies, and sought to compete with the ANC for the support of its mass constituency.

¹⁰ Matumo Letsoalo, Ramaphosa condemns ANC supporters' attack on EFF, *Mail & Guardian*, 14 January 2014, <http://mg.co.za/article/2014-01-14-anc-eff-nkandla-fight-ramaphosa-slams-bad-behaviour>

¹¹ SAPA, ANC not pro violence: Zuma, *Times Live*, 13 January 2014, <http://www.timeslive.co.za/politics/2014/01/13/anc-not-pro-violence-zuma>

¹² Nathi Olifant, ANC disrupts NFP rally, *Sunday Independent*, 16 February 2014, <http://www.iol.co.za/news/politics/anc-disrupts-nfp-rally-1.1647822>

¹³ Steven Friedman and Louise Stack, The magic moment – the 1994 election, in Steven Friedman and Doreen Atkinson (eds), *South African Review 7 – The small miracle, 1994*, Johannesburg: Ravan Press.

As a result of the fact that it attempted to challenge the ANC's dominance over this constituency COPE found itself the target of intimidation from ANC members and supporters in some areas.¹⁴

The implication of the 2009 election therefore could be taken to be that, if there is increased competition by political parties for the votes of poorer South Africans, there is likely to be an increase in intimidation. This research project was therefore initiated in 2013 on the basis of evidence indicating that the 2014 election would indeed involve greater competition by different political parties for the votes of this constituency. This included both the fact that the DA, South Africa's main opposition party, was now positioning itself to compete with the ANC for votes within the black African majority constituency that in the past was assumed to largely be supportive of the ANC. In addition, a number of new political groups, such as the EFF, Agang SA and the Workers and Socialist Party (WASP), were also, to a greater or lesser degree, targeting their campaigns at this constituency.

Methodology

The research aimed to establish if intimidation is a problem facing political parties in South Africa, and, if so, to understand more about the nature of intimidation.¹⁵ The research focused on the experience of opposition parties and particularly on opposition parties that appear to be more vigorously challenging the dominance of one or other established party over poorer communities. There was a working assumption that parties that were not destabilising the existing status quo would be unlikely to face intimidation. For this reason it was decided that the research would not focus on existing parties that do not currently enjoy much of a public profile.

The research involved 24 in-depth interviews with representatives of nine political parties: Agang SA, the ANC, COPE, the DA, the EFF, the IFP, the NFP, the UDM and WASP. A representative of the IEC was also interviewed. The ANC is included on the basis that, even though it is the ruling party nationally, and the dominant party in most poorer communities, it is also an opposition party in some poorer communities in South Africa. The parties that were selected included the six major parties in South Africa as measured by the total number of votes gained in the 2011 local government elections. In addition, representatives of three newly established parties, the EFF, Agang SA and WASP, were interviewed. Information from press reports was also used as a supplementary source of information.

Those who were interviewed included people fulfilling a range of different roles within their parties, including senior party officials based in national and provincial party offices, members of parliament, members of provincial legislatures, and some holding political office or representing their party at local level. Those interviewed were selected partly on the basis

¹⁴ David Bruce, 2009, Dictating the local balance of power, Election-related violence in South Africa. SA Crime Quarterly No. 28, June, 3 <http://www.issafrica.org/uploads/CQ28BRUCE.PDF>.

¹⁵ The research also is part of a broader research project focusing on factors impacting on the participation by people in poorer communities in South Africa in the 2014 election. However, the report discussed in this article focuses on the issue of intimidation.

that they would be likely to have an overview of the party's experience of intimidation at national or provincial level, whilst some of them were people who could speak about the party's experience in more discrete geographical districts such as specific regions of KwaZulu-Natal.

Forms of election-related intimidation in current-day South Africa

The research confirms that political intimidation continues to be a feature of electoral contestation in South Africa. However, political coercion has been adapted to the terrain of democratic South Africa, and frequently manifests in the guise of practices that, superficially at least, may appear to be lawful and legitimate and that are difficult to police. There are a range of ways in which intimidation is alleged to take place. These may roughly be differentiated into the following broad categories.

- (i) *Economic coercion - misinformation and threats regarding pensions and grants and the denial of jobs, contracts, services and development opportunities*

In poorer communities in South Africa there is a high degree of dependence on the state. It appears that this dependence is exploited in various ways, by the ruling party, and perhaps by others, in order to maintain political dominance. Several interviewees asserted that one of the principal ways in which this is done is through misinformation or threats implying that voting for another party will result in people losing old age pensions or grants.

We have been campaigning in Limpopo and mostly old people in that and in other areas where I went, they are telling us that the ANC has been telling them that they are not going to be getting their pension funds if they do not vote for the ANC, if they associate with other political parties. (WASP, National)¹⁶

The research indicates that this kind of message is a frequent refrain of campaigning by the ruling party in many parts of the country. Interviewees also indicated that politicians using these kinds of tactics were also exploiting the fact that people in poorer communities were often relatively less well informed about how government operates and therefore more susceptible to believing this kind of message.

Misinformation of the kind just described tends to be conveyed by politicians who are campaigning for electoral support. However, the economic vulnerability of people in poorer communities is used to discourage them from openly associating with rival political parties on an ongoing basis as well. Numerous interviewees asserted that in many areas opposition party supporters were denied employment opportunities in municipalities, in public works programmes, and other projects. As one interviewee put it

Remember most of our people rely on government for these Extended Public Works jobs, project jobs. If there's a construction project, road construction or road surfacing projects, it's the councillors of those particular wards that are given the responsibility to choose whom to employ and whom not to employ. ... So the councillor will only look at those people that are loyal to the ANC for employment. (COPE, Eastern Cape)

¹⁶ Interviews were carried out on a confidential basis and the names of interviewees are not disclosed in the report.

This kind of practice is allegedly not restricted to public works or other job opportunities. Interviewees also asserted that in some communities that are supplied with water by water tankers, the water tanker would not stop at the houses of people who are known to be opposition party supporters. An ANC interviewee also indicated that there had been problems of this kind in one of the municipalities in KwaZulu-Natal that was controlled by the NFP.

There were also other variations on this theme, including that in some communities opposition party supporters are treated unfavourably in relation to the provision of housing, and that communities that had supported an opposition party would be denied development opportunities by the municipality.

(ii) *Disruption, and the intimidation of participants, at meetings and other events involving rival political parties*

A second major form of intimidation that often impacts on political parties is the disruption of, and the intimidation of participants in, meetings and other political party events. The four cases that are referred to in the introduction to this paper are an illustration of some of the typical practices associated with intimidation of this kind.

Sometimes intimidation of this kind involves denying opposition groups access to meeting facilities. This may involve a group of people gathering in front of the meeting facility to prevent their political rivals from access to it. However, it may simply involve opposition party members who have booked a venue being told that the keys are missing or that there has been a mistake of double booking when they arrive to use the venue. There is therefore not necessarily any overt violence or other intimidation when this occurs. However, the practice can still be seen as coercive in nature, as the dominant political role-players in that area use their ability to influence those responsible for management of these facilities in order to deprive political rivals of the use of these facilities.

However, the disruption of opposition meetings often involves more overtly confrontational conduct. Interviewees indicated that ANC members will frequently gather next to a meeting of a rival party in order to disrupt it. This may involve making as much noise as possible by singing loudly or playing a music system. Sometimes there is also more overtly threatening behaviour, including verbal threats, threatening gestures, or mock charges. In some cases ANC members have been known to invade the meeting of a rival group.

These kinds of incidents typically build up into a heavily confrontational atmosphere, and it is not unusual for there to be violence. The members of the political party whose event is being disrupted may respond in a threatening way to the disruptive or threatening behaviour of their rivals. In some cases, particularly where the attempts at disruption result in the rival party members coming into close proximity, or a meeting is invaded, violence ensues, though this typically involves ‘pushing and shoving’ and possibly the exchange of blows. As indicated, however, in some cases stones or other objects are thrown in confrontations of this kind and individuals may suffer injuries.

However, interviewees indicated that, unless there is actual violence, the police often appear to view this kind of disruptive behaviour as entirely legal, and as itself constituting an exercise of the right to freedom of assembly and protest. This notwithstanding the fact that the Electoral Act provides that it is an offence to ‘unlawfully prevent the holding of any political meeting, march, demonstration or other political event’¹⁷ and that the electoral Code of Conduct provides that everyone has the right to hold public meetings. An incident of this kind was described by an Agang SA interviewee as follows:

[The police] came, they talked to us and said what’s going on and we showed them the paperwork [authorising the meeting]. They went to the ANC councillors of whom they are afraid because they know they are powerful in these areas, and they came back to us and said ‘these people are just singing and dancing’, and then they left. (Agang SA, National)

(iii) *Fatal violence and intimidation directed against the individual*

The report identifies twelve apparent political killings (in 11 incidents) in the period from January 2013 until the end of February 2014 (14 months). Apart from one killing in Limpopo in October 2013 that may have been politically motivated, all the killings identified were in KwaZulu-Natal. The Ulundi municipal area and the KwaMashu hostel area account for seven of the ten identified incidents (involving 11 fatalities) that may be related to inter- or intra-party political contestation within KwaZulu-Natal.

Fatal violence therefore continues to be a feature of contestation between (and potentially within) political parties in South Africa. However, focusing on fatal violence as a means of understanding the problem of intimidation is potentially misleading. Intimidation has a much broader geographic distribution and needs to be understood in relation to a diverse range of practices. The profile of the political parties associated with fatal violence is also completely different from the profile of the victims and perpetrators of intimidation more generally.

In addition to the fatal incidents themselves, there are also other incidents where people are threatened with death or severe injury, as well as cases of arson, including the burning of people’s homes. These, and the other forms of intimidation discussed in this paper, occur more widely in South Africa. There are likely to be many situations where individuals who are on their own or with one or two companions are threatened with physical harm for associating with an opposition party. Many of these incidents are probably not even brought to the attention of political party officials and are unlikely to be reported to, or recorded, by police. They are therefore likely to remain a dimension of the problem of intimidation that is largely undocumented.

(iv) *Attempts to disrupt the registration and electoral process*

Though the phenomenon is not examined in depth, it is important to note that there appears to be an emerging phenomenon of what may be seen as forms of intimidation directed against the registration and electoral process itself rather than against specific political parties. It appears that the phenomenon may tend to be manifest in communities where there have been protests related to dissatisfaction with service delivery or other problems. During both of the

¹⁷ Electoral Act, Section 87(1)(f)

IEC's voter registration weekends, in November 2013 and February 2014, attempts were made to disrupt the registration process in Bekkersdal in Gauteng.¹⁸ In an informal settlement called Nkanini, near Stellenbosch, protestors from the community forced the IEC to close the voter registration station temporarily during the February 2014 voter registration weekend. The leader of the residents committee stated that community members intended to sit in front of the gate of the local voting station on election day and that no-one would be allowed to enter.¹⁹

Other ways in which voters and the electoral process are manipulated

During the process of research it emerged that competition for votes involves not only 'intimidation' (which can be seen as being characterised by coercion and fear) but also other forms of manipulation of voters and the electoral process. The main forms that are identified in the report are:

- Fraudulent voter registration; and
- Vote buying - the alleged targeted use of government resources to promote a political party immediately prior to elections.

Fraudulent voter registration may be a problem that is primarily confined to by-elections.

Who is responsible for intimidation?

The research overwhelmingly pointed to the ANC as the primary source of intimidation in South Africa. Of the eight political parties, other than the ANC, that were interviewed, six of them (the DA, EFF, Agang, the IFP, NFP and WASP) reported that they were currently the target of intimidation by the ANC. COPE interviewees indicated that the party no longer faces a significant problem of intimidation, but that this appeared to be related to the fact that the party was no longer seen to pose a challenge to the ANC. Similarly, it was not clear from the UDM interview that its members currently face problems of intimidation.

The IFP was the main other party that was identified by interviewees, from the ANC and NFP, as engaged in intimidation, although this appeared to be localised to a relatively small number of municipal areas. The research was conducted during the period when the EFF was in the process of being formed. Although the information presented is not necessarily clear, some subsequent press reports have suggested that in some cases EFF members may also have engaged in forms of intimidation such as the disruption of ANC meetings.²⁰

¹⁸ SAPA, Bekkersdal voting stations petrol bombed, *Mail & Guardian* online, 8 February 2014, <http://mg.co.za/article/2014-02-08-bekkersdal-voting-stations-petrol-bombed-as-tension-rises>; SAPA, Bekkersdal stations to re-open: IEC, the *New Age*, 9 November 2013, http://www.thenewage.co.za/111312-1009-53-Bekkersdal_stations_to_reopen_IEC/?switcher=1.

¹⁹ Daneel Knoetze, Enkanini: There'll be no voting here, *Cape Argus*, 17 February 2014, <http://www.iol.co.za/news/politics/enkanini-there-ll-be-no-voting-here-1.1648167>

²⁰ ENCA, EFF, ANCYL supporters in clash in Diepsloot, 18 October 2013, ENCA, <http://www.enca.com/south-africa/eff-ancyl-supporters-clash-diepsloot>; SAPA, EFF claims ANC supporters beat them up in Diepsloot, *Times*

One ANC interviewee also accused the DA in the Western Cape of deliberately creating a chaotic atmosphere at polling stations in areas where the ANC is strong in order to discourage voting in these areas. A DA interviewee also raised concern about the impact of these ‘shows of force’ by political parties on potential voters in the Western Cape.

Intimidation is generally believed to be carried out by local political party supporters under the direction or influence of local leaders. Threats to the dominance of a political party over a specific area during the build-up to national and provincial elections also have implications for the ability of local political elites, associated with that party, to maintain their political dominance in that area. Some of the practices that are identified, such as alleged vote buying, are practices that also allegedly involve role players in party hierarchies at provincial and national level.

Who is subject to intimidation?

The research focused on the experience of opposition parties and particularly on opposition parties that appear to be more vigorously challenging the dominance of one or other established party over poorer communities. As indicated, there was a working assumption that parties that were not destabilising the existing status quo would be unlikely to face intimidation. This assumption was generally confirmed by the research. Established parties that are not, in a vigorous way, seeking to increase their ‘footprint’ within poorer communities did not indicate that they were experiencing intimidation. As indicated, although it appears that both parties have faced intimidation in the past, the research did not confirm that either the UDM or COPE are currently facing a problem of intimidation.

Some interviewees suggested that members of a party that has recently broken away from a ‘parent’ party are especially likely to face intimidation. Both COPE and the NFP are breakaway parties (from the ANC and IFP) respectively, while the UDM and EFF were both formed by leaders who were expelled from the ANC. Parties that are breakaways or are formed by former members of a party are highly likely to focus on the same constituency as the ‘parent’ party. However, it seems that it is not necessarily more likely that such a party will become the focus of intimidation than any other party that poses a substantial challenge to the dominance of the ‘parent’ party over its established constituency.

How prevalent is intimidation?

For methodological reasons this research project was qualitative in nature and it therefore does not provide a means for quantifying the extent of the phenomenon nor its impact. Furthermore, as indicated, the report suggests that intimidation is carried out through a diversity of practices, and quantifying its full extent would therefore require that one take all of its manifestations into account.

While the research was not quantitative in nature, interviewees were nevertheless asked to comment on the extent of the phenomenon, and different interviewees gave different

responses to this question. Focusing on the problem of the disruption of DA meetings and activities, a DA party official who had been involved in a large number of by-elections indicated that the phenomenon was confined to ‘pockets’ of the country.

However, DA interviewees from the Eastern Cape and Mpumalanga had a different view on this question. In their experience, they said, intimidation was widespread. What tended to determine whether it openly manifested itself or not was whether the DA, or other political party, was seen by local ANC leaders as presenting a real challenge to the ANC in the area in question. Once the DA started to have an impact, and began to look like it could threaten ANC dominance in that area, there would be a high likelihood that acts of intimidation would occur. Speaking ten days after the launch of the EFF on 13 October 2013, the EFF interviewee also indicated that in the build-up to the launch the EFF, the party had faced a high level of intimidation, saying that it had experienced attempts at disruption ‘In all our meetings ... everywhere we’ve been’.

SAPS and IEC responses to intimidation?

Though respondents gave different interpretations as to the reasons for this, problems were consistently identified with police responses to intimidation. This included their responses to acts of intimidation that were in progress and the investigation of criminal cases emerging from acts of alleged intimidation. Some respondents argued that ineffectual police responses reflected partisanship on the part of the police, while others suggested that the police often did not understand the relevant legislation or lacked the confidence to intervene.

Many of the respondents also raised concerns about the IEC, including the IEC’s mechanisms for responding to allegations of intimidation and to alleged or potential partisanship by officials representing the IEC at polling stations. Speaking about the IEC’s party liaison committees, the IEC’s primary mechanism for addressing intimidation, one interviewee for instance observed that

It depends on the area and it depends largely on our reporting lines. If our reporting lines are there, they make us aware of the local problem, then it is resolved, then it *can be* resolved. But then that also depends on the other party that is involved in the intimidation and their ability to address the local issue. (COPE, National)

Impact of intimidation

The report concludes that intimidation and manipulation of the electoral process remain systemic features of political life in South Africa in that there are there are a number of characteristic forms of intimidation and manipulation that manifest in a wide range of different localities. Although it is not possible to quantify the levels of intimidation, there was a high level of consistency between the forms of intimidation reported by different respondents from a variety of different parties. Intimidation remains likely in many areas where ANC members perceive a rival party as threatening their dominance.

It is therefore reasonable to believe that intimidation continues to have an impact on the degree to which people in South Africa, most notably in poorer communities, feel free to openly support, or even engage with, political parties that are not dominant in the areas in

which they live. Even though acts such as the disruption of opposition meetings or canvassing activities occur as relatively discrete events, the nature of intimidation is that it has an enduring effect. People who witness or hear about these incidents frequently internalise the message that there may be adverse consequences for them if they show any sign of disloyalty to the dominant party. The likely impact of ‘economic intimidation’ should also not be underestimated, as there are a large number of people in South Africa who are poor and likely to be wary of jeopardising their access to whatever support they receive, or may receive, from the state.

As a result, the ‘political ground’ on which political parties are competing is ground that is shaped by, and shows the continuing influence of, political intimidation. Even if there is a decline in overt acts of intimidation as the election approaches, systemic intimidation has already established a climate of fear and anxiety in many areas and will continue to impact on the degree to which people feel that they are free to choose which party they wish to support.

Nevertheless there are also positive findings. One of these is that, notwithstanding the continuation of political killings in KwaZulu-Natal, intimidation generally may be characterised by a greater inhibition in South Africa against fatal violence. The members of a rival political party may be subjected to threats, but if they nevertheless persist in their political activities, those who are involved in intimidation may reluctantly accept their presence as a reality. Related to this there seemed to be some level of willingness by members and supporters of opposition parties to defy and challenge intimidation and continue with political activities.

Addressing intimidation

The main recommendation of the CASE report is that the ANC should recognise the problem of intimidation and take more purposeful steps to address the involvement by its members and supporters in acts of intimidation. This is therefore a recommendation that the ANC police its own behaviour. The viability of this recommendation is premised on the understanding that there remains a constituency within the ANC a principled commitment to democracy, and that this constituency has enough influence to prevail over those who are invested in the use of intimidation within the ANC.

Whether or not it is reasonable to have the expectation that this constituency continues to be able to shape the direction of the ANC is open to question. Recently the voices of reason within the ANC relating to the Nkandla scandal have seemed often to be lone voices ‘crying in the wilderness’ who are disregarded by the main power brokers within the organisation. Although, as indicated, ANC leaders are on record as having condemned intimidation, it is not clear if this is done mainly for media consumption or whether it reflects genuine concern.

The report also makes a number of other recommendations, including that other parties should also recommit themselves to political practice that is consistent with free political activity.

KwaZulu-Natal

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Electoral Law, IEC Procedures and the Electoral Code of Conduct

The South African Constitution guarantees citizens the right to vote in regular elections under a multi-party system of democratic government.²² The Electoral Act gives substance to this right by providing for (among other things) a national voters' roll, the registration process, the holding of elections, political party contestation, voting districts, voting stations, ballot counting and election monitoring.²³ Schedule 2 of the Electoral Act comprises the Electoral Code of Conduct promoting free and fair elections. The Code of Conduct upholds 'tolerance of democratic political activity', 'free political campaigning' and 'open public debate'.²⁴

The KwaZulu-Natal Department of Community Safety and Liaison has issued a statement supporting the Electoral Code of Conduct in the run up to the May 2014 election. The statement condemns political violence; encourages tolerance of all participating parties, their members and supporters; supports free campaigning; denounces removing or destroying parties' campaign materials or disrupting meetings; and prohibits intimidation or coercion of members and supporters.²⁵ This statement echoes the official signing of the Electoral Code of Conduct by participating political parties in KwaZulu-Natal on 3 March at the Durban International Convention Centre. The pledge was signed by the African National Congress (ANC), Inkatha Freedom Party (IFP), Democratic Alliance (DA), National Freedom Party (NFP), African Christian Democratic Party (ACDP), Economic Freedom Front (EFF), Minority Front (MF), All Progressives Congress (APC), Black Peoples Convention (BPC), Congress of the People (Cope), Azanian Peoples Organisation (Azapo), and AgangSA.²⁶

At the signing, the Independent Electoral Commission (IEC) provincial commissioner Bongani Finca called on the Electoral Court to impose harsh measures on violators of the Code of Conduct including disqualification and vote reduction as provided for in national electoral law. Provincial electoral manager Ntombifuthi Masinga has further encouraged anyone who feels that his/her electoral rights have been violated to go to the police and open

²¹ Shauna Mottiar is a Post-Doctoral Fellow at the Centre for Civil Society, University of KwaZulu- Natal, South Africa – Mottiar@ukzn.ac.za

²² Constitution of South Africa, Act 108, 1996, Section 1(d).

²³ Electoral Act of South Africa, No 73, 1998.

²⁴ Electoral Act of South Africa, No 73, 1998, Schedule 2, 1(a) and (b).

²⁵ Available at: <http://www.kzncomsafety.gov.za/Portals/0/Documents/memos/Elections2014.pdf> Accessed on 31 March 2014.

²⁶ Mbanjwa, B. 2014. KZN parties pledge campaign tolerance. *Daily News*, 4 March. Available at: <http://www.iol.co.za/news/politics/kzn-parties-pledge-campaign-tolerance-1.1656256> Accessed on: 31 March 2014.

a case. South African Police Service (SAPS) representatives advised that there would be additional security deployments in areas where tensions are reported. The Electoral Code of Conduct binds participating political parties:

1. To lead their parties in a manner that will reinforce a culture of tolerance towards all other parties contesting the election;
2. To effectively counsel and advise all candidates on their party lists so that each candidate will in turn propagate a message of maximum tolerance;
3. To publicly promote the eradication of no-go areas for political campaigns by political parties;
4. To desist from using speech or from participating in actions which will have the effect of provoking either parties' supporters or members of the general public to commit acts of intolerance or take other inflammatory actions;
5. To work together to achieve the objects and goals of the Code of Conduct.²⁷

The provincial signing of the Electoral Code of Conduct occurs in the midst of recent political tension in KwaMashu where two ANC members were gunned down and an IFP supporter shot, allegedly by police, as well as the torching of two NFP members' cars in Mzombe.²⁸

Political Violence and Intolerance

Election-related violence is a significant feature in KwaZulu-Natal even though it has not posed a serious threat to free and fair elections over the last four democratic elections. This violence takes various forms. The 1994 election, for example, was plagued by 'no-go' areas,²⁹ while the 1999 election witnessed continuing friction between ANC and IFP members and supporters.³⁰ During the 2004 election, election violence in the province took the form of disrupted rallies, prevention of free electioneering in areas and various incidents of intimidation and attacks on party members and supporters. These disruptions were, once again, attributed mainly to ANC/IFP confrontations over election-related events. ³¹ The ANC, for example, alleged that IFP supporters blocked access to areas, tore down ANC posters and assaulted ANC supporters. The IFP in turn blamed ANC supporters for setting up road blocks, stoning cars and attacking an IFP councillor.³² Similarly, during the 2009

²⁷ Independent Electoral Commission Release, 19 March 2014. Available at: <http://www.elections.org.za/content/About-Us/News/Signing-of-the-Code-of-Conduct/> Accessed on: 31 March 2014.

²⁸ EThekweni municipality parties sign Electoral Code of Conduct. SABC, 31 March 2014. Available at: <http://www.sabc.co.za/news/a/89dc5100437823bcbb6dbfa64eba5fdc/eThekweni-Municipality-parties-sign-Electoral-Code-of-Conduct-20143103> Accessed on 1 April 2014.

²⁹ Schuld, M. 2013. Voting and violence in KwaZulu-Natal's no-go areas: Coercive mobilisation and territorial control in post-conflict elections. *African Journal on Conflict Resolution*, 13 (1), 101-123, p110.

³⁰ Ibid.

³¹ Piper, L. 2004. Politics by other means: The practise and discourse of violence in KZN. EISA Election Update 4, 22-24

³² Schuld, M. 2013. Voting and violence in KwaZulu-Natal's no-go areas: Coercive mobilisation and territorial control in post-conflict elections. *African Journal on Conflict Resolution*, 13 (1), 101-123, p112.

election, the KwaZulu-Natal Independent Violence Monitor reported various incidents of violence. These, again, included ANC/IFP friction in the form of rally disruptions, campaign poster vandalism, stoning, intimidation and threats to party supporters as well as the creation of 'no-go' areas. Political rallies in Nongoma in the run-up to the election turned violent, resulting in three people being shot.³³ There was also friction, however, between ANC and COPE supporters, with COPE alleging that the ANC had disrupted its political gatherings in Inanda, Verulam and Howick.³⁴ The run-up to the May 2014 election shows continuing signs of election-related violence. This is evident firstly in the context of political 'assassinations' in the province and secondly in the recent local level by-elections.

It has been argued that political assassinations in KwaZulu-Natal 'seem to be an unbroken tradition from the 1990s'.³⁵ Assassination targets shifted from ANC/IFP antagonism to various breakaway party politics such as the NFP. In 2011, for example, ANC official Sbu Sibiya, ANC councillor Wiseman Mshibe and NFP representative Gundu Makhanya were killed in incidents resembling apartheid tactics of being gunned down or homes being torched.³⁶ The high level of politically motivated violence led to a Durban-based NGO, the Democracy Development Programme, launching an open forum on 'Political Killings in KZN' in November 2012. At the forum Mary de Haas of the KwaZulu-Natal Violence Monitor stated that since October 2012 there had been 41 deaths stemming from political killings and that 60 per cent of the victims were NFP supporters.³⁷ A 2013 ANC report claimed that 38 of its members had been killed in KwaZulu-Natal since the beginning of 2011.³⁸

Recent municipal by-elections in KwaZulu-Natal have been described as a yardstick for parties' May 2014 election hopes, but also reflect existing political tensions that have the potential to manifest as election violence. By-elections took place in five wards amidst police deployment around the province. The ANC won three of the wards: Dududu (81%), Estcourt (54%) and Vryheid (67%). The IFP and NFP won one ward each – KwaMashu (58%) and Nongoma (62%) respectively.³⁹ The KwaMashu ward was one of the most closely watched in the by-election given the recent political tension amongst IFP, ANC and NFP supporters, which resulted in the death of five people. The site of most of the tension, the KwaMashu hostel, saw a significant presence of police management teams, including the National Intervention Unit from the Eastern Cape and the Western Cape. The NFP leader has argued

³³ Mottiar, S. 2009. EISA Election Update 1, 53-56.

³⁴ Mottiar, S. 2009. EISA Election Update 3, 108-111.

³⁵ Schuld, M. 2013. The prevalence of violence in post-conflict societies: A case study of KwaZulu-Natal South Africa. *Journal of Peacebuilding and Development*, 8 (1), 60-73, p.68.

³⁶ Ibid.

³⁷ Public Forum: A discussion on the state of political violence in KwaZulu-Natal. Democracy Development Programme, Durban. Available at: <http://www.ddp.org.za/programme-events/civil-society/public-dialogues-fora/public-forum-a-discussion-on-the-state-of-political-violence-in-kwazulu-natal> Accessed on 31 March 2014.

³⁸ Van Onselen, G. 2013. Political assassinations: How the ANC is killings its own. *Business Day*, 12 August. Available at: <http://www.bdlive.co.za/opinion/columnists/2013/08/12/political-assassinations-how-the-anc-is-killing-its-own> Accessed on: 1 April 2014.

³⁹ ANC wins 3 of 5 KZN wards. *City Press*, 27 March 2014. Available at: <http://www.citypress.co.za/politics/anc-wins-3-5-kzn-wards/> Accessed on: 1 April 2014. Election result percentages have been rounded off.

that the by-election couldn't be free and fair given the level of political intolerance in the ward. She cited the consistent defacing of NFP campaign materials.⁴⁰ IFP supporters, on the other hand, have complained that the police break down doors and smash windows during raids and shoot at IFP supporters.⁴¹

⁴⁰ Mbhele, N. Nteyi, Z. 2014. By-election won't be free and fair. *Daily Sun*, 26 March, p. 4.

⁴¹ Olifant, N. 2014. War wounds reopen at hell's hostel. *Sunday Tribune*, 23 March, p.13.

Gauteng

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Mechanisms for conflict management and their effectiveness

The provisions found in Schedule of the Electoral Commission Act 51 of 1996 urge the Independent Electoral Commission (IEC) to establish multi-party liaison committees on which, from the date of the promulgation of the election until the date of that election, parties are allowed to have representatives. The functions of the liaison committees are found in the Act and they are meant to serve as a consultative platform between the IEC and the registered parties competing in a particular election. The consultation between the Commission (facilitator and administrator of the elections) and the parties (participants as contestants) is meant to promote credible, free and fair elections.

The multi-party liaison committees in Gauteng have reported no conflict regarding the 2014 election thus far. The IEC, however, has taken the decision to be more proactive with regard to conflict-management mechanisms. To this end, the Commission has been allocated a larger budget to conflict-management mechanisms and has appointed 11 panellists in the province to look at areas where election-related conflict may arise.

Political Violence and Intolerance

There are several incidents in Gauteng that indicate that this electoral period is not void of intimidation, election-related violence and instances of political intolerance. There are legal safeguards that serve to mitigate the obstructive impact of such exchanges, but the prevalence of such events reflects the precariousness of our largely untested multi-party electoral system.

The president's announcement of the election date is the signal for the commencement of the election period. Since that date, there have been numerous interactions between party members and supporters in election campaign-related activities in the province. A day before the State of the Nation address, 12 February 2014, the Democratic Alliance (DA) organised a march to Luthuli house (ANC headquarters) for "real jobs". This act was condemned by the ANC on the grounds that the DA should not have marched to their headquarters but rather to the Union Buildings. This sentiment was echoed by other party leaders. Bantu Holomisa, leader of the United Democratic Movement (UDM), said it created a "bad precedent"⁴² to march to another party and not to the seat of the government. Reports show that, at the march,

⁴² South African Press Association "DA march on Luthuli House creates a bad precedent: Bantu Holomisa". (12 February, 2014), <http://www.timeslive.co.za/politics/2014/02/12/da-march-on-luthuli-house-creates-a-bad-precedent-bantu-holomisa>

rocks and bricks were flung, weapons brandished and the police eventually had to disperse the crowd with the use of rubber bullets and stun-grenades.

There are two noteworthy issues about this incident. The first is the contention that the DA ought to have marched against the government, not the ANC headquarters. This misses the point, since the DA's march for jobs was specifically targeted at the ANC's campaign promise of "creating 6 million job opportunities". While one political party marching to another's headquarters is unprecedented, there is nothing in a free and democratic society that ought to render this untoward or impermissible. Whatever the strategic blunder or merits of the DA's march on the ANC, the response of the ANC and its supporters demonstrated perhaps both a streak of intolerance bordering on violent reaction, but also a reactionary attitude that did not seek to counter the argument, or the policy agenda of the DA, but instead was an over-reaction which gave the DA's march and messaging a prominence, albeit for a short period, that it may not have received had the ANC simply allowed the DA's march to proceed. The ANC's approach, however, apart from the demonstrated intolerance, served eventually to distract myopic media and public attention away from the issue of jobs and job-creation policy and strategy to one of public debate about the march itself, and about political intolerance and political violence.

Perhaps the most significant region in Gauteng that defines the context and climate of the elections is Bekkersdal. The area has had a recent history of being in the spotlight for protest. On the 13 March 2014, ANC members doing door-to-door campaigning in the area were pelted with stones after residents alleged that ANC "bodyguards" fired shots at residents. Two charges were laid with the police by the DA in conjunction with the Bekkersdal Concerned Residents Association. One was under Section 9 (2) (b) of the Electoral Code of Conduct, which prohibits the carrying of firearms at political events, and the other was directed at Nelson Mdayi in terms of Section 84 of the Fire Arms Control Act. Nelson Mdayi is the man who was photographed holding a firearm behind his back during the incident.

It has emerged that Mdayi is a local ANC leader who used to be employed by the Westonaria municipality. ANC Gauteng spokesperson Nkenke Kekana said "His action has undermined the ANC's integrity and its public image. The ANC does not approve of the use of weapons during election campaign activities from its members or from any political party, as this can only serve to intimidate or escalate tensions unnecessarily."⁴³

⁴³ South African Press Association. "Bekkersdal: ANC takes action against gun-wielding member", CityPress Online, (17 March 2014) <http://www.citypress.co.za/politics/bekkersdal-anc-takes-action-gun-wielding-member/>



Picture: Alaister Russell⁴⁴

Bekkersdal has become a flashpoint in this year's election period and the story has illuminated issues around violence, intimidation and tolerance in the context of party-citizen exchanges generally, and with respect to the election period in particular. Media reports reveal that Bekkersdal residents have rendered the region a "no-go" area for the ANC. The ANC has had a tenuous relationship with Bekkersdal in the past several months over protests that have occurred in the area. Following the vandalising of state property during a protest in October 2013, the Gauteng premier, Nomvula Mokonyane, addressed a crowd of protestors and was quoted as saying "People can threaten us and say they won't vote, but the ANC doesn't need their dirty votes".⁴⁵ Obviously, such provocative and insulting statements made to residents of a region who were already angry about their treatment by authorities and the lack of sanitary service provision in the area would cause a similarly provocative reaction. The story sparks an interesting dichotomy between legitimate citizen anger and their expression of this through declaring it a "no-go" area for a specific party, which contravenes the freedom of movement, association, organisation and expression for that party and its members. Simultaneously, the DA has attempted to take advantage of the opening that the general detestation of the ANC in the township might have afforded by opting to join the

⁴⁴ <http://citizen.co.za/143670/bekkersdal-mayhem/>

⁴⁵ Mapumulo Zinhle and Chabalala Jeanette. "Nomvula Mokonyane's 'dirty votes' comment angers Bekkersdal". CityPress Online, (25 October 2013) <http://www.citypress.co.za/news/nomvula-mokonyanes-dirty-votes-comment-angers-bekkersdal/>

Bekkersdal Residents Association to lay charges. It remains to be seen whether the DA will benefit politically by gaining more votes in this area because of this action or whether it will be useful in yielding the benefit of protecting the democratic space for violent-free campaigning.

More recently, in Zola, Soweto on 12 April 2014, ANC and DA supporters had heated exchanges during a DA march organised in protest at the South African Broadcasting Commission (SABC) not airing a DA advertisement. DA supporters were seen throwing plastic water bottles at ANC supporters who lined the streets as the march proceeded to pass through the township. A marching DA supporter told ANC members: “Sizonishayela i-corruption (We’ll hit you for corruption). A woman wearing ANC regalia shouted “Do they see us going to the suburbs? We don’t go there. This is our Zola.”⁴⁶

While the above exchange seems more placid than other interactions in the past, the exclamations by the supporters reflect some interesting things about the electorate and party identity – DA supporters using their anger at corruption as motivation to engage in “corrective violence” and ANC supporters perhaps appealing to the claim that the DA is a middle-class party that has no place in the townships.

DA supporters are not the only party supporters to have had tense, conflict-precipitating exchanges with the ANC. In the period following the death of Nelson Mandela, EFF members visiting the home of Winnie Madikizela Mandela clashed with ANC Youth League Members in Vilakazi Street in Soweto: “You are not wanted here. Go,” one of the ANCYL members announced over the truck's sound system.⁴⁷ The two groups had heated verbal exchanges but no violence ensued.

In the early hours of 5 April, before a scheduled EFF rally in Thokhoza, the marquee that was going to be used in the event was petrol-bombed. The EFF spokesman claimed that the police and the EFF were tipped off that this would happen and it would be orchestrated by ANC members. ANC spokesman Jackson Mthembu has dismissed the claims.

Overall, incidences of intimidation and violence have generally been between the larger, more visible parties in this election in the province, namely the ANC, DA and EFF. Intolerance and violence has seemed to be limited to the townships and has not extended to affluent suburban areas. While there have been numerous clashes and incidents, in campaigning and during political events, the clashes between parties in Gauteng has not been especially violent or widespread. Generally, voters are therefore not likely to stay away from the polls based on fear of intimidation, but may for other reasons.

⁴⁶ Nkosi Bongani, “Bottles fly as DA, ANC clash in Soweto”. Independent online, (April 13 2014) <http://www.iol.co.za/news/politics/bottles-fly-as-da-anc-clash-in-soweto-1.1675205#.U0u0U6I8GM8>

⁴⁷ Khalianyane Limakatso and Makhafola Getrude. “ANC, EFF supporters clash in Soweto”. Independent Online, (8 December 2013) http://www.iol.co.za/news/politics/anc-eff-supporters-clash-in-soweto-1.1618854#.U0_h_qI8GM8

Electoral Code of Conduct

Below is a table of Parties who have signed the Code of Conduct in Gauteng

Party Name	Acronym
Vryheidsfront Plus	VF Plus
Workers and Socialist Party	WASP
African Christian Democratic Party	ACDP
African National Congress	ANC
African People's Convention	APC
Agang South Africa	AGANG SA
Azanian People's Organisation	AZAPO
Congress of the People	COPE
Democratic Alliance	DA
Economic Freedom Fighters	EFF
Front Nasionaal/Front National	FN
Independent Civic Organisation of South Africa	ICOSA
Inkatha Freedom Party	IFP
Kingdom Governance Movement	KGM
LEKGOTLA for Democracy Advancement	LEKGOTLA
Merafong Civic Organisation	MECA
Minority Front	MF
National Freedom Party	NFP
Pan Africanist Congress of Azania	PAC
Patriotic Alliance	PA
United Christian Democratic Party	UCDP
United Democratic Movement	UDM

The issue around the DA sending the SMS that said that President Zuma had stolen taxpayers' money in the construction of his private home at Nkandla, the application by the ANC to get the SMS stopped and retracted and the subsequent dismissal by the North Gauteng High Court, has a number of interesting implications for the broader climate of free expression in the context of election campaigning. ANC spokesman Jackson Mthembu was asked to comment on the High Court ruling that dismissed the ANC's application to force the DA to retract the text message it sent out. The ANC claims that the ruling of the High Court "opens the floodgates",⁴⁸ where parties are able to say anything about each other, even if false, which would go against the Code of Conduct.

On the application, the ANC relied on section 89(2) (c) of the Electoral Act, which prohibits any person from publishing any false information with the intention of influencing the conduct or outcome of an election, and on item 9(1) (ii) (b) of the Electoral Code, which prohibits any registered party or candidate from publishing false or defamatory allegations in connection with an election in respect of a candidate or that candidate's representatives. The Court interpreted these sections of electoral law broadly, which meant that the DA would not

⁴⁸ South African Press Association. "EFF marquee torched in Thokoza", Mail and Guardian Online, (5 April 2014) <http://mg.co.za/article/2014-04-05-eff-marquee-torched-in-thokoza>

be compelled to prove that their SMS was true but merely that it was fair comment. If the Court's interpretation was narrowly focused, it would have meant that it would be illegal to make accusations against members of other parties unless the remark could readily be proven to be truthful. Legal precedents of this kind would serve to begin to eradicate a major component of parties' election strategies, which is concerned with appealing to citizens not to vote for other parties. If parties are limited to campaign using only appeals concerning how citizens should vote for their party and prohibited from appealing to citizens regarding how they should not vote for other parties because of things their members have done, that would drastically alter the electoral environment.

The ANC has been granted leave to appeal the High Court decision. At issue now will be whether the DA SMS referring to the president stealing, is a fair comment or statement of fact. If the ANC can prove that the DA's SMS was not simply a comment that a reasonable person could make based on the report by the Public Protector, but actually, a statement of fact, the court may rule in its favour.

On 11 April the SABC pulled a DA advertisement off the air. The advert shows the DA Gauteng premier candidate talking in the mirror about the way that the ANC has changed. He goes on to talk about various things, including the upgrades to Zuma's private home and police brutality.

A letter sent to the DA on behalf of the SABC by acting group CEO Tian Olivier cites three areas where the broadcaster has grounds to pull the advert. The first is the image of police shooting protesters, and Maimane saying that the police are killing "our people" could incite violence. "The Icasa regulation on political advertising states clearly that there may not be incitement to violence".⁴⁹ "It is our view that the reference in your television advertisement to 'police killing our people' is cause for incitement against the police," wrote Olivier in the letter. The difficulty with this assertion by the SABC is proving how a generally understood claim that police brutality against citizens has increased of late amounts to incitement of violence against the police.

The second area relates to the advertising standards authority ASA regulations being contravened, because an advert cannot openly compare one brand with another, in this case, the ANC and the DA. This kind of political advertising is not under the jurisdiction of the ASA, because political parties do not fall under the same regulatory framework as other television and radio adverts.

The third area relates to the Electoral Code of Conduct. The SABC follow the same argument presented by the ANC in their application to get the Nkandla SMS retracted, which is that the advert is in breach of the Electoral Code of Conduct, section 9, which prohibits one party saying false things about another party. This breach of the Code of Conduct occurs in the advert, according to the SABC, when Maimane refers to the upgrades at Nkandla. This is

⁴⁹ South African Press Association, "DA Cries Censorship as SABC Pulls AD". Independent Online, (11 April 2014), <http://www.iol.co.za/news/politics/da-cries-censorship-as-sabc-pulls-ad-1.1674788#.U0u2iqI8GM8>

found in Olivier's letter where it states, "We believe this can also be extended to information that has not yet been tested and confirmed in a court of law, such as the allegations in your advertisement regarding the Nkandla matter".⁵⁰

This particular allegation based on the Code of Conduct is not as strong as the ANC's argument in the other matter explained above, because the advert, unlike the SMS, does not say that Zuma stole any money but rather that R240 million was spent on upgrades to the president's home. This statement is not in question, given the Public Protector's report or any other publicly verifiable report.

On 11 April the DA applied to Independent Communications Authority South Africa (ICASA) to hear the matter and the regulator has opted to commence public hearings on the 15 April 2014.

⁵⁰ Ibid.

North West

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Mechanisms for conflict management

Any election law is in itself a mechanism for conflict management. The overall purpose of election legislation is that all people have an equal chance to participate in the political process. It provides structure to the electoral process and ensures that the process is fair to all. The Electoral Act 73 of 1998 provides rules for the elections, room for objections for perceived disobeying of the rules as well as mechanisms to address these objections in order to prevent conflict.

The Independent Electoral Commission (IEC) and its officers are empowered to resolve objections, appeals and code of conduct disputes through conciliation. Election petitions are heard by the courts with the Electoral Court acting as final court of appeal. Parties must submit complaints within 48 hours of the announcement of results.⁵¹

The Act provides opportunities for objections during the electoral process. Only a few objections with provisions on how to act on these objections are set out in the following table as examples. Failure by IEC officials to act appropriately on these objections may lead to conflict.⁵²

The IEC developed a comprehensive Conflict Management Programme (CMP). This programme is based on a model that emphasises the use of conflict mediation panels and Party Liaison Committees (PLCs) to resolve issues before they get into the courts. According to the IEC, the CMP is

conducted through intervention by provincial panellists who are experienced mediators recruited from the community and NGO sector, and who have been trained in electoral legislation. The Commission appointed the Electoral Institute of Southern Africa (EISA) to assist in the training of local and provincial Commission staff and panellists. The Commission, through the CMP, also assumed a proactive role in the prevention of conflict. The CMP worked closely with the PLCs in strengthening mechanisms to resolve election-related conflict.⁵³

The result of the CMP in and particularly PLCs in South Africa is broadening the scope for dialogue between political parties and the IEC.

⁵¹ EISA. "South Africa: Electoral Act ". <http://www.content.eisa.org.za/old-page/south-africa-electoral-act-0> (accessed April 2014)

⁵² All information in this table was summarized from the relevant sections in the Electoral Act 73 of 1998 of South Africa.

⁵³ IEC. "Election Report 2009". (2009).

file:///C:/Users/InaGouws/Downloads/IEC%20Election%20Report%202009_final%20web.pdf

When disputes or objections occur, Party Liaison Committees (PLCs) are at the centre of addressing disputes. Instituted by the Regulations on Party Liaison Committees published in Government Gazette 18978 of 19 June 1998, PLCs are made up of registered political parties at the national, provincial and municipal level. Regulations state that only political parties represented in the legislature may have (no more than two) representatives on a PLC. The North West Legislature has 33 seats. The following parties make up these seats:

	ANC	DA	COPE	UCDP	TOTAL
North West Provincial Legislature	25	3	3	2	33

Table 2. Source: IEC

<http://www.elections.org.za/content/Dynamic.aspx?id=1344&name=Elections&LeftMenuId=100&BreadCrumbId=220>

Therefore the North West Province PLC is represented by the ANC, DA, COPE and UCDP. The PLC must hold meetings to allow for consultation and cooperation between the IEC and all registered parties on all electoral matters. PLCs are consulted about boundaries of voting districts, location of voting stations and any matter that may concern any political party in the run-up to and during elections. Access to documents and information about meetings are available on the IEC website to members only.

Another effort made by the IEC will hopefully have a positive result for election processes in the North West Province. The IEC has, as with previous elections, held talks with farmer unions to ensure that farm workers are allowed to register and vote. The IEC has requested reasonable access to farms for voter registration and voter education.⁵⁴ This agreement speaks to not only conflict management, but certainly also to political tolerance and the code of conduct.

A few matters were raised already at the PLC in North West regarding disputes between parties. This brings us to the issue of political tolerance and intimidation.

Political Violence and Intolerance

Political tolerance means accepting and respecting the basic rights and civil liberties of persons whose viewpoint differs from one's own. All citizens, including political leaders, have a responsibility to practise political tolerance.

Democracy implies respect for the plurality of views and virtues of dialogue as a means of resolving conflict. As such political intolerance manifests itself when political leaders refuse to give space to opposition parties to contest elections fairly. The North West Province has experienced political intolerance not just from political parties to each other, but within the governing party itself, as explained in Issue 1 of the North West Update. In this province, the intolerance and intimidation manifested between ANC and DA in the Tlokwe by-elections of

⁵⁴ SAPA. "IEC holds talks with farmer unions." <http://www.news24.com/SouthAfrica/News/IEC-holds-talks-with-farmer-unions-20140122> (accessed April 2014)

2013, but also between ANC and EFF. The EFF has accused the ANC of disrupting EFF rallies and community meetings, and of using local authorities to prevent the EFF from using public venues and facilities for campaigning and holding meetings.

The IEC in North West has voiced its concern about possible disruptions and intimidation of voters in certain places running up to and during the May 7 elections. The North West has experienced not only community protests, some of which turned violent, but also labour protests and strikes that have at times turned violent. The IEC provincial commissioner said that they have spoken to political parties urgently to make sure that they guarantee their supporters will be able to attend party rallies and meetings freely and vote without fear on election day.⁵⁵ Being tolerant does not mean that political parties won't push the boundaries of electioneering, however. During election campaigns political parties watch each other very carefully and very quickly pounce on statements or conduct they believe to be wrong.

One such incident relates to the accusation by the DA that the convoy of deputy president of the ANC, Cyril Ramaphosa, knocked down a cyclist in Wedela and then drove off. The ANC classified this allegation as reckless and irresponsible and vowed to raise the matter in the PLC meeting 'for proper censure for the DA for its recklessness'.⁵⁶

Political intimidation and intolerance does not manifest only in terms of physical threat. Voters rely on processes and regulations to be in place to deal with such incidents. When the organisations responsible for enforcing regulations (such as the IEC) are perceived to no longer be above reproach, the credibility of the election itself is called into question.

The controversial Tlokwe by-elections also sparked some back-and-forth allegations between the ANC and the DA. The ANC handed out blankets and food parcels before the election dates, and the DA accused the ANC of vote-buying. The ANC said this was merely part of a social development programme launched by the provincial authority. The problem with Tlokwe is that this saga has put the reputation of the IEC in jeopardy in the North West. In September 2013 the Electoral Court for a second time found the IEC processes wanting. The court ruled in favour of six independent candidates who were prevented from registering as candidates in their respective wards. Court papers presented in the Electoral Court in January 2014 revealed that as many as 2500 questionable registered voters may have participated in the by-elections in the nine wards of the highly contested municipality. The IEC claimed the allegations were false.

The platinum mine strikes have also made intimidation and political intolerance take hold in certain areas. The strike is largely led by AMCU, which has no loyalty to the ANC, as supposed to NUM, which is said to still support the tripartite alliance. The Wonderkop township near Marikana has become a political focus for intolerance. There are no ANC posters and because of violent clashes between AMCU and NUM members, this township

⁵⁵ SABC. "N West intimidation of voters worries IEC".

<http://www.sabc.co.za/news/a/86750100438a9c37a184e1806cf46596/N-West-intimidation-of-voters-worries-IEC--20140406> (accessed April 2014)









⁵⁶ Matuma Letsoalo. "DA made Ramaphosa hit-and-run claims to score cheap points". *Mail & Guardian* (2014) <http://mg.co.za/article/2014-02-09-anc-lambasts-da-over-ramaphosa-claims>

has become a no-go area for the ANC, which is against electoral conduct regulations. Residents of these villages and townships are said to have pledged support for EFF and Bantu Holomisa's UDM. The IEC is nervous about these areas,⁵⁷ since this may serve as a deterrent to voters who may not vote not just because of apathy or disillusionment with the political system, but also out of fear of intimidation or reprisals for openly expressing a political expression. This has had an effect on open political expression.

While political parties may sign a code of conduct before an election, labour unions do not, even though they serve as mobilisation vehicles for political parties. Consequently, while parties may abide by the code of conduct, labour unions as organised formations may act as proxies of parties, in ways that infringe the code of conduct. The question is whether power-hungry and vulnerable political parties will make every effort to ensure that their supporters refrain from violence or intimidation of the opposition.

Electoral Code of Conduct

Of the 33 parties who have signed the Code of Conduct, 16 of them will be contesting the elections in the North West Province. They are:

Specimen	Provincial 2014 North West	Specimen
VRYHEIDSFRONT PLUS	 VF Plus	
WORKERS AND SOCIALIST PARTY	 WASP	
AFRICAN CHRISTIAN DEMOCRATIC PARTY	 ACDP	
AFRICAN NATIONAL CONGRESS	 ANC	
AFRICAN PEOPLE'S CONVENTION	 APC	
AGANG SOUTH AFRICA	 AGANG SA	
AZANIAN PEOPLE'S ORGANISATION	 AZAPO	
CONGRESS OF THE PEOPLE	 COPE	
DEMOCRATIC ALLIANCE	 DA	
ECONOMIC FREEDOM FIGHTERS	 EFF	
INKATHA FREEDOM PARTY	 IFP	
NATIONAL FREEDOM PARTY	 NFP	
PAN AFRICANIST CONGRESS OF AZANIA	 PAC	
SOUTH AFRICAN POLITICAL PARTY	 SAPP	
UNITED CHRISTIAN DEMOCRATIC PARTY	 UCDP	
UNITED DEMOCRATIC MOVEMENT	 UDM	

⁵⁷ Shanti Aboobaker. "We'd rather die, say platinum workers". <http://www.iol.co.za/news/south-africa/north-west/swartruggens-protests-over-toll-fees-1.1671586#.U0Gt-KiSwU0> (accessed April 2014)

Fourteen of these parties have signed the Electoral Code of Conduct on 26 March 2014 in Mahikeng, North West. Four parties were removed from the national ballot after failing to meet the deadline to submit outstanding documentation and pay compulsory election deposits. The disqualified parties are the Dagga Party, the Africa Unite Party, Lekgotla Democracy Advancement and the South African Progressive Civil Organisation.

Protests

A few more protests in North West occurred in Mokola village near Zeerust on 30 March. The protest was about water. The protesters blockaded the roads around the village and on the N4, but were fairly peaceful. The villagers refused to let the local mayor address them and would only speak to the Minister of Water Affairs.⁵⁸

A protest about toll fees in Swartruggens took place on 4 April. About 2500 people attended the protest and COSATU declared it a big success. The union stated that between 300 and 400 cars did not pay the e-toll at the most expensive toll gate in the province and vowed to return every week until the transport minister listened to their demands. He has promised to lower the toll fees but has not done so yet. Furthermore, residents want to know what is being done with the toll fees, since the roads in and around Swartruggens are in very bad shape.⁵⁹

The ongoing platinum mine strikes are taking their toll on those involved. The strike, led by AMCU, is in its third month, with talks between the union and mine management at a deadlock. AMCU does not have a strike fund, so workers have to help each other and are surviving through solidarity. Two workers are said to have committed suicide out of desperation.⁶⁰

The protests in the Boitumelong township near Bloemhof started on 2 April 2014. Protesters barricaded the N14 road linking Johannesburg to Cape Town. Police used tear gas and rubber bullets to disperse the crowd. Tensions boiled over when police tried to stop the protesters' illegal march through town. Police claim that protestors threw petrol bombs at a broken-down Nyala. Private and public property, including municipal offices and councillors' homes, were set on fire and damaged. The protesters accuse the mayor and municipal officials of corruption and nepotism. Protestors started to loot foreign-owned shops and shops in town. During one such an incident a 17-year-old boy was shot dead by a shop owner. On 8 April the protests spilled over to Christiana, a neighbouring town, where the community hall was torched. The provincial government claims that it does not know what the protests are about

⁵⁸ eNCA. "Zeerust protesters blockade roads." <http://www.enca.com/south-africa/zeerust-protesters-blockade-roads> (accessed April 2014)

⁵⁹ SAPA. "Swartruggens protest over toll fees." <http://www.iol.co.za/news/south-africa/north-west/swartruggens-protests-over-toll-fees-1.1671586#.U0Gt-KiSwU0> (accessed April 2014)

⁶⁰ Shanti Aboobaker. "We'd rather die, say platinum workers". <http://www.iol.co.za/news/south-africa/north-west/swartruggens-protests-over-toll-fees-1.1671586#.U0Gt-KiSwU0> (accessed April 2014)

since it has not received a memorandum. Employees at businesses were sent home, and schooling has been disrupted.⁶¹

The North West premier, Thandi Modise, alleged that the protests were politically motivated. She warned protesters that the provincial government would not allow the province to ‘degenerate into lawlessness’ and that any persons participating in criminal acts would be arrested no matter who they were. Over 120 protesters were arrested and will appear in court on 11 April.

The Bloemhof protesters insist that the local municipality dissolve or they will conduct a mass boycott of the elections on 7 May. In the past voters helped the ANC to remain the governing party in the North West even amid heavy criticism and factional politics. With protests turning violent and reports of intimidation alleged by opposition parties such as the EFF, these events are sparking real fears of a potential voter stay-away in areas marked by violence and instability.⁶²

⁶¹ SABC. 2014. “Violent protest erupts in Bloemhof.” <http://www.sabc.co.za/news/a/71977780438d489d90d4d1806cf46596/Violent-protest-erupts-in-Bloemhof-20140704> (Accessed April 2014).

⁶² Setumo Stone. 2014. “Violence marks election countdown.” *Mail & Guardian*. <http://www.bdlive.co.za/national/politics/2014/04/09/violence-marks-election-countdown> (Accessed April 2014).

Mpumalanga

Oupa Makhalemele – Independent Researcher

The Electoral Commission Act of 1996 enjoins the Electoral Commission to establish and maintain liaison and cooperation with parties. In adherence to this Act the Independent Electoral Commission (IEC) established party liaison committees. As of 19 June 1998, the IEC's Regulations on Party Liaison Committees commenced. At the national sphere, the IEC established party liaison committees with not more than two representatives from every registered party represented in the National Assembly. In the provincial sphere a party liaison committee should have not more than two representatives from every registered party represented in the legislature of the province concerned.

The IEC may co-opt any person or representative onto any specific party liaison committee. Entitlement to be on the provincial party liaison committee is guaranteed on condition that the registered party, or the independent candidate contesting the elections in that province, has complied with the requirements for contesting that election.

The party liaison committee meetings are convened by the convener, he or she being a person designated by the Commission to play that role. In addition to convening these meetings, his or her role is to chair the meetings. The central purpose of these committees is the delivery of free and fair elections, by serving as vehicles for consultation and co-operation between the Commission and the registered parties concerned on all electoral matters.

Electoral Code of Conduct

The 1998 Electoral Act contains a binding Code of Conduct for political parties and their candidates. This is a critical part of consolidating democracy in South Africa, considering the entrenched culture of resolving conflict through violence, the visibly declining but still present proclamation (overtly or covertly) of no-go zones for opposition parties in some parties' strongholds, and the often bellicose rhetoric concomitant with this milieu.

The Code is aimed at promoting conditions that can mediate against such impediments to free and fair elections. With parties proclaiming adherence to principles such as political tolerance, free campaigning and commitment to free public debate, the Code is legally binding, and grants the Electoral Court "final jurisdiction in respect of all electoral disputes and complaints about infringements of the Code". Further, the Court's decisions or orders are not subject to appeal or review (Chapter 4 of the Electoral Act of 1998). Thus the court may hand out punishments ranging from fines to imprisonment for any person found guilty of contravening the Code. Importantly, though, the signing of the Code of Conduct is a strong symbol to the members and supporters of each party contesting the elections. Parties, regardless of current size of representation in the provincial legislature or in the National Assembly, bind themselves equally under the Code and thus show by example their

commitment to play by the rules and demonstrate their willingness to be subject to the strictures of the law.

The Code of Conduct is enforceable for all political parties from the date of proclamation (25 February 2014) and will remain so until the results are officially announced.

Below is the list of political parties that will be contesting the elections for seats in the Mpumalanga's provincial legislature. They are listed in alphabetical order, although the first party on the list is one whose name was drawn at the ceremony to declare adherence to the Code of Conduct, and will appear as the first party on all ballot papers.

Party Name	Acronym
Vryheidsfront Plus	VF Plus
African National Congress	ANC
African People's Convention	APC
Agang South Africa	AGANG SA
Azanian People's Organisation	AZAPO
Bushbuckridge Residents Association	BRA
Congress of the People	COPE
Democratic Alliance	DA
Economic Freedom Fighters	EFF
Inkatha Freedom Party	IFP
National Freedom Party	NFP
Pan Africanist Congress of Azania	PAC
Sindawonye Progressive Party	SPP
United Christian Democratic Party	UCDP
United Democratic Movement	UDM

Source: IEC

Political Violence and Intolerance

The 2014 elections is a watershed moment, perhaps more so than was the case in the period shortly after the momentous Polokwane Conference, when the Congress of the People (Cope), an ANC breakaway party, formed shortly before the 2009 elections. Analysts back then saw the development as presenting a real challenge to the hegemony of the ANC. With the opposition suffering mainly from the legitimacy deficit in the eyes of the majority of the electorate, it was thought the leadership of Cope's struggle credentials would propel the party into the position of the official opposition, possibly displacing the Democratic Alliance from this position. This position was challenged, however, by several factors, including the lack of significant deviation from the policy perspective from the ANC and the internal power struggles over leadership within Cope. Many of those who had defected from the ANC to join Cope would subsequently rejoin the ANC, and the Cope would descend further into factionalism, leading to court battles and a further split of the party in early 2014.

The subsequent emergence of the Economic Freedom Fighters under the leadership of former ANC Youth League president Julius Malema has seen its ranks swelled mainly by young people. Its manifesto launch on 22 February reportedly drew more than 50 000 people, despite the ANC's event in a stadium less than a kilometre from Mehlareng Stadium in Thembisa, where the EFF and its affiliate parties had gathered. Often criticised as populist, with its policy feasibility questioned (for example, the proposed source of resources required to fund its social wage promises), the manifesto has nevertheless drawn huge support and found resonance among the poor, who form a majority of the electorate in South Africa.

The ANC does not seem fazed though, and with the recent Ipsos Markinor survey predicting a more than 60% win for the party, the EFF does not seem a real threat for the ruling party's dominance. Even so, concerns about the culture of tolerance of opposition abound.

On 27 March political parties contesting the May 2014 elections in Mpumalanga congregated at the Emnotweni Casino in Mbombela to sign the IEC's Code of Conduct. Parties at the ceremony claimed they were concerned about the alleged tendency of the provincial ruling party (the ANC) to interrupt their campaigns in communities⁶³. Collin Sedibe, the Economic Freedom Fighters' representative, made this claim, challenging the ANC to conduct itself as a party confident of its predominance as it claimed, rather than one that is threatened by the prospects of opposition parties⁶⁴.

Conclusion

As South Africa's democracy reaches 20 years, the ruling African National Congress is faced by unprecedented legitimacy challenges, coming under attack even from its own senior leaders. The incumbent president Jacob Zuma has been dogged by controversies that undermine the ruling party's image as a party committed to social transformation driven by a pro-poor policy framework, respect for the principles of good governance and a commitment to fighting corruption. It does not look as though these factors will of themselves translate into a threat to the ruling party's dominance at the polls this year. Yet concerns remain as to whether all the parties contesting the elections in 2014 will feel free to exercise this right to campaign and propagate their points of view on the one hand, and that the ordinary citizens will similarly feel free to campaign and choose the party that appeals to them on the other.

The culture of violence in South Africa, manifesting in many aspects of life, is especially evident in the public political space, from the repertoires of service delivery protests to the bellicose rhetoric often used by leadership of many parties in the country. The Independent Electoral Commission has in place conflict-management mechanisms that govern the conduct of political parties contesting elections. The Electoral Commission Act of 1996 gives powers to the IEC to establish the framework for conditions conducive to holding free and fair elections in South Africa. The most public show of this effort is the signing of the Code of Conduct, which has a demonstrative effect as party leaders publicly declare adherence to the

⁶³ Chawane, Nomvula, 'Opposition parties raise concerns about their right to campaign,' (2014), <http://mpumalanganews.co.za/48768/opposition-parties-raise-concerns-right-campaign/>, accessed 25 March 2014.

⁶⁴ Ibid

code, thus showing by example that elections in a democracy are an expression of the right to campaign and propagate their case to the electorate, to which the public also has a right to respond openly and without fear.

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Electoral Act, No. 73 of 1998.

Sosibo, Kwanele, (2014), 'EFF launches its election manifesto,' *Mail & Guardian*, <http://mg.co.za/article/2014-02-22-eff-launches-its-party-manifesto>, accessed 2 April 2014

Limpopo

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Free and fair elections depend on a lot more than what happens on the actual day of voting. To consider elections as free and fair, the environment preceding the actual voting day ought to be such that it allows for free campaigning by political parties, free access to the messages of political parties by citizens, and the availability of information regarding what parties stand for. Any form of intimidation with the potential to impede free campaigning by political parties and access to information by citizens would constitute political intolerance.

In outlining the necessary environment for free and fair elections, Section 87 of the Electoral Law⁶⁵ prohibits certain conduct. It provides that “No person may compel or unlawfully persuade any person:

- (i) to register or not to register as a voter;
- (ii) to vote or not to vote;
- (iii) to vote or not to vote for any registered party or candidate;
- (iv) to support or not to support any registered party or candidate; or
- (v) to attend and participate in, or not to attend and participate in, any political meeting, march, demonstration or other political event.

While conduct that amounts to political intolerance receives much attention and media coverage in the immediate period leading to elections, the general conditions ‘outside’ the electoral season may provide better clues to the levels of intolerance, or tolerance, that might ensue in the period before elections. Political intolerance also needs to be understood in the broader context of the socio-political history of a society. It is highly unlikely that a country with a general history of intolerance would suddenly demonstrate political tolerance in the period of elections. South Africa has a history of political intolerance, often expressing itself as in the form of open violence. The 2014 elections have had some level of expression of political intolerance at national level between the different political parties and between and amongst their supporters as well.

The provincial picture, however, is different from the national one.

Political Violence and Intolerance

Limpopo is one of the provinces where there has not been a recorded history of sustained political intolerance, at least as measured in the previous elections. The conflicts that have been recorded in Limpopo are also emerging within the context of broader service delivery quarrels by communities, the community protests and labour strikes. A monitoring of press reports indicates that from November 2013 to March 2014 Limpopo Province experienced approximately 59 incidents with the potential to have a negative impact on free and fair

⁶⁵ Electoral Act 73 of 1998

elections.⁶⁶ While most of the recorded incidents have had a direct impact on the process of voter registration carried out by the Electoral Commission of South Africa, a number of them had no relation to the elections or the party campaigns and have been largely directed at government – indicating therefore a general distrust of the political system as a whole.

Of the 59 recorded incidents in that period, approximately 40 incidents were related to service delivery, demarcation disputes, and traditional leadership disputes, while approximately eight of those incidents were directly related to the conduct of political parties⁶⁷ or members of political parties. The other remaining issues have to do with the logistics – such as the Electoral Commission having attained the necessary authorisation to erect a tent to carry out voter registration and voter education.

The question that needs to be considered is whether the expression of service delivery concerns by communities during the period of voter registration and voter education should be classified as political intolerance attributable to the election period or whether this is a reformulation of the relationship between citizens and state authority stemming from their frustrations with the political system as a whole. The case of Limpopo shows that the role of political parties where intolerance is expressed is fairly negligible.

However, the case of Limpopo also shows that while political parties are instrumental to promoting political tolerance, their ability to influence the atmosphere also depends on the general environment in which they exist. Where there has been sustained social and political confrontation, it is more likely that parties would not be influential in forging tolerance.

The sustained community protests that have been associated with service delivery have created an environment in which political tolerance would be weaker. The existence of violence generally creates an atmosphere of intolerance. There are indications in Limpopo that certain communities may boycott elections due to the concerns that communities have put forward, which they would like to have addressed before elections.

Among some of the notable incidents that signal political intolerance in Limpopo is the reported assault and killing of an AgangSA member after attending the party's branch launch in Uitkyk, Bochum.⁶⁸ The incident is reported to be an expression of political intolerance also because the deceased was coming from a party-related event and was also reportedly wearing party insignia.

In an environment where a single party continues to dominate in successive elections, smaller political parties are motivated to drive the idea that anything that happens to their members should be understood as political intolerance. Such explanations would gain traction in a situation where incidents of violence are not common. However, notwithstanding that violence should be condemned irrespective of circumstance, it is important to be circumspect before classifying common criminal violence as having been motivated by political intolerance.

⁶⁶ Conflict Returns from November 2013 to March 2014: Limpopo Province, 2014

⁶⁷ Conflict Returns from November 2013 to March 2014: Limpopo Province, 2014

⁶⁸ City Press, AgangSA member killed in Limpopo, 7 October 2013

Other than the incident relating to the AgangSA member, Limpopo has not experienced incidents where political party members have allegedly been killed because of their party allegiance or affiliation.

Conclusion

Limpopo remains one of the provinces with the lowest levels of tension in the country, apart for the tensions between communities and local authorities. And even in this regard, compared to other provinces, the province has recorded the lowest levels of service delivery protests to date. The tense environment created by service delivery tensions has a significant bearing on the period leading up to the elections. According to the report by the Limpopo IEC Office, instances related to service delivery disputes and demarcation of municipalities have already had a bearing on the voter registration process and might result in the boycotting of elections in certain areas in the province.⁶⁹ This possible boycott will be isolated to these particular areas, however, and there are no indications yet that there will be a general stay-away.

⁶⁹ Conflict Returns from November 2013 to March 2014: Limpopo Province, 2014

Eastern Cape

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With the national elections looming, pre-election tension mounts amongst political parties. Many communities and areas are declared no-go areas by some political parties who think that they own particular voters in certain territories, campaigning party posters are pulled down and vandalised, and some lose their lives and property as a result of political conflict. That is often done by parties who have a large support base in certain areas and feel threatened by any other party that comes to campaign in the area. This kind of behaviour is not acceptable and is against democratic practice and principles and contravenes the electoral code of conduct for free and fair elections.

The IEC in the Eastern Cape hosted an event in March 2014 in which the political parties contesting in the province (see Election Update Issue One for the full list of parties contesting the Eastern Cape) signed the code of conduct, committing themselves to abide by its terms. There have not yet been any serious cases of political violence reported heading into the 2014 elections.

Political Violence and Intimidation

The right to vote is a fundamental right in any democracy. Voter registration has been demonstrated to be a key element facilitating participation, since registration has been established as a requirement for participation. Unfortunately, in some parts of the Eastern Cape, political intolerance and intimidation have denied some people an opportunity to exercise this right to vote.

Nowhere in the Eastern Cape is this more the case than in Sterkspruit, where the army was called in to assist in containing acts of intimidation and threats during voter registration. As noted in the press report, 15 people were arrested in Bizana near Nomlacu Village for violence, intimidation and malicious damage to property.⁷⁰

In yet another incidence of intimidation, voter registration in Dalasile, a rural village near Engcobo in Transkei, a group of people interrupted the voter registration exercise when they blocked entrances to the registration centres.⁷¹

Besides violence and intimidation, there have also been cases where political parties have accused each other of violations in connection with the display of election posters. For

⁷⁰, Loyiso Mpalantshane Army, police called in to control hotspots see. <http://www.dispatch.co.za/news/army-police-called-in-to-control-hotspots/> (Accessed on 26 March 2014)

⁷¹Loyiso Mpalantshane Army, police called in to control hotspots see. <http://www.dispatch.co.za/news/army-police-called-in-to-control-hotspots/> (Accessed on 26 March 2014)

example, a political storm erupted between the DA and the ANC when the latter accused the former of disrespecting municipal by-laws⁷² (Daily Dispatch March 2014).

Although there have been reported cases of violence and intimidation, this may have very minimal impact on voter turnout on Election Day.

Electoral Code of Conduct

The Code of Conduct is enforceable for all political parties from the date of proclamation (25 February 2014) until the results are officially announced.⁷³

The Code is part of the Electoral Act (73 of 1998) and includes a list of prohibited conduct, including:

- Using language that provokes violence
- Intimidation of candidates or voters
- Publishing false information about other candidates or parties
- Plagiarising any other party's symbols, name or acronyms
- Offering any inducement or reward to a person to vote for a party

All political parties contesting the national elections as well as the Eastern Cape provincial elections signed the code of conduct and committed to abide by its principles.

In the Eastern Cape, the level of participation in the 2014 elections is anticipated to be high. According to the Electoral Commission of South Africa, as at 11 November 2013, the Eastern Cape had the highest registration rate of potential voters at 82.9%, followed by the Free State at 82.5%.⁷⁴

According to the Human Science Research Council, the Eastern Cape continues to be one of South Africa's provinces with the highest level of poverty, underdevelopment infrastructure and unemployment.⁷⁵ It is arguable that this contemporary marginalisation represents a 'second round' of social exclusion of rural communities, following on from the historical marginalisation of these communities under conditions of racial capitalism (first under segregation and then under apartheid subsequent to 1948). At the height of resistance to this segregation people in the Eastern Cape, and countrywide, used force, violence and other aggressive methods to show their dissatisfaction with these hostile systems of governance.

Although the then Eastern Cape Province had the voting franchise, the majority of people in the Eastern Cape were not permitted to vote and express their views on who should govern

⁷² David Macgregor, DA outraged at ANC's disregard of council ruling <http://www.dispatch.co.za/news/da-outraged-at-ancs-disregard-of-council-ruling/> (Accessed 28 March 2014).

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<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=572895&sn=Detail&pid=71616>

⁷⁴ <http://www.elections.org.za/content/Voters-Roll/Percentage-registered-voters--Summary/> - 24 March 2014.

⁷⁵ "Safe hygiene practices in Eastern Cape rural communities of South Africa". Human Science Research Council Report, 2012, <http://www.hsrc.ac.za>

them. They expressed their dissatisfaction with this status quo peacefully at first and eventually using violent means to ensure that they took part in determining who governs the country. It is useful to briefly mention the effects that the history of violence had on the psyche of the people of the Eastern Cape, one of the poorest provinces in a country with a violent history. This use of violence had many major implications, one of which is the continued culture of violence in the province. In the event that one is not happy with a decision, be it in a community or that which is taken by government or its representative, violence is at times used as a form of communication to voice dissatisfaction. This culture of violence in the province can be attributed to a number of other factors, which are not discussed here. However, it would be important to note that along with another culture in South Africa, that of political intolerance, political violence may therefore also be understood as a manifestation of a broader culture of violence in South Africa, in which violence is seen as a way to address conflict and assert interests.

Political and Electoral violence

There is a need for caution to be exercised in analysing the topic of election-related violence. It is probably appropriate to acknowledge that many of these kinds of acts are presumed to be election-related, but that there is an element of uncertainty. While election-related violence can be analysed in terms of the national and provincial level power struggles between the key political parties, it should however be clarified that the violence that takes place cannot be linked to senior leaders of the political parties whether at national and provincial level. At times there may be an overlap between political and criminal violence.⁷⁶

It is also the case that political violence can be linked to local competition over resources. The fact that corruption remains a feature of political life in South Africa implies that criminally related acts of political violence, such as political killings, will continue to be a risk until there is a more robust response to the problem of corruption. It is therefore the decisions taken and speeches/comments made that may fuel to some level of political intolerance, which can result in criminal acts of violence.

The Independent Electoral Commission (IEC) stipulates clearly in its Code of Conduct for political parties and their leaders how they should engage and campaign in the elections and says that they should “desist from using speech or from participating in actions which will have the effect of provoking either parties’ supporters or members of the general public to commit acts of intolerance or take other inflammatory actions”.⁷⁷ Compliance with the rules and regulations as stipulated in the Code of Conduct has in the past meant a decrease in politically motivated violence at election time.

Cases of political violence in the build-up to the 2014 elections

As was reflected by the contrast between the 2004 and 2009 elections, levels of political violence appear to be partly related to whether the elections hold out the prospect of a shift in

⁷⁶ Bruce, David. “Dictating the local balance of power: Election related violence in South Africa”. SA Crime quarterly No.28. June 2009

⁷⁷ Electoral Act (73 of 1998).

the balance of power between rival political forces. Despite the impression that violence and intimidation was not a significant feature on the 2009 election, it cannot be said that the rights to free political activity have been fully established in the Eastern Cape.

Free State

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Elections remain a principal mechanism of political accountability in a democratic state. In the South African context, elections are adversarial in their nature, as they represent various political parties contesting for power. To a large extent these political parties mirror the country's society: a highly divided society with diverse interests. Thus, it is not surprising that, in many instances, simmering political tensions experienced over many months or even years find expression during election periods. It is therefore the constitutional mandate of the Independent Electoral Commission (IEC) to ensure that elections in the country are conducted in a free and fair manner. To this end, political party liaison committees were introduced at different levels in order to minimise electoral intimidation and conflict by providing political parties with the opportunity to liaise with the commission on electoral processes. Another mechanism for conflict management includes the codes of conduct for political parties, with strong sanctions penalising electoral violence. Yet the volatile political situation that often characterises election years cannot be taken lightly due to the proliferation of community and social movements that are dissatisfied over perceived poor service delivery.

Mechanisms for conflict management

The IEC is one of the Chapter 9 state institutions aimed at strengthening constitutional democracy and promoting democratic electoral processes in South Africa. According to the Electoral Commission Act 51 of 1996, the functions of the IEC include ensuring free and fair elections; promoting conditions conducive to free and fair elections; and promoting co-operation between various stakeholders for the achievement of its objects. Moreover, it is responsible for counting, verifying and declaring the results of an election.⁷⁸

Effective leadership within provincial IEC offices makes a huge difference to protecting the integrity of the electoral process and engendering trust and acceptance by the electorate in the election results. Since the establishment of the IEC in 1993, the Free State provincial office has been managed by Mr Chris Mepha, an experienced elections administrator. Mr Mepha will be retiring soon, but he is leaving behind passionate, suitably trained and experienced support staff.⁷⁹

⁷⁸ Juta Law. "Electoral Commission Act 51 of 1996." 31 January 2014.

<https://www.elections.org.za/content/Documents/Laws-and-regulations/Electoral-Commission/Electoral-Commission-Act-51-of-1996-including-Regulations/>

⁷⁹ Tiiseto "Afrika" Makhele. "When political parties are mere protest groups". *The Weekly*. 14 February 2014. <http://www.theweekly.co.za/?p=24700>

Like all other provinces, the Free State has an operational and effective Party Liaison Committee (PLC). The PLC is a legislated and legitimate platform for multiparty engagement with the IEC on matters pertaining to the electoral matters, aimed at the delivery of free and fair elections. According to IEC officials in the province, most conflict during the past elections has been successfully dealt with within the PLC. One party leader in the province also indicated that besides the highly fractured political relations between parties, engagement within the PLC is mostly affected by the maturity of party representatives.

The South African Police Services (SAPS) will be responsible for establishing security and the rule of law during the elections of 7 May in the province. The SAPS in the province is providing constant feedback to the national joint operation centre involving the army and the police that are monitoring threats to the elections.⁸⁰ The SAPS is therefore not only crucial to ensuring safety, but is also essential in creating a peaceful election environment that facilitates free, fair and credible elections. In this regard, the SAPS in the province is satisfied with its joint security with the provincial IEC.

Political Violence and Intolerance

There is some reason to believe that the freedom of association enshrined in the South African Constitution will lead to political tolerance among political parties contesting for elections. However, the situation is pretty fraught on the ground. For example, one commentator has expressed serious concern about the country's vibrant party political system which is driven by personalities rather than debates around policies. Generally, it also appears that political tolerance is seriously undermined, especially in areas where the power of the ruling party is threatened.⁸¹

Recently, several acts of intolerance and intimidation have been reported by the opposition parties in the Free State. One of the major complaints by opposition parties is that the African National Congress (ANC) controlled municipalities in the province are refusing them permission to use facilities for their election campaigns. According to the Democratic Alliance (DA) premier candidate, all the public halls in Lejweleputswa have surprisingly been fully booked, despite remaining unused. This was also confirmed by the Congress of the People (COPE) premier candidate, who says that the ANC has been doing this since 2009 and that it is getting worse now as the elections approaches. Both parties maintain that these denials of access to public facilities on the false pretext of their being already in use or reserved is a violation of the electoral law and demands action. The ANC in the province responded that it is not its responsibility to give permission for the use of municipal facilities.⁸²

⁸⁰ Siyabonga, Mkhwanazi. "No immediate threat to polls." *The New Age*. 2 April 2014.

⁸¹ Imraan, Buccus. "Political tolerance on the wane in South Africa." <http://www.ddp.org.za/information-material/articles/Political%20Tolerance%20on%20the%20Wane%20in%20South%20Africa.pdf/view>

⁸² SABC. "ANC accused of 'dirty' politics in Free State." 7 April 2014. <http://www.sabc.co.za/news/a/69b7eb00438dc6f99e81df806cf46596/ANC-accused-of-'dirty'-politics-in-Free-State->

The DA further argued that a recent ANC political rally in the province attended by ANC president Jacob Zuma is another example of how the ruling party abuses state resources for electioneering. During this event the SA Social Security Agency (Sassa) handed out blankets and food. The DA was adamant that this is indicative of how the ANC uses “inducements” or “rewards” to encourage citizens to vote or not vote in a particular manner. According to the Social Development Minister, Bathabile Dlamini, the presence of Sassa at the Free State ANC election event was a coincidence.⁸³

Electoral Code of Conduct

Only one of the 12 parties that will be contesting the May 7 elections in the Free State has not signed the code of conduct during a ceremony organised by the IEC in Bloemfontein on 7 March 2014. The parties that signed the code of code are the following:

Party	Acronym
African Christian Democratic Party (ACDP)	ACDP
Agang SA	AGANG
African National Congress (ANC)	ANC
African People’s Convention (APC)	APC
Congress of the People (COPE)	COPE
Democratic Alliance (DA)	DA
Dikwankwetla Party of South Africa (DPSA)	DPSA
Economic Freedom Fighters (EFF)	EFF
Inkatha Freedom Party (IFP)	IFP
United Christian Democratic Party (UCDP)	UCDP
United Residents Front (URF)	URF
Freedom Plus (VF+)	VF+

According to the IEC in the Free State, only the Azanian People's Organisation (AZAPO) did not sign the code of conduct. AZAPO was invited, but has not tendered any reason for the non-attendance. The IEC stated this will not affect the electoral process, as acceptance to compete in the elections automatically binds a party to the code of conduct whether it has signed it or not.

New incidences of protests and implications for the electoral process

Political violence has deep roots in South Africa, and it continues to pose a serious threat to the country’s democracy. Generally, electioneering in the Free State remains relatively peaceful; however, there has been a drastic increase in the number of service delivery protests and clashes between political parties. Although these activities do not present an immediate risk to the forthcoming elections, knowledge of these hotspots may enable relevant stakeholders to better anticipate election-related violence and put conflict prevention programming into place to mitigate its occurrence and stem its escalation. According to the

⁸³ Mariaan, Merten. “DA may go back to court over food parcels.” 8 April 2014.
<http://www.iol.co.za/dailynews/news/da-may-go-back-to-court-over-food-parcels-1.1672562>

IEC in the Free State, the following table depicts the areas identified as hotspots by the National Intelligence Services:

Table: Hotspots in the Free State

Town	Reason
Bloemfontein	Dissatisfaction of Mangaung Concerned Residents and National Unemployed Voters Organisation regarding developments at Seisa Ramabodu Stadium, Raamkraal and N8/Airport developments
Bothaville; Botshabelo; Clarens, Clocolan; Parys, Thabong; Petrusburg; Phuthaditjhaba; Sasolburg; Thaba Nchu, Wepener and Winburg	Service delivery
Koffiefontein and Theunissen	Unemployment, incomplete RDPs and electricity cuts
Smithfield	Unidentified EFF member encouraged community members to illegally occupy municipal land
Viljoenskroon	Rivalry between political parties

Western Cape

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Nkosikhulule Xhawulengweni Nyembezi, co-chairperson of the Elections 2014 National Co-ordinating Forum

This update focuses on the Electoral Code of Conduct and the institutional framework of the Independent Electoral Commission (IEC) in relation to its mechanisms for conflict. The political environment in the province in relation to political intolerance and intimidation will also be examined.

Mechanisms for conflict management

The Commission in the Western Cape has confirmed that the Party Liaison Committee (PLC) continues to meet regularly, and there is also ongoing participation by various stakeholders in joint structures monitoring the conditions in which the elections are taking place. Also, a conflict resolution panel consisting of experts has been established and trained on recent changes in the electoral law. The experts on the panel are at the disposal of the Commission for deployment to the provinces as and when it is necessary. There is extensive communication of the electoral process to political parties, emphasising cut-off dates in the Electoral Timetable, so as to ensure a smooth election management process.

The Electoral Timetable (as published in Government Gazette No. 37387 on February 26, 2014) continues to dominate the content of discussions of the liaison committee meetings and it is against this that the nature of the political environment will be monitored.

- 1 April 2014 – Cut-off date for objections to a candidate;
- 7 April 2014 – Cut-off date for the decision on objections to a candidate;
- 7-17 April 2014 – Applications for special votes to Municipal Electoral Officer opened;
- 10 April 2014 – Cut-off date for appeals against a decision of the Commission;
- 15 April 2014 – Cut-off date for deciding appeals and notifying parties
- 22 April 2014 – CEO to give effect to decisions of the Commission on objections or appeals to the Electoral Court; CEO to compile a list of parties entitled to contest elections;
- 24 April 2014 – Certificates issued to candidates on a final list of candidates;
- 30 April 2014 – Application and casting of special votes outside the Republic;
- 5-6 May 2014 – Visitation for purposes of casting a special vote; casting of special vote at the office of the presiding officer.

⁸⁴ We would like to acknowledge the assistance of Nosiphiwo Nabatala, Mfundo Mazwi and Ashlyn Bailey, who assisted with research for this publication.

One of the concerns raised at the Western Cape PLC meetings is about voting stations that have been moved. It was discovered during the February voter registration drive that voting stations were moved to different locations without adequate notice to affected voters. One example is in Ward 99 in Khayelitsha, where the voting station was moved to the College of Cape Town. The Commission has acknowledged that the moving of voting stations remains a challenging matter as it gives rise to difficulties because lists of voting stations have already been published in the government gazette. A practice which will be adopted is that in the event that a previously published facility is not going to be used as a voting station, the move only takes place after members of the Western Cape PLC all approve the relocation of the voting station to another venue.

In dealing with these issues the Western Cape PLC noted that the majority of concerns about the moving of voting stations came largely from new political parties who were not part of the Western Cape PLC decisions, as they were not included in the Western Cape PLC until recently. The fact that their concerns could be dealt with is a demonstration of the effective workings of the PLCs. In the past the Commission has only dealt with represented parties in its party liaison committees, but it has become evident that new political parties that are unrepresented often end up contesting elections, sometimes at the last moment. This previously resulted in a situation where they are deprived of the consultative and informative processes that take place with the represented parties, hence the decision to invite all political parties to be part of the Western Cape PLC.

The National Co-coordinating Forum is a forum that brings together the IEC and civil society formations to prepare for the 2014 elections. During its February meeting it was noted that twenty years into democracy political parties have become more sophisticated in their quest for voter support. As a result, the Commission has found itself increasingly dealing with a litigious environment as political parties contest the areas of limited scope in the electoral law. For example the court case pertaining to the Tlokwe Municipal by-elections has also influenced the level of vigilance political parties in the Western Cape now exercise towards the IEC. Some of these legal battles have led to the amendments in the Electoral Act. According to the Commission, to satisfactorily execute its mandate, it has become essential to adjust its capacity to be able to deal with complaints, objections, disputes and court cases, as well as conflict resolution management abilities so that conflicts can be identified and solved before they escalate.

Outcomes of the Western Cape PLC deliberations indicate that there has also been more intense scrutiny of the processes of the Commission, as political parties were prepared to take the Commission to court to contest some issues related to the recent by-elections that took place in the province during the same period of voter registration campaign for the 2014 elections. Of the ten wards in the municipal by-elections,⁸⁵ three were held in the Western Cape, and results released by the IEC on February 20 indicate that in Ward 35 of Cape Town, ANC candidate Mzuzile Mpondwana won with 79% of the votes. In Ward 43 of Cape Town,

⁸⁵ SAPA. "ANC wins 6 by-elections, DA wins 4" News24 (2014) Retrieved April 15, 2014 from http://www.news24.com/elections/news/anc-wins-6-by-elections-da-wins-4-20140220_20

DA candidate Elton-Enrique Jansen secured 4 523 (80%) of the votes to win. In Ward 9 of Saldanha Bay, ANC candidate Ikakanyeng Matthews Riet won 1 977 votes (84.2%) of the 2 347 valid votes.

The overlap of these events (the by-elections and the voter registration campaign) has meant that political party liaison meetings have also been used as a rehearsal by political parties to gauge the capacity of the IEC to deal with election-related problems that are likely to occur on a larger scale in the May 7 elections. While the Commission in the province is not overly concerned by decisions of political parties to take it to court, it expressed concern that this meant that the Commission was forced to divert its resources and energy in contesting these cases.⁸⁶

Electoral Code of Conduct

The signing ceremony of the Electoral Code of Conduct in the Western Cape on March 24 by 26 of the 29 leaders of political parties participating in the upcoming national and provincial elections resembled the national ceremony held on March 19.⁸⁷ All the parties contesting the election in the Western Cape signed the code of conduct.

List of Parties Which Signed the Code of Conduct in the Western Cape

Party	Acronym
AFRICAN CHRISTIAN DEMOCRATIC PARTY	ACDP
AFRICAN INDEPENDENT CONGRESS	AIC
AFRICAN NATIONAL CONGRESS	ANC
AFRICAN NATIONAL PARTY	ANP
AFRICAN PEOPLE'S CONVENTION	APC
AGANG SOUTH AFRICA	AGANG SA
AL JAMA-AH	NO ABBR
AZANIAN PEOPLE'S ORGANISATION	AZAPO
CONGRESS OF THE PEOPLE	COPE
DEMOCRATIC ALLIANCE	DA
ECONOMIC FREEDOM FIGHTERS	EFF
FIRST NATION LIBERATION ALLIANCE	FINLA
INDEPENDENT CIVIC ORGANISATION OF SOUTH AFRICA	ICOSA

⁸⁶ Independent Electoral Commission. "IEC readiness for 2014 elections briefing to Parliament on March 11 2014" Parliamentary Monitoring Group (2014). Retrieved April 15, 2014. From

<http://www.pmg.org.za/report/20140311-iec-readiness-for-2014-elections-committee-legacy-report>

⁸⁷ Nyembezi, N. "On Election Day, Bias Will Start At The Top" The Star Africa Edition (2014). Page 22.

Retrieved April 15, 2014. From <http://www.iol.co.za/the-star/at-the-polls-bias-starts-at-the-top-1.1672300#.U0mgxhUaLcs>

INDIGENOUS PEOPLES ORGANISATION	IPO
INKATHA FREEDOM PARTY	IFP
KINGDOM GOVERNANCE MOVEMENT	KGM
NATIONAL FREEDOM PARTY	NFP
NATIONAL PARTY SOUTH AFRICA	N.P
PAN AFRICANIST CONGRESS OF AZANIA	PAC
PATRIOTIC ALLIANCE	PA
PEOPLES ALLIANCE	PAL
SIBANYE CIVIC ASSOCIATION	SCA
SOUTH AFRICAN PROGRESSIVE CIVIC ORGANISATION	SAPCO
UNITED CHRISTIAN DEMOCRATIC PARTY	UCDP
UNITED DEMOCRATIC MOVEMENT	UDM
VRYHEIDSFRONT PLUS	VF Plus

The value of these periodic, face-to-face gatherings and the subsequent IEC committee platforms they make possible cannot be overstated. Over the years, these meetings have provided an indispensable opportunity during election campaigns for the stakeholders to express and exchange views in a private, forthright manner, based on the philosophy of an open and democratic society. The importance placed on these meetings by the leaders of stakeholder formations has once more been made clear.

Political Violence and Intolerance

Currently the political environment is marked by aggressive rhetoric rather than acts of intimidation. One serious incident reported in the newspapers is that on April 7 the house of an EFF member was torched in Khayelitsha. “After successful campaigning ... this weekend, a candidate of the EFF Western Cape ... has had his home gutted by a fire in the early hours of this morning,” said EFF provincial spokeswoman Yerushka Chetty to the media.⁸⁸ Furthermore, an ANC councillor has been living in a safe house and was assigned bodyguards by the City of Cape Town after her home was burnt down in an alleged arson attack.⁸⁹

⁸⁸ SAPA. “EFF member's house torched” Independent Online (2014). Retrieved April 15, 2014. From <http://www.iol.co.za/news/crime-courts/eff-member-s-house-torched-1.1672422> 07 April 2014

⁸⁹ Xolani, K. “ Safehouse and Bodyguards Assigned: City Protects ANC Councillor After Shack Fire”. Cape Times. 14 April 2014.

Whilst there is a public affirmation to desist from using speech or from participating in actions which will have the effect of provoking either parties' supporters or members of the general public to commit acts of intolerance or take other inflammatory actions, as the election date draws closer parties find it hard to refrain from engaging in inflammatory campaign rhetoric. According to newspaper reports,⁹⁰ on March 19, Public Enterprises Minister Malusi Gigaba used a government dialogue with Cape Town residents on Thursday to criticize the Democratic Alliance and its policies. "They are not the devil's brothers. They are not the devil's relatives. They are the devils themselves," he reported as having told the packed OR Tambo Hall in Khayelitsha. "And so our modern-day devils, two-legged as they are, are liars and cannot face the truth."

In another newspaper report,⁹¹ Sports Minister Fikile Mbalula compared the DA's governing of the Western Cape to witchcraft - and urged residents to summon the help of tokoloshes. Mbalula spoke in Nyanga on the occasion of commemorating the 35th anniversary of Solomon Mahlangu's death. "This thing of witchcraft is when a witch does nothing for the people but they still get re-elected. This is what we find ourselves in here in the Western Cape. We are being governed by witches," Mbalula told the crowd at the Lusaka Community Hall. In his speech, Mbalula launched a verbal attack on the DA-led provincial government and what he termed a failure to deliver for poor communities. "These witches are oppressing us, they are trampling on us. Where are the tokoloshes and the (sangomas) so that we can chase these witches away," the report continued.

As indicated in the previous update, the Western Cape has been plagued by service-delivery protests, many of which have sprung up in the townships of Gugulethu, Khayelitsha and Nyanga in what was termed as the "Poo protests" in which protestors threw faeces on the stairs of the provincial legislature of the Western Cape and later at the Cape Town international airport. The most recent development is that the leaders of these protests, Loyiso Nkohl and Andile Lili, have been re-instated as members of the ANC.⁹² Nkohl was expelled from the party following his involvement in last year's dumping of human faeces during protests in the city. Nkohl and Lili, a former City of Cape Town councillor, were charged with, among others, bringing the ANC into disrepute. Lili was given a suspended three-year sentence, disqualifying him from participating in ANC activities for one year.

According to newspaper reports,⁹³ on March 24, the City of Cape Town's traffic, law enforcement, metro police and cleansing departments and police were deployed along the N2 highway to maintain law and order and safeguard motorists, following protests by local residents. According to the report, City of Cape Town executive director for Safety and Security Richard Bosman told the Cape Argus that from 4.30 that morning, protest action was

⁹⁰ Etheridge, J. "DA is the devil: Gigaba" Independent Online (2014). Retrieved April 15, 2014. From <http://www.iol.co.za/news/politics/da-is-the-devil-gigaba-1.1664672#.U0mVPBUaLcS>

⁹¹ Koyana, X. "DA using witchcraft in Cape – Mbalula" Independent Online (2014). Retrieved April 15, 2014. From <http://www.iol.co.za/news/politics/da-using-witchcraft-in-cape-mbalula-1.1672180#.U0mV7hUaLcS>

⁹² SAPA. "Poo throwers welcomed back in the ANC" Mail & Guardian (2014). Retrieved April 15, 2014. From <http://mg.co.za/article/2014-03-24-poo-throwers-welcomed-back-in-the-anc>

⁹³ Williams, M. "N2 protests cause morning traffic chaos" Independent Online (2014). Retrieved April 15, 2014. From <http://www.iol.co.za/news/crime-courts/n2-protests-cause-morning-traffic-chaos-1.1665492>

reported at the following locations: N2 Borchers Quarry and Airport Approach Road, N2 Baden Powell Drive, Baden Powell Drive/ Walter Sisulu, Baden Powell/Jaftha Masimole Drive, Hindle/Fairfield in Delft, various areas in Khayelitsha and several areas in Delft. Similar protests are expected ahead of the elections as election campaigns intensify in the area. The volatile, politically tense situation in the Western Cape will need to be monitored.

It will also be important to continue monitoring farm areas as potential hotspot areas. In 2012 farm workers in the Western Cape embarked on protest action for higher wages and improved working conditions.⁹⁴ The protests highlighted issues of poor pay, poor working conditions and adequate housing as their main problems. The violence that erupted in many farming towns resulted in the loss of life. Farm areas continue remain an area of concern not only in terms of the logistical process where farm workers continue to rely on employers for transport to get to the voting stations, but also because the underlying tensions still exist.

Finally, gang violence on the Cape Flats remains a concern. According to one newspaper report,⁹⁵ “There had been 3 280 attempted murders in the year, nearly 1000 more than in the year before”. The report attributed this to “increasing gang turf wars across the Cape Flats, ever-increasing incidents in rural areas and robberies”. Western Cape IEC provincial electoral officer Courtney Sampson said at a media briefing on March 24 that the climate of desperation in some areas could be a threat to election proceedings.⁹⁶ Sampson cited violence in the Sigalo informal settlement, where an IEC tent was petrol-bombed after a day of voter registration last month. He said residents had also directed their rage at a portable flush toilet brought in for the day to be used by IEC staff.

In sum, the Party Liaison Committee appears to be fulfilling its role of defusing conflict situations in the province. However, the continued tensions outlined above and service delivery protests remain a concern leading up to the elections in the Western Cape.

⁹⁴ Koyana, X. “Zille stoned in De Doorns” Independent Online (2012). Retrieved April 15, 2014. From <http://www.iol.co.za/news/crime-courts/zille-stoned-in-de-doorns-1.1420309>

⁹⁵ Dolley, C. Sunday the day for murder in Cape. Cape Times (2014). Retrieved April 15, 2014. From <http://www.iol.co.za/news/crime-courts/sunday-the-day-for-murder-in-cape-1.1642931#.Uw2zeFf9aW4>

⁹⁶ Geach, C. “Concerns of violence ahead of elections” Independent Online (2014). Retrieved April 15, 2014. From <http://www.iol.co.za/news/crime-courts/concerns-of-violence-ahead-of-elections-1.1665945> 24 March 2014