

Democratic: Politics, Elections, Process & Procedure

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Presented to IEC research workshop. 21 September 2022

Differentiations – Politics, Democracy & Government and Electoral Democracy.

- Distinguish between “democracy”, “democratic politics”, “democratic governance” and “electoral democracy”
- Necessary differentiations in order to identify where the problems are.
- **Democracy** – a normative form of **political practices in society** the **ability to exercise fundamental political rights and freedoms and the liberties** afforded to individuals as well as the **ability to freely participate in public affairs** and the **agency to exercise voice and choice**. – This is about **influence & participation**.
- **Democratic Politics** – includes all of the above, and the **unencumbered contestation for power and authority through free and fair elections**
- **Democratic Governance** includes all of the above , especially in the **manner in which power and authority are used in institutions of government**, and **focuses on the dimensions of the separation of powers, limits on authority, separation of functions, oversight, accountability, transparency in decision making and responsiveness to citizens and groups in society**

Where are the problems ? **Honesty & Dishonesty- Post Truth world & relativity**

- **Democracy – limitations** on political space, clampdown on social movements and other actors, targeted assassinations, political violence, intelligence driven but legally codified through legislative encroachment (surveillance, mooted media tribunals and state regulation, traditional courts bill, private and public sector collusion through surveillance tech), but by and large - rights and liberties can be exercised and protected, but there are slow encroachments.
- **Democratic Politics – emergent and incipient problems**, especially with regard to electoral democracy. The rest of the presentation will focus on - from slide number 5.
- **Democratic Government – MAJOR PROBLEMS – stemming from deficiencies and deficits in Democratic Politics.**

Weaknesses & Failures in Democratic Government .

- Axiomatic that – IF you have **bad politics**, you will likely have **poor government**
- **Poor Government manifested in:**
 - Regulatory Failure
 - Hollowed out and dysfunctional institutions
 - Weak state capacity
 - Malevolent State Capture & corruption - enabled by zero oversight, lax accountability and poor responsiveness. Function of the electoral system, dominant party and crude (ab)use of majority.

Electoral Politics and Electoral Democracy ?

- On the face of it – few problems.
- In fact – if the (undesirable) Huntington two turnover test, is applied – then it is actually quite successful , even though alternation of power has been only at local level.
- Alternations in power – in 2016 (limited) , 2021 (widespread).
- So Electoral Democracy can be said to be entrenched, IF this limited view is adopted.
- But there are **REAL** and **SERIOUS** problems – **In Politics, Democratic Politics and Electoral Democracy**

Contextualising the Issues. 1

- Suspicion, if not rejection of a democratic system of government, elections and a rejection of the Constitution. What is currently in vogue, however, extends beyond criticism – to vilification. Some of it premised on “decolonisation”.
- The Afrobarometer 2021 survey (Moosa and Hofmeyr, 2021) finds that Two-thirds (67%) of South Africans would be willing to give up elections if a non-elected government could provide security, housing, and jobs.
- Elections frequently signal renewal and hope, or at least an opportunity for it – since 2019 distinct sense that that many citizens did not view the elections as such. Instead, it was accompanied by an air of despondency, characterised by institutional mistrust, social polarisation, economic decline, niggardly welfare expansionism and organisational (party) attrition and fragmentation in both the ANC and the DA.

Contextualising the Issues. 2.

- **Parties are viewed as insular, parochial and self-interested. (Trust in parties: somewhat or a lot – 27% in ruling party . 71% - not a lot or not at all. Opposition Parties 24% and 72%. Time series shows that from 2006 when trust in governing party was at 62% dropped to 27%. Opposition – 2006 – 29% down to 24%). [afrobarometer 2021 – figures 1 & 12].**
- Leading to constantly shifting alliances within (factionalism & fractionalism), and between political parties (minority governments & “coalitions”). Political parties, across the board, tend towards significant fragmentation and fracture, factionalism and fractionalism, and by turns either suffer from an ideological or other identity crises, or descend into projects of accumulation pursued through the politics of destabilisation & disruption. Unprincipled and
- Parties use the most popular issues and populist measures as a basis for policy, which exploit issues of identity as an organising principle of politics and policy.
- Masks more immediate and narrow accumulative concerns and claims for both position and access to public office for influence in procurement, tenders, contracts and public spending. (some influence over public spending is appropriate)
- **Crisis of representation and responsiveness** is manifested in a general crisis of democracy and democratic governance. This is manifested in low levels of trust and confidence in Institutions.

The Problem of Politics (and parties)

.1

- Schizophrenic political (and corporate) elites) pursuing self-referential policies in detached public institutions unresponsive to societal and citizen needs, Polarising and crude identity politics of revenge rather than redistribution and reconstruction.
- Withdrawal from political and public life and leave unhinged parties to pursue self-referential policies that are aligned either to solely shoring up their support, or aligning with others to shore up their mutual interest/s.
- These approaches to politics have little to do with being responsive to social or citizen needs. This leaves a vacuum in which politicians are left to pursue narrow self-serving agendas unrestrained by citizen demands for responsiveness and accountability.
- Institutional performance, oversight, accountability and responsiveness, in this case, is reduced to petty point-scoring, and "gotcha" exercises which is exclusively punitive in nature rather than a constructive exercise that seeks answers, assigns responsibilities, provides guidance and leads to rectification of error in government.

The Problem of Politics (and parties) .2

- Need for parties to change their orientation to being competitive contestants rather than combative and conflictual.
- Institutionally, parties appear to exist merely to pursue power as an end in itself, rather than to shape society for the better or create the conditions and agency for citizens to flourish. More perniciously, politics seems premised on the capture of power to serve narrow personal, recidivist ends rather than address the most urgent social, economic and political issues confronting society.
- Tendency to normalise conflictual politics in conditions of social abnormality. After 2021 given the precarious hold minority government have of councils, especially in the 66 hung municipalities, mean that capricious parties and even individuals who may whimsically change allegiances could see local governments remain tenuous.
- In many instances the formation of the minority local governments have distorted the democratic logic of representation in that parties with the largest proportion of votes have been left out of the formation of governments and where the law allows for supra national levels of government to impose a fair representational formation of local governments through collective executive government systems, rather than executive systems requiring coalitions or the formation of minority coalition governments **(Evans, 2021)** there has been a reluctance to do so, in favour of the composition of local governments on the basis of a “majority take all approach”, which defies the logic of the proportional nature of the system.

Problematic Politics & Parties – The consequences

- Perpetuating the politics of victimhood and vengeance characterised by hysteria, scapegoating, conspiracy and paranoia that allows for institutional and process manipulation, Institutional de-legitimation, destabilisation and debasement.
- Impunity in the exercise of power and authority, informality in decision making and governance – without accountability and responsiveness and gaping under development and inequality in the economy.
- Continuous decline in trust and confidence of public institutions, leads to a concomitant decline in voter participation and turnout, which consequently results in uneven representation and responsiveness from those in elected office.
- **This may engender an institutional crisis of credibility, and if prolonged may raise the spectre of a legitimisation crisis at the local level, leading to “politicised uncertainty” and “institutional ambiguity”. (Fakir 2021).**

Political intimidation and violence: Elections & Economics,.1

- Trends in political violence and intimidation and intolerance appear to have changed over time.
- Transition period of negotiations (1990-1994) and early years of democracy (1994-2002) political intolerance and political violence was high, especially that between the African National Congress (ANC) and the Inkatha Freedom Party (IFP).
- In electoral terms, some parties were unable to campaign in certain areas of the country and the cities in what were called "no-go areas". Inter-party intolerance and violence were acute.

Elections, economics, political intimidation and violence .2

- By 2003, dynamic changed to increased intra-party intolerance & violence increased especially since competition for access to office within a dominant party (the ANC) increased.
- As the dominant party became increasingly factionalised, especially as it headed towards its highly contested and tense 2007 elective conference which by 2008 led to a breakaway party (COPE), intra-party violence and intimidation increased as fear and suspicion stalked internal party processes and usually healthy democratic competition translated into open conflict. The dynamic now changed from intra-party conflict to simultaneous inter and intra party conflict, intimidation and violence. This intensified after the EFF was formed in 2013.

Elections, economics, political intimidation and violence .3

- Political violence no longer about "political intolerance", per se, but economic competition instead, since political office is an economic and income opportunity, not a public service.
- As political dynamic changes - South Africa emerges from era of "state capture" corruption, and political party competition intensifies with no party guaranteed dominance, both inter & intra - party violence, intimidation and conflict may remain a feature.
- Compounded by targeted assassinations of whistleblowers on state corruption, and political rivals alike, become targets of violence and even murder.

Elections, economics, political intimidation and violence .4

- Violence compounded by protests over service delivery and unaccountable, unresponsive political leaders and poor government performance.
- On occasion, these spill over into the electoral period and target IEC infrastructure even though the source of disgruntlement may not be related to the electoral competition or the electoral process.
- Violence, intimidation, conflict and crime embedded in social and political culture - subsumed under the generalised levels of criminal and inter personal violence. Frequently, political violence per se, generally occur on the margins of the formal economy.

Institutional Response to Political Violence. – Strengthening the focus & configuration of MPLC's

- The trend of the 1990s of real political intolerance, no go areas and the like may no longer be a problem and, the IEC's institutional mechanisms such as political party liaison committees (MPLC's) and conflict panels may have played a role in containing this, violence is increasingly directed to people who pose a threat to access to political office as economic opportunity.
- The insecurity of political office translates into an issue of economic insecurity. In such situations, processes such as the (MPLC's) multi-party liaison committees may be inadequate and the nature of issues placed before them may need to be re-thought. The multi-party liaison committees may themselves be inadequate as platforms to stem the tide of political violence tied to economic opportunity.

Focusing on Trust & Credibility in the IEC– arresting the decline

- In contra-distinction to the period coming into the 2021 local government elections, historically the IEC enjoyed unparalleled high levels of trust and confidence and a solid (even stellar) domestic and international reputation. The Independent Electoral Commission (IEC) has consistently received healthy approval ratings, with majority support from more than two-thirds (60%) of the adult population since 2001 till at least 2016, as shown by both the Human Sciences Research Councils South African Social Attitudes Survey (SASAS) and the Institute for Justice and Reconciliation (IJR) Afrobarometer.
- Worryingly, the Afrobarometer shows that by 2021 only about one in three citizens (36%) trusted the Electoral Commission of South Africa.
- Has this decline been attributable to the consistent denigration of the IEC by political party leaders and their supporters, and ‘social media users’??? or are there other problems too ?

Causes of Credibility Crisis

- IEC tracking the loss of trust and confidence in Government Institutions generally. There is a major **Contagion Effect**
- But there are also increased number of court cases (including increased disputes, objections and complaints)
- Increased accusations of maladministration and allegations of irregularities against electoral officials from voting station level up towards provincial and national head office.

Innovation and Integrity

- IEC continues to be a flexible and adaptable, learning organisation that is responsive to new technologies and new circumstances and social dynamics. A robust legal and regulatory infrastructure remains in place, bolstered and underpinned by extensive engagement and transparent inclusive consultative, oversight and audit regimes to ensure the integrity of the elections. The system innovations have balanced and where possible, completely obviated the need for human or people intervention in the processes of the tabulation and calculation of the results and their transmission

Technology... test... test...

- After complaints about the malfunctioning of the old generation voter machines (zip zip machines), the IEC in 2021 – as both a learning and responsive organisation given to remaining also, at the forefront of innovation invested in procuring new voter management devices to replace the old machines and which carried out multiple different functions. While these were used and tested during the voter registration phase, their efficacy could not be fully piloted and tested in the field given the short preparatory lead time. These devices do need to be stress tested before the next elections, given the potential anomalies and complaints about their functionality, while in the field.

Electoral Management & Administration

- A mixed bag.
- strengthening electoral administration and management through more rigorous recruitment for electoral officials.
- Intensified training and the imposing exit standards and certification requirements for electoral officials (though these may be onerous, it may be worth investing in), as unstable politics emanating from chaotic elections could have combustive socio-political consequences
- Better staff and security deployment as well as more effective local Monitoring & Evaluation systems of bottom up and top tier performance. Striking a balance between experience, absorbing unemployed, and having authority and discretion to interpret process. Cant give in to the populist demands or use the “unemployed” without strict criteria
- Investing in better logistics, supply chains and technological infrastructure
- Curating relationships with donors and sponsors for aspects of the electoral process, cultivating stronger partnerships with NGO’s and CSO’s for community level activities

Stakeholder Relations

- Context is changing. Old organisations dying, new ones forming. Social movements, especially.
- Improved outreach is required, tracking of relevant organisations and stakeholders has not kept pace.
- Better organisation of events and activities
- Political discourse and discourse of democracy and democratic governance – the roundtables, seminars and conferences - and other stakeholder specific outreach and public education activities were limited or non-existent
- Training of Party Agents
- Insufficient Public engagement and Insufficient public electoral, democracy/ civic education

REGULATORY INTERVENTIONS

- For local government - mandatory recounts in all wards (constituencies) where candidates win by small margins (less than 50 votes). With a new electoral system this may become more of an issue (depending of course on the nature of any new system).
- More transparent approach to dealing with objections and their resolution and in the process of auditing may be necessary to stem the tide of increasing irregularities and malpractices.
- Appropriate and legitimate complaints about the IEC and its management and administration to be accurately catalogued and itemised to correct maladministration and irregularity, to ensure fair arbitration of disputes, and effective disciplinary processes, sanction and punishment where instances of illegality or egregious infractions of proper election management and administration have arisen.

The BIG/WICKED ISSUES

- POLITICS – continued independence of the commission into the future. institutional and process manipulation , Institutional de-legitimation, destabilisation and debasement [CAPTURE]
- Making the elections MORE about VOTERS. The focus , regulatory and otherwise, has been so much on facilitating and catering to the needs of parties – that the process is not necessarily voter centric.
- VOTERS ROLL/ROLE – too many anomalies creeping in to the voters roll. Potential source of conflict and disenfranchisement.
- BUDGET - constraints limit have impact on operations, education, outreach and overall integrity. In some cases under funding is deliberate

Wicked Issues

- POLITICAL POSTURING
- POLITICAL BLAME/ING
- VOTER TURNOUT – due to crisis of credibility
- Process legitimacy
- Maintain Focus on Free and Fair- avoid the discursive shift to fair reflection, or result is a reflection of voters choice, or result reflects wishes of those who voted
- Glitches on the Objections and verifications process is necessary.

POLITICAL ISSUES

- hysteria, scapegoating, conspiracy and paranoia
- shifting & situational alliances and coalitions amongst parties – unprincipled and unrooted without fidelity to any principles, values or beliefs – nevermind ideology – leading to capricious and predatory politics
- Leading to politicised uncertainty and institutional ambiguity and can lead to conflagrations such as that in Kenya / Lesotho/ Zimbabwe/ DRC/ Malawi.
- With a potential new electoral system on the horizon for the 2024 election, the risk of unpreparedness and potential for precipitating political conflict are high. Requiring the establishment of new administrative and management systems
- The link between election integrity, institutional credibility and political violence, are not tenuous or fragile and isolated.

- In societies of deep politicised conflict, future potential contestation over election outcomes where the political trajectory has been defined by latent and residual social antagonisms and cleavages - once socio-economic and political conflicts are exhausted, assaults on independent institutions begin. When there is a threat to power or influence, election management bodies, as independent institutions, face direct assault.

- The integrity of the electoral process cannot be continuously safeguarded, in spite of the excellence of the election administrator and manager, and the electoral process cannot always be isolated from the broader currents of mistrust and distrust in institutions and the dynamics of exclusion and precarity in the economy
- There is no need for any new foundational or other mythologies to recover or rediscover. Its time to faithfully and sincerely do what each one is supposed to do.

Presentation Resources

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