



## **State of Electoral Democracy in South Africa: Some Reflections and Lessons**

BY

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Keynote address delivered at the  
Multi-Stakeholder Conference: Reflections on the State of  
Electoral Democracy in South Africa

Programme Director Sir/Madam;

Distinguished Leaders and Members of Government, Political Parties, Civil Society, and Business Present here today;

Dear Colleagues and Members of the IEC;

Fellow Participants;

Members of the Media;

Ladies and Gentlemen:

1. Allow me to thank you all for your participation in this august event that forms part of the 10<sup>th</sup> Anniversary of the Independent Electoral Commission of South Africa. My gratitude goes to my colleagues and staff at the IEC who have put so much effort, since the celebrations commencement way back in July, to ensure that all goes well; this equally applies to Commissioners, the Head Office as well as our Provincial staff.
2. It will be remiss of me not to thank our partners, i.e. the business community, our government, including parliament, our sister Chapter 9 Institutions, the Municipal Demarcation Board, Traditional Leaders and also the political parties, for their tested support and unwavering good will towards various IEC programmes and activities in general and our anniversary celebration in its various shades and shapes in particular. Your support has been overwhelming and indeed humbling to all of us in the IEC. Clearly as an organisation our success would have amounted to naught had we not been able to rally the support of the majority of our citizens in whose democratic interest we exist in the first place. Through various channels and forums like this one, the IEC has been strengthened and encouraged to fulfil its mandate to the best its ability. We owe you a huge debt of gratitude for that. We do not take this support, trust, confidence and goodwill for granted. We hope that, indeed in years and decades to come, we will continue to guard our independence and hence its dedicated service, so that our democracy thrives for the future.

3. As many of you are aware, the IEC as we know it today (*now celebrating 10 years*) is a metamorphosis of an earlier institution which came into existence way back in 1994. The establishment of that IEC came as sequel to key political negotiations for a peaceful settlement of the protracted civil conflict in our country which came about because of the discriminatory and dehumanising policies of several white minority regimes, including those which institutionalised the Apartheid system.
4. Such political negotiations include those which saw the unbanning of key political organisations and the release of Mr Nelson Mandela after 27 years in prison in 1991; the 1991 *National Peace Accord* which set the framework for peaceful political negotiations; and the *Convention for Democratic South Africa (CODESA) I and II* which paved the way for the drafting of an interim constitution for a post-Apartheid South Africa and the holding of the first non-racial and multiparty democratic elections in April 1994.
5. Among the key highlights of the CODESA negotiations was the agreement to set an independent electoral commission to oversee and manage elections during 1994. Although the body which was set up then had different configuration to the current IEC, it was indeed a robust and autonomous institution with good structures and infrastructure including competent men and women who achieved much despite so many odds and challenges.
6. We owe the 1994 electoral team a great deal of gratitude for having navigated our country to where we are today. They were given notice of only 4 months to prepare and conduct those elections and it was not easy to run elections in this country in those years. There was a high level of political violence, distrust among various belligerent groupings, and the level of isolation experienced by South Africans thus depriving them of the requisite skills and experiences necessary to effectively manage elections.

7. No wonder those who observed the pre-1994 political negotiations and the 1994 elections and its aftermath refer to all these as South Africa's miraculous transition: *from the Apartheid era characterised by endless violence, strife, and virtual collapse of state institutions, to a new era of reconciliation, peace, nation building, and a much stronger constitutional democracy.*
8. As a patriotic South African, I wish to join many other South Africans, to extend our gratitude to those men and women who were 'mid wives' to the processes that delivered the South African "miracle": here we remember political actors, religious leaders, trade unionists, academics, and members of the international community. Without their efforts, South Africa's transition would still be distant mirage today.
9. Today South Africa is another place. Today she continues her flight into a better world. South Africa has taught me that this land belongs to all who live in it and that this democracy we have today is a heritage of countless treasures. We have made so many strides since 1994 so much that we often inclined to behave as if what we have is going to be here irrespective of whether we work hard to protect and strengthen it. As the fruits of liberation, democracy human rights and non racialism become common in our lives and no longer subjects of distant yearning and dreams as was the case in our dark recent past, sometimes we do not sit back and take full cognisance of the meaning of it all.
10. When April 27 happened in 1994, South Africa became a beacon of hope that the world had never imagined. I actually doubt that we too as South Africans had ever imagined a world without apartheid, a world without the Group Areas Act, the Immorality Act, the Separate Development Act and so on. Yet we too emerged from the nightmare and the madness to embrace the peaceful dream and live the normal life of decent citizens in most parts of the modern world. But as we all have come to appreciate, April 27 was just the beginning of our collective journey. In 2007 this journey continues, and a gathering such as this in a sense is part of the journey and must therefore

attempt to be sincere in its review of our times and its litany of bliss and woes.

11. We remain grateful that this transition process has *inter alia* engendered the development of stronger institutions to safeguard our hard won democracy. It has provided for separation of powers, the rule of law, and specifically the strengthening of the independence of the judiciary in our country.

12. To those of us running elections, judicial independence remains *sine qua non* for democratic consolidation and for promoting good and accountable governance.

13. We specifically welcome and appreciate the key role played by the constitutional court and also electoral courts in dealing decisively and effectively with disputes arising from electoral processes: these include the right to vote, such as the famous case handled by the Constitutional court on the franchise of prisoners in 1999 which compelled the IEC to make logistical arrangements to register prisoners wherever they were; the same goes for the IEC right to autonomy from the spheres of the government and also the right to adequate funding, issues on which the Constitutional Court has pronounced itself in no uncertain terms over the last few years.

14. Surely this experience in my view attests to the independence of our courts and also to the strength of the kind electoral democracy our country is.

15. Because of the institutional framework provided for under the 1996 Constitution, the IEC is an independent organ of the state and enjoys maximum autonomy and freedom from any interference from any quarters, be it the executive or even political parties. Although we account to the legislature on our performance and sometimes are required to update the executive on our programmes and activities, the IEC remains an independent institution which carries out its mandate without fear and favour. This philosophy and value system runs very deep in our structural and operational frameworks and our

electoral staff are constantly reminded to uphold political neutrality and independence in whatever they do.

16. A further strength of our electoral democracy is our commitment to accountability and transparency. We firmly believe that unless the IEC is committed to accountability and transparency, there could be distrust and lack of confidence, among electoral stakeholders, either in the manner we count votes or the manner we expend public resources. We therefore keep our books, as it were, open for public scrutiny. We always involve stakeholders, like political parties and even civil society, in the planning and implementation of key electoral activities. Through facilities such as the election result verification and announcement centres, and the party liaison committees, we have introduced unprecedented openness and accountability in the way we manage elections – South Africa is one of the few pioneer countries in the world to embark on this route of transparent and accountable management of elections.

17. In order to promote electoral inclusiveness and participation, South Africa has adopted a proportional representation electoral system based on closed party list for national assembly elections, and a mixed system for local elections. There is broad consensus that this hybrid system serves our country well given our high level of socio-cultural fragmentation and also political and ideological polarisation which require an electoral system that fosters rather than frustrates inclusiveness, participation, and the representation of diverse interests and aspirations in governance structures. Having said this, we are mindful of the concern being expressed against the PR system, namely the centralisation of state power into the hands of parties and the concomitant increasing divide between the elected and electors leading to marginalisation of the latter. This is a valid concern. The dialogue and exchange of ideas in this conference will give direction to South Africa for changes to be made. We must find a system that will give opportunity, participation for all.

18. Despite these strengths, we in the IEC believe the post-1994 era has presented South Africa with unprecedented opportunities to become

an integral part of the international community or the global village and to learn from others' experiences. There are several countries in Africa, both near and far a field which offer positive democratic experiences and good practices for younger democracies, such as ours, to emulate. Countries like our neighbours Mauritius and Botswana, both of which were recently rated by the Ibrahim Index as best managed countries on the African continent, and others like Ghana and Senegal, all present useful lessons for us to learn, and we welcome the opportunities we have had to be exposed to how such countries function in general and specifically how they manage their elections.

19. Being keen to learn and improve our systems in terms of election management, the IEC has participated actively in a myriad of international assignments. Our international learning and cooperation opportunities include working closely with the United Nations agencies to help with the organisations of electoral processes in countries such as the DRC and Comoros, to mention but two. We went to support the electoral management bodies with their elections, but it all turned out to be a learning experience as well as provided an opportunity for cross-fertilisation both to us and to the host countries. We have just received a wonderful report from a high powered team that observed the elections in East Timor.

20. We are equally proud of the many joint activities and exchange of information our young institution has undertaken with partners such as the African Union (i.e. *the 2003 African Conference on Elections, Democracy, and Governance*; *the 2007 International Conference on Sustaining Africa's Democratic Momentum*, which also included a third partner, International IDEA); and also a host of other partners, including the SADC Electoral Commissions' Forum (SADC-ECF) EISA and IDASA, to mention but a few. The challenge is to strengthen the local and community based groups.

21. We believe that through these joint venture and smart partnerships the IEC and our partners have been able to contribute to democracy consolidation not only in South Africa but in Africa as a whole. We

have been able to showcase democracy in Africa, and – like my Foreign Minister said the other day - *to tell the story of Africa from the perspective of the hunted instead of the hunters who for a long time have been glorifying themselves.* Our work has not been limited to sharing African democratic experiences only, but to learn from others through south-south cooperation, as the 2007 Conference on *Sustaining Africa's Democratic Momentum* aimed to achieve.

22. Despite the said achievements which surely are not our own but jointly shared with our partners and friends mentioned above, electoral democracy in South Africa faces several challenges: these include the following:

- a. The voter turnout for National elections has been very good. In 1999 we had 83.30% and in 2004 a 76.73% voter turnout. By world standards this turnout is excellent, but there is a disturbing phenomenon when it comes to local government. For both the local government elections, ie 2000 and 2006, we had a 48% voter turnout. South African does not have a compulsory voter system. Of course, in a democratic society, people make decisions on their choice of vote.

We are fully aware that many reasons account for this development, and these include, for example, public disillusion with party politics, apathy, and lethargy. Others have abstained from voting because they argue that elections have not delivered desired results when it comes to public service delivery and addressing underdevelopment, poverty, and inequality. This view is particularly held by younger voters who constitute a bulk of those who abstain from participating in elections. We have at present over 151 registered political parties. We should be able to mobilise more voters for local government.

- i. To address all these challenges, in my view, we need to have a holistic view on the challenges facing our nation.

For example, we need more accountable, trusted and representative political parties operating within a multiparty democratic system.

- ii. We must also strengthen other institutions, such as the parliament and other constitutional bodies, to play a more effective oversight role.
  - iii. Similarly, civil society and the media should become more robust to hold political representatives accountable to the public. They should also inform the public about governance issues, and those holding oversight functions tend to see their role as absolute and without limits. They too should exercise accountability even in the manner they demand accountability from others, because as they say, there are *no sacred cows*, and *what is sauce for the goose must be sauce to the gaunder!*
- b. For logistical planning and for the prevention of voting fraudulently, our electoral laws require people to vote on voting day at the voting station where they are registered. Unless effective special voting arrangements are in place, these requirements may in fact, if not in law disfranchise voters. We can be reasonably satisfied, although not complacent, with special vote arrangements that for national and provincial elections in place. Thus for instance, it is possible for a voter who cannot vote at his or her voting station, to vote anywhere else in the country in a national election, and anywhere else in a province in a provincial election. The challenge lies in the municipal elections. Here the smallest geographical electoral unit is a ward. For every ward there are different ballot papers. Up to today, we have not been able to come up with viable options for special votes in municipal elections. The logistical and other challenges are just too daunting. An Electoral Commission Task group is currently, again searching for ways and means to overcome this problem, which while frustrating to voters, may also contribute to the

lower voter turnouts in municipal elections. I ask conference delegates to spend time on exchanging views on this challenge

- c. A further challenge to our electoral democracy is intra party tensions. Such weaknesses take the form of poor organisational and leadership capacity due to lack of commitment to internal democracy and regular renewal of party leadership. We need to do more in this area to strength political parties through development and training programme. Towards this end, the IEC will be focusing on and giving political parties priority. Furthermore the intergovernmental organisation, IDEA, to which South Africa belongs, has embarked on a programme, working with the AU and others, to undertake research and dialogue addressing challenges facing political parties in Africa. I hope this will culminate into touchable capacity enhancement programmes for parties on the continent and particularly in my own country, South Africa.
  
- d. A further related challenge is the existing deficiency in the financial and organisational capacity of our political parties. We know that apart from state funding - which unfortunately applies to parliamentary parties only, - the majority of South African parties, especially the smaller ones, do not have a broad based membership which can serve as a source of funding. Such lack of access to adequate funding for such smaller parties causes unequal access to the media, for example, and this in turn engenders a situation of unlevelled playing field for political players during elections. I am aware that there is no easy solution for this problem, which is not unique to South Africa. We hope that the dialogue on this issue of party funding will pave the way for the creation of a fair and levelled playing field for all players during elections.
  
- e. More worrying to me is the problem of parliamentary floor crossing. There is a lot negative public opinion against this practice, and floor crossing is seen to negate the results of the elections and choices made by people. It has not added any

value to enhancing participation in the democratic and electoral processes. The institutions of government that have been negatively impacted especially are the National Assembly, local councils and municipalities. The IEC had been invited to make a submission to Parliament in 2001. Our views were against the Floor Crossing legislation, and we hope that Parliament will reach an agreement to amend the Constitution before the next "window" period in September 2009. The time is now, to act in order to address this problem which in so many ways seems to undermine our collective efforts to build and strengthen electoral democracy in our country.

- f. To recapitulate on an earlier statement that the IEC has made with regard to the nexus between democracy and development, I wish to say that we must find a way to move our democracy from being an electoral democracy to one that is more robust and capable of addressing, in a holistic manner, the challenges of development. Without development, we cannot sustain democracy. In fact, people out there continue to say '*democracy cannot be eaten*'. Put differently, unless democracy is able to put food on the table of the majority of our South Africans who continue to languish in poverty, the credibility and legitimacy of our elections will always be questioned. Hence, our political parties and candidates must develop sound policy frameworks and translate such their policies and also their election promises into touchable programmes which deliver on what wish to call the dividends of democracy: jobs, investment, health and education in particular.

23. Allow me in conclusion to thank all of you, in your various capacities, for your tireless contributions to the democracy building project in South Africa. We believe democracy is always work-in-progress and never finished perfect product. Let me conclude by reiterating that: a great majority of our people believe in the right to free expression in a democratic society. At the same time, democracy is not achieved or upheld without sacrifice, setbacks, and navigation of ethically gray

waters. Such is the characteristic of any universal value. As Amartya Sen puts it, "A country does not have to be deemed fit *for* democracy; rather, it has to become fit *through* democracy."

24. I thank you all for your attention!