

SOUTH AFRICA

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In 2009 South Africa held its fourth multiparty election in its 15 years of democracy. The election was celebrated for its demonstration of the enthusiasm with which South African voters and political parties embrace electoral democracy. This is true irrespective of the size and likely fortunes of parties. Election 2009 was characterized by the emergence and participation of a significant party in the form of the Congress of the People (COPE), a split-off from the continuously dominant African National Congress (ANC). This party had a modest overall result, yet in the context of the ANC's dominance and the dismal electoral fortunes of post-apartheid opposition parties, it contributed relative electoral uncertainty. It also played a catalyst role, which could contribute to eventual party realignment.

The concurrent national and provincial elections also brought important sub-national changes to party politics and democracy in South Africa. Foremost were the rotation of provincial power to the Democratic Alliance (DA) in the Western Cape province, and the ANC's consolidation of power in KwaZulu-Natal. This consolidation was massive and meant that close to one-fifth of the ANC's total national vote came from the KwaZulu-Natal province. Its provincial vote increase of close to a million elevated the ANC's national electoral performance to 66 per cent (65.9 per cent, and just below the two-thirds mark). Had the ANC continued performing at its 2004 provincial level, its 2009 national election result could have been closer to 60 per cent. South Africa's 2009 election thus saw a commanding win and continuous dominance for the ANC, which has now entered its fourth term in power. Yet, it also delivered a new opposition party and voter dynamics that suggested that the election results of the future might not be foregone conclusions.

I. GENERAL INFORMATION

South Africa has a parliamentary system with an indirectly elected president. Following an election, or the occurrence of a vacancy in the position, the president is elected from amongst the members of the South African National Assembly. Upon election, the president ceases to be an MP, but retains the right to address parliament and answer parliamentary questions. He or she is also responsible to parliament. The president appoints the members of cabinet and deputy ministers. The constitution allows for two of the members of cabinet not to be members of parliament. With the exception of the president, the members of the executive retain their membership of the legislature and are formally responsible to it. *Political system*

The constitution of the Republic of South Africa emerged from the transitional, multiparty negotiations of the early 1990s. First, in 1993, there was the Interim Constitution Act, no. 200 of 1993. The Interim Constitution included 34 constitutional principles that guided the formulation of the final constitution. After the 1994 elections, constitution-making continued, in order to arrive at a final constitution. Parliament, sitting as a constituent assembly, deliberated and adopted the final Constitution of the Republic of South Africa Act, no. 108 of 1996. *Constitution*

The constitution includes an elaborate charter of rights, spanning the three generations of human rights. The guarantee of these rights was a beacon of hope for post-apartheid transformation and the realization of human dignity. It led to high constitutional legitimacy. The realization of socio-economic rights in South Africa, however, lags far behind the laudable charter ideals. On a number of occasions, the non-realization of rights has been taken to the Constitutional Court. The court either ruled in favour of the respondents and ordered government to respond, or ruled in a muted way that government has an obligation to act in as far as its means allowed. Government was required to simply hold to the notion of the “progressive realization of the guaranteed rights”. The status of the charter thus gradually became diluted.

Political parties are covered by the constitution mainly in terms of their operation within the elected institutions. The constitution does not specify the functions and general rights of political parties. The Bill of Rights, section 19 (1) of chapter 2 of the constitution, sets out that every citizen “is free to make political choices, which includes the right to form a political party; to participate in the activities of, or recruit members for, a political party; and to campaign for a political party or cause”.

Other aspects of party politics are covered in specialised legislation, for example regarding the operations of the Electoral Commission (IEC) and the funding of political parties.

State of democracy Liberal democracy in South Africa is largely in a healthy, vibrant state. There is a strong commitment to multipartyism, even if it stands in a context of often robust contestation and some intolerance of dissent and opposing party voices. Political, economic and social debate is often fierce. While party political opponents excel at contesting and attempting to delegitimize opposing ideological or policy voices, there has not been any unambiguous attempt to foreclose debate and contestation.

On the party political front, evidence of the soundness of South Africa’s liberal democracy is found in the enthusiasm with which political parties enter into electoral contest, even when they recognise the impossibility of winning against the ANC. They also embrace electoral contest even if roughly half of the parties registering for national participation realise they are unlikely to gain even minimal representation in the National Assembly. Evidence of the entrenchment of liberal democracy is that political parties, over four elections, have accepted the outcomes of balloting. In some instances, such as in 2004 with the Inkatha Freedom Party (IFP), there were initial objections. The challenges were routed through the Electoral Commission’s processes, dealt with in terms of procedures agreed to by political parties, and the rulings were accepted. Even if the ANC is dominant and its internal processes often dominate the political landscape, it accepts that, in the final instance, the electorate will decide. It is as a consequence of this acceptance that the ANC (such as in 2009) mounts election campaigns that do not risk defeat.

The most significant changes in South African liberal democracy in the last five years have been the split of COPE from the ANC, the growing transfer of the ANC’s internal issues onto the national political stage, and the narrowing of the space between party and state. In more detail:

- The COPE split off from the ANC: The emergence of the split-off party, COPE, challenged the ANC’s (and its supporters’) tolerance of opposition, a central tenet of liberal democracy. Because of its origins, the COPE phenomenon hurt. The ANC regarded it as treasonous. It subsequently worked to counter the threat – and, in effect, also to minimise COPE’s viability as a political party. This included, euphemistically, robust campaigning and early intolerant and intimidatory pre-election activities. African and Southern African election observer missions cautioned that such activities need to be checked.
- Intra-ANC issues dominating the multiparty landscape: In some respects, it was a positive development to have ANC issues externalized into inter-party politics. It signified inter-party competition as the point of reference, instead of meaningful contestation being overwhelmingly realized only in the inner structures of the ANC. It suggested that the huge dominance of the ANC over party politics might carry an “expire by” date. The ANC split of 2008 could either be the beginning of party realignment, or could be a catalyst for future processes that might

reconfigure South African party politics. More negatively, and given the ANC's prevailing and since-1994 unchallenged state hegemony (except occasionally in some opposition-strong provinces), the turmoil affected the public sector at all "levels" (referred to as "spheres" in South Africa, given the inter-governmental relations of co-responsibility for certain functions). It frequently triggered either public sector distrust or purges, both of which had a paralysing effect on governance. It impacted on delivery and consequently citizens' quality of life – one of the deeper dimensions of democratic practice.

- **Decreased distance between party and state:** Given the vehemence of the 2005–2009 struggle between the ANC camps of former president Thabo Mbeki and successor president Jacob Zuma, the incoming Zuma faction wanted to be certain that their project to see Zuma ascend to power would not be derailed. Several state-related actions followed. At the human resource level there were purges and demotions (but also between-camp defections and tolerance towards those rejoining the Zuma camp). Several of the ANC structures, often at provincial level, dictated policy interventions and appointments to government structures. This was followed through at the national level, with the ANC emphasizing the right of the majority party to rule – thus asserting full authority over the state. Tension between governing party and state is not unusual in democracies. In the case of South Africa, the extent to which the majority party in government might exclude or disadvantage public servants and party constituencies that are not the ruling party's core supporters, or use state power to suppress such voices, will be watched.

These developments posed definite tests for the governing party's full acceptance of the "rules of the game" of multipartyism. It mostly, but not unambiguously, passed the early phases of the test.

South Africa has a single executive and two chambers of parliament, in a unitary state that has some federal characteristics, given the nine provinces. The exact powers of the provinces, and for that matter, of local government, remain subject to review. By 2009, deliberations on a 2007–2008 reconsideration of provincial and local government powers remained unfinished.

*Separation
of powers*

Executive: South Africa has an executive president, thus vested with executive power. The person is the head of both state and government (the national executive; sections 84, 85 of the constitution). Given that this person is usually also the leader of the governing party, he or she has wide powers over policymaking and the corresponding legislative functions of government. The president's hand is strengthened by the fact that he or she appoints the cabinet. South Africa's use of the proportional representation (PR) electoral system further enhances the powers of the president-majority party leader. Pervasive executive and particularly presidential powers are also strengthened through the office of the president, the "Presidency of South Africa". This powerhouse, from May 2009 onwards, included two full cabinet members (there was one under Mbeki), and it has far-reaching coordination, planning, and monitoring and evaluation functions.

Each of South Africa's nine provinces has a premier and a provincial executive committee. Their powers are far more constrained than the executive powers at national level. Yet, with the advantage of some federal features, provinces have the space, when they operate in bureaucratically effective ways, to exercise substantial power.

Legislature: The legislative branch of national government mainly features parliament, although the president shares some legislative functions. Parliament consists of two houses, the National Assembly (lower house) and the National Council of Provinces (NCOP; upper house). The president is responsible for assenting to and signing bills. He or she is also required to respect, uphold and defend the constitution. The president has to refer a bill back to the National Assembly should its constitutionality be in contention. He or she can also refer a bill to the Constitutional Court, for consideration of its constitutionality. Furthermore, the president is able to address parliament and to participate in debates. This is typically done when the presidency's budget vote is being considered. In this vote the presidency presents its annual budget to the National Assembly and the president, along with deputy president and other ministers in the presidency, addresses the house and debates issues that arise from the budgetary plans.

One of the functions of the members of the National Assembly is to scrutinise the actions of the executive. Parliament debates proposed legislation that the executive (or, albeit rarely, private individuals) bring to the legislative branch. The National Assembly then has the right to approve, reject or change the proposals that are made either by members of the legislature or in the private members' bills. Parliament in democratic South Africa has often been described as a rubber stamp of executive decisions. Under the Mbeki regime, the executive (with the ultimate reference point of the president himself, and the ANC in particular) worked through the structures of the parliamentary caucus to dominate parliamentary committees. The president's parliamentary counsellors (senior MPs with ordinary voting rights, who are simultaneously employees of the ANC executive and who represent the president in parliament, given that upon election the president ceases to be an MP) were another crucial link for asserting executive influence over the national legislature. Oversight of the executive has thus been weak.

In the transitional period of 2008–2009, when South Africa had "two centres of power" (namely different people being president of South Africa and president of the ANC), there was fairly vigilant oversight. This was because the Mbeki-led executive had lost favour with much of the national legislature, by now infused with support for Zuma. With the ascension to executive state power by Zuma, there was a decline in legislature-based challenges to the executive. With the post-election 2009 establishment of the new Zuma-ANC regime, Zuma emphasized MPs' responsibility to the electorate and implored them to be effective in their oversight role – even to constitute an "activist parliament".

Judiciary: The 1993 and 1996 constitutions adopted the principle of constitutional supremacy. All government institutions, including the executive and the legislative, are thus subject to the constitution. For the courts to fulfil this function, high degrees of independence are imperative. Relations in South Africa are characterized by both inter-dependency and cross-influences.

South Africa's judicial officers are appointed through an intricate hierarchy of nominations and designations, which blend executive action, legal profession action and judicial consultation. First, there is the appointment of a Judicial Services Council (JSC). The JSC advises government on matters relating to the judiciary and any other matter concerning the administration of justice. It usually meets twice annually specifically to fill judicial vacancies, including vacancies in the Constitutional Court. Eleven categories of JSC appointments render a standard 23 members, or 25 when matters of a specific high court are under consideration. Only three of the 23 are judges. The details, as follows, are specified in article 178 of the constitution (the election of some of the senior officers in this list is discussed further below):

- the chief justice, who presides at JSC meetings;
- the president of the Supreme Court of Appeal;
- one judge president, designated by the judges president;
- the cabinet member who is the minister of justice;
- two practising advocates, nominated from within the advocates' profession to present the profession, and appointed by the president;
- two practising attorneys nominated from within the attorney's profession to represent the profession as a whole, and appointed by the president;
- one teacher of law designated by teachers of law at South African universities;
- six persons designated by the National Assembly from among its members, of which at least three must be members of the opposition parties;
- four permanent members of the National Council of Provinces (NCOP), designated by the NCOP with the supporting vote of at least six of the nine provinces;
- four persons designated by the president, after consulting the leaders of all the parties in the National Assembly; and,
- when considering matters relating to a specific high court, the judge president of that high court and the premier of the province concerned (or an alternate designated by that premier).

The president as head of the national executive, after consulting with the JSC and leaders of the parties represented in the National Assembly, appoints the president and deputy president of the Constitutional Court, and after consulting with the JSC, he appoints the chief justice and deputy chief justice.

There is thus an overlap with executive power in that the president and ruling party have a say in the appointment of judges. Although there is a system of checks and balances in the judicial appointment processes, the will of the ruling party can be made to prevail through a combination of the ruling party's numerical dominance over opposition parties, and the fact that the president is not obliged to follow the advice that is offered in his consultations with parties in the National Assembly. If the ruling party musters three members of the National Assembly, the four NCOP delegates (which is feasible, given the ANC's numerical dominance), and the four presidential appointees, it needs only two more votes from the other categories in order to establish an outright majority in the JSC.

In 2009, when the term of several JSC incumbents was expiring, there were simultaneous pressures for further judicial "transformation" (an imperative that came from the ANC's Polokwane conference) and conformity, especially in the context of the legal charges that had hung over the head of ANC president Jacob Zuma in his days before election as national president. In 2009, there was also the likelihood that the justice department would reintroduce a 2006 draft constitutional amendment which would give the justice minister final control over the budget and administration of courts. Up to 2009, the Constitutional Court, Supreme Court of Appeal and High Court have had the power to protect and regulate their own process, and the courts thus far have controlled their budgets and administration from within their own ranks. The aim of the amendment was said to be improving court efficiency. It had been shelved earlier because of perceived interference with judicial independence. Polokwane resolutions, however, again supported the proposal. As a legal expert noted, the proposals make potential inroads into judicial independence.

There is a hierarchy of courts in South Africa, starting with the Supreme Court of Appeal (the highest court of appeal on all matters except constitutional ones), along with the Constitutional Court at the top. Below them are the high courts, down to the level of the magistrates courts.

The constitution places limitations on the powers of the executive and the legislature. Through the constitution South Africa had moved away from the notion of the "sovereignty of parliament" and the unchallenged high power that parliamentary executives enjoy in such systems. Instead, the Constitutional Court (and also, when appropriate, the ordinary courts of law) can adjudicate on the constitutionality of both executive and parliamentary actions (section 34). The Constitutional Court, in terms of sections 167 (5) and 172, has the power to declare legislation invalid, should it be inconsistent with the constitution. The court may also require parliament to correct defective laws. Courts in South Africa have nevertheless been reluctant in general to make policy by judicial judgement, thereby potentially antagonizing government.

The primary responsibilities of the national parliament are located in debate, committee deliberation and adoption of legislation, either to give effect to or shape public policy (another primary function is that of electing the president). The activities take place in the National Assembly and the range of parliamentary committees. The bills in the South African parliament are overwhelmingly those that the members of cabinet lodge. Parliament is formally expected to hold the executive to account.

National assembly

In more abstract formulations, its functions include holding the executive to account, representing the interests of constituents, fulfilling judicial functions relating to parliamentary activities, and considering petitions from members of the public. Accountability and representation in the South African parliament are meshed with party identity and party representation. There is minimal individual action for MPs. Their actions are strictly filtered through the parties' closed parliamentary

caucuses (although caucuses are not formal parts of the parliamentary structures), and are also subject to gate-keeping by the party whips. Whips inform the party representatives of party strategy, coordinate debates and oversee voting.

The National Assembly and the National Council of Provinces (NCOP) work in conjunction with each other to pass legislation. The NCOP has the central task of ensuring that provinces have a special power of review over the passing of legislation, especially where legislation is to affect particular provinces (section 42 (4) of the constitution). Each of the nine provinces is represented by 10 delegates. Each provincial delegation comprises six permanent and four special delegates. The permanent delegates are drawn from the provincial legislature. Besides the premier of the province, the special delegates comprise three delegates specially designated by the provincial legislatures. This designation is done from time to time, according to the interests to be represented. Opposition parties also have representation.

In the period from 2003 until 2008 the practice of floor-crossing had a substantial impact on party representation and party formation. It was predominantly the ruling party, the ANC, which systematically benefitted from floor-crossing. South Africa's system of floor-crossing specifically benefitted big parties. At one stage, the Democratic Alliance (DA) was also a gross recipient of floor-crossers, but mostly suffered small losses. Through floor-crossing events between the 2004 and 2009 elections, the ANC increased its level of parliamentary representation from 69.69 to 74.25 per cent.

The Constitution of the Republic of South Africa Fourth Amendment Bill 2002 passed into law in February 2003 and permitted members of the National Assembly and the provincial legislatures to switch their allegiance from one party to another, irrespective of the fact that the members would have been elected on political party lists. Other measures allowed for floor-crossing in local government councils. Floor-crossing was abolished in January 2009 by means of the Constitution Fourteenth Amendment Act 2008 and the Constitution Fifteenth Amendment Act 2008, both of which were gazetted on 9 January 2009.

Floor-crossing could only take place in specified periods and under certain conditions:

- In order to cross the floor from one party to another (or to form a new party, or for two parties to merge) the person concerned, or group of people, had to constitute at least 10 per cent of the National Assembly membership of the party that was being disowned.
- Floor-crossing could only take place during two windows between elections, each of 15 days, namely from the first to the fifteenth day of September in the second and the fourth years following the date of an election of the legislature.

The 1996 constitution requires an electoral system that "results, in general, in proportional representation" (section 46 [1d]). All four general elections held in South Africa from 1994 to 2009 have been conducted through a single party-list system of proportional representation (PR). The country uses the closed-list proportional representation system for its national (National Assembly), provincial (provincial legislatures) and half of all local government (councils) elections. At the local government level a mixed electoral system is used, with half the councillors elected through constituencies (wards at local level) by first-past-the-post, and the other half by PR. Under the PR system, political parties present lists of candidates for the National Assembly and the nine provincial legislatures. Voters, of the minimum age of 18 and registered on the voters' roll, use two ballots – one national and the other provincial (with nine variations on the provincial list) – to cast votes for the party of their choice. Parties are free to register to contest any of the ten electoral races. The parties structure their electoral lists, bearing in mind provincial power bases. Most of the parties choose to have 19 lists – one national list, nine provincial-to-national lists, and nine "province-to-province" lists for the nomination of candidates to the provincial legislatures. Provincial representatives thus also go to parliament *pro rata* to the performance of their party in

particular provinces. In South Africa's four democratic elections it was only the DA that adopted a more federal orientation and only submitted nine province-to-national lists for representation in the National Assembly.

Half of the 400 members of the National Assembly are therefore chosen from the parties' national lists, and the other half from parties' nine provincial-to-national lists. The Droop quota is used to apportion seats. Surplus seats are apportioned using the largest remainder method. There is no mandatory threshold for parties to gain representation in parliament. In theory, the National Assembly size is based on 1 seat for every 100,000 citizens (Electoral Act no. 73 of 1998, schedule 3). In 2009, approximately 45,000 votes (or 0.25 per cent voter support in the national election) were required to win a seat. The same applied, *mutatis mutandis*, for the provincial legislatures. Here, the parties' provincial electoral strengths determine the apportionment of seats. Provincial legislatures have between 30 and 80 seats, roughly in relation to provincial population size.

South Africa experiences ongoing debates about the appropriateness, or not, of the PR list system. The most incisive critiques concern the insufficiency of active constituency representation by the elected representatives, who are frequently more beholden to party bosses than constituents. Several factors, thus far, have favoured the retention of PR. These included its accurate reflection of the proportion of votes gained; the fact that smaller and opposition parties often gain higher levels of legislative representation than would be the case in a first-past-the-post system; the way PR systems often moderate inter-party conflict that stem from skewed representation; and the fact that the PR list system is conducive to quota systems that bring in, for example, improved gender representation. In 2002 an electoral task team under Dr Frederick van Zyl Slabbert recommended the adoption of a multimember constituency system to replace the single list system, whilst retaining a commitment to PR. The Electoral Commission, as well as governing party actors, however, declared themselves in favour of retaining the prevailing system. One of the 2007 Polokwane conference resolutions of the ANC also pronounced in favour of the retention of PR. This debate, however, is continuing. It again surfaced in the wake of the ANC's "recall" from office of former president Mbeki. Both Mbeki's supporters at the time and the subsequent party, COPE, were angered by the ANC's National Executive Committee (NEC) acting to end the term of a nationally elected (albeit indirectly and by the ruling party) president. They called for the retention of the PR system in general, but in combination with the direct election of the president, provincial premiers and municipal government's executive mayors.

Elections in South Africa are administered by the Electoral Commission (known as the IEC, for Independent Electoral Commission, which was its original designation). It is largely independent of government, and subject to the constitution and the law, as outlined in the Electoral Commission Act, no. 51 of 1996. The Electoral Act 1996 established the new IEC as a permanent body responsible for "strengthening constitutional democracy and promoting democratic electoral processes". The commission's reformulation in 1996 saw the appointment of five commissioners, one of whom needs to be a judge. Commissioners are nominated by a representative all-party committee in the National Assembly. This committee must consider eight candidates chosen by a panel chaired by the president of the Constitutional Court and which is composed of candidates from the Human Rights Commission, the Gender Commission and the Public Protector. The committee's recommendations are assessed and ultimately ratified by a majority vote in the National Assembly. From 1996 onwards it was also formally required that at the time of a candidate's appointment to the IEC the person should not have a high political profile.

Its electoral management, aided by party liaison committees on which all represented political parties sit, has been efficient. The commission regularly seeks to further improve their electoral management practices. Opposition parties have on occasion complained about partiality, but without effective substantiation. Where instances of inappropriate employee practices have surfaced, the IEC has acted. One such instance in 2009 was when electoral officials in some provinces were exposed for having connections to political parties. This was contrary to their contractual conditions, and they were dismissed.

Table 1 | DISTRIBUTION OF SEATS IN THE NATIONAL ASSEMBLY⁽¹⁾

Party	Latest election (2009)	Present status	Prior to latest election (2004)
African National Congress (ANC)	264	PP	279
Democratic Alliance (DA)	67	O	50
Congress of the People (COPE)	30	O	–
Inkatha Freedom Party (IFP)	18	O	34
United Democratic Movement (UDM)	4	O	9
African Christian Democratic Party (ACDP)	3	O	6
Pan Africanist Congress of Azania (PAC)	1	O	3
United Christian Democratic Party (UCDP)	2	O	3
Freedom Front Plus (FF+)	4	O	4
Azanian People's Organization (Azapo)	1	O, P/supp.	1
Minority Front (MF)	1	O	2
ID (Independent Democrats)	4	O	7
African People's Convention (APC) ⁽²⁾	1	O	–

⁽¹⁾ Number of seats out of a total of 400 seats.

⁽²⁾ Chairs a parliamentary committee.

Abbreviations: PP = party of the president | P/supp. = parties that support the president on a regular basis | O = party is in opposition.

Parliament comprises a total of 490 public representatives – 400 directly elected members of the National Assembly, and 90 indirectly elected and delegated representatives of the NCOP. The ANC, through four elections, has built and retained majorities that have ranged between 63 and 70 per cent of the national vote. In the April 2009 elections, the African National Congress (ANC) won 65.9 per cent of the vote and a total of 262 seats in the National Assembly.

With the ANC's 2009 proportion of seats declining compared with 2004, more space opened up for opposition parties. It was mainly filled by the Democratic Alliance (DA) increasing its proportion in the assembly to 16.6 per cent (67 seats) and the newcomer Congress of the People (COPE) entering on 7.4 per cent (30 seats). All other opposition parties, except for one micro-party newcomer, emerged with lower parliamentary representation than before. This included the Inkatha Freedom Party (IFP), once the dominant party in the KwaZulu-Natal province and with a solid parliamentary representation. Provincially, the IFP suffered from the ANC advancing to a substantive provincial majority. The DA progressed to a narrow outright provincial majority in the Western Cape, and took over the provincial government from the ANC.

II. PARTIES AND THE PARTY SYSTEM

II.1 Party System

The Bill of Rights in the 1996 constitution (chapter 2, article 19 [1] [a]) protects the right to form political parties. The constitution, however, acknowledges parties only in as far as they constitute operating mechanisms that drive parliamentary processes. There is no law that specially deals with the status and functioning of political parties. In line with the constitution's emphasis on the rights of assembly and freedom of association, there is no provision for the banning of political parties. Chapter 2 of the constitution (article 16 [1] [2]) prohibits the use of "hate speech" and action can be taken against political parties, among others, should they make themselves guilty of such practice. This provision has not been used in any attempt to constrain party formation, and there are no banned or illegal organizations in South Africa. A party may be precluded from registering with the IEC if its name or logo is considered offensive to a particular section of the population, contains anything that could incite violence or hatred directed at any group of the population, or if the name or logo closely resembles that of a party that is already registered.

Legal regulation

With regard to the constitution's references to political parties, section 57 (2) states that the rules and orders of the National Assembly need to provide for "participation in the proceedings of the Assembly and its committees of minor parties represented in the Assembly, in a manner consistent with democracy", for "financial and administrative assistance to each party represented in the Assembly in proportion to its representation, to enable the party and its leader to perform their functions in the Assembly effectively"; and for "the recognition of the leader of the largest opposition party in the Assembly as the Leader of the Opposition". There are no legal restrictions on the formation of political parties.

Political parties have to register with the IEC. The Electoral Commission Act no. 51 of 1996, chapter 4, article 15 (1-4) requires that any organization wishing to register to compete as a political party in South African elections must supply certain information to the IEC:

- a copy of its constitution;
- a deed of foundation (50 signatures of South African citizens eligible to vote, vouching that they know of the existence of this party);
- two sets of logos, in colour, attached to a prescribed form provided by the IEC;
- a R500 registration fee;
- proof of an advertisement for the intended party's application published in the Government Gazette.

The IEC scrutinizes the documents, then a file is collated and sent to the chief electoral officer (CEO) of the IEC. On the basis of the information provided by the prospective party, the CEO then approves or rejects the application. By 2009, approximately 157 parties were registered, many of them, at best, nominal entities. Political parties that have not won representation have to renew their registration annually before 31 January, as required by the Electoral Commission Act no. 51 of 1995, chapter 4, article 15 (6). Some party constitutions are elaborate, and outline the conventions for managing internal processes, in some instances down to branch level.

The bar is raised when it comes to registration for elections. If parties want to participate in elections, they are required to make a deposit of R150,000 for national participation and R30,000 for participation in each provincial election. Parties may contest (a) in national and all provincial races (only the bigger parties do), (b) only in the national election, (c) in national and some provincial elections, or (d) even just in one or more provincial races. Deposits are returned if the party harnesses sufficient support to win one or more seats.

Each political party that aspires to contest national and/or provincial elections is required, in terms of the Electoral Act, no.73 of 1998 (section 27) and the IEC's "Regulations concerning the submissions of lists of candidates" of 2004, to submit:

- a national list of nominated candidates (maximum of 200 names) for the National Assembly;
- a regional (province-to-national) list of nominated candidates (maximum of 200 names) for the National Assembly;
- a provincial list of nominated candidates for all provincial assemblies in which the party wishes to contest seats (the maximum number of names depends on the size of the provincial legislature);
- a copy of each candidate's identity document – in particular the page with the candidate's photograph, name and identity number;
- R150,000 per party competing in the national elections;
- R30,000 per party competing in the provincial elections.

Political party formation in South Africa has also been affected by the (now-abolished) floor-crossing legislation (see above). The practice of floor-crossing came into being in 2003, after extensive legal and constitutional battles, and was finally abolished in 2009. Two of the parties currently represented in parliament, the ID and APC, originated in floor-crossing. Both, at various times, split from the PAC. A host of micro-parties had formed through floor-crossing in the "windows" between elections. The ID and APC are the only ones that survived subsequent electoral contest.

Political parties in South Africa are only minimally regulated (see above). The regulations that do exist mainly pertain to their behaviour during periods of campaigning. All parties that wish to participate in elections are required to register with the IEC. In addition, the Public Funding of Represented Political Parties Act, no. 103 of 1997 specifically deals with the public funding of parties. The IEC is the agency responsible for the registration of political parties and election candidates. The legislation and IEC regulations place limitations on the actions of political parties, in particular with regard to the main campaign period of approximately six to seven weeks prior to the election. For example, the Electoral Act, no. 73 of 1998 and the Electoral Commission Act, no. 51 of 1996 contain relevant regulations. Section 10 deals with the code of conduct for political parties in elections.

The list character of South Africa's electoral system impacts on the organization of political parties. Voters, in effect, elect slates of party candidates rather than individuals. How the parties constitute their regional and national candidates' lists for elections is entirely their own business; it is not regulated by any laws or public body. Amongst the political parties, the ANC has taken the lead in voluntarily first adopting a requirement that one-third of the candidates should be women (i.e., every third candidate). Its 2007 Polokwane conference set down a 50 per cent requirement.

The main task of the IEC is to organise and execute legitimate multiparty, democratic elections. The IEC is one of the so-called chapter 9 (of the constitution) institutions that are independent and subject only to the constitution and law. A major part of its responsibilities concern the management of political parties in electoral processes. Among others, the IEC acts as a referee between parties, hears complaints and disputes, and holds all parties to a code of conduct. Parties commit themselves to exercising fairness and tolerance on the campaign trail and confirm this commitment through the signing of a code of conduct. There is a high-profile national (and provincial equivalents) signing ceremony for the code.

The details of the binding code of conduct are stipulated in schedule 2 (section 99) of the Electoral Act, no. 73 of 1998. Campaigning, the conduct of political party officials, adherence to dates for the submission of various election-related documents, and the promotion of political party materials are covered in the code. The parties, however, are only held to account for behaviour in the relatively short campaign period. In terms of schedule 2 of the act, all political party candidates submit themselves to the code and will publicly state that everyone has the right to

- freely express their political beliefs and opinions;
- challenge and debate the beliefs and opinions of others;
- publish and distribute their own election materials;
- lawfully erect banners and billboards, as well as any other forms of public advertisements, as stipulated by the Independent Communications Authority of South Africa (ICASA) in relation to elections;
- canvass support for a party or candidate;
- recruit members for a party;
- hold public meetings;
- travel to and participate in public meetings.

Furthermore, according to schedule 2 of the act all candidates will

- publicly condemn any action that undermines the conduct of free and fair elections;
- accept the results of an election or challenge the result in a South African court.

The code furthermore specifies that political parties are permitted to campaign from the announcement of the election date until 24 hours before to the opening of the polls. The code also outlines the requirement for the "satisfactory" representation of women in the political party's membership, leadership and election candidates; and that all political parties are required to ensure the facilitation of women's participation in the activities of the party.

Parties do not participate in electoral management bodies, except in the IEC's Party Liaison Committees (PLCs) at national, provincial and local levels. IEC officials chair these committees and each party may send two representatives to each. The PLCs play important roles in resolving disputes. Their effectiveness is one of the main reasons why legal challenges to electoral procedures in South Africa are rare. Parties also appoint agents through the IEC to monitor voting and counting. They are allowed to object to any irregularities they observe or perceive. The IEC thus tries to resolve inter-party disputes through an internal mediation process that delivers rulings. The rulings can be appealed through the Electoral Court.

Election 2009 saw two sets of inter-party issues in particular come to the fore. The first was the ANC-IFP tensions in KwaZulu-Natal, with intolerance and inter-personal violence (albeit on a limited scale) perpetrated by both sides. The second was mainly intolerance by the ANC of supporters of COPE. Intimidation and workplace retribution were widespread until the signing of the code of conduct close to the election. Several other opposition parties, for example the DA and ID, also recorded that they suffered from acts of intolerance or damage to election materials. In most instances the ANC was blamed.

Political parties in South Africa are free to register as parties, with hardly any constraints. There is no prohibition on minor (even miniscule) parties registering.

There are no threshold requirements for legislative representation in South Africa (see above). This opens the door to several micro-parties to be represented, especially in the National Assembly. Only four of the national-level competing parties in the April 2009 general elections gained more than 4 per cent of the national vote. In fact, the other nine parties that came to be represented all garnered less than 1 per cent. Even this was relatively successful, given that of the total of 26 contesting parties, half (13) failed to reach the level of roughly 45,000 votes, which would translate into roughly 0.25 per cent national support and thus one seat in the National Assembly.

As noted above, political parties in South Africa are largely unregulated. They enjoy the freedom to register subject, however, to high deposits on participation in national and also provincial elections. However, there are no thresholds for National Assembly representation beyond having the minimal level of support sufficient to gain one seat.

Party financing The main sources of income for political parties in South Africa are public funding, private donations, obligatory contributions by party candidates or elected representatives, party fund-raising events, and membership fees. The sources of income for political parties, in particular for their election campaigns, are largely unregulated in South Africa. The country has no requirements for the disclosure of private donations, even if there has been much public contestation of the obligation to declare private donations. One of the major points of contestation in South Africa has been whether private donations are used to buy policy positions, and guarantee party political or government action. The concerns apply to all parties that have the ability to influence public affairs. Parties are thus free not to declare how much they spend on electioneering and who contributes how much in private donations.

The parties themselves mostly lack formal rules on party financing. Several parties require their elected representatives to contribute to the party coffers. The UDM expects its candidates to contribute to registration and electioneering expenses. The ANC imposes a levy on incumbents once elected. IFP parliamentarians are required to make a relatively substantial (more than R1,000) monthly transfer to the party.

The IEC manages public funding for political parties. It does this under the Public Funding of Represented Political Parties Act, no. 103 of 1997 and the Public Funding of Represented Political Parties Regulations, 1998. The funding is distributed quarterly among the parties. The IEC also allocates funding to support electoral activity in proportion to the size of each party's existing representation at the beginning of the campaign (the number of candidates is also taken into account). All political parties represented in the national or provincial legislatures are entitled to a percentage of the public funding for political parties in any financial year for which they are represented in those legislatures. Parties are allowed to roll over up to 50 per cent of annual IEC-disbursements from any particular financial year to the next, as long as it falls within the five-year electoral term. Some parties roll funds over with a view to accumulating for forthcoming campaigns. The IEC books for the five-year term close approximately three weeks before the election. All unspent money then has to be repaid.

The act determines that funds must be allocated according to a formula that takes into account the party's proportion of members in the National Assembly and the provincial legislatures. There is a minimum threshold amount to bring in a measure of equity (Public Funding of Represented Political Parties Act 1997, 5 [2] [a]). The 1998 regulations determine that 90 per cent of the annual allocation is paid in proportion to each party's aggregate seat representation in the sum of the seats of the National Assembly and provincial legislatures. The remaining 10 per cent is divided among the provinces. This is done in proportion to the number of seats in each province and the provincial allocations are divided equally among the parties in each legislature (Public Funding of Represented Political Parties Act 1997, Regulations 1998, schedule, articles 2 to 4).

A political party with a sprinkling of representatives across some provinces will be better funded than a party that only has one or two MPs. There is approximately a 5 per cent per annum increase in allocated funding to the political parties. Parties are known to take out loans prior to elections, assured that they will be reimbursed by the IEC according to the representation they win. To illustrate, in 1997–1998 the IEC allocated R52 million to the parties, in 2003–2004 it allocated more than R66 million, and by 2008–2009 it was more than R70 million.

Incumbent parties were also advantaged over possible new entrants as a result of provincial legislature initiatives. Several of the provinces had, or in 2009 promoted, legislation to fund the parties that already had representation in the relevant provincial legislatures.

Public funding is thus mostly used to support parties' running costs, as well as for actions such as publicity, political education and constituency liaison. South Africa's parties often use this funding to operate local and regional constituency offices. The ANC spends more than half its public

funding on constituency office allowances. It is officially specified in the Public Funding of Represented Political Parties Act, no. 103 of 1997 (section 5 [1] [b]) that public political party funding is restricted to certain uses, namely to:

- develop the political will of people;
- bring the party's influence to bear on the shaping of public opinion;
- inspire and further political education;
- promote active participation by citizens in political life;
- influence political trends;
- ensure continuous links between the people and organs of state.

Parties are required to account to the IEC for their expenditure from public funding. The onus for reporting accurately and appropriately rests on the auditors appointed by each political party. Their audited statements are published unaltered in the IEC Annual Report for the Represented Political Parties Fund. Regulation 8 (1) in the Public Funding of Represented Political Parties Regulations requires expenditure to be reported under the categories of personnel, accommodation, travel, the arrangement of meetings and rallies, administration, and promotions and publications.

Regarding private funding, in 2004 in the Cape High Court, the Institute for Democracy in South Africa (IDASA) initiated public litigation to try and force parties to make public declarations. The application particularly aimed at the "big four" of the time – the ANC, DA, IFP and ACDP – to require them to open their finances to public scrutiny. The parties opposed the motion, arguing that forcing the disclosure of financial backers would intimidate potential donors from supporting a particular party. The concern was about possible fall-out in the event that the party that was supported was defeated in the election. The case was suspended when the parties agreed to legislate on the matter, rather than force the judiciary to rule on something that, they argued, was the responsibility of parliament. By 2009, no legislation regulating private funding of political parties had been initiated. In the 2009 election, COPE was the only party prepared to vaguely commit to disclosure (arguing accountability to voters) – at the end of its financial year.

Besides public funding, private donations and obligatory contributions by party candidates or elected representatives, parties also rely on a range of party activities and membership fees to raise funding. They conduct fundraising events, and seek donations from national and international business and foreign governments. Local ANC branches and provincial or regional structures conduct fundraisers, with a predilection for engagements with business people who are invited to meet and socialize with incumbent senior ANC national or provincial politicians. In the course of several elections, the ANC has received substantial donations from foreign governments, including from Libya and Angola in the 2009 election. Party-owned business interests became a substantial source of income, especially for the ANC in the 2000s. Amongst others, the role of its investment company, Chancellor House, was prominent. Furthermore, there was a strong emerging Black Economic Empowerment (BEE) class that generously supported the ANC.

Some examples of the relative proportions of sources of party funding illuminate the significance of non-regulation. The ANC's approximately 680,000 members (May 2009) pay a R12 membership fee per year. This would bring in an approximate maximum of R7 million, which would cover a fraction of the party's estimated expenditure. Even combined with the IEC funding, it still only covers a modest portion of known expenditures. The ANC, according to the South African Press Association (SAPA) (and as reported in the weekly *Mail & Guardian* of 17 April 2009), for example, spent well over R200 million (some estimates went up to R400 million) on its 2009 election campaign. In addition, the ANC's Luthuli House head office and regional offices employ several hundred officials. In 2009 several additional top-level ANC politicians were deployed to Luthuli House.

The DA has relatively dedicated large corporate donors, and generally expends much effort on raising funds from the private sector. Its 2009 campaign was well funded, with reports of more

than R90 million spent (see *The Star*, 16 April 2009). The new COPE party suffered severe funding shortages, and spent a total of no more than R12 million on its 2009 campaign (interview with COPE MP Juli Kilian, 18 May 2009). Being a new party, it also had no funding to tide it over until its legislative seats could be converted into public funding. In late 2008 COPE reported that it had recruited roughly 428,000 members with paid-up membership of R30 per member.

Relevant parties There are far more political parties that are registered than the number that participate in elections in South Africa. In addition, many more participate in elections than the number that wins representation, especially at national, but also at provincial levels. In local government elections, there is a range of community organizations and independent candidates that contest elections alongside the major and minor political parties.

The hierarchy of parties, and their statuses resulting from the 2009 elections, are:

- 157 registered political parties, according to the IEC, in March 2009;
- 40 parties in total participating in elections (national and provincial);
- 26 parties contesting national elections;
- 13 parties winning representation in the National Assembly, 2 of them, COPE and the APC, are first-time election contestants;
- only 4 parties winning more than 4 per cent of the national vote;
- 9 parties in the National Assembly league winning 1 per cent or less of the national vote.

The parties that had won seats in two consecutive National Assembly elections, that is in 2004 and 2009, were, in descending order of performance, the:

- African National Congress (ANC);
- Democratic Alliance (DA);
- Inkatha Freedom Party (IFP);
- United Democratic Movement (UDM);
- Independent Democrats (ID);
- African Christian Democratic Party (ACDP);
- Pan Africanist Congress (PAC);
- United Christian Democratic Party (UCDP);
- Freedom Front Plus (FF+);
- Azanian People's Organization (Azapo);
- Minority Front (MF).

Two new political parties emerged between late 2008 and the 2009 election:

- Congress of the People (COPE, formed in late 2008 through a split-off from the ANC);
- African People's Convention (APC, formed in 2008 in the final floor-crossing episode, and thus represented in parliament in the run-up to the 2009 election).

The number of political parties in South Africa has grown over the years, from around 70 in the late 1990s to over 150 in 2009. The reasons for the high number of parties include the fact that it is easy to start a political party (see above). In addition, many political parties remain dormant or become dysfunctional, but do not deregister.

South Africa has also witnessed an increase in the number of parties contesting national elections, reaching 26 in 2009. The number of parties that win representation in the legislatures, however, has been fairly consistent in recent elections. In 1994 there were 19 parties on the national ballot, and seven won representation. Those who made the grade were (in descending order of performance) the ANC, NP, IFP, FF, DP, PAC and ACDP. In 1999, as in 2009 but with variation in the parties, 13 won representation in the National Assembly. Those who achieved national representation were

the ANC, DA, IFP, NNP, UDM, ACDP, FF, UCDP, PAC, FA, MF, AEB and Azapo. Of the 21 parties on the National Assembly ballot in 2004, 12 secured representation. They were the ANC, DA, IFP, UDM, ID, NNP, ACDP, FF+, UCDP, PAC, MF and Azapo.

These details show that there have been changes in the number and rankings of parties in the course of South Africa's four democratic elections, yet these were often of minor proportions. The most important 2009 change came with the emergence of COPE – with most of its significance lodged in its provenance from the ANC. Although COPE's eventual performance at the polls was below initial expectations, it rocked the party landscape. It took third place in party rankings in parliamentary representation, dislodging the IFP (now placed fourth). It was also the major factor responsible for reducing the ANC's overwhelming majority to just below the two-thirds level. Across the provinces, COPE became the official opposition in five of the nine provinces, mostly displacing the DP in the process.

Other important 2009 party developments concerned provincial results. There was the growth and victory of the DA in the Western Cape, claiming an outright provincial majority and displacing the ANC, which was previously the strongest (albeit short of an outright majority) party in the province. In contrast, the ANC secured a huge victory in KwaZulu-Natal, beating the formerly dominant IFP into a weakened second place. Its KwaZulu-Natal performance was a substantial factor in ensuring that the ANC's national result remained in the mid-60s. Approximately 17 per cent of the ANC's national support now came from KwaZulu-Natal. The ANC suffered declined proportions of electoral support in all provinces except KwaZulu-Natal.

South African political parties are largely clustered around notions of nationalism (often with the emphasis on sub-nationalisms in the form of cultural identities) and social democracy. All of the major political parties with a national reach position themselves as parties "for all South Africans". This includes the ANC, DA and COPE. Other parties specifically target regional-cultural groups, or have in effect become regional-cultural parties, despite aspiring to being more than this. This grouping includes the IFP (largely limited in appeal to people from the Zulu culture and KwaZulu-Natal province) and the ID (predominantly appealing to people in the so-called coloured population group, and mostly from the Western Cape province). Africanism and Black Consciousness have helped position several of the smaller opposition parties, notably the PAC, Azapo and more recently also the APC.

Party families

The ANC also constitutes its own "party family" in its so-called Tripartite Alliance with the SACP and the Congress of South African Trade Unions (COSATU). COSATU is involved in all ANC election campaigns and is effective in internal influence, particularly in the Zuma administration (it was relatively marginalized under the Mbeki administration). Its members are deployed on the ANC ticket, but its leaders choose to stay out of parliament and cabinet. In parliament, the ANC does not need alliance partners to govern. In all four democratic elections since 1994 it has gained majorities of well over 60 per cent of the national vote. However, it deeply values the idea of maintaining commanding majorities, and has thus often focused on gaining and retaining a two-thirds national majority, which would also enable it autonomously to change the constitution (although this has not been a substantial issue up to 2009). It was only in the 2004 election that the ANC unambiguously achieved the two-thirds goal. In the 1999 election it fell marginally short of the two-thirds benchmark, yet attained it with the parliamentary support of the small and ethnically based (largely Indian-supported) Minority Front party. The South African constitution by mid-2009 had been changed close to 20 times, mostly without controversy and with the support of several opposition parties.

Most of the country's political parties see a role for strong state engagement in the economy and social well-being of the nation, making social democracy a widespread ideological orientation. This party family includes the governing party, the ANC. Virtually all political parties, however, see a mixed economy as the desired position. Even the SACP, alliance partner of the ANC, is relatively moderate in its socio-economic outlook. It advances positions of state engagement, especially in

favour of development and economic transformation away from the inequalities of the apartheid and more recent democratic pasts, and strongly opposes policies that, for example, privatize state assets.

A wide range of South Africa's political parties include strong liberal orientations in their ideological positioning. This also includes the governing ANC. The constitution furthermore embraces liberal democracy and protects its constitutional entrenchment. It is only a few of the parties, however, that specifically and in a more dedicated way, position themselves as liberal. Foremost in this category is the DP. COPE may be positioned as centre-right, on the spectrum between the ANC and the DP.

A plethora of the small and very small opposition parties designate themselves as either Christian or Muslim. These parties, however, have largely only fleeting and election-specific presences, and are no major force on the party political landscape. Two of the more enduring presences have been those of the ACDP (with some national presence) and the UCDP (essentially the remainder of a former Bantustan party and with a presence mainly in the Northwest province of South Africa). Both these parties experienced further declines in electoral support in 2009. None of the other religiously designated political parties managed to gain representation at national or provincial level in South Africa's 2009 elections. Several new parties in this family appeared on the party landscape in the run-up to the 2009 election, formed with the specific aim of contesting the election. They include the Christian Democratic Alliance (CDA) and the Al Jama-AH parties, neither of which gained either national or provincial representation.

Table 2 | IDEOLOGICAL COMPOSITION OF THE PARTY SYSTEM

	Name and founding year	Present situation	Situation prior to the present
Labour parties	South African Communist Party; 1921 (in government with the ANC, as part of the Tripartite Alliance since 1994)	NR, P/supp. (in Alliance – the SACP has a small autonomous support base, and would perform poorly should it contest elections on its own)	NR, P/supp. (in Alliance)
Parties with religious values	African Christian Democratic Party; 1993	O	O
	Several parties of Christian or Muslim designation contested but failed to win seats, incl. Christian Democratic Alliance (founded in the run-up to the 2009 election; no representation won), Al Jama-AH (founded in the run-up to the 2009 election)	NR	NR
	The UCDP (ethnic-regional party) also has "Christian" in its name, but does not have it as its major thrust	O	O
Liberals (centre left)	Democratic Alliance; 2000 (with roots in antecedent parties, the Democratic Party [DP], Progressive Federal Party [PFP] and Progressive Party [PP], back to 1959)	O (the main opposition party)	O

Continuation of Table 2

	Name and founding year	Present situation	Situation prior to the present
Ethnic/Regional	Freedom Front+; 1993	O	O
	Inkatha Freedom Party; 1975 (self-designated as cultural liberation movement)	O	O, P/supp. (Government of National Unity partner, 1994–1999)
	Minority Front; 1993	O (still to be determined whether P/supp. role is to be continued)	O, P/supp. (regularly supported ANC in parliament when ANC lacked two-thirds majority)
	United Christian Democratic Party; 1986	O	O
	United Democratic Movement; 1997	O	O
Nationalist	African National Congress; 1912	PP	PP
	Azanian People's Organization; 1977	O, P/supp.	O, P/supp. (served as a Cabinet member)
	Pan-Africanist Congress of Azania; 1959	O	O
	African People's Convention; 2007 (through floor-crossing)	O	O
Other	Independent Democrats; 2003 (centre-left)	O	O
	Congress of the People; 2008 (centre-right)	O	–

*Abbreviations: PP = party of the president | P/supp. = parties that support the president on a regular basis
O = party is in opposition | NR = no parliamentary representation.*

Sets of factors, rather than single reasons, characterise the origins of parties in South Africa. The major bloc in party formation in South Africa is a nationalistic one, albeit often with many other overtones ingrained. In addition, it is often variations on, or additions to, the original features that keep the parties going. The successful ones continuously reinvent themselves, responding to voter and constituency circumstances. To illustrate, the ANC was constituted largely on ideological/political praxis grounds, with intense struggles against the apartheid system. It proclaims that this ideological struggle is not yet won, given the continuous legacies of inequality and structural oppression. The ANC, however, has also attained a strong patronage basis. Several authors have pronounced on the extent to which class interests, and the desire for high position that would leverage access to resources, drive the contemporary ANC. Personality clashes are also foremost in this line-up. In addition, although the ANC is not an ethnic party, ethno-cultural identities (with regional roots) are frequently manifested.

Origins of parties

Several of South Africa's political parties have ethnicity, regional and group interests deeply ingrained in their identities. This can either be formal or de facto. The IFP, with a strong Zulu identity, and its support overwhelmingly located in KwaZulu-Natal, with slight overflows into Mpumalanga, the Eastern Cape and Gauteng, is one example. The ID, despite otherwise bordering on social democratic in its orientation, has its most established voting bloc amongst coloured voters of the Western Cape, and thus attains de facto ethnic status. Patronage was a major reason why the ANC managed to convincingly defeat COPE in 2009. Many of the small parties that do not have parliamentary representation had ethno-cultural dispositions, and often only contested in some provinces. The

DA has made strides in removing itself from the line-up of “white” opposition, even if its current voter base is still dominated by white supporters. It thus combines strong liberal sentiments with elements of ethnic make-up.

General significance of parties Political parties in South Africa have the widely accepted role of setting the lines and methods of political contestation. Elections and voting for political parties in elections are essential instruments of the country’s democracy. Parties serve as important instruments of political mobilization. They enjoy legitimacy and, in their confluence with elections, channel South Africans’ expression of political preference and policy.

Parties play a crucial role in policymaking. The governing–opposition statuses of political parties directly correlate with their impact on policy formation. The ANC, as governing party, is most influential. Its role has increased with the rebellion of the Zuma faction of the ANC over the Mbeki grouping (in the period 2005–2009). The ANC’s alliance partners, COSATU and the South African Communist Party (SACP), were instrumental in leveraging the victory of the Zuma grouping, and Zuma in particular. With this, the balance of forces shifted from the state to the party. Mbeki often used the power and structures of the state to rule the ANC. The Zuma camp reversed this and asserted the primacy of the party over the state. In the process of Zuma moving into power, it was ANC party structures that deliberated new policy emphases and new state structures to help implement policy and consolidate the power of the new incumbents.

Contemporary debate often focuses on the extent to which the ANC had become a vehicle to control power and patronage. Political intellectuals such as Pallo Jordan and Raymond Suttner point to class interests driving the ANC, also affecting policy choices. This was evident in the processes of mobilization for the ANC’s 2007 Polokwane conference. Here the Zuma camp frequently stressed that it was time for a “turnover” in those who occupy positions of power and that it was “time for the new group to get to drink from the trough” (slogan used at the ANC’s December 2007 Polokwane conference, author’s personal research observation at the conference).

Voter-party relations South Africans make voting decisions through complex considerations. The three most important, and interactive, reasons for voting for a particular party relate to ideology, issues of policy and governance, and political leadership. Some South African scholars have pointed to the salience of party image in determining the vote. Yet, when “image” is deconstructed it points to the party’s record of historical legitimacy, its ideological positioning, and continuous credibility (relative to other political parties) in delivering to the constituents (or be seen to be delivering or most likely to deliver).

These factors are relevant, for example, in explaining the continuous dominance of the ANC in party politics in South Africa. The reasons why South Africans vote the way they do were further illuminated in the 2008–2009 processes in which COPE split off from the ANC and subsequently contested elections. One of the major initial mobilization rationales for COPE was the fact that the ANC was seen as arrogant in power, and lacking in accountability to the citizens. In response to the COPE threat, the ANC changed its ways. Voters, feeling reassured, returned. The ANC continued to offer them the most persuasive of the parties’ explanations over how they would make a meaningful difference to people’s lives. In the ranks of the other opposition parties, it is often feelings of exclusion from the world of the governing party, or feeling culturally neglected, combined with being less economically advantaged than in the apartheid past, that drive voters to support some of the opposition parties. These voters are driven by either a sense of asserted identity, or wanting to make a protest vote against the majority party.

As a general rule, there is a stable relationship between parties and voters. Voters accept political parties as the legitimate instruments for carrying their needs into the political system and representing their interests in the political institutions – to the extent that any particular party’s numerical and leadership strengths permit. Evidence of the remarkable stability in relations between parties and voters in South Africa in the 15 years of democracy up to 2009 is also found in the fact that there have not been major party political realignments.

Despite the stability noted above, the relationship between parties and voters in South Africa may have been undergoing the early phases of change. The jury is out on whether the emergence of COPE, and its modest but credible performance in election 2009, might be the catalyst that gives the impetus for more profound realignment.

South Africa has thus far maintained its character of a one-party, dominant, liberal, multiparty democracy. The dominance of the ANC, however, saw a modest reduction in the 2009 election. The growth of the DA in this election, along with multiple small opposition party calls for coalitions and alliances between opposition parties, have on occasion suggested that South Africa may be moving towards a two-party system. DA leader Helen Zille, as well as the UDM's Bantu Holomisa and the ID's Patricia de Lille, have promoted opposition alliances in the post-election (2009) period. In the post-election period COPE asserted that it would not join in alliance initiatives. The ANC's powerful 2009 election campaign (along with post-election actions) has confirmed, however, that the ANC will do all in its power to resist the corrosion of its dominance.

II.2 Individual Parties

The major political parties in South Africa keep records of party membership, yet generally resist publicizing the figures, aware that figures may understate their levels of electoral support. The system of recorded party membership is characterized by frequent questions as to the reliability of the statistics. Parties often remain silent about the proportion of membership who are paid-up and renewed annually. *Party membership*

Parties are well aware that membership does not automatically convert into support. In the case of COPE in 2009, its reported 428,000 members did not automatically bring it organizational strength. Parties with effective branch organizational structures have their processes of internal democracy well entrenched in confirmed memberships. The ANC is an organization in point.

Table 3 | MEMBERSHIP FIGURES

Party	Reported figures for 2009 ⁽¹⁾
ANC	680,000 (reported in May 2009)
DA	no figure available
COPE	428,000 (reported in December 2008)
IFP	750,000 (as at 31 December 2008)
UDM	500,000 (estimation)
ID	280,000 ("Captured, with some outstanding")
ACDP	35,000
FF+	27,977 (as at August 2008)

⁽¹⁾Most parties resisted revealing 2009 figures.

Sources: Interviews by the author with party spokespersons, as well as select media reports.

The three top-performing parties of 2009 – the ANC, DA and COPE – were probably the only significant parties with increasing membership numbers. These parties, however, either had claims that were not specifically substantiated (ANC), or stressed that they do not reveal membership figures, because these figures tend to be misleading (DA). COPE, managed to attract roughly 400,000 members from scratch. These figures, however, could not be verified, although they were officially presented by COPE.

Given the fact that many of the smaller political parties have distinct regional and cultural identities, it is to be expected that there will be over-representation of certain social groups. These over-representations are not formally prescribed, but simply follow from the demographic, cultural and regional origins and operations of the parties. The smaller these parties become, the more they assume the character of party-interest groups.

For example, and among the bigger of the opposition parties, the IFP is concentrated in the province of KwaZulu-Natal. Although the party is not formally or exclusively for South Africans of isiZulu culture or origins, there are few non-isiZulu members. The IFP at one stage had a fairly strong white following, but this has declined. The FF+ overwhelmingly represents parochial and cultural interests of a sub-community of white Afrikaners. The ID draws its support largely from components of the Western Cape coloured community. The UDM in its current form largely consists of isiXhosa members, and geographically its support is largely concentrated in a sub-region of the Eastern Cape. There are several political parties with Christian or Muslim designations (see table 2). Yet, these parties hardly have an over-representation of these groups in their membership – they barely have a membership at all. In party politics in South Africa, it appears that it is only the political parties that transcend narrow or relatively narrow cultural-identities, including racial and geographical ones, that grow to have significant representation and national impact.

It is frequently only the political parties that truly transcend the representation of class interests that assert themselves at the national level. In the run-up to the 2009 election, surveys by the polling companies Ipsos-Markinor and Plus-94 shed light on the social strata that support South Africa's main political parties. In the case of the ANC, there is a distinct multiclass character, yet the bulk of ANC support comes from the lower socio-economic strata. It is this support that is the backbone of the ANC's electoral performances, even if it is the middle and upper black-African classes that have been the most visible beneficiaries of ANC rule. The DA has succeeded in constructing some multiclass and multirace support base. The most prominent DA constituency, however, is upper middle class white South African. The DA does, however, attract large numbers of supporters from both coloured working and middle classes, along with some black-African. The polling company research showed that among the country's political parties, COPE had the most representative character in relation to the general South African population's proportionate demographic and racial composition. This suggested that COPE, should it survive its early problems and ANC counter-attacks, could have substantial growth potential.

Party organization Parties wishing to be registered as political parties in South Africa (the process is handled by the IEC; see above) have to submit to the IEC (among others) a copy of their constitution and a deed of foundation (signed by at least 50 South African citizens eligible to vote and who vouch that they know of the existence of the party). This means that all parties have some form of statute that governs their internal affairs. The statutes, however, largely vary in terms of the details presented. Some of the smaller parties' versions hardly contain any substantive points. Others are elaborate, detailing the formal conventions of how the parties arrange their internal processes, even down to the procedures for branch organization and meetings.

There is no control over or specific prescription as to whether the statutes have been democratically adopted. The big parties, such as the ANC, DA, IFP and COPE, all have different processes. Their statutes may have been adopted by full elective conferences, by head office structures mandated by conferences, or by consensual affirmation in meetings of supporters. It is most unlikely that

these statutes are known to and understood by all party members. Unless party members wish to escalate their involvement to activist level, they are also unlikely to have an interest in understanding them.

It is particularly the bigger political parties that develop systems of branch organization. Most of the parties do not have sufficient resources to sustain elaborate regional and local level organizations. Where they do, these organizations largely reflect provincial, metropolitan or local government administrative structures. Across the parties, branches often retain minimal levels of activity in non-campaign periods. It is often in the run-up to elective conferences, when nomination processes start from branch level up and when delegates receive their mandates, that branches become activated.

In the ANC, for example, branch structures play central roles. These include the status of branches as the constituent components of elective conferences and policy development. Ninety per cent of delegates at the elective conferences of the ANC come from the branches. Branch nominations and branch proposals on policy matters move from branches to regional and provincial, then national structures. Each branch is required to have a minimum of a 100 members, and the branches combine to constitute the 53 regions of the ANC. The regions correspond to broad local government boundaries. The regions, in turn, aggregate to constitute the provincial structures of the ANC. These correspond geographically to the borders of the nine provinces. The ANC's branch system is continuously assessed, and is often admonished for disorganization. In the run-up to the Polokwane conference, for example, many branches were shown to be defunct. Parallel branches mushroomed as they were used to load provincial conferences to favour either Zuma or Mbeki. This problem extended into some provincial conferences.

The DA's base structure is its branches, and they must have a minimum of 25 members. Yet, branch structures are far less prominent in elective and policy deliberations in the DA. Its central, federal structures have wide-ranging powers. Branch boundaries correspond to a local government ward or voting district, or, with low membership density, larger areas. The IFP works with branch structures, for example with two delegates from each branch included in the annual general meeting (AGM) of the party. Branch delegates dominate in provincial elections, such as the election of the provincial chairpersons. Authority in the party is, however, highly centralized. The minimum membership of an IFP branch is 30. Depending on the density of IFP membership in an area, the branch may represent a ward, town or a larger area. By mid-2009, COPE still had to establish branch structures. Conference decisions were taken through interim leadership announcements of consensual positions, followed by verbal affirmation from the floor.

All four of South Africa's best performing parties in 2009 host youth wings, and three of them also have associated women's organizations. The ANC, DA and the IFP have formal youth wings, and COPE has interim youth structures. The women's leagues of the ANC and IFP are prominent, whilst the DA has a low-key women's structure. Of the South African political parties, it is mostly the ANC and IFP that are associated with labour organizations. In the case of the ANC, the Congress of South African Trade Unions (COSATU) is a powerful member of the ANC's Tripartite Alliance. The IFP over the years has had a trade union associate, the United Workers Union of South Africa (UWUSA), which became defunct after 1994. The Freedom Front Plus has cultural and political linkages to the trade union organization Solidarity.

The women's leagues in the parties vary in stature and impact. The most prominent and influential is the ANC Women's League (ANC-WL). However, within the ANC and in comparison with the Youth League and the ANC provincial structures, the WL is overshadowed. The recent WL leadership has largely been non-assertive – apart from promoting quotas and deployment – hardly running any notable campaigns. The IFP Women's Brigade is in a comparable position. The DA's Democratic Alliance Women's Network (DAWN) is a new structure and by 2009 still had to become fully operational.

The ANC, DA and IFP, as well as some of the smaller parties such as the FF+, all have relatively strong youth wings. The ANC Youth League (ANC-YL) is particularly powerful. On various occasions it has assumed the mantle of kingmaker of the ANC leadership. It plays prominent roles in ANC election and mobilization campaigns. It is represented on central ANC structures, such as the National Executive Committee (NEC), and has been a powerful lobby both in youth matters and in general. The SACP's youth structure, the Young Communist League (YCL), plays a substantial role alongside the ANC-YL. In the 2009 election the leaders of these two youth organizations became MPs. The Democratic Alliance Youth is the official youth chapter of the DA. It came into being in 2008, on the understanding that youth leaders would have less political thrust than their ANC counterparts. The IFP's Youth Brigade occasionally has a high profile presence, yet is firmly under the control of the IFP's National Council. Control by the national leadership is also the order of the day in the case of the Freedom Front Youth. This organization is mostly anchored in Afrikaans language student groupings on university campuses.

Societal entrenchment Political parties in South Africa commonly have webs of linkages with civil society organizations. The ANC, predictably and by far, has the most of these linkages. This is due to its history of political mobilization in South Africa (often while in exile and working in association with organizations inside the country), and effective networking in contemporary society (often by virtue of state incumbency). The fact that the ANC is the governing party extends its appeal to civil society organizations that wish to forge links to influence policy and governance. The constitution's prescription to government to conduct public consultation and solicit public participation in a range of governance matters, contributes to the governing party's scope for civil society networking.

The ANC's relations with civil society in the form of labour was formalized through its Tripartite Alliance that includes COSATU (see above). This is a close and powerful relationship, which found renewed substance and influence with its backing of Jacob Zuma as president of the ANC and South Africa. COSATU lobbied for influence, but it was only in the aftermath of the inauguration of the new president and government that the extent of its influence was concretized. This led to the situation in early June 2009 when COSATU (not unchallenged) declared that it makes the policy and the ANC in government implements it. Should this statement be effectively realized, it would mean that government was taken over through non-electoral means and in the interest of an alliance-linked civil society organization. Other political parties' relations with trade unions have been more informal and sporadic, and there was no question of subjugation (real or potential).

In specific terms, the ANC is well connected with business and civic civil society organizations. It has strong relations with a range of business organizations. Many of these bonds were forged on the basis of the ANC's position as state incumbent. It was often difficult to differentiate between linkages between the ANC and business and the government and business. All of democratic South Africa's presidents have maintained special relations with business. Nelson Mandela was known to have regular consultations with the big business Brenthurst Group. Some of the formal state-government linkages were evident in structures of the presidency of South Africa under Mbeki. This included the Big Business Consulting Group and the Black Business Consulting Group. Business organizations such as Business Unity South Africa (BUSA), as well as associations of small and emerging business, are close to the ANC, and in ways that do not clearly differentiate between party and state. Many business organizations were generous in their support for Jacob Zuma's presidential campaign.

The South African National Civics Organization (SANCO) has had a chequered history in post-apartheid South Africa. In the early 2000s it toyed with support for the SACP, instead of the alliance in general. In 2008, its leader first defected to COPE, and then returned to the ANC. The ANC's relations with civic organizations, in general, had declined since the anti-apartheid struggle when they operated in unison. In the early 2000s, the ANC started seeing the social movements as an enemy force, given that it was largely these organizations, along with community-based initiatives, that were responsible for the so-called service delivery protests.

Other political parties also maintain civil society networks, and these are often also anchored in the influence that these organizations reckon they could assert over processes of policy and governance. The DA is close to many big corporations and is linked to lobbying efforts over policy that concern, for example, financial regulation and mining interests. Other political parties' linkages into the business community are more modest and often parochial.

Governing parties in South Africa's national and provincial legislatures also forge relationships with civil society in the course of the public hearings into aspects of legislation that the legislatures conduct as part of their legislative processes. In addition, parliament conducts outreach projects in which it takes "parliament to the people". The NCOP on occasion takes sessions on the road and conducts them in various provincial settings.

The political parties of South Africa vary greatly when it comes to who their most influential decision-makers are. Within the ANC this also varies from one ANC president to the next. The ANC generally emphasizes its character as a consultative decision-maker. By virtue of the ANC's National Executive Committee (NEC) being elected by the five-yearly elective conferences, the national conference is the most powerful of the ANC structures, yet not so in the post-conference management of the organization. Here the NEC takes over as the most powerful decision-making structure, with the National Working Committee (NWC) as the operational arm of the NEC. Conference, along with the mid-term conference, called the National General Council (NGC) and the ANC's national policy conferences, effectively take the decisions on policy matters. Policy-focused subcommittees of the NEC are instrumental in mapping draft policy documents (sometimes the subcommittee chairpersons coincide with those of the parliamentary portfolio committees). In the Mbeki period, the NEC at times was a largely compliant-to-the-wishes-of-the-president structure. In line with the bureaucratization of ANC power under Mbeki, the Policy Coordination and Advisory Services (PCAS, or the Policy Unit) in the presidency often assumed a key role. As Mbeki's star faded, more dissent became evident. The NEC composition changed dramatically in the Polokwane elections. In September 2008 the new NEC turned on Mbeki and recalled him as president of South Africa. The post-Polokwane NEC was thus most powerful. The structure carried enhanced representation by the SACP and COSATU, as well as being staffed by many of Mbeki's foes who were resolute in their backing of Zuma.

*Internal
decision-making*

Luthuli House (the ANC's head office) is particularly influential, and far more so under Zuma than under Mbeki. In terms of the ANC constitution, its secretary-general, deputy secretary-general and treasurer-general are full-time paid officials. In mid-2009 further high-profile leaders, alongside retiring and some former leaders, were deployed to Luthuli House. This further strengthened its capacity. As noted above, the ANC-YL, in some respects, is very influential. The ANC Women's League is an effective occasional lobby group, specifically on decisions concerning gender. At the provincial level, the ANC's structures elect the Provincial Executive Committees for three-year terms. They are influential in provincial political decision-making and oversight of the provincial governments.

The Federal Congress is the highest policymaking body in the DA. It meets every two years, except if special meetings are convened. A two-thirds Federal Council vote is required to call a special meeting of congress. The Federal Executive manages the party. It consists mainly of officials and co-opted members. DA parliamentarians, along with some elected officials, assume a central position in the Federal Council. For every government department, the DA appoints a policy specialist and spokesperson from the ranks of its parliamentary caucus. The DA's constitution mandates the national leader to make policy on "new matters or new situations".

With COPE still emerging and a branch-anchored conference scheduled for late 2009 at the earliest, its leadership and policy structures are tentative. COPE's policies were adopted through two early meetings, the first at a consultative convention and the second at the founding conference. COPE's National Interim Leadership Group was presented to the inaugural conference, and the premiership

and presidential candidates were determined by an Electoral Selection Committee, as prescribed by its constitution. The interim leadership comprised a president, two deputy presidents, a secretary-general and deputy secretary-general, a treasurer-general, six heads of commissions and three leaders per province. In the early post-election stage, power was mostly located in the Interim Leadership Group, supplemented with the party head office and its parliamentary caucus.

The IFP remained a party that was highly centralized. Its constitution puts effective power in the hands of its National Council, even if there is an elaborate five-level organizational structure (moving from branch to constituency, regional, provincial and national levels). The National Council consists of officials, no less than ten elected representatives from each province, and members of provincial legislatures. In between council meetings annual general meetings (AGMs) are convened and attended by all National Council members, along with two delegates from each branch. Every five years the AGM elects a president. The candidate for the presidency is put forward by the National Council. The council also elects a general secretary. Together with the president and top office-bearers of the Women's and Youth Brigades, they constitute the national executive of the IFP.

For candidate selection, political parties in South African use combinations of bottom-up, list-driven approaches and the right of top-level party leadership to make interventions. Some of the small parties' founding documentation places candidate selection solely in the hands of the leadership. The ANC's nominations for its lists start, in effect, with its elective conferences at which its own NEC is elected, in turn based on increasingly consolidated nominations that move from branches to regional, provincial and national ANC structures. The top NEC and NWC (see above) leaders will almost without exception occupy top positions on the subsequent candidates' lists for national and provincial elections. The ANC compiles its National Assembly candidate lists at a special List Conference. The delegates vote for a total of 200 positions from nine provincial lists (resulting from provincial list conferences, in turn based on branch submissions) to a 200-strong national list. Both provincial and national list conferences are attended by branch delegates and league representatives. On some occasions, COSATU also sends delegates. The ANC's National List Committee reviews the lists and rearranges them so as to ensure that 50 per cent of the nominees are women, and recognition is given to provincial representation, racial minorities and other relevant groups. Besides balance to secure party interests and recognize party seniority, the lists are also coordinated to make certain they do not include people who are legally disbarred.

Branch nominations anchor the DA's candidate selections. Branches submit nominations and each province establishes an electoral college, which then compiles a nominations list with twice as many candidates as required. The college interviews the nominees. Each college elects a pool of National Assembly and provincial legislature candidates, and adjusts the lists. By agreement they also leave vacant slots for the leadership to fill in with other desired candidates. This procedure has been applied to bolster the inclusion of black candidates and persons with special skills.

The ID, in terms of party constitutional provision, allows its National Executive to determine selection procedures and to do candidate selections. In the IFP, the National Council leadership compiles the lists from branch nominations, and both seniority and incumbency play important roles. The UDM compiles its lists through a vote at a delegate conference. Its National Management Committee scrutinizes the lists and is entitled to amend them. In COPE, the leadership and election processes were interim measures, set to change upon the realization of an elective conference. For election 2009 COPE exercised "leadership selection" rather than election. The nominations were facilitated by the leadership core that had been affirmed at its Bloemfontein inaugural conference. Care was taken to select leaders in racial, gender and regionally balanced configurations, thereby projecting a desired party profile. COPE's construction of its party lists was a major endeavour for a party of its modest pre-election proportions. The National Selection Committee, anchored in the COPE constitution, determined the final candidates' lists for national and all nine provincial elections. It also elected Mvume Dandala as a compromise presidential candidate in 2009.

Perhaps logically, the bigger the political party in South Africa, the better developed the internal channels for such processes. In the case of the small parties, these processes are more direct and more easily managed, also because policy does not automatically impact on government.

The ANC prides itself in being a disciplined, mass organization. This also means that it places emphasis on the internal resolution of problems and grievances. The structures of branches, regional and provincial executives, the leagues, as well as the NEC, help constitute the forums to raise issues and promote communication on policy issues. The ANC is highly focused on the legitimation of policy initiatives through systematic communication and hierarchical processing. In preparation for its specialized policy conferences, policy inputs get accumulated from branch level up and become increasingly synthesized as the proposals move towards national level. At the policy conferences, top party individuals often sift through commission resolutions and formulate the resulting proposals. Both policy drafts and the final outcomes are published in booklets, after having been screened by the top structures.

The DA offers more formal leeway for its top leadership (as noted above in relation to decision-making structures), and in particular the national leader and the Federal Council, to take decisions and develop policy. Against this background, the DA is interactive in member relations and maintains two-way communication. Some of the smaller parties are more parochial in orientation to membership communication. In particular, the IFP operates an insular leadership, interpreting for its members the politics and policy needs of the day. The ACDP operates similarly, being a small and personality-driven party. In the PAC internal communication processes have been dismal, whilst contestation for the few top positions has been intense (on multiple occasions, this has led to the fracturing of the party, with the most recent split-off being the APC).

For two sets of reasons, the names of political parties in South Africa can be significant. On the one hand, there are some proud historical traditions encapsulated in the party names, especially concerning the liberation movement and resistance parties. The ANC, PAC and Azapo names are cases in point. Otherwise, the names also designate the vision and ideological catchment area to which parties aspire – even if not all of the party name components are realized in the parties' programmes and actions. The DA is an example of the first, and parties like the ACDP and UCDP offer illustrations of the second.

*Stability
of party ideology/
programmes*

In recent times, political parties have changed their names when trying to assert new identities, or to reflect party mergers. The most recent party name change has been the formation of the DA, out of the merger of the New National Party (NNP) with the Democratic Party (DP) in 2000. The DP itself evolved out of a succession of preceding parties: the Progressive Federal Party (PFP), the Progressive Reform Party (PRP) and the Progressive Party (PP). Following the 1974 election, the sole PP MP, Helen Suzman, was joined by six more PP members. Soon after this the PP merged with a breakaway group from the United Party (UP), the Reform Party, to become the Progressive Reform Party (PRP) in 1975. In 1977 a further group of UP members left the party to form the Committee for a United Opposition, which then joined the PRP to form the Progressive Federal Party (PFP). The New National Party (NNP) had been proclaimed in the mid-1990s when the old National Party (NP) wished, in the face of declining support and internal contestation, to reposition itself on a potential growth path. The case of the NP/NNP showed that repositioning and renaming fail once a party has entered a downward spiral. The FF+ came about when the Freedom Front (FF; founded in March 1994) merged in 2003 with the declining Conservative Party, and the very minor Afrikaner Unity Movement (AUM), later also joined by the very minor Federal Alliance (FA). The FF+ gained a small amount of electoral support out of the merger, but has subsequently failed to grow.

In 2008, the significance of party naming was highlighted when the ANC obstructed efforts of the emerging party formation, which was subsequently called COPE, to claim parts of the African National Congress name configuration. The new party's attempt to name itself the South African National Congress was thwarted by the ANC. The party's second choice of South African Democratic Congress was scrapped upon the leaders' discovery that the name was already taken by the

obscure SADECO, a split-off from the National Democratic Congress (NADECO), which in turn had split off from the IFP. Next was the proposal of Congress of the People. The ANC challenged it, given that the Congress of the People was a historical 1955 event where the Freedom Charter, the ANC's nominal leading ideological document, which has a revered albeit practically often irrelevant status, was adopted. Court rulings went in favour of the future COPE. The ANC at first appealed, but abandoned the crusade when public opinion turned, suspecting the ANC of political intolerance and obstructing the opposition.

Political parties are driven by party programmes, particularly the bigger parties. In the case of the ANC, its structures such as the NEC, ANC-YL, and occasionally the ANC-WL (for example in the run-up to elections) use programmes to build membership, support and their general party profile. The DA also excels in this, using combinations of programmes for policy alternatives, and oppositional programmes designed to "stop the ANC". In the case of the Tripartite Alliance, the ANC benefits from special programmes that the SACP and COSATU run. The FF+ runs campaigns to "protect", for example, national sport emblems and street names that face renaming in line with the post-apartheid dispensation.

Communication South Africa's political parties all use their direct internal channels, which vary in elaboration according to the size of the party, to communicate with their members. The channels articulate with internal party structures. It is only occasionally that the large parties, and especially the ANC, will use public media to communicate with their memberships. However, regular ANC media statements, along with high levels of mass media coverage of the ANC (and other significant parties), de facto facilitate member and voter communication.

In 2009, most of the political parties used the internet and party websites to anchor their communication with the electorate. They also used interactive electronic facilities such as Twitter Stream and Facebook. COPE went as far as having a Facebook "region" for the party. Some of the smallest parties in the 2009 campaign appeared to have websites as their only campaign presence.

South Africa's public broadcaster, the South African Broadcasting Corporation (SABC), offered free party broadcasts on radio and television. The ANC produced four commercials, emphasizing the twin themes of "more needs to be done" and "together we can do more". In the case of the bulk of the small parties the production costs were prohibitively high. Some simply could not produce the materials that would have been broadcast free; others only managed this in the dying campaign moments, as was the case with COPE in terms of radio broadcasts. The small parties were frequently overburdened by the multiple functions associated with modern election campaigns.

The size of political parties and their closely-linked budgets determined whether the parties would use professional agencies in their communication with the electorate. It is only during election campaigns that the South African parties use professional agencies for the design and implementation of their communication strategies. Agency tasks may include image building and branding, public relations in issuing media statements and organizing events, message development through research and testing, and opposition research for fine-tuned attacks on select opposition parties. The impact of divergent party resources is illustrated by the contrasts between the ANC and COPE. In election 2009 the ANC used the company Ogilvy SA for media and marketing. It was a professional, well-timed, high profile campaign that saturated all corners of the country. Reports suggested a media and marketing budget of R100 million was at stake. COPE used the relatively inexperienced (and cheaper) public relations company Fleishman Hillard, and for marketing, BDSO Networks. The party had to choose an outside media agency that would not insist on upfront payment. Apart from the fact that the public relations function was neither proactive nor sufficiently reactive, the creative part of marketing operations consumed R3 million of COPE's total R12 million campaign budget. Too little money was left to roll out much of the creative work. COPE then had to limit its campaign to a single message, instead of the intended multiple messages. The DA, on an undisclosed budget, ran a highly professional media and communication campaign, which included a re-design of party and leader image, party logo and colours.

It was overwhelmingly funding and budgets, and parties' differential access to these, which affected communication with voters. The election in 2009 delivered evidence of how it is precisely the bigger parties that grow bigger through the availability of funding. As was illustrated in the details of the COPE campaign budgeting, the need for, yet inordinate costs of, professional communication severely impact on party performance. In the case of COPE, its lack of public communication was often as prominently covered in the mass media as was the occurrence of the occasional (and late in the campaign) voter communication efforts.

This relation between funding and communication could in due course impact on the vibrancy of elections in South Africa. It is known that many, and many new, political parties (and especially the micro-parties without track records of having been elected) relish the opportunity to risk huge participation deposits in order to participate in elections. They celebrate the opportunity to participate. However, their chances of succeeding, even in terms of winning minimal representation at best, fade in the face of an absence of funding to embark on competitive campaign communication.

At a national level in South Africa, all MPs are in parliament as members of a political party. This is by virtue of the proportional representation electoral system. At the local level, where South Africa uses a mixed electoral system (see above), independent candidates occasionally win representation.

Relationship between party and parliamentary groups

The relationship between parties and their parliamentary groups in South Africa varies from one party to the next, and also within parties according to the style of the top leadership. This is connected to the presence of party caucuses and the party whip system. It also links to the perception within the party, and in particular the governing party, of the relationship between party and state.

In the case of the ANC, the party generally tightly rules the parliamentary forums in which its MPs act. The party exercises control over the MPs by virtue of its caucus (generally led by a person chosen for both ability and loyalty to the top leaders, inevitably part of the party's executive), its whips' operations and the parliamentary counsellors (senior MPs) that the president of the country deploys to be his eyes and ears in parliament. In the past, there have been a number of high profile resignations by ANC MPs after falling-out with their parties because the MPs have asserted their independence and criticized party-in-government actions. Two significant ANC resignations have been those of Pregs Govender and Andrew Feinstein (both subsequently published books on their experiences of coming head-to-head with the ANC).

Another illustration of the MPs as an extension of the ANC as party was the transitional period during the last days when Mbeki loyalists were in the executive and the Zuma faction was on the rise in the legislatures and enjoying a substantial following among MPs. There resulted a Prague Spring in which the parliamentary committees strictly held the members of cabinet and (politically appointed) departmental directors-general to account. In the early days of the Zuma administration, MPs were encouraged to exercise oversight of the executive. It has yet to be seen whether they will feel themselves sufficiently independent and politically secure to step into this space.

III. GENERAL ASSESSMENT

Political parties in South Africa, and in particular those which are strong enough to acquire parliamentary representation, fulfil the typical functions of political parties in society. The preceding parts of this chapter offer details on the processes through which they take decisions and adopt policies, and thus offer political and programmatic alternatives. The chapter also focused on their processes for candidate selection and elaborated on their participation in elections.

The micro-parties in parliament, the nine that scored below 1 per cent of the 2009 vote, clearly have limited institutional capacity. Yet, they still fulfil fundamental party functions such as providing select alternatives to voters, nominating candidates and participating in elections. They also fully support the operations of the legislatures in which they are represented. Things are

different for the host of small parties that contest elections, but do not ascend into the country's legislatures. These parties sometimes have the potential to gain the 45,000 votes or so that could take them into parliament, yet their human and financial resources are insufficient to elevate them to that level. They are clearly also the ones who do not perform the range of functions that are expected of political parties.

South African party politics are thus characterized by a configuration of one overwhelmingly commanding and organizationally strong (governing) party, the ANC; one well-resourced and well-organized opposition party, the DA, which is also the national official opposition; two opposition parties of modest strength, COPE (potentially but not necessarily) on an upward graph, the IFP (by all indications) on a downward track, and both severely resource-restrained; and a host of micro-parties, several on a downward track and others on a constant micro-level, very supportive of electoral democracy and the elected institutions, yet with severe constraints on the level of contributions they can make.

Party democracy in South Africa by 2009 was well institutionalized. The country had conducted four sets of credible and legitimate elections, inclusive of the liberation elections of 1994. Party democracy is strong and under no threat, even if two of the stronger parties – the ANC (the majority party) and the IFP (an opposition party) – in 2009 pushed the boundaries of appropriate electoral behaviour. The behaviour was mainly triggered by the two parties experiencing political pressure and potential electoral threat – the ANC from COPE, and the IFP from the ANC.

As a strong and general rule, however, political parties thrive in the challenge of electoral contest and South African voters relish the opportunity to vote. The high voter turnout in South African elections, in both 2004 and 2009 on 77 per cent, offers powerful evidence of this. Yet, it needs to be borne in mind that participation levels are far more modest when the number of votes cast is weighed against the total number of eligible voters.

Some of the political parties focus virtually all their energy on the electoral contest, while for others it is more a case of electoral politics being "only a part of the overall game". The latter pertains to the ANC, and this is important, in large measure because of the omnipotence of the party, despite its level of parliamentary representation going down by just over 3 per cent from 2004–2009.

In the case of the ANC it is equally involved in its processes of internal democracy and the inter-party contestation in elections. Because of the size of the ANC, and the fact that it is not a homogenous organization, the internal contests often take precedence over the inter-party game. As long as the ANC is guaranteed victory in the inter-party contest, the intra-party results will remain the virtual forecast of the electoral outcome in the national, inter-party race. This reality, however, does not detract from the strength of party democracy overall, given that the ANC, on the balance of forces, continues to subject itself fully to the inter-party contest. One point of concern is the fact that the ANC in the pre-proclamation phases of election 2009 used tactics on its opponent COPE that showed an inclination to affect the electoral outcome in a less than free and fair manner. In effect it subdued much of the COPE thrust in that period, helping to ensure that COPE would not gain momentum and so pose an electoral threat.

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