



International Conference: 25 April 2019

National and Provincial Elections: 8 May 2019: Key questions: Populism, provincialism, womxn, and election credibility

**SARChI Chair, Dullah Omar Institute, and
Department of Political Studies (UWC)**

**School of Public Health, University of the Western Cape
Room 1C & 1D**

The national and provincial elections of 8 May 2019 are regarded by many as the most important since the first democratic elections of 1994. Four key questions were addressed by four panels of experts, with some placed in an international comparative perspective. This event was part of a series of roundtables on human rights and democracy.

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Programme

TIME	TOPIC
10:00 - 11:15	<p>Chair: Professor Cherrel Africa, Department of Political Studies, UWC</p> <p>A. The politics of populism: How does South Africa fare?</p> <p>Panellists</p> <ul style="list-style-type: none"> • Professor Xavier Philippe, University of Paris I (Panthéon-Sorbonne) – International perspectives: Populism in Europe and elsewhere: a new world-wide trend? • Ralph Mathekga, Senior Researcher, Centre for Humanities Research (CHR), UWC – Reflections on South Africa
11:15 - 12:30	<p>Chair: Professor Nico Steytler, Dullah Omar Institute, UWC</p> <p>B. Do provincial politics matter?</p> <p>Panellists</p> <ol style="list-style-type: none"> 3. Ebrahim Fakir, Director of Programmes at Auwal Socio-Economic Research Institute (ASRI) - All politics are local, or are they? Is there a provincial dynamic emergent in South Africa's national election? 4. Professor Cherrel Africa, Department of Political Studies, UWC - Trends and Dynamics in the Western Cape
12:30 - 13:15	Lunch
13:15 - 14:30	<p>Chair: Professor Jaap de Visser, Dullah Omar Institute, UWC</p> <p>C. How does the womxn's agenda fare in the elections?</p> <ol style="list-style-type: none"> 5. Samantha Waterhouse, Women and Democracy Initiative, Dullah Omar Institute, UWC 6. Motlatsi Komote, Women and Democracy Initiative, Dullah Omar Institute, UWC 7. Professor Amanda Gouws, Department of Political Science, University of Stellenbosch

14:30 - 15:50

Chair: Nkosikhulule Xhawulengweni Nyembezi, Chairperson of the Election Monitoring Network

D. E-rigged elections: election credibility?

Panellists

8. **Professor Henk Kummeling**, former Chairperson of the Netherlands Electoral Commission, and Rector Magnificus, Utrecht University - International perspectives: Is an electronic voting process a good thing?

9. Uses and Misuses of e-elections:
Kenya: **Henry Omboto**, Dullah Omar Institute, UWC
Zimbabwe: **Dr Tinashe Chigwata**, Dullah Omar Institute, UWC

10. Why trust the IEC: **Rev Courtney Sampson**, Provincial Electoral Officer, IEC, Western Cape

15:50-16:00

Message from the sponsor

Christiaan Endres, Konrad Adenauer Stiftung

Panel Reports

Panel A: The politics of populism: How does South Africa fare?

Panellist

Professor Xavier Philippe, University of Paris I (Panthéon-Sorbonne)

Mr. Ebrahim Fakir, Director of Programmes at Auwal Socio-Economic Research Institute

In recent years the ‘politics of populism’ has been a characteristic of elections the world over, including in Europe and the United States. What is the meaning of populism and is it a feature of this year’s election? Under the broader topic of populism, Professor Philippe was tasked with defining “populism” and its implications for democracy from an international perspective. In the absence of a universally accepted definition, Prof Philippe described ‘populism’ as a word used to identify political regimes, whose primary purpose, amongst others, is to challenge existing systems of government, with the belief that their actions are based on the will of the people. Whilst populist parties make use of representative democracy insofar as they abide by democratic rules, recent practice has shown that these parties base their political programmes on the weaknesses and inefficiencies of the incumbent government and democratic institutions.

Challenging the existing system within the system, populist parties use representative democracy to gain political power. However, as noted by Prof

Philippe, once in government, populist parties govern with a majoritarian rule with the vain belief that they and not the 'others' are the true representatives of the people. To secure a 'non-return framework to representative democracy' and to deliver on their promises, populist parties amend the Constitution and laws following existing procedures to capture and influence the functioning of key state institutions such as the judiciary and media. As the 'true representatives of the people', populist governments often implement their populist policies. These policies are generally implemented at all costs to the detriment of sound budgetary considerations.

In light of international experience, the risks associated with populism can only be assessed after one takes into account the lessons learned and the mistakes made about populism. With that said, Philippe argued that the following mistakes regarding populism should not be made:

First, populist movements are not linked to a specific right or left wing ideology, meaning populism can be everywhere since it is not driven by a precise ideology. Second, following on from the first mistake, populist movements should not be considered as marginal movements. Third, democracy and representation do not necessarily work hand in hand. As previously discussed, populist parties will use representative democracy to gain political power, but once in power, it will fight against representative democracy. Hence, to bring this into effect, populist parties or governments 'use the language of democracy but do not act in line with the spirit of democracy'. Last, populist governments should not be viewed as inevitably leading to state failure, because, as seen in Hungary and Poland, populist governments are often re-elected.

Apart from these mistakes, Philippe said that in the face of international experience on the practice of populism, the following key lessons may be learnt:

- First, populist movements have two primary enemies namely, a representative multi-party system and the elites within society.
- Second, the strength of populist movements is based on the 'will of the people'. The rhetoric of 'the will of the people' is extensively used to assimilate populist movements as representing the real people. Since the real people

cannot be wrong, any decision taken, even if it is impractical, is not considered wrong.

- Third, populist movements can only work if there is sufficient consensus on common enemies. A distinction is therefore made between those who form part of the people and those who do not. This explains why dissenting views of opposition parties are suppressed;
- Fourth, populist parties use the language of the people, and as previously mentioned will generally implement their programmes. However, to do so, populist parties capture key state institutions, assets and key sectors including the media; and
- Last, populist movements generally amend the Constitution to the extent that it no longer reflects constitutionalism. The Constitution is mainly amended not to change the structure of key state institutions, but how these institutions function. For example, instead of dismissing judges, populist parties simply amend the rules relating to the age of retirement indirectly effecting their removal.

Responding to the presentation of Philippe, Mr. Fakir defined populism rather loosely as 'taking popular issues and addressing it by popular means.' The above description does not, as conceded by Fakir, add any terminological value to the phenomenon. Notwithstanding this, Fakir listed six useful markers to assess whether an idea or a policy is populist:

- First, solutions proffered by populists are unmediated, meaning that they are simply rooted in a belief;
- Second, given that the solutions proffered are purely based on a belief, they are often unthoughtful because, as discussed below, they are evidence insensitive;
- Third, populist ideas and solutions will be implemented irrespective of evidence pointing to its failure;
- Last, combining the last two elements – populist ideas are very critical about the elites and establishments; however, their solutions are not orientated towards problem-solving, but are merely a rhetorical device to gain political support from the working class.

Using the above markers as a yardstick, Fakir was of the view that the most recent manifestos of the three largest political parties in the country namely, the African National Congress (ANC), the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF) are each guilty of expressing populist views. For example, the manifesto of the DA amongst other things wants to double social grants and put a job in every home. The manifestos of both the ANC and the EFF use the land question and education to whip up popular sentiment. Given South Africa's fiscally constrained environment, addressing these popular issues, Fakir argued, will push South Africa over the fiscal cliff. In his response, Mr. Fakir largely agreed with Prof Philippe, but with one exception: populism is not so much a risk to democracy, but rather a greater risk to democracy as a form of government or the exercise of authority. Fakir drew a distinction between democracy as a form of society and democracy as a form of government. The argument proffered by Fakir is qualified, insofar as he does not contend that the risk posed by populism is not great to society; the risk and impact of populism will be greater on society, if in fact key democratic institutions are captured.

From the many discussions, a member of the audience was of the view that populism in South Africa, like in Europe, is also based on anti-immigration as evidenced by the recent spate of xenophobia attacks. Several questions were left unanswered namely: Can political parties challenge the existing system outside of the spectrum of populism? Is there a relationship between the rise of populism and the global recession?

Panel B: Do provincial elections matter?

Panellist

Ebrahim Fakir, Director of Programmes at Auwal Socio-Economic Research Institute

Prof Cherrel Africa, Department of Political Studies, University of the Western Cape

On the same day elections are held for members of the National Assembly and each of the nine provincial legislatures. This year the political landscape was more fluid than ever before, and the provincial dimension may come strongly to the fore in Gauteng and the Western Cape. Are there any material differences between the two elections? Do provincial politics matter or are provincial elections merely proxies of the national vote?

Prof Africa outlined the trends and dynamics in the Western Cape which encapsulated three important issues, namely, (1) the general perspective of voting choices, (2) outcomes of the elections in the Western Cape since 1994, (3) and how these trends and dynamics relate to the current political landscape in the Western Cape.

1. General perspective on voting choices

Prof Africa began her presentation by pointing out that there is a genuine struggle among South Africans regarding not only the question of who to vote for, but whether to vote at all. She explained that many people in the Western Cape were dissatisfied

with all the political parties and that had led them to critique the Western Cape government and question whether voting is worth their while. Despite this, Prof Africa stated that it is people who cast valid votes that determine who win elections.

Proceeding to unpack the issue of voting choices, Prof Africa stated that the decision each person makes when voting for a particular party is informed by several factors which include, language, history, geography, development of party loyalty, perception of leaders, trustworthiness, information networks etc. According to Prof Africa, voters use the information they have in deciding which party they will vote for. For example, they watch the behaviour of politicians/party leaders in between elections and thereafter evaluate whether to vote for them or not. Therefore, the behaviour of party leaders and strategic policies of a party plays a major role in the decision-making process of a voter. As such, this can potentially give rise to important consequences on the outcome of the elections.

2. Outcome of the elections in the Western Cape since 1994.

She then illustrated how those factors which influence the way each citizen votes had played a huge role in the Western Cape since 1994. First, Prof Africa pointed out that the Western Cape has seen three different political parties assume power in the province. Between 1994 and 2014 political parties in the Western Cape have witnessed a fluctuation in the number of votes they garnered at each election. For example, the National Party (NP) was in power in 1994 with 53% of the votes and then in the next elections that number sharply dropped to 11%. Likewise, how did the ANC manage to win the majority of the votes in 2004 and then lose it in 2009? Prof Africa noted that, among other things, COPE (which was a break-away party from the ANC), was a major factor that caused the ANC to lose power in the Western Cape in 2009.

According to Prof Africa, the fundamental view is that voters use the information they have available to them. In this regard, she quoted Christopher Ackern who states that

'Voters do not ignore information they have, do not fabricate information they do not have and do not choose what they do not want'.

Furthermore, Prof Africa believes that political parties are responsible for their gains and losses due to things that they do or do not do. Most voters make a decision on which party to vote for based on information that they have or information that is available to them. In sum, they analyse the stance of the party, the behaviour of the leaders of the party, the policy positions of the party and then evaluate whether to reward the party with their vote or not.

3. Current developments in the Western Cape

Prof Africa noted that some of the key political developments in the Western Cape in particular may affect the DA's chances of retaining power in the province. Many voters according to Prof Africa sat in agony and anxiety when the Western Cape experienced a severe drought. She rhetorically asked, will that be a factor which a voter will think about when they go to the polls. Also, will the public spat between the DA and former City of Cape Town Executive Mayor Patricia de Lille play any role in the decision-making process of a voter about which party to give its vote to? These are questions which can only be answered after the elections result is announced, she candidly responded.

4. Is there a provincial dynamic emergent in South Africa's national election?

With a focus on whether there is an emerging provincial dynamic in the national elections, Mr. Ebrahim Fakir stated that the current political landscape in South Africa was more fluid than ever before and that the provincial dimension may be a strong feature in Gauteng and the Western Cape

He said that there is a provincial dynamic in these upcoming elections but said that it was a bit opaque and obscure. According to Mr. Fakir, that dynamic is obscured by the politicians, the media and party campaigns. Lastly, Mr. Fakir pointed out that the political campaigns and manifestos of the various parties primarily focus on national issues.

Another factor which contributed to the opaque nature of the provincial dimension was the electoral system itself. He said the system appears to be a simple process for voters who are given two separate ballots which contain the names of all the

parties and their logos. However, in the end, each person votes for a political party which in turn chooses the individuals who will represent the party in both the national Parliament and provincial legislatures.

Moreover, Mr. Ebrahim stated that the provincial story does not clearly emerge in the other provinces except for the Western Cape. In the Western Cape for example, there are calls for a provincial railway system, a provincial police force, etc, a clear sign that the provincial dimension in these upcoming elections is increasingly coming to the fore.

Finally, Mr. Fakir pointed out that the situation in the Western Cape was different due to the DA being in power and not the ANC and that the history and political stance of both these parties differ when it comes to provincial issues. Mr. Fakir concluded his presentation with an interesting prediction, he proclaimed that the status quo would remain but with a few surprises, turns and twists. In other words, he said that the ANC would retain power with a slight majority nationally.

Provincially, Mr. Fakir stated he did not believe that the ANC would be unseated as the ruling party in Gauteng even if other parties such as the DA and EFF were making inroads in terms of persuading some ANC voters to support them and not the ANC. In other words, any incremental shift in voter behaviour in all the other provinces except the Western Cape was unlikely to result in the ANC gaining below 50% of the votes. In short, Mr. Fakir was not at all convinced that a coalition government was on the cards in Gauteng. Whether that prediction along with Prof Africa's insightful presentation on the trends and dynamics in the Western Cape would prove correct depended on the outcome of the upcoming tightly contested elections.



Panel C: How does the womxn's agenda fare in the elections?

Panellists

Samantha Waterhouse, Women and Democracy Initiative, Dullah Omar Institute, UWC

Motlatsi Komote, Women and Democracy Initiative, Dullah Omar Institute, UWC

Professor Amanda Gouws, Department of Political Science, University of Stellenbosch

Given the current status of womxn in relation to various human rights obligations, to what extent have political parties responded to this reality and policy environment? What is the nature of womxn, gender and power in terms of intra-party politics, given the role it plays in the process of political party priority setting? Looking at these issues from outside political parties, how have young womxn and feminists been organising and mobilising in the past few years and in this moment? What is the possible impact that this is having on political parties? Is this translating into new political responses that have the potential to impact on the status of womxn?

The panel introduced the presentation by explaining that they chose to make use of *womxn* with an 'x' to include all people who identify themselves as female, not necessarily just females who were biologically born as women. In the introduction, the panel also highlighted the importance of having a feminist perspective on the topic. Among other things, statistics indicate that South African womxn especially black womxn bear the brunt of sexual violence. The argument was that this is partly due to gender being depoliticised over the years to discuss only issues affecting womxn such as gender-based violence and womxn representation instead of the

underlying deeper issues such as sexism. The panellists argued that those statistics are proof that there should be more womxn in government. However, having womxn in government is not enough; there should also be structures in place at all levels such that the representation would be substantial.

There is no quota system regulating womxn representation in South Africa. Therefore, political parties have organised themselves differently to be gender representative. The African National Congress (ANC) has a voluntary quota system whilst the Democratic Alliance (DA) does not have a quota system for womxn. The latter believe that everyone who goes on the party-list should only be there on merit. On the other hand, the Economic Freedom Fighters (EFF) has a zebra system on its party-list from the fourth name going down. The zebra system is where every second name on the list is a womxn's. Viewed through a feminist lense, this is the favoured approach.

In relation to what party manifestos say about gender issues, the EFF appears to have a manifesto that is more detailed, textured and layered in as far as issues affecting womxn are concerned. It is the only main political party that has tried to mainstream gender. Its manifesto talks about patriarchy, sexism and sexual harassment (before and after it has occurred). The EFF's manifesto is also more specific as it stipulates the periods within which it seeks to achieve its set goals. On the other hand, both the ANC and the DA's manifestos do not discuss gender related issues in detail. Largely, they glaze over the issues then focus considerably on gender-based violence. The two also tend to cluster womxn issues with other group issues for example the youth and people living with disabilities.

The audience also engaged with the panellists after the presentation on the topic. One of the substantive contributions made by the audience was that in as much as womxn should push feminist agendas in government, the feminist culture should be nurtured at the grassroots level, primarily at the household level. Without such nurturing, the populace is most unlikely to push for feminist agendas. Neither would they hold the government accountable in such matters.

Panel D: E-rigged elections: election credibility?

Panellist

Professor Henk Kummeling, former Chairperson of the Netherlands Electoral Commission, and Rector Magnificus, Utrecht University

Mr. Henry Omboto, Kenya: Dullah Omar Institute, UWC

Dr Tinashe Chigwata, Zimbabwe: Dullah Omar Institute, UWC:

Rev Courtney Sampson, Provincial Electoral Officer, IEC, Western Cape

In recent elections in Africa the credibility of electoral outcomes has seriously been undermined by the manipulation of IT systems which have become the backbone for counting votes. In Kenya the 2017 presidential election was set aside because of the manipulation of the IT system. The outcome of the 2018 Zimbabwean presidential election was also challenged, unsuccessfully, on the same ground. This begs the following questions: Is the South African electoral system also subject to possible IT manipulation? Will the election results be credible?

1. E-voting

Prof Kummeling discussed that while the e-voting system does have many benefits it is also not without problems. The benefits of e-voting include, among others, that: it has the potential to attract more voters; it is more reliable; it can handle more political parties; and it is possible to obtain results expeditiously. However, the major pitfalls surrounding e-voting that have been the cause for its abolishment in many countries include: problems with the secrecy of ballots; issues of transparency; verifiability; it is a costly process; and, most importantly, like any other online system it can be hacked. It is because of these challenges to e-voting that its credibility has been

brought into question. These are further contributory factors for e-voting systems being abolished completely in countries such as the Netherlands, Ireland, Norway, Finland and Canada. Given the failure of e-voting systems in these countries, Prof. Kummeling opined that countries that opt to have e-voting systems require extensive knowledge about e-voting processes. Countries should be aware that e-voting is fundamentally different from the manual voting system. Therefore, it is important to progress slowly, to avoid losing trust of the system. New regulations and procedures are further required to regulate and monitor the e-voting process.

2. Kenya's 2017 election

Mr. Henry Omboto discussed e-voting in the context of Kenya's presidential election held in 2017. Kenya adopted new laws regarding biometric voter registration, electronic voter identification and electronic results transmission. These were the only electronic components introduced in the election process. As a result, Kenya became a country with a hybrid system (that is, containing both manual and electronic components in the voting process). The purpose of adopting these electronic components was that it would make the election process more simple, secure, transparent, verifiable and accountable. However, in Kenya's presidential election, the electronic results transmission was problematic and thus negatively impacted on the credibility of e-voting processes.

Consequently, out of 40 833 polling station results forms (34A forms) only 30 000, or three-quarters of the scanned 34A forms were published on the deadline of 9 August 2017 whilst the remaining 10 833 34A forms were unaccounted for on the deadline. This breakdown in the results transmission system critically undermined the transparency of the tallying process and severely hindered the verification efforts by the parties. This further raised legitimate questions about the accuracy of the results of the election. In addition to this, there was a suspicion that hacking was involved in the e-voting process as it was found that people's log-in credentials were used at times when they did not access the server themselves. These findings culminated in the finding made by the Supreme Court of Kenya that the presidential elections were nullified. Specifically, the Court found that the Independent Electoral Boundaries

Commission failed to organise the election in compliance with the constitutional requirement that all elections be 'simple, secure, transparent and verifiable'.

3. Zimbabwe's 2018 election

Dr. Chigwata discussed Zimbabwe's hybrid voting system in relation to the 2018 presidential election. In this case, the election commission decided to abandon the electronic transmission results and instead adopted the manual system by placing the results on an excel spreadsheet. The abandonment of the electronic transmission results process negatively affected the verifiability of the election results. Consequently, the manual approach adopted to tally the votes led to significant errors being recorded in the election results. For example, it was found that there were more ballot papers (manually) counted than the number of voters; candidates scored the same number of votes at different polling stations and the results altogether could not add up to 100% of the votes because of making use of a spreadsheet to count the votes. Chigwata further mentioned that key observers questioned the credibility of the voting process because of the abandonment of the electronic transmission of results and raised questions pertaining to the transparency, fairness, verifiability and credibility of the election process. The outcome of the 2018 Zimbabwean presidential election was unsuccessfully challenged in the Constitutional Court.

4. Independent Electoral Commission

Rev Sampson added that while the e-voting process is simple and easy to utilise, the credibility of e-voting systems is questioned for the simple fact that "*any system can be hacked*". He suggests that electronic counting can be successful if it is accompanied by a manual counting process to ensure that the results are accurate. On the question of why the Independent Electoral Commission (IEC) should be trusted, Rev Sampson noted that suspicion (or lack of trust) in the IEC is normal and useful. The lack of trust in the IEC places the IEC in a situation where it constantly has to account to stakeholders. Therefore, the suspicion element or lack of trust in the IEC is useful as it has the potential to promote accountability. Rev Sampson further put emphasis on the importance of the media for accountability purposes.

Journalists, he added, are obliged to approach the IEC and ask important questions and report these to the public. Therefore, it is important that interested stakeholders ensure that they receive their information from credible sources.

Based on the above discussions, it is reasonable to conclude that it is indeed possible for the South African electoral system to be subjected to IT manipulation. On the question of whether or not the elections in South Africa would be credible, based on this discussion the answer is two-fold. On the one hand, the discussion provided by Mr. Omboto indicate that the election is unlikely to be credible unless it is well regulated. On the other hand, the discussion provided by Dr Chigwata demonstrate that by adopting elements of the e-voting process, the credibility of the elections is likely to be enhanced through greater transparency, verifiability and fairness in the election process.