South Africa – Political Challenges

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Key Points

- The three capital cities structure is cumbersome but, in reducing the dominance of Gauteng province and the Johannesburg-Pretoria conurbation, it helps to make government a little less centralised.

- The parliamentary dominance of the ruling African National Congress gives it the ability to implement its legislative agenda with minimal change, but can also be a factor that contributes to poor policy outcomes.

- The performance of the ANC will increasingly be criticised from inside the party, as well as outside it.

- The main opposition Democratic Alliance will not win government at the next general election, in 2019, but will be looking towards doing so in 2024. In 2019, it will be hoping to consolidate its control of the Western Cape provincial government and to take Gauteng from the ANC.

- The populist Economic Freedom Fighters will gain support from disillusioned ANC voters and could force the ruling party to move further to the left.

- The ANC will need to redouble its nation-building and governance efforts while resisting pressure to abandon the Mandela project if it is not to lose further support.
Summary

After the optimism and sense of accomplishment that followed the victory of the African National Congress (ANC) in the country’s first free, fully democratic elections in 1994, twenty-one years later the South African body politic is an acrimonious and contested space. The ANC is now very much the establishment, with all the disadvantages that that can bring. The ruling party is being openly challenged on all fronts, including by respected former leaders, and is losing support to the centrist Democratic Alliance (DA) and the left-wing populist Economic Freedom Fighters (EFF). While the ANC will be highly unlikely to lose power nationally at the next general election in 2019, in the absence of better governance, less corruption, improved delivery of services and a renewed focus on employment and nation-building, the government will continue to bleed support and may move further to the left to improve its electoral standing. In such circumstances, the DA will be very hopeful of unseating the ANC at the 2024 polls.

Analysis

Three Tiers and Three Capitals

South Africa is a federal constitutional democracy with a three-tiered political system comprising national, provincial and local (also known as municipal) governments. Schedules Four and Five of the 1996 Constitution specify shared and separate responsibilities of the different levels of government. National legislation generally prevails over its provincial equivalent but provision is made for provincial legislation to take precedence if national security, economic unity or the interests of another province or of the country as a whole are not adversely affected, and the legislation in question is approved by the National Council of Provinces. Broadly speaking, the provincial governments have responsibility (sometimes concurrently with the national government) over such areas as provincial budgets, primary and secondary education, health, transport, agriculture and planning. If a functional area is not listed in the Schedules of the Constitution, it can be assumed to be a national responsibility. The Constitution is supported by the Bill of Rights (which forms Chapter Two of the document) and the Constitutional Court. The role of the latter is confined to judgments on matters of constitutionality and it is, in that sense, the highest court in the country.

South Africa effectively has three capital cities, in a compromise structure that continues from when the Union of South Africa (1910-61) was established. Under that arrangement, the seats of government were split between the capitals of three of the four provinces at that time: the legislative in Cape Town (the then-Cape Province), the judicial capital in Bloemfontein (the former Orange Free State) and the executive in Pretoria (in what was Transvaal Province). Pietermaritzburg, the capital of the fourth province, Natal, received financial compensation in lieu of a seat of government. That structure has continued in post-1994 South Africa, despite criticism, not the least of which is that the distance between Cape Town and Pretoria, at almost 1,500 kilometres, leads to greater inefficiency than if both parliament and the executive were located in Pretoria. Most national government
departments and the administrative apparatus are located in Pretoria. The Constitutional Court is located in adjacent Johannesburg.

While the three capitals structure can be inefficient, particularly in terms of the distance between the parliamentary and executive capitals, it is useful in reducing what would otherwise be the complete economic and political dominance of Gauteng province and the Johannesburg-Pretoria conurbation. In that sense at least, it does help to make government a little more truly “national”.

**National and Provincial Parliaments**

The bicameral national Parliament comprises the 400-seat National Assembly (the lower House) and the 90-seat National Council of Provinces (the upper House). Representatives are elected to the National Assembly every five years using proportional representation. Delegates to the National Council of Provinces (NCOP) are not directly elected. Rather, a total of ten delegates (six permanent delegates and four special delegates) are appointed by each of the nine provincial parliaments. The six permanent delegates are chosen to proportionally reflect the standing of the parties in each provincial legislature. The four special delegates consist of the provincial Premier and three other delegates chosen by their colleagues in their respective provincial legislatures. In its role as the upper House, the NCOP represents voters only indirectly. Like the Australian Senate, its primary purpose is to ensure that the rights of the provinces are taken into consideration by the national government to facilitate co-operative, consultative government. Whether that always occurs may be a matter of conjecture. The strength of the African National Congress (ANC) and its partners in both Houses means that, despite often vigorous debate from opposition parties, the government is effectively able to implement its legislative agenda with minimal change and the reduced contestability of Bills is potentially a factor contributing to poor policy outcomes.

Each of the nine post-apartheid provinces has its own unicameral provincial legislature (or, in the case of Western Cape, provincial parliament), ranging in size from 30 to 80 members. The ANC has enjoyed uncontested dominance in all but two provincial legislatures since 1994: KwaZulu Natal (run by the Inkatha Freedom Party from 1994 to 2004 but now a spent force, nationally and provincially), and Western Cape which, apart from an ANC government from 2004 to 2009, has been controlled first by the New National Party and, since 2009 by the Democratic Alliance. Each province is entitled to promulgate its own constitution, but only Western Cape has so far done so, in 1998.

The next local government elections will be held in 2016, while the next general election (for the National Assembly and the provincial legislatures) will take place in 2019.

**The ANC: A Party in Decline?**

Many in the ANC are striving to maintain the vision eloquently and compellingly expressed by Nelson Mandela of an inclusive, united, non-racial, non-sexist, fully democratic South Africa. That era is now often viewed with nostalgia as a time when the ANC governed according to its ideals and was the uncontested occupier of a moral high ground.
In 2015, however, the growing public perception is that the party hierarchy is really only interested in securing the benefits of office for itself at the expense of governing for the public good. While the ANC’s credentials as the party of liberation are not in doubt, scandals, service delivery failures, cronyism, nepotism and party infighting all undermine its claim to be a government that delivers for its citizens.

After two decades in office, the ANC has itself become the establishment. The inclusivity and leadership of the Mandela era are long gone and sorely missed. The party and its unelected partners in the 25-year old Tripartite Alliance, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU), are now an underperforming government confronted with, and seemingly confounded by, the difficult reality of governing. In many ways, the Zuma Administration has come to resemble the chronically underperforming government of fellow BRICS president Dilma Rousseff more than that of Mandela.

In their disillusionment with the ANC, young people in particular are not only displaying their disillusionment with the idea of the “Rainbow Nation”, they are now manifesting a wholesale repudiation of a notion that lay at the heart of the Mandela-era ANC. The concepts of reconciliation and partnership are now increasingly being replaced by outrage at continuing socio-economic injustices and the otherness of “whiteness” and privilege. At this juncture, it is difficult to see how the ruling party can reconcile a rising tide of such strongly-held sentiments and the undeniable reality of limited post-apartheid transformation with
the responsibility to govern for all South Africans, regardless of wealth or race, in a period of economic malaise.

The fact that two of the groups that comprise the Tripartite Alliance can secure ministerial positions for their officials despite never having contested an election is a systemic weakness that is also eroding confidence in the government. Higher Education Minister Blade Nzimande, for instance, whose clumsy response to the “#FeesMustFall” student protests aggravated an already difficult situation, is also the General Secretary of the SACP, even though he has not once stood for election.

In a scathing critique of the ANC, Former President and Deputy ANC leader Kgalema Motlanthe highlighted the fact that the longstanding Tripartite Alliance, under which only the ANC has a parliamentary presence, is now redundant and the three groups essentially are one under the leadership of the ANC. In his 2 November interview, Motlanthe, who served briefly as President of South Africa in an interim capacity and who was among those who helped Zuma to oust then-President Thabo Mbeki in 2008, said that internal democracy within the ANC had become seriously impaired and that the leadership now picks and chooses when it will and will not follow the party’s Constitution. He decried the emergence of race-based politics within the ANC and bemoaned the fact that the actions of the current government were dividing the country and undermining the creation of a cohesive national identity, to the point where ‘the Afrikaners are drawing back into their laager’. In observing that the DA also had devoted itself to achieving a non-racial, merit-based society, Motlanthe tellingly posed the question ‘... why would you [the ANC] quarrel with the manifestation of the same policies [of creating a non-racial, united democracy] being embraced by others who belong to other parties?’

The subsequent stinging rebuttal by Zuma is an indication that the party does not actually respond well to being critiqued and makes a mockery of the commitment given at its October 2015 National General Council meeting that, in the interest of governing better, it would welcome criticism.

Despite incurring the wrath of Zuma, Motlanthe merely articulated the concern felt by many South Africans that the party of liberation has lost its way. The fact that those comments were made by an esteemed elder statesman who is clearly deeply perturbed by the party’s present state and is doing the previously unthinkable by openly calling the current leadership to account is indicative of how far the ANC has fallen in people’s estimations and of the challenge ahead if it is to recapture its former position.

**Economic Freedom Fighters and the Democratic Alliance**

High-profile gatherings held by the EFF at institutions such as the Johannesburg Stock Exchange and racially-charged proclamations from EFF leader Julius Malema provide nothing in the way of workable, long-term solutions, while his talk of nationalisations and expropriations does little to reassure South African businesses, consumers and foreign investors. An unabashed populist and an avowed champion of the downtrodden, Malema nonetheless had enough wealth to be able to sell three properties in 2013 for a total of 9.85 million rand (US$972,200) to help pay tax debts owed by him to the South African Revenue
Service. No doubt somewhat poorer for the experience, Malema will still be able to live quite comfortably and that may be an Achilles heel for him. Certainly, it has allowed DA leader Mmusi Maimane to accuse Malema of wearing overalls for his appearances in Parliament and then driving “fancy” cars and wearing expensive shoes when not in the House. Malema’s popularity is primarily based on providing an anti-ANC protest vote and, while his antics appeal to many, they do not necessarily enhance his credibility with the wider electorate.

Based on its record showing at the 2014 general election, its record of governance and the rising tide of disappointment with the ANC, the DA will no doubt hold high hopes for the 2016 and 2019 elections. The party will want to use those polls to extend its majority in the Western Cape provincial parliament, strengthen its hold on the Cape Town and Midvaal municipalities, and to capture from the ANC the Gauteng provincial legislature, the Johannesburg, Pretoria (Tshwane) and Nelson Mandela Bay metropolitan authorities and the Tlokwe local municipality in North-West province.

The main challenge for the DA will be to draw disaffected ANC supporters away from the ruling party and, for that matter, from the EFF. Just as the EFF will find it difficult to attract middle class voters, the DA will struggle to appeal to the EFF’s core constituency of unskilled and semi-skilled workers and the unemployed. Beyond Western Cape, the DA is often thought of as being a white or coloured person’s party, or even a reincarnation of the reviled apartheid-era National Party. Overcoming such perceptions will be vital for the DA if it is to make irreversible inroads into the ANC’s support base. For the ANC, its status as the leader of the liberation struggle is its greatest electoral asset and ensures that it retains the loyalty of voters, even as they despair at the shortcomings of the contemporary party and draw a distinction between the earlier ANC of the liberation struggle and the Mandela Government and the party’s contemporary story of underachievement, policy and service delivery failings, apparent lack of leadership and growing incidence of race-based politics.

2016 Elections and Beyond

For all the failings of the current government, the ANC is continuing to attempt to strike a fair balance between South Africa’s painful history and the Mandela vision of a unified, inclusive Rainbow Nation. Achieving that balance will be critical to restoring the health of the economy and addressing the serious disparities that continue to afflict South African society. The ANC will need to redouble its nation-building and governance efforts while resisting pressure to abandon the Mandela project if it is to retain its position as the preferred party of government. If not, it will continue to bleed support to the DA, which is able to demonstrate governance credentials of its own, or to the noisy, but attractive, populism of the EFF.

Even if the 2016 local government elections act as a weathervane, the outcome of the 2019 general election may reflect the old adage that oppositions do not win elections, governments lose them. DA strategists will be smart enough to know that the party is unlikely to take government in 2019, but they will no doubt be feeling that, by the time the 2024 general election comes around, the Union Buildings may very well be theirs for the taking, albeit probably only by the smallest of majorities. That is, of course, predicated on
the DA being able to demonstrate a consistently good quality of governance in the areas that it controls and, just as importantly, on the ANC continuing to haemorrhage support. While the DA will obviously prefer that ANC voters switch their allegiance to it, some loss of support to the EFF could also be useful, as long as it serves to split the ruling party’s vote without empowering the EFF too much. The risk, of course, is that the ANC will be compelled to move to the left to counter the EFF.

Overly nationalistic, populist policies that weaken the economy, undermine business confidence and hamper the ANC’s ability to deliver on its promises will not aid the country in the longer term. Four years is a long time in politics, however, and in South African politics, even more so. The possibility that the ANC may, even if reluctantly, feel compelled to introduce such policies before the 2019 polls is a possibility that cannot yet be definitively ruled out.

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