



SOUTH AFRICA

October 2023

ELECTION SCENARIOS, A FLAWED CENSUS, AND A THREAT TO TRANSPARENT GOVERNANCE

ELECTION POLLS AND SCENARIOS - A PROVISIONAL ASSESSMENT

There is little agreement among pollsters and other commentators about the most probable outcome of the election that is now just seven months away, although most seem to agree that the ANC will lose support, maybe even to the degree of losing its majority in the National Assembly and/or some provinces; while it seems that, among the opposition parties, the EFF is destined to grow most. (See for instance the Brenthurst Foundation's recent survey - https://www.thebrenthurstfoundation.org/downloads/tbf_survey_coalitions_v5-october-2023.pdf and <https://www.news24.com/news24/Politics/Government/anc-can-drop-to-37-in-gauteng-can-do-worse-in-kzn-new-poll-finds-20231019>)

Scenario 1 — an ANC-led coalition with the EFF¹

Scenario 1 will be the result of the lowest performance by the ANC and the highest performance by a DA-led coalition, and by the EFF. As most commentators assume that a DA-EFF coalition is a non-starter, then the only way to form a national government in this scenario will be through an ANC-EFF coalition. (A DA-led coalition will not achieve the numbers needed to form a majority coalition without the ANC.)

Scenario 1 implies that the ANC will lose one or more provinces to a DA-led coalition. However, the ANC is still likely to retain its majority in the National Council of Provinces (NCOP). Where this coalition (the Multi-Party Charter - MPC) emerge victorious in provinces, it will govern them by slight majorities amid high political instability.

One major effect of this scenario will be a continued policy tussle between the ANC and the EFF, including on land reform/expropriation and the nationalisation of key industries. Another will be a tussle over executive positions immediately after the elections. Although one could imagine that such

¹ <https://www.dailymaverick.co.za/opinionista/2023-10-10-five-possible-scenarios-on-what-result-the-critical-2024-general-election-will-deliver/>

a coalition would become an “enlightened alliance of the Left,” the medium-term result is more likely to be an unstable, forced political marriage.

Scenario 2 — a marginal ANC majority

In our opinion, this is the most likely scenario. Scenario 2 will occur if the ANC wins a slight majority (51% to 55%). This will result from a weakening of its 2019 outcome (57%) and from slightly stronger outcomes for a DA-led coalition, and for the EFF. It might lead to an informal coalition between the ANC and several small parties (i.e., those with less than five seats) in the National Assembly.

The ANC may also lose a province, specifically Gauteng, in this scenario, but will retain a clear majority in the NCOP.

The effects of this could be increased policy uncertainty and a less assertive approach by the ANC in parliamentary processes. Political instability will increase. The ANC will, however, still be able to pursue its national agenda, albeit at a reduced pace.

Scenario 3 — the ANC retains its current majority

Scenario 3 represents a similar outcome to the results achieved in 2019. This will stem from a straightforward continuation of the *status quo ante*.

The resultant effect will be a consolidation of ANC governance under conditions of legislative, policy and executive stability. Such a consolidation will be more pronounced if the renewal of the ANC continues. However, it also implies the continued application of inefficient policies (for instance regarding state-owned enterprises) and serious governance challenges with service delivery.

Scenario 4 – A strengthened ANC majority

A strengthened ANC majority is highly unlikely, but not impossible. The ANC disposes of many achievements in the public interest and its process of renewal, although it has been slow and chequered, is becoming more evident.

However, the extent to which especially black South Africans are persuaded by the renewal of the ANC and its manifesto, will determine whether this scenario is likely to come about.

The effect of this outcome could be the ANC’s consolidation of a stable policy environment and a more settled and jacked-up public administration. These are conditions within which the ANC can pursue its agenda more assertively. However, opposition politics will not decline in intensity.

Key Assumptions and Conclusions

- Democratic participation has been declining worldwide, and public trust in democratic governance has been eroded. Although South African voter turnouts in national elections — 66% in 2019 — are high by international standards, they too have been in decline. A low turnout is likely to favour the ANC and some of the smaller parties, while a high turnout could be to the advantage of the EFF.
- The overall implication of these scenarios is that the ANC, led by Cyril Ramaphosa, will not be unseated at the national level. Apart from scenario 1, the ANC will retain political power in

both houses of parliament and President Cyril Ramaphosa will continue into his second term in office.

- According to the Brenthurst Foundation's survey, Ramaphosa's leadership of the ANC remains an advantage for the party. His favourability rating is 42%, which is substantially higher than that of Julius Malema (31%, although his rating has increased by 6% since November 2022), Mmusi Maimane (21%) and John Steenhuisen (18%, which is substantially lower than the support for the DA).
- For now, the EFF is estimated to be growing fastest among all the parties and, should the ANC's support fall to 45% or less, an ANC-EFF coalition is the most likely outcome. This will have the greatest (radical) impact, especially on economic policies.
- It remains difficult to assess the support for the MPC, and the danger continues to exist that the coalition might lose some of its member parties before the national elections because of leadership and policy squabbles. However, according to the Brenthurst Foundation's survey, a total of 74% of respondents said they would be happy to see a coalition govern the country in 2024. An EFF/ANC coalition was favoured by 21%, MPC coalition by 21%, and ANC/DA by 19%.
- Ultra-nationalist and populist parties, such as the Patriotic Alliance (PA) and Freedom Front Plus (FF+), are expected to perform well, but mostly to the detriment of the DA.
- Kwa-Zulu Natal (KZN) and Gauteng are the most likely provinces to require coalition governments, implying that the ANC runs the risk of losing full control over the three most powerful economic provinces. (The Brenthurst Foundation poll placed the ANC at 37% in Gauteng and 32% in KZN.). As far as KZN is concerned, IFP leader, Velenkosini Hlabisa, needs to rapidly assert himself to maintain control of the party since the passing of Prince Mangosuthu Buthelezi.

NATIONAL CENSUS – A CASE OF SERIOUS UNDERCOUNTING?

President Ramaphosa and the ANC have trumpeted the positive aspects of the latest census as a reflection of the 'good work' done by his government and the ANC. However, experts disagree about the accuracy and integrity of the census.

According to the latest census, South Africa's population grew by 20% from 2011 to reach 62 million in 2022.

The country's economy over the same period has declined by 8.5%, according to World Bank data. Although GDP per capita is widely used and relied on as a benchmark for development, the limitation is that it doesn't take into account the income growth levels of the population.

Nevertheless, the first prize would be for the economy to grow much faster than the population so that the government can fund and accommodate increasing societal needs.

This isn't the case with South Africa, as its weak economy (and government) is not able to respond to the needs of its growing population.

According to the census, Gauteng is now the most populous province in the country, with 15.1 million people, overtaking KwaZulu-Natal (12.4 million). The Western Cape jumped from fifth to being the

third largest province, with 7.4 million people. These figures are important because they inform resource allocation by government. It could also have an impact on the seat allocation in parliament.

However, if its numbers are to be believed, Census 2022 and preliminary analysis show astonishingly low population growth figures for Gauteng, and especially for Johannesburg.

With an annual population growth rate of 2.0%, Gauteng is barely growing faster than the national average. It is falling behind the Western Cape at 2.4% and Mpumalanga at 2.3%. The greatest surprise was the figure for Johannesburg: only 0.8%. This means that the city lags the country's other major cities and is no longer a rapidly growing city.

This result is entirely at odds with the popular perception of Johannesburg as a city that is overwhelmed by population growth, battling to keep pace with demand for housing, services, and infrastructure.

There is, however, a caveat: the census data may be questionable.

According to some experts, what is striking about Census 2022 is the estimated high undercount – 31% of people and 30% of households might have been missed (or chose not to self-enumerate, either online or via zero-rated telephone methods). If this is indeed the case, it would be the highest undercount of any post-apartheid census.

Note: A census is immediately followed by a Post Enumeration Survey, which identifies where the census missed people. This allows Statistics SA to develop adjustment factors, or weights, so that the final data represents an adjusted final tally. The Post Enumeration Survey is thus used to manage the undercount. Census undercounts are the norm, not the exception, but it is safe to assume that with weighting on this scale – adjusting for an undercount of 31.06% – analysts may identify some confounding results.

Comment: While the latest census data shows a marked improvement in access to housing and basic services in the last decade, almost 30 years since the country's first democratic elections, many people have been left behind and are still living in squalor. This will undoubtedly have an impact on the results of the elections in 2024, and should be to the advantage of opposition parties, especially populist parties such as the EFF and PA.

INTERCEPTION OF PRIVATE COMMUNICATION, SURVEILLANCE AND NGOS

The Constitutional Court declared sections of the country's main communication surveillance law unconstitutional in February 2021. The court gave parliament three years to pass a new law remedying the areas of unconstitutionality. The February 2024 deadline for these amendments is looming fast.

The Regulation of Interception of Communication and Provision of Communication Related Information Act (Rica) was intended in part to protect privacy, combat crime and promote national security. It requires all cell phone sim cards in the country to be registered, and prohibits interception

of people's communications without their consent, except under certain conditions. But Rica had some weaknesses, which have been abused by rogue elements in the intelligence services. In this regard, a court case was brought by the amaBhungane Centre for Investigative Journalism, after the state misused Rica to spy on the centre's managing partner in an attempt to reveal his sources of information.

Many legal experts and human rights activists are of the view that the amendment bill is flawed and that it does not provide enough safeguards against privacy violation.

Comment: The amendment bill is silent on possibly the most serious surveillance issue, relating to the state's massive and underregulated surveillance of data about a person's communication, or metadata. Rica allows the state to use procedures, other than those provided for in the act, to access metadata. For example, the state has preferred to use section 205 of the Criminal Procedure Act as it contains much lower privacy standards than Rica. It is thus open to abuse.

One solution is to make Rica the only law governing access to metadata but retain the procedure whereby the ordinary courts can grant warrants, rather than restricting decision-making to the Rica judge only, to ensure speedy decision-making.²

These debates are taking place against the background of proposed legislation by the State Security Agency (SSA) requiring security clearance for anyone wanting to "establish and operate" a non-government or faith-based organisation (NGOs and FBOs). This potentially gives the SSA the power to force people to resign from an organisation, or even to shut down that organisation. Authorities say it is a necessary step because South Africa was grey-listed by the Financial Action Task Force (FATF) after failing to meet international standards set to curb terrorism financing (a crime which NGOs and churches can potentially facilitate).

Widespread backlash from civil society has erupted against the security clearance provision contained in the General Intelligence Laws Amendment Bill of 2023 (Gilab), submitted to Parliament in August. Gilab was meant to address malfeasance at the SSA, including political factionalism, irregular expenditure, and poor oversight; these problems were identified during the Zondo Commission of Inquiry into State Capture, which also heard testimony of the SSA actively monitoring and sabotaging civil society organisations deemed "hostile" to the regime.

Note: To its credit, Gilab excludes "political activity, advocacy, protest or dissent" from the list of threats, as long as those activities are "lawful".

However, the Minister in the Presidency responsible for the SSA, Khumbudzo Ntshavheni, recently assured civil society that only those posing a threat to "national security interests" would be vetted. She maintained that such vetting was necessitated by South Africa's placement on a 'grey list' of countries making insufficient efforts to curb terrorism financing.

Meanwhile, Gwede Mantashe, Minister of Mineral Resources and Energy, wants to know who are financing non-governmental organisations (NGOs) that are frequently taking government to court to

² <https://theconversation.com/south-africas-surveillance-law-is-changing-but-citizens-privacy-is-still-at-risk-214508>

try to put a stop to oil and gas extraction. Mantashe, a staunch supporter of the use and mining of fossil fuels, such as coal, oil, and gas, has for some time been critical of civil organisations and their financiers who, according to him, “are trying to stop development in South Africa”.³

Comment: Mantashe’s recent call for NGOs to publicly disclose their funding sources is a thinly veiled attempt to undermine the crucial work carried out by civil society organisations. This call serves as a diversionary tactic, drawing attention away from the real issues and governance challenges the government and South Africa face. His accusations against NGOs should also be seen against the background of government’s misuse of Rica and the proposed General Intelligence Laws Amendment Bill. Gilab could indeed lead to intensive, state-sanctioned surveillance of organisations, potentially undermining their operations – and democracy itself.⁴

CONCLUSION

The ruling party is working hard to make itself re-electable. And as we move closer to the national elections in 2024, the ANC and other parties will undoubtedly exploit populist promises to attract undecided voters. For example, the easiest promise for the ANC to make ahead of next year’s elections is that of a basic income grant. Another possibility is promising action against foreign nationals.

However, these promises are probably not the biggest danger to democracy and good governance. An election result that leaves the ANC, including its centrists, with little option but to negotiate with the EFF on a power-sharing agreement at national level, or even in Gauteng, could open the doors to structural populism, i.e. not only vote-catching promises, but a systematic programme of ‘radical socio-economic transformation’ that would make South Africa unpalatable to many foreign investors (even to the Chinese), push its debt beyond manageable levels and destroy any chance of a long-term private-public accord. It would also open the door to the risk of state-protected corruption, including wide-spread organised crime, all in the name of socio-economic equality and transformation.

³<https://www.dailymaverick.co.za/article/2023-10-15-terrorism-financing-the-perfect-ruse-for-a-state-security-clampdown-on-ngos-and-churches/>

⁴<https://www.dailymaverick.co.za/article/2023-07-26-democracy-down-ramaphosas-proposed-state-security-vetting-of-ngos-is-onslaught-on-sas-future/>