

Just singing and dancing?

Intimidation and the manipulation of voters and the electoral process in the build-up to the 2014 elections

Community Agency for Social Enquiry (C A S E)

April 2014



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[The police] came, they talked to us and said what's going on and we showed them the paperwork [authorising the meeting]. They went to the ANC councillors of whom they are afraid because they know they are powerful in these areas, and they came back to us and said 'these people are just singing and dancing', and then they left.

(Agang, National)

Acknowledgments

We would like to extend our thanks to all of those officials, or other representatives of political parties and official bodies who gave of their time and insights during the interviews that were conducted for this report. Thanks also to the administrative personnel in various political party offices who assisted in setting up many of the interviews.

The research was designed and report written by David Bruce, an independent researcher. Interviews were carried out by David Bruce and Mohamed Motala, the Executive Director of the Community Agency for Social Enquiry (CASE). The report was edited by Joan Cameron.

Additional thank to the various transcribers and other personnel at CASE whose work for the organisation also contributes to making research like this possible.

This report forms part of project on factors affecting participation, by people in poorer communities, in the 2014 election. The project is supported by a grant from the Open Society Foundation for South Africa (OSF-SA). CASE would like to extend its thanks to OSF-SA. The views are those of the author.

Contents

Abbreviations & Acronyms.....	1
Executive Summary	2
Introduction.....	6
Background to and motivation for the research on which this report is based	9
a) Political violence and intimidation in South Africa	9
b) How widespread is political intolerance?	13
c) Other manipulation of the electoral process.....	15
d) The Electoral Act and Electoral Code	16
Methodology	19
a) Limitations of research.....	21
b) Attempts to disrupt the registration and electoral process	22
General observations about intimidation	23
a) Intimidation and vulnerability.....	23
b) Visibility of intimidation	24
c) Who is facing intimidation and who is responsible for it?.....	25
d) Where and when is intimidation taking place?	29
e) Changes in the nature of intimidation and in voter behaviour	33
f) What's driving intimidation?.....	35
Forms of intimidation and manipulation of the electoral process	36
a) Fraudulent voter registration.....	36
b) Manipulating economic needs and anxieties	37
i. Misinformation and threats regarding pensions and grants.....	37
ii. Use of government resources.....	40
iii. Other allegations of manipulation of economic vulnerability for electioneering	45

c) Secrecy of the ballot.....	46
d) Interfering with access to meeting facilities	49
e) Disruption of meetings and other events	50
f) Assaults and threats of physical harm	57
g) Fatal violence	60
h) Damage to (political party or individual) property	64
i) Display of power on election day.....	65
j) Victimisation by state and other agencies	68
k) Beyond election time—denial of jobs, contracts, services, development opportunities and social isolation	69
l) Gender and intimidation	74
Impact of intimidation	74
a) Modifying behaviour	74
b) Ignoring, defying and resisting intimidation	77
c) Responding to intimidation with force and aggression	79
Institutional framework for dealing with intimidation	81
a) The South African Police Service (SAPS)	81
b) The Independent Electoral Commission (IEC).....	87
Concluding discussion.....	91
a) Systemic nature of intimidation.....	91
b) Distinguishing intimidation from other practices	92
c) Primary manifestations of intimidation in South Africa	94
d) Just singing and dancing?	95
e) Implications of intimidation for the 2014 elections.....	96
f) Addressing intimidation	97
g) Other suggestions for measures to address intimidation.....	99

Abbreviations & Acronyms

ANC	African National Congress
ANCYL	African National Congress Youth League
BRA	Bushbuckridge Residents Association
COPE	Congress of the People
COSATU	Congress of South African Trade Unions
DA	Democratic Alliance
EFF	Economic Freedom Fighters
EPWP	Expanded Public works Programme
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
NFP	National Freedom Party
PAC	Pan Africanist Congress
SACP	South African Communist Party
SAPS	South African Police Service
SASCO	South African Students Congress
UDM	United Democratic Movement
UNISA	University of South Africa
WASP	Workers and Socialist Party

Executive Summary

During the build-up to the 2009 general election in South Africa political intimidation was not identified as a major issue. Nevertheless, in addition to the continuation of forms of intimidation linked to the rivalry between the ANC and IFP in KwaZulu-Natal, there were also a number of incidents of political intimidation elsewhere. The key factor contributing to this intimidation was the emergence of the Congress of the People (COPE).

At that point the main opposition party, the Democratic Alliance, was primarily focused on mobilising support in racial minority constituencies and in more affluent sections of South African society. COPE, on the other hand, positioned itself directly within the political tradition embodied by the African National Congress (ANC) and sought to compete with the ANC for the support of its mass constituency. As a result of its attempt to challenge the ANC's dominance over this constituency, COPE found itself the target of intimidation from ANC members and supporters in some areas.

The experience of the 2009 elections implies that, if there is increased competition by political parties for the votes of poorer South Africans, there is likely to be an increase in acts of political intimidation.

This research was initiated in 2013 on the basis of a perception that the 2014 election would indeed involve greater competition by different political parties for the votes of this constituency. The research aimed (1) to establish whether or not intimidation is a problem facing political parties in South Africa; and (2) if political parties *are* experiencing intimidation, to identify the nature of this intimidation.¹

The research focused on the experience of opposition parties and particularly on opposition parties that appear to be more vigorously challenging the dominance of one or other established party over poorer communities. There was a working assumption that parties that were not destabilising the existing *status quo* would be unlikely to face intimidation. This assumption was generally confirmed by the research. Established parties that are not, in a vigorous way, seeking to increase their 'footprint' within poorer communities indicated they were not experiencing intimidation.

¹ This research is part of a broader research project exploring factors that impact on participation by people in poorer communities in South Africa in the 2014 election. This particular report focuses on the issue of intimidation.

The research is based on 24 in-depth interviews with representatives of nine political parties including Agang, the ANC, COPE, DA, EFF, IFP, NFP, UDM and WASP. A representative of the IEC was also interviewed. The ANC is included on the basis that, even though it is the ruling party nationally, and the dominant party in most poorer communities, it is nevertheless also an opposition party in some poorer communities in South Africa. The parties that were selected included the six major parties in South Africa as measured by the total number of votes gained in the 2011 local government elections. In addition representatives of three newly established parties, Agang, the EFF, and WASP, were interviewed. Information from press reports has also been used as a supplementary source of information.

During the research process it emerged that competition for votes involves not only 'intimidation' (which can be seen as being characterised by coercion and fear) but also other forms of manipulation of voters and the electoral process. The main section of the report discusses a number of different types of 'intimidation or manipulation of the electoral process'. Prior to this the section on 'General observations about intimidation' states *inter alia* that 'the research overwhelmingly pointed to the ANC as the primary source of intimidation in South Africa'.

Intimidation is generally believed to be conducted by local political party supporters under the direction or influence of local leaders. Threats to the dominance of a political party over a specific area, during the build-up to national and provincial elections, have implications also for the ability of local political elites associated with that party, to maintain their political dominance in that area. Some of the practices that were identified, such as alleged vote buying, are practices that also allegedly involve role players in party hierarchies at provincial and national level.

On the basis of the research conducted, the report concludes that the primary ways in which political intimidation is practised in current day South Africa is through:

- Manipulating people using misinformation and threats regarding pensions and grants
- Interfering with access to meeting facilities
- The disruption of meetings
- Assaults and threats of physical harm
- Punishing people who associate with rival political parties through the denial of jobs, contracts, services and development opportunities

In addition, the report concludes that voters and electoral processes are manipulated and opposition parties are undermined through:

- Fraudulent voter registration
- The targeted use of government resources to promote parties immediately prior to elections

Fatal violence continues to be a feature of contestation between (and potentially within) political parties. Apart from one killing that may have been politically motivated in Limpopo, in October 2013, all the identified killings since January 2013 were in KwaZulu-Natal. Within KwaZulu-Natal the Ulundi municipal area and the KwaMashu hostel area account for seven of the ten identified incidents (involving 11 fatalities) that may be related to inter- or intra-party political contestation.

Though respondents gave different interpretations as to the reasons for this, problems with police response to intimidation were consistently identified. This included their response to acts of intimidation in progress, and the investigation of criminal cases emerging from acts of alleged intimidation. Some respondents argued that ineffectual police responses reflected partisanship on the part of the police, while others suggested that the police often did not understand the relevant legislation or lacked the confidence to intervene.

Many of the respondents also raised concerns about the IEC with regard to its mechanisms for responding to allegations of intimidation as well as alleged or potential partisanship by officials representing the IEC at polling stations.

The report concludes that intimidation and the manipulation of the electoral process remain systemic features of political life in South Africa, and that a number of characteristic forms or practices of intimidation and manipulation have been established in a wide range of different localities. Political coercion has been adapted to the terrain of democratic South Africa and frequently manifests in the guise of practices that, superficially at least, may appear to be lawful and legitimate.

Intimidation continues to have an impact on the degree to which people in South Africa, most notably in poorer communities, feel free to openly support or even engage with political parties that are not dominant in the areas in which they live. Even though acts of intimidation occur as relatively discrete events, often precipitated by an opposition meeting or the presence of an opposition party engaged in canvassing, the nature of this

coercion is that it has an enduring effect. People who witness or hear about these incidents frequently internalise the message that there may be adverse consequences for them if they do not 'toe the line'. The manipulation of economic insecurities also has an enduring impact.

As a result the 'political ground' on which political parties are competing is ground that is shaped by, and shows the continuing influence of, political intimidation. Even if there is a decline in overt acts of intimidation as the election approaches, systemic intimidation has already established a climate of fear and anxiety in many areas. It will continue to impact on the degree to which people feel they are free to choose which party they wish to support.

Recommendations

The report's main recommendation is that the ANC should recognise the problem of intimidation and take more purposeful steps to address involvement by its members and supporters in acts of intimidation. Though ANC leaders are on record as having condemned intimidation, it is not clear if this is done mainly for media consumption or whether it reflects a genuine concern about the involvement of ANC members in forms of intimidation.

The report also makes a number of other recommendations, including that other parties should re-commit themselves to political practice that is consistent with free political activity.

Introduction

For some time now there has been a steady increase in speculation about what the 2014 election is likely to hold in store. To a substantial degree this has been driven by questions about what share of the vote the ruling African National Congress (ANC) will receive. Twenty years after it assumed power the coming election has been described by one commentator as the 'toughest ever' that the ANC will face.²

The research on which this report is based however, is not premised on any assumptions about whether support for the ANC will remain stable, decline or fall in 2014. But it is assumed that the build-up to the 2014 election will involve greater contestation over the votes of poorer South Africans. Up to this point many poorer South Africans have continued to return the ANC to power. Insofar as some voters may have withdrawn their support for the party, the tendency has been not to transfer it to another party. The key factor here, it has been argued, is that poorer voters do not perceive other parties as offering an alternate political home. 'Before they look at the policies, promises and candidates of another party, voters look to a party's overall image'.³

But this situation will not necessarily last indefinitely. As the 2014 elections have been drawing steadily closer there have been various initiatives which signal the intention by other political groups to compete more vigorously with the ANC for the votes of people in poorer communities. These include:

- Initiatives by the official opposition, the Democratic Alliance (DA), characterised by a strong emphasis on reaching outside the racial minority constituencies in which it has an established support base and on competing with the ANC for the black vote, not only in middle class but also in poorer communities.
- The emergence of new political groups such as the Workers and Socialist Party (WASP), launched on 21 March December 2013; Agang SA, launched on 22 June 2013; and the Economic Freedom Fighters (EFF), launched on 13 October 2013. In particular, the EFF and WASP have political programmes that are orientated towards advancing the interests of, and obtaining the support of, poorer South Africans.

² Stephen Grootes, ANC election manifesto – balancing words and reality, *Daily Maverick*, 8 January 2014, <http://www.dailymaverick.co.za/article/2014-01-08-anc-election-manifesto-balancing-words-and-reality/>

³ Collette Schulz-Herzenberg, Elections and Accountability in South Africa, ISS Paper 188, 15.

On the one hand, therefore, there are political groupings such as the EFF and WASP that are specifically targeted at poorer sections of South African society. On the other hand, both in the case of the DA and Agang SA,⁴ one has political parties that are attempting to project themselves as ‘cross-class, cross-race’ political groupings. Though they tend to draw their support from the economic elite, both parties have made some effort to try to ensure that their support is not restricted to elite constituencies. It is self-evident to all these groups that any political party that does not have strong connections to the African majority inevitably positions itself on the margins of South African politics. Whether they are targeted specifically at the poor, or whether they are concerned with strengthening their support bases amongst South Africans generally, these initiatives inevitably involve competing with the ANC for the support of people in poorer communities.

Just as it is not premised on any assumptions about the likely electoral fortunes of the ANC, this report is also not concerned with the relative merits of any of the different parties. The key issue with which this report is concerned is whether people living in less affluent communities in South Africa enjoy the type of political freedom that is appropriate to a democracy. The rights of ‘everyone’ to freedom of expression,⁵ assembly⁶ and of association,⁷ and of citizens to ‘make political choices’ including ‘to participate in the activities of, or recruit members for, a political party’ and ‘to campaign for a political party or cause’⁸ are all embodied in the Bill of Rights. Whatever one may believe about who best represents the interests of poorer South Africans, what is assumed is that people in South Africa, whether rich or poor, should be able freely to develop and express their own political preferences.

Not only are all South Africans supposed to enjoy the right to political freedom but they do so in a country characterised by high levels of inequality. A substantial number of South Africans enjoy lifestyles of relative affluence but many more are mired in poverty. There are many different opinions about what type of policies will best serve the interests of poorer South Africans. Instead of identifying with a specific policy position what can be argued is that, in order for South Africa’s political system to serve the interests of poorer people in the optimal way, it needs to be responsive to their concerns. If there are

⁴ At the end of January 2014, when this report was being completed, reports emerged that Agang SA was to merge with the DA. (See for example Reuters, AFP: DA, Agang SA merge to fight 2014 elections, *Times Live*, 28 January 2014, <http://www.timeslive.co.za/politics/2014/01/28/da-agang-sa-merge-to-fight-2014-elections>). However the exact status of this process had not been clarified at the point when the report was finalised.

⁵ Constitution of the Republic of South Africa, Section 16.

⁶ Section 17.

⁷ Section 18.

⁸ Section 19.

restrictions on political freedom in any community then this limits the potential for political life in South Africa to be responsive to that community's needs.

Though intimidation was a major preoccupation in 1994, since then it has largely fallen off the agenda as an issue of public concern. Occasionally high profile incidents attract media attention but there is little engagement with the fact that, as this report confirms, intimidation is an enduring feature of political life in South Africa. Apart from political party controversies, scandals or policy questions, the issues that have tended to be the subject of policy debate have concerned questions of political party funding,⁹ or the merits of a more constituency-based system of political representation.¹⁰ As discussed further, below, certain manifestations of the problem of intimidation, such as the problem of political killings and forms of intimidation and manipulation within the ANC in the build-up to their national conference in Mangaung in December 2012, have enjoyed some prominence. However, apart from one or two opinion pieces in the press, there has been little concern about the problem of intimidation. As one commentator has argued, this reflects the fact that since 1994 elections in South Africa have largely been conducted in a peaceful manner. However, part of the reason for this is that 'our elections have never been competitive. Parties have enjoyed a virtual monopoly over some voters and areas—their opponents usually decided that it was not worth challenging them and so there was little competition for votes'.¹¹

⁹ See for example: Ivor Sarakinsky (2007): Political Party Finance in South Africa: Disclosure Versus Secrecy, *Democratization*, 14:1, 111-128; Thalia Holmes, Disclosure of party funding is the way to go, say experts, *Mail & Guardian*, 31 January 2013, <http://mg.co.za/article/2013-01-31-new-age-zille-regulate-private-funding-for-parties-da>; Hamadziripi Tamukamoyo, Democracy for sale? The need for transparency in political party funding, Institute for Security Studies, 2 September 2013, <http://www.issafrica.org/iss-today/democracy-for-sale-the-need-for-transparency-in-political-party-funding>; *Mail & Guardian*, Editorial: Stop the rot of secret party funding, *Mail & Guardian*, 16 January 2014, <http://mg.co.za/article/2014-01-16-editorial-stop-the-rot-of-secret-party-funding>; Marianne Thamm: SA political party fundraising: messy, ugly, dirty, necessary, *Daily Maverick*, 4 February 2014, <http://www.dailymaverick.co.za/article/2014-02-05-sa-political-fundraising-messy-ugly-dirty-necessary/>.

¹⁰ Ntombenhle Khathwane, Why we need electoral reform, *Mail and Guardian*, 14 August 2012, <http://www.thoughtleader.co.za/readerblog/2012/08/14/why-we-need-to-reform-our-electoral-system/>; Omry Makgoale, Electoral reform will solve ANC's accountability crisis, *Daily Dispatch*, 14 January 2013, <http://www.dispatch.co.za/insight-electoral-reform-will-solve-ancs-accountability-crisis/>; Sam Mkokeli, Ramphela wants vote system changed, *Business Day*, 8 February 2013, <http://www.bdlive.co.za/national/politics/2013/02/08/ramphela-wants-vote-system-changed>; Natasha Marrian, Mashatile wants constituencies for MPs, *Business Day*, 25 July 2013, <http://www.bdlive.co.za/national/politics/2013/07/25/mashatile-wants-constituencies-for-mps>; Anthony Butler, Constituency elections hold too many pitfalls, *Business Day*, 26 July 2013, <http://www.bdlive.co.za/opinion/columnists/2013/07/26/constituency-elections-hold-too-many-pitfalls>.

¹¹ Steven Friedman, Polls will test our ability to campaign in peace, *Business Day*, 2 October 2013, <http://www.bdlive.co.za/opinion/columnists/2013/10/02/polls-will-test-our-ability-to-campaign-in-peace>.

This report is based partly on interviews conducted between late August and late November 2013. As the election draws nearer and following the proclamation of 7 May as the date for the election, there is little sense that intimidation is a cause of major concern. Nevertheless, as this report will show, the build-up to the election has already involved substantial levels of intimidation. The result of the 2014 election will therefore, in part, reflect its impact.

Background to and motivation for the research on which this report is based

a) Political violence and intimidation in South Africa

The period 1984–1994 was effectively a period of civil war in South Africa. Although from 1990 onwards groups like the ANC, the Pan Africanist Congress (PAC), the South African Communist Party (SACP) and others were unbanned, and the process of multi-party negotiations was begun, high levels of violence continued throughout this period—above all else between armed elements aligned respectively with the Inkatha Freedom Party (IFP) and the ANC in KwaZulu-Natal, and in the then Witwatersrand (now part of Gauteng). The effects of the war were most notable in KwaZulu-Natal¹² which '[b]y mid-1993 ... had become a jigsaw puzzle of party political strongholds and 'no-go' areas' with '[t]ownships and tribal authorities ... divided into ANC and IFP sections'.¹³ By the time of the 1994 election much of KwaZulu-Natal, and many other parts of the country, were party strongholds that represented 'no-go' areas for other parties:

IEC analysts identified no less than 165 'no-go' areas in which a dominant party excluded rivals. Of these, 62 were classed as hard no-go areas, where rivals were completely denied access: 39% were controlled by the ANC, 27% by the IFP, 15% by tribal authorities and 12% by the white right ... In the earlier part of the campaign about 25% of all disruptions occurred in these areas, but by its end this dropped to 2%. The reason was not greater tolerance – rival parties simply gave up trying to campaign in 'enemy' areas.¹⁴

¹² At the time the province was known as Natal but included the so-called homeland of KwaZulu within its borders.

¹³ Truth and Reconciliation Commission of South Africa, Report – Volume 3, 1998, 248. <http://www.justice.gov.za/trc/report/finalreport/Volume%203.pdf>.

¹⁴ Steven Friedman and Louise Stack, The magic moment – the 1994 election, in Steven Friedman and Doreen Atkinson (eds), *South African Review 7 – The small miracle*, 1994, Johannesburg: Ravan Press.

Since the transition to democracy in South Africa in 1994 there have been three national elections (in 1999, 2004, and 2009) as well as local government elections. Most of these have been relatively peaceful. However, in 2009 there was some political violence and intimidation including the disruption of meetings, and some political killings. Some of this violence reflected ongoing problems relating to free political activity in KwaZulu-Natal, notably in the Nongoma area. However the main reason for violence in the build-up to the 2009 election appears to have been related to the formation of the Congress of the People (COPE). Formed following a breakaway from the ANC during 2008, COPE sought to align itself with the traditions of the liberation movement and was seen as competing with the ANC for the support of the ANC's constituency. In the latter parts of 2008 and early 2009, for instance:

Several clashes were reported between ANC and Congress of the People (COPE) supporters in places like Duncan Village and Kou-Kamma in the Eastern Cape, and in Verulam in KwaZulu-Natal. In most of these cases ANC supporters were accused of disrupting COPE meetings. There was also a report that COPE members had been attacked by ANC supporters in Winterveld in the North West province, but this was disputed by the ANC.¹⁵

Later, in a report for the month of March 2009:

The Election Monitoring Network (EMN) reported that 'political parties continued to be involved in intolerant behaviour' which included disrupting each other's meetings, defacing posters, and, in some cases, physical violence.¹⁶

Notwithstanding the fact that intimidation and violence clearly played a role in the 2009 election, limited attention is paid to the issue of political intimidation in current day South Africa. Though incidents are occasionally reported in the press, it seems that these are often treated as relatively isolated. What has attracted more attention is a continuing phenomenon of political killings, most frequently in KwaZulu-Natal.¹⁷ However the problem is fairly opaque in nature. Some killings are alleged to be the targeting of whistle-blowers: others are believed to be related to internal rivalry within parties such as the ANC or IFP. It is therefore understood that some, rather than all, political killings are related to rivalry between political parties, with virtually all killings in this last category

¹⁵ David Bruce, 2009, Dictating the local balance of power, Election-related violence in South Africa. SA Crime Quarterly No. 28, June, 3 <http://www.issafrica.org/uploads/CQ28BRUCE.PDF>.

¹⁶ Ibid. The Election Monitoring Network that operated at that time had a policy of not identifying the parties involved in intimidation so as to avoid allegations of partisanship.

¹⁷ Others have taken place, since 2008 in the Mpumalanga (last in early 2011), Eastern Cape, and North West.

occurring in KwaZulu-Natal.¹⁸ If political killings between members of rival political parties are taken as the litmus test of whether there is a problem of political intimidation or not, it appears that political intimidation and intolerance between different political parties is largely confined to KwaZulu-Natal.

But political killings are not a measure of the prevalence of intimidation in South Africa; they are merely an indicator of the high value attached to political power. For one thing, killing is merely the most extreme form of intimidation. Those who resort to murder as a technique of intimidation may do so only when they believe other strategies are not open to them or have failed. Where killing or other violence is not present this may merely reflect the fact that other strategies of intimidation are successfully discouraging free political activity. Violence itself may occur only when people openly express 'oppositional' political preferences in areas where this is not tolerated and do not submit to other efforts to intimidate them. Furthermore, as is suggested by this report, some of those who are involved with intimidation may be reluctant to kill people as a way of advancing their political objectives, (perhaps because of the risk of severe criminal sanction that it entails).

If one looks outside the problem of political killings there are signs that political intimidation, and other forms of manipulation of electoral processes, are a more widespread problem. One indication was the build-up to the ANC's Mangaung Conference at the end of 2012, at which the key issue was whether South Africa's president, Jacob Zuma, would be re-elected as leader of the ANC. In the run-up to the election there were incidents in various provinces in which members of rival factions were involved in confrontations with each other. For instance, in early December there were reports of intimidation and violence related to the provincial nomination process for ANC leaders. In Limpopo it was reported that the initial nomination conference had been abandoned 'after a group of "violent hooligans" wearing T-shirts with President Jacob Zuma's face printed on them disrupted proceedings, forcing delegates to flee the venue'.¹⁹ Subsequently, when the conference was reconvened on Wednesday 5 December four people were 'manhandled by a group of about 50 comrades' and one of them, a supporter of Zuma's, had a brick hurled in his face.²⁰ At the conference venue delegates had to be searched to prevent them 'from sneaking in weapons'.²¹ Alongside incidents of violence

¹⁸ David Bruce, 2013, A provincial concern? - political killings in South Africa, South African Crime Quarterly, No. 45, http://www.issafrica.org/uploads/SACQ45_Bruce.pdf *

¹⁹ Natasha Marrian, Controversy dogs ANC's reconvened conference, *Business Day*, 6th December 2012.

²⁰ Moloko Moloto, Limpopo nomination conference marred by ugly scenes of violence', *The Star*, 6 December 2012.

²¹ Frank Maponya, Tension as ANC holds conference afresh, *Sowetan*, 6 December 2012.

there were also various allegations of ‘vote rigging and tampering with delegates credentials in North West²² and the Free State’.

Prior to the Mangaung conference the Free State was one of only two provinces to unanimously back Zuma’s candidacy for ANC president.²³ However, the Constitutional Court subsequently upheld a claim that the provincial elective conference²⁴ in June 2012 had not been properly constituted, though it appears that this finding did not affect the province’s endorsement of Zuma.²⁵ The court accepted ‘on the papers’ that members had been excluded illegitimately from some branches and that some properly constituted branches were prevented from participating in the conference and their nominations for the Provincial Executive Committee were ignored. In addition, in some cases ‘parallel’ branches were created and allowed to participate in the conference; and branch ‘representatives’, who had not been elected at properly constituted branch meetings, were allowed to attend and participate in the conference.²⁶ Though this is not made explicit by the judgment it appears that those who were illegitimately excluded or ignored, opposed, while those who were illegitimately included, supported, the re-election of Zuma as ANC president.²⁷ (In January 2013 the ANC also announced that it had found evidence of manipulation and fraud in the process of election of a number of local councillors.)²⁸

The two other provinces where Zuma received unanimous or near unanimous support were KwaZulu-Natal, in which Zuma received all the votes in the provincial nomination process, and Mpumalanga, in which he received 96% of the vote.²⁹ In a party election process that was very heavily contested, these results in themselves raise questions about

²² Olebogeng Molathwa, More disputes over chaotic North West election list, *Sowetan*, 6 December 2013; Solly Maphumulo, Baldwin Ndaba and Poloko Tau, Minister in voting scandal—Mthethwa allegedly told police to shoot anti-Zuma delegates, *The Star*, 5 December 2012.

²³ Franz Wild and Mike Cohen, South Africa’s Zuma Wins ANC Support for Second Term as Head, *Bloomberg News*, 1 Dec 2012, <http://www.bloomberg.com/news/2012-12-01/south-africa-s-zuma-wins-anc-support-for-second-term-as-leader.html>.

²⁴ The conference is held, inter alia, to elect the provincial executive for the party.

²⁵ It appears that its main effect at Mangaung was to prevent most of the Free State provincial executive from attending. Ranjeni Munsamy, Mangaung: ANC jumps over final Free State hurdle, clears way for conference start, *Daily Maverick*, 15 December 2012, <http://www.dailymaverick.co.za/article/2012-12-15-mangaung-anc-jumps-over-final-free-state-hurdle-clears-way-for-conference-start/>

²⁶ *Ramakatsa and Others v Magashule and Others* (CCT 109/12) [2012] ZACC 31; 2013 (2) BCLR 202 (CC) (18 December 2012), at 107 - 113, <http://www.saflii.org/za/cases/ZACC/2012/31.pdf>.

²⁷ Though paragraph 108 does refer to this as a characteristic of one of the disputed branch elections.

²⁸ Natasha Marrian and Sam Mkokeli, ANC to drop councillors after fraud report, *Business Day*, 16 January 2013, <http://www.bdlive.co.za/national/politics/2013/01/16/anc-to-drop-councillors-after-fraud-report>.

²⁹ Franz Wild and Mike Cohen, South Africa’s Zuma Wins ANC Support for Second Term as Head, *Bloomberg News*, 1 Dec 2012, <http://www.bloomberg.com/news/2012-12-01/south-africa-s-zuma-wins-anc-support-for-second-term-as-leader.html>.

levels of tolerance for differences of political opinion in these two provinces. In the period since Mangaung violence has also been a feature within other internal ANC processes.³⁰ Protests by community members, including many involving violence, also often give expression to internal divisions within the ANC.³¹ (Violence between rival unions in the platinum fields in North West and Limpopo may also be seen as a manifestation of the phenomenon which sees organisational affiliation as a matter of life and death in parts of South Africa.)

A significant part of the violence that has taken place is intra-party, which is merely an expression of the fact that in parts of South Africa that are heavily dominated by one party only, internal party power struggles are in effect the main arena of political contestation. But it does not mean that those who are outside the dominant party and who contest for the same power do not face the same kinds of threats of violence or manipulation.³² Due to the fact that many people in the political world do not have secure alternative livelihoods, access to political power is seen as pivotal to being able to attain or sustain relatively greater levels of affluence. As one political analyst has said 'areas where the poor live' are often dominated by 'political bosses' who 'do not take kindly to competition. ... And so challenging power-holders in the areas where most citizens live ... may bring the threat of violence'.³³ Whether situated within one's own or another political party, it is mainly where individuals or groupings are perceived to pose a significant challenge to established political interests in poorer constituencies, that there is the potential for intimidation. At the same time, violence, most obviously in the case of violent 'service delivery' protests, is also a common means of challenging existing power structures.

b) How widespread is political intolerance?

In the world of more affluent South Africans it may sometimes seem that political intolerance is something of the past. In this world this is possibly true. More affluent South Africans can freely express their political views, particularly if these are aligned with

³⁰See for instance, Sizwe sama Yende, Motlanthe man lays assault charges against ANC chair, *City Press*, 7 May 2013, <http://www.citypress.co.za/politics/motlanthe-man-lays-assault-charges-against-anc-chair/>; Chanel September, Violence erupts at Cape ANC meeting, *Eyewitness News*, 4 May 2013, <http://ewn.co.za/2013/05/04/Violence-erupts-at-Cape-ANC-meeting>, <http://ewn.co.za/2013/05/04/Violence-erupts-at-Cape-ANC-meeting>.

³¹ Karl von Holdt, Malose Langa, Sepetla Molapo, Nomfundo Mogapi, Kindisa Ngubeni, Jacob Dlamini and Adele Kirsten, The smoke that calls—Eight case studies of community protest and xenophobic violence, Centre for the Study of Violence and Reconciliation, and Society, Work and Development Institute, July 2011.

³² See for instance: Fatima Asmal, DA urges ANC to stop hate speech, *Mail & Guardian*, 31 May 2013.

³³ Steven Friedman, This is the real threat of freedom of speech in South Africa, *Business Day*, 12 December 2012, <http://www.bdlive.co.za/opinion/columnists/2012/12/12/this-is-the-real-threat-to-free-speech-in-sa-today>.

constitutional values. However, rather than reflecting the truth about South Africa, the tendency to believe that all South Africans have the same freedom may reflect the propensity of more affluent people to project their own experience onto the population as a whole.³⁴ There is good reason to believe that in many parts of poorer South Africa people do not feel that they have the same freedom.

Considering the variations in the distribution of political violence it is likely that feelings of fear about openly expressing ‘alternative’ political preferences are not uniform in South Africa. The 2011 Afrobarometer survey asked the question ‘how much do you personally fear becoming a victim of political intimidation or violence during election campaigns?’ 33% of the respondents in KwaZulu-Natal said ‘a lot’ (8%) or ‘somewhat’ (25%); while 26% of the respondents in North West said ‘a lot’ (12%) or ‘somewhat’ (14%). However in the other seven provinces only 20% (in the Western Cape and Mpumalanga) or fewer respondents answered in the same way. Indeed, in two of the provinces (Free State and Northern Cape) responses of this kind came from only 11% of the respondents.³⁵

Table 1: Responses to the question: During election campaigns in this country, how much do you personally fear becoming a victim of political intimidation or violence?

Afrobarometer, 2011

	Urban	Rural	KZN	NW	WC	EC	Mpu	Lim	Gau	FS	NC	Total
A lot	5	7	8	12	3	8	6	5	3	3	4	6
Some -what	15	17	25	14	17	11	14	13	14	8	7	15
A little bit	24	24	28	18	14	24	17	38	25	22	15	24
Not at all	56	49	38	56	65	57	61	37	57	67	74	53
Don't know	1	3	1	1	1	0	3	8	1	0	1	2

³⁴ Steven Friedman, This is the real threat of freedom of speech in South Africa, *Business Day*, 12 December 2012, <http://www.bdlive.co.za/opinion/columnists/2012/12/12/this-is-the-real-threat-to-free-speech-in-sa-today>.

³⁵ Afrobarometer, Summary of Results—Afrobarometer Round 5 Survey in South Africa, p 39, http://www.afrobarometer.org/files/documents/summary_results/saf_r5_sor2.pdf.

But these figures cannot be assumed to mean that intimidation should be dismissed as a relatively minor problem. As indicated, the problem is concentrated in (parts of) poorer South Africa. However the primary voting patterns within this constituency has been that of loyalty to the ruling party. In Limpopo, for instance, South Africa's poorest province, the ANC has thus far consistently received roughly 90% of the vote in general elections, although this figure dropped to 85% in 2009, related to the presence of COPE. Likewise in Mpumalanga; in 2009 the ANC also received 85% of the vote. These figures reveal that in these two provinces, in 2009, only about 15% of voters were opposition voters.

It is possible that a substantial proportion of the 15% of voters who did not vote for the ANC would be amongst the 18% (in Limpopo) or 20% (in Mpumalanga) of people in these provinces who say that, during election time, they fear political intimidation or violence 'a lot' or 'somewhat'. These statistics may therefore mean that a large proportion of potential opposition voters, and particularly those in poorer areas, may fear violence or other adverse consequences if they openly express political preferences that are not aligned with the dominant party in the areas in which they live.

It is likely that people will become conscious of anxieties about openly expressing 'oppositional' political preferences only if they encounter opposition parties they can identify with and that appear to offer a credible alternative to the party that is dominant in the area in which they live, and if they start to question or become disenchanted with the dominant party. Insofar as a specific party maintains a strong majority of support in an area, intimidation is like to be a concern for a minority only. The fact that the overall percentage of people who fear political intimidation is relatively small cannot be taken to mean that the problem of political intimidation in South Africa is insignificant.

Furthermore, political killings, and the types of intimidation that were apparent in the build-up to the 2009 elections and Mangaung, suggest the need for deeper exploration of the nature of the problem in South Africa.

c) Other manipulation of the electoral process

As indicated in the discussion above, attempts to interfere illegitimately in elections are not necessarily restricted to violence and intimidation. In the case of the Free State provincial ANC electoral conference, it appears that the main strategies used were aimed at trying to influence who attended the conference. During elections for provincial, national or local government, those who are eligible to vote are not just the participants at a conference but include all the people whose names appear on the voters roll. As discussed further, below, there have been a number of incidents in by-elections where it

has been demonstrated or alleged that people have been included on the voters role who are not in fact eligible to vote in that ward.

Another practise that was identified as a concern and is also discussed in this report is that of 'vote buying' particularly through the use of government funded food parcels. In a number of by-elections it has been alleged that the distribution of food parcels by government departments has been used to bolster support for the ANC. The allegation here is that state resources are used, illegitimately, to promote a positive orientation by voters towards the ANC. Alleged fraudulent voter registration and 'vote buying' are not direct forms of intimidation but do amount to illegitimate ways of advantaging specific parties at the expense of others.

There are also other practises, such as preventing rival parties from getting access to meeting halls, which are clearly illegitimate. Though it is reasonable to debate whether this is an appropriate characterisation in this report it is argued (see the section on **'Distinguishing intimidation from other practises'** in the concluding discussion) that this remains coercive in nature, and therefore may reasonably be regarded as a form of intimidation.

As will be demonstrated further, below, there are other ways in which the economic anxieties and fears of poorer people are manipulated during election time. Insofar as they involve physical violence, or coercion or the threat of harm of some kind whether physical or economic, they may be regarded as forms of intimidation. But not all attempts to unfairly influence voter behaviour and the outcome of elections should necessarily be labelled in this way.

d) The Electoral Act and Electoral Code

It is apparent that intimidation and many of the other types of conduct that are discussed in this report qualify as offences in terms of the Electoral Act³⁶ and the Electoral Code of Conduct that is attached to the Act. The Act (ss87–94) provides that no person may:

- Compel or unlawfully persuade any person to vote for or support, or not to vote for or support, any registered party or candidate;³⁷
- Compel or unlawfully persuade any person to attend and participate in, or not to attend and participate in, any political meeting, march, demonstration or political event;³⁸

³⁶ Act 73 of 1998.

³⁷ Electoral Act, Section 87(1)(iii) and (iv)

- Prevent any ‘representative of a registered party or of a candidate’ amongst others from ‘gaining reasonable access to voters, whether in a public or private place’;³⁹
- ‘[U]nlawfully prevent the holding of any political meeting, march, demonstration or other political event’;⁴⁰
- ‘[P]ublish any false information with the intention’ *inter alia* of influencing the outcome of the election or ‘creating hostility or fear in order to influence the conduct or outcome of an election’;⁴¹
- ‘[D]eface or unlawfully remove any billboard, placard or poster published by a registered party or candidate’;⁴²
- ‘Vote in an election or at a voting station’ when one is not entitled to vote in that election or at that voting station.⁴³

The Act also provides that violations of the Electoral Code (provided for in Schedule 2 of the Act) are criminal offences.⁴⁴ Unlike the conduct that is prohibited under the Act itself that applies to all people, the Code applies more specifically to registered parties and candidates. However, one of the provisions of the Code is that political parties and candidates must instruct their representatives and supporters to take all reasonable steps to ensure that they comply with the code and with applicable electoral laws.⁴⁵ In terms of the Code of Conduct there is also a requirement that every registered party and candidate must publicly state that everyone has the right:

- (i) to freely express their political beliefs and opinions;
- (ii) to challenge and debate the political beliefs and opinions of others;
- (iii) to publish and distribute election and campaign materials, including notices and advertisements;
- (iv) to lawfully erect banners, billboards, placards and posters;
- (iv) to canvass support for a party or candidate;
- (v) to recruit members for a party;
- (vi) to hold public meetings; and
- (vii) to travel to and attend public meetings.⁴⁶

³⁸ Electoral Act, Section 87(1)(v)

³⁹ Electoral Act, Section 87(1)(e)

⁴⁰ Electoral Act, Section 87(1)(f)

⁴¹ Electoral Act, Section 89(2)(b) and (c)

⁴² Electoral Act, Section 92

⁴³ Electoral Act, Section 88(c)

⁴⁴ Electoral Act, Section 94

⁴⁵ Sections 3(b) and (c) of the Electoral Code of Conduct (Schedule 2 of the Electoral Act, 73 of 1998)

⁴⁶ Section 4(1)(a) of the Code.

They are also obliged to publicly condemn any action that may undermine the free and fair conduct of elections.⁴⁷

Another obligation imposed on parties and candidates by the Code is to:

‘liaise with other parties contesting an election and endeavour to ensure that they do not call a public meeting, march, demonstration, rally or any other public political event at the same time and place as that called by another party contesting the election.’⁴⁸

There are also detailed provisions for conduct that is prohibited by registered parties and candidates.⁴⁹ This includes but is not limited to:

- Using language or acting in a way that may provoke violence or intimidation.
- Publishing false or defamatory allegations in respect of other candidates or parties.
- Offering inducements or rewards to people inter alia ‘to vote or not to vote, or to vote or not to vote in a particular way.
- Unreasonably preventing any person from access to voters.
- Defacing or removing billboards, placards or posters

It may seem that, as a result of this apparently comprehensive set of laws and standards of conduct, South Africa would be protected against attempts to influence illegitimately the outcome of elections. In the wake of high profile incidents of intimidation, political party leaders do routinely speak out against violence including perpetrated by their own supporters.⁵⁰ However, perhaps linked to the fact that access to local power is so heavily linked to access to resources, these types of injunctions are not necessarily sufficient to influence political behaviour on the ground.

⁴⁷ Section 4(1)(b) of the Code.

⁴⁸ Section 5 of the Code.

⁴⁹ Section 9 of the Code.

⁵⁰ See for instance: SAPA, ANC not pro violence: Zuma, *Times Live*, 13 January 2014, <http://www.timeslive.co.za/politics/2014/01/13/anc-not-pro-violence-zuma>, Matumo Letsoalo, Ramaphosa condemns ANC supporters’ attack on EFF, *Mail & Guardian*, 14 January 2014, <http://mg.co.za/article/2014-01-14-anc-eff-nkandla-fight-ramaphosa-slams-bad-behaviour>, and SAPA, They are still calling us Bantus, says ANC’s Mchunu, *Mail and Guardian*, 6 October 2013, <http://mg.co.za/article/2013-10-06-they-are-still-calling-us-bantus-says-ancs-mchunu>;

Methodology

The key interest of this study is in the experience of supporters of opposition parties working in poorer communities that fall under a 'dominant party'. While the framework focuses on opposition parties, it does not exclude any major party as all parties are 'opposition parties' in at least some parts of South Africa. Thus the ANC is the main opposition party in the Western Cape, but it is also not the dominant party in all areas of KwaZulu-Natal as well as, for instance, parts of Gauteng. In addition to being the ruling party at national level and in eight of the nine provinces, the ANC could therefore be considered, after the DA, the second major opposition party in South Africa.

The study involved interviews with representatives of nine political parties including the six largest parties (in terms of levels of support in the 2011 local government elections)⁵¹ and three newly-formed 'emerging parties'.

A working hypothesis guiding the research proposed that if the problem of intimidation existed, the political parties most likely to encounter it would be those that were seen to be growing stronger and thus potentially challenging the position of power of a 'dominant party' in some areas. For this reason it was decided to focus on the larger parties as well as three emerging parties which appear to be more dynamic in nature and potentially able to present a challenge to the current *status quo*—if not nationally then at least in some areas.

The initial intention was to interview 35 representatives of these parties in line with the framework set out in Table 2. The aim was to approach the head office of the party and to conduct an interview with a national level representative, and to seek guidance from national level representatives on whom to approach in each of the provinces. This approach was largely successful with the DA with whom it was mostly possible to set up interviews relatively quickly. In many other cases it was not a straightforward matter to set up interviews with political party representatives. Why this was so is to some degree a matter of speculation. In the case of the ANC, for instance, difficulty appeared in some cases to be related to the fact that the interviewees were juggling multiple responsibilities. These included obligations relating to their portfolios in government, as well as responsibilities relating to their party portfolios and the party election campaign. In the case of some of the newly-formed parties it was also apparent that party officials

⁵¹See Wikipedia, South African municipal election, 2011
http://en.wikipedia.org/wiki/South_African_municipal_election,_2011.

were often over-extended and did not have the support infrastructure to be able to engage with our requests for further assistance. In addition, some party members were apparently already fully involved in electioneering and this limited the time they had available for interviews. In some cases it proved possible to resolve this problem by approaching officials in the provinces directly to set up interviews, but this was not possible in all cases. With some parties it was difficult to track down provincial contacts. In other cases we established contact with a provincial representative only to be told that their participation in the interview required approval from the very same national level person who would no longer take our calls.

Table 2: Overview of interviews

	ANC	DA	COPE	IFP	NFP	UDM	EFF	Agang	WASP	Total
HQ	1 (1)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1)	9 (9)
KZN	2 (2)	1 (2)		2 (1)	2 (0)					7 (5)
West Cape	1 (1)	1 (1)	1 (0)					1 (0)		4 (2)
North West		1 (0)					1 (0)			3 (0)
Eastern Cape		1 (1)	1 (1)					1 (0)		3 (2)
Gauteng	1 (1)	2 (2)		1 (1)	1 (1)		1 (0)	1 (0)		7 (5)
Mpumalanga		1 (1)	1 (0)				1 (0)			3 (1)
Target	5	8	4	4	4	1	4	4	1	35
Completed interviews	5	8	2	3	2	1	1	1	1	24

There are no studies of political intimidation in current day South Africa and this report was conceived as being exploratory in nature. As an exploratory national study the intention was not to cover all provinces but to develop a depth of understanding regarding the research questions in a selected number (five) of the provinces. Ultimately 24 interviews were conducted with representatives of nine parties at national level and with fifteen other representatives of five of these parties in five provinces (KwaZulu-Natal, Gauteng, Western Cape, Eastern Cape, and Mpumalanga). In addition one interview was conducted with a representative of the IEC. The interviews were conducted between the end of August and late November 2013. (A list providing the dates of the interviews is attached as Annexure A.)

Other than in KwaZulu-Natal, where there has been an ongoing problem of political killings, it was not assumed that the study would confirm that there is a problem of political intimidation in poorer parts of South Africa. The study was broadly framed as a

study of 'factors affecting participation in the 2014 election by people in poorer communities'. The intention of the study primarily was to try and establish whether a problem exists and, if so, to get some indication as to its nature and extent.

Interviews were conducted using an interview guide (attached as Annexure B) and were recorded (subject to the permission of the interviewee) and transcribed. In a limited number of cases interviews were not recorded and written notes from the interviews were used instead. Interviews also addressed general questions about differences between poorer and more affluent communities and other factors affecting participation, such as the accessibility of voting stations.⁵² The concept of 'poorer' communities was not defined and where interviewees asked for clarity about this, the concept was presented as a general concept referring to communities that could be distinguished from those which are more 'affluent'.

In all but two of the interviews, there was a single interviewee. In two cases (the ANC national level and WASP interviews) the interview was conducted with two respondents. Interviewees were generally offered anonymity but in many cases indicated that this would not be necessary and that they would be happy to have their names used in the report. We have not provided individual names but where individuals are quoted we have identified them by political party as well as either 'national level' or as associated with a specific province. Those who were interviewed included people performing a range of different roles within their parties including: senior party officials based in national and provincial party offices, members of Parliament, members of provincial legislatures, and some holding political office or representing their party at local level.

The report integrates data from the interviews with relevant information from press reports.

a) Limitations of research

This report is not a comprehensive report on issues to do with political freedom and competition in South Africa. Political intimidation does not affect only those parties involved in electoral politics. Incidents of killing and other acts of intimidation have also affected activists associated with community organisations or other social movements, and are also a major feature of the labour environment. It was decided that this report would focus exclusively on party politics.

⁵² Responses of interviewees to these questions are not discussed in this report.

Democracies are far from perfect systems. The ability of political parties to campaign are affected not only by the level of political freedom 'on the ground' but also by factors such as access to funding and the media.⁵³ While this report focuses on party politics within poorer communities it does not, by any means, exhaust all the issues that affect the performance of political parties and presents only part of the story of how power is exercised and contested in South Africa. Nevertheless the issues that it addresses are worthy of attention in their own right.

b) Attempts to disrupt the registration and electoral process

Recently there have been manifestations of violence or threats of disruption targeted at the process of voter registration and the electoral process in general, rather than against a specific party. In March 2014 the IEC told parliament's home affairs committee that in a number of areas affected by service delivery protests, communities had announced that they would boycott the election on May 7 if their grievances were not addressed.⁵⁴ On 8 February 2014 in an informal settlement called Enkanini, outside Stellenbosch, while voter registration was in progress nationally, protestors from the community forced the IEC to close the voter registration station, temporarily. The leader of the residents committee stated that community members will sit in front of the gate of the voting station on election day and that no-one will be allowed to enter. Further, a number of community members indicated that they had decided not to register to vote in the election.⁵⁵

The incident in Enkanini was one of a number of incidents on each of the two voter registration weekends, in November 2013 and February 2014, whereby community members in various parts of the country tried to disrupt the process of voter registration. On the first day of the voter registration weekend in February 2014, petrol bombs were thrown at two voter registration stations in Bekkersdal, and IEC staff there were reportedly threatened.⁵⁶ This followed an announcement by a spokesperson for the Greater Westonaria Residents Association that residents of the area would be boycotting the voter registration weekend and that IEC officials would not be welcome in the area.

⁵³ On the latter issue see for instance: *Mail & Guardian*, Staff Reporter, Shange censored for anti-ANC views, says WASP, *Mail & Guardian*, 4 October 2013, <http://mg.co.za/article/2013-10-04-wasp-sabc-censors-views-that-oppose-anc>; Bekezela Phakathi, Censorship at SABC is 'growing' in poll run-up. *Business Day*, 22 October 2013, <http://www.bdlive.co.za/national/media/2013/10/22/censorship-at-sabc-is-growing-in-poll-run-up?crmId=crm2>.

⁵⁴ Wyndham Hartley, Instability 'may affect credibility' of May poll, *Business Day*, 12 March 2014.

⁵⁵ Daneel Knoetze, Enkanini: There'll be no voting here, *Cape Argus*, 17 February 2014, <http://www.iol.co.za/news/politics/enkanini-there-ll-be-no-voting-here-1.1648167>

⁵⁶ SAPA, Bekkersdal voting stations petrol bombed, *Mail & Guardian* online, 8 February 2014, <http://mg.co.za/article/2014-02-08-bekkersdal-voting-stations-petrol-bombed-as-tension-rises>.

A similar announcement was made by residents of Boiketlong, an informal settlement in Sebokeng.⁵⁷ In Taung in the North West province, on the same weekend, a group of people allegedly forced their way into a registration station, demanded registration material from IEC officials and set alight IEC banners after removing them from the registration station.⁵⁸

Earlier, during the voter registration weekend in November 2013, protesting groups also disrupted the registration process. At one point seven of the twelve registration stations in Bekkersdal were closed.⁵⁹ Protestors also disrupted voter registration in Sterkspruit in the Eastern Cape, Malamulele in Limpopo, the Joe Morolong municipality in the Northern Cape and Site C Lansdowne Rd in Khayelitsha in the Western Cape.⁶⁰

In general these incidents seem to indicate that protesting groups are using the presence of the IEC and the registration process to express their grievances and to try to ensure that their voices are heard. Many in these groups may also be disillusioned with the process of voting. Although these types of incidents may involve forms of intimidation directed against people who wish to register or vote, this phenomenon is not discussed in this report as it does not appear to be related to rivalry between political parties.

General observations about intimidation

a) Intimidation and vulnerability

The purpose of intimidation is to induce anxiety or fear in specific people so that they modify their behaviour in some way. People who are engaged in activities that are intended to achieve this purpose may be said to be engaged in intimidation. It cannot, however, be taken for granted that the people targeted will respond to efforts to intimidate them in the manner anticipated by the perpetrators. Even when intimidation takes place, those who have been threatened are not necessarily 'intimidated'. Conversely, in some cases people may be 'intimidated' even if there is no active coercion. In an area that is heavily dominated by one political party, many people may not even

⁵⁷ SABC, Bekkersdal joins Boiketlong against voter registration, *SABC*, 8 February 2014, <http://www.sabc.co.za/news/a/6dc21e0042da58ad92dffa56d5ffbd92/Bekkersdal-joins-Boiketlong-against-voter-registration>

⁵⁸ Staff reporters and SAPA, Intimidation, violence mar last voter registration, *The Star*, 10 February 2014, <http://www.iol.co.za/news/crime-courts/intimidation-violence-mar-last-voter-registration-1.1644538>

⁵⁹ SAPA, Bekkersdal stations to re-open: IEC, the *New Age*, 9 November 2013, http://www.thenewage.co.za/111312-1009-53-Bekkersdal_stations_to_reopen_IEC/?switcher=1

⁶⁰ Greg Nicolson, Elections: Register, register, but don't mind the media, *Daily Maverick*, 10 November 2013, <http://www.dailymaverick.co.za/article/2013-11-11-elections-register-register-but-dont-mind-the-media/>

consider supporting an opposition party. In addition, there may be people who wish to identify with an opposition party but are afraid to be seen openly to do so. This may be for a number of reasons. An important factor relates to personality or other individual characteristics. Studies of witness intimidation indicate that some people are more vulnerable than others to being intimidated. Their vulnerability may arise from any of a number of factors, including age, sex, experience, social and emotional maturity, disability, communication difficulties, anxiety to please, a misplaced sense of guilt, general fears of unknown consequences and others.⁶¹

There are a multitude of factors which motivate individuals to conform to the attitudes, behaviours and political preferences of those around them. However, the inclination to conform is not purely a product of an individual's personality or other attributes. As this report shows, people's economic vulnerability is an important factor exploited by those involved in intimidation in South Africa. The reliance of people on government grants, or government employment programmes, may create hesitancy about the possible risks of being identified as a supporter of a party other than the ruling party. The prevailing political culture obviously is also important. Messages conveyed by political leaders may promote a climate of intolerance to opposition parties by demonising them, or may foster the idea that there is an obligation on people to support the dominant party, even if nothing is said which directly implies that people who associate with opposition parties will face any adverse consequences.

As one interviewee expressed it:

... most certainly in those areas where the ANC is extremely strong, people would be more hesitant to join us because firstly there is a huge ANC presence right around you, like everybody else is ANC and only 1 in every 10 or 2 in 10 are actually DA. [They] kind of feel isolated, feel scared. You know you don't wanna be out of fashion within the rest of the group, and it's great to be part of the winning team. Why would you want to go back the losing horse here? (DA, Mpumalanga)

b) Visibility of intimidation

Intimidation is not necessarily visible. In an area where there is a prevailing culture of intolerance, many people may be afraid openly to express their support for an opposition party. At the same time, those who have a vested interest in the *status quo* may not need

⁶¹ Home Office. 1998. *Speaking up for justice*. Report of the interdepartmental working group on the treatment of vulnerable or intimidated witnesses in the criminal justice system, London: Home Office.

to engage in active intimidation; instead, they rely substantially on the prevailing climate of fear to ensure conformity. In such a context many people may be intimidated, but there may be little evidence that the dominant political role players are indeed engaged in acts of intimidation.

A dominant (or other) political group that is intolerant of opposition may therefore only engage in coercive activities when there is a source of instability that threatens its position of dominance. In other words, intimidation may visibly manifest itself only when, for one or other reason, people in a specific locality decide openly to engage with, or express support for, a party other than the dominant party.

Concurrently, intolerant groups are likely to engage in active intimidation only when other factors promoting conformity are no longer effective. Expressed in another way, this means that those who are trying to maintain or establish a position of dominance will feel that more severe forms of intimidation are necessary only when less severe forms of intimidation have proved ineffective. Accordingly, it may be said that the most extreme forms of intimidation, such as killing, emerge only when other forms of intimidation have failed.

c) Who is facing intimidation and who is responsible for it?

During interviews parties that identified themselves as facing or having faced intimidation included:

- Agang SA from people aligned with the ANC
- The ANC from people aligned with the IFP in KwaZulu-Natal
- COPE from people aligned with the ANC
- The DA from people aligned with the ANC
- The EFF from people aligned with the ANC
- The IFP from people aligned with the ANC
- The NFP primarily from people aligned with the IFP but also
from the ANC
- WASP In this case it may be argued that the party does not face
intimidation in the general manner described in this report,
but more as a form of 'political repression', including from
state agencies, mining houses and the ANC

Supplementing the data from interviews with information in the press, it would appear possible to modify the above list. The pattern of political killings, most notably in the

KwaMashu hostel area (see the section on **Fatal violence**), points to the possibility that some NFP members may be linked to violence against the IFP. One of the respondents also indicated that he had come across allegations that an NFP municipality was involved in the denial of water to constituents who were linked to the ANC.

Press reports also suggest that in some cases it may have been the behaviour of EFF members that precipitated confrontations with the ANC, though the weight of information appears to indicate that it is primarily ANC supporters who tried to disrupt gatherings of the EFF (see below, discussion of the disruption of meetings).

A series of press reports also contain allegations against the Bushbuckridge Residents Association (BRA) who broke away from the ANC and won seven of the 74 seats in Bushbuckridge in the 2011 local government elections. The press reports include assertions that BRA members had assaulted ANC volunteers in one of the villages in the area.⁶²

Though one interviewee linked the DA to vote buying and alleged that the DA deliberately caused chaos at polling stations in the Western Cape (see discussion of 'Displays of power on election day' under **Forms of intimidation**), and the IFP was identified as continuing to be linked to intimidation, the research overwhelmingly pointed to the ANC as the primary source of intimidation in South Africa.

Several interviewees, including respondents within the ANC, highlighted the fact that forms of intimidation also occur inside the ANC:

You see in KZN when you get a call that you know comrade [Themba's] house has been burned, you say IFP again. Now you get caution first. ... You don't assume automatically it is that. No is not the other side, it's our own internal battles, it happens you know. (ANC, KZN 1)

⁶² Sizwe sama Yende ANC accuses splinter organisation of assaulting its volunteers, *City Press*, 11 October 2013 <http://www.citypress.co.za/politics/anc-accuses-splinter-organisation-assaulting-volunteers/>, Sizwe sama Yende, Members of ANC splinter organisation arrested for assault of ANC volunteers, *City Press*, 18 October 2013, <http://www.citypress.co.za/politics/members-anc-splinter-organisation-arrested-assault-anc-volunteers/>; Sizwe sama Yende, 'Reign of terror': councillor gets 3 years, *City Press*, 6 November 2013, <http://www.citypress.co.za/politics/reign-terror-councillor-gets-3-years/>.

However the interviewee argued that, due to the fact that internal intimidation was more strongly linked to contests at the local level, this probably was more likely to manifest in the build-up to local government elections in 2015.

In the case of COPE, intimidation was identified more as something that COPE had faced previously, particularly at the time of the 2009 election, when it was regarded as presenting a threat to the ANC.

Likewise in the single interview conducted with a representative of the UDM it was not apparent that the UDM faces a current problem of intimidation.

Other than in the case of the rivalry between the IFP and NFP, no opposition parties identified rival opposition parties (i.e. parties other than the ANC) as a source of intimidation.

Intimidation is generally believed to be carried out by local political party supporters under the direction or influence of local leaders. Thus, even though the coming election is a national and provincial election, it remains a priority for local leaders to maintain ANC (or other party) dominance 'on the ground'.

And it is organised at a local level by local councillors, by local activists ... I mean the elections are contested at a local level in the community on the ground, the ballot paper just says national and provincial ballot on it but it doesn't change the nature of the election. So the platform, the community within which the election is being contested, remains the same. So it's just really the consequence of the election that differs; are you electing a municipal council and winning a ward, are you winning a seat in the provincial legislature or you winning some seats in national parliament, that's the only difference the election makes, that's the consequence of the result. The contest in the election remains the same on the ground in the same place in the same community. ... From an intimidation point of view it is locally organised stuff. (DA, Mpumalanga)

Shifts in the balance of power in an area during national elections also impact on what happens in local elections. As a result, those whose access to power is based in local governments do not necessarily regard with indifference political contestation relating to the national and provincial elections.

While acts of physical intimidation were generally attributed to local level role players, the use of misinformation and 'vote buying' were also seen to implicate provincial level and

national level political role players. A number of interviewees also argued that the ANC did not do enough to prevent this type of intimidation, that often incidents of intimidation were not condemned, and that those who participated in the intimidation were rarely, if ever, disciplined by the organisation.

The fact that the ANC national office, whenever these things happen, they do not speak out against them means the leaders condone them. These are not separate incidents of some crazy local leaders trying to protect their ward. This is an orchestrated strategy of intimidation, where the ANC wants to make sure that it intimidates people at the local level, where they believe they are strong, so before people think about making a switch they have to think about what they eat, think about their safety, the safety of their family and so on. This is not isolated as they would make us believe. Every time this comes up the ANC does not stand up and condemn it and talk to their members about this issue—and until the president and the secretary-general of the ANC addresses this issue and talks to their members you will not see anything change. In Tlokwe, they knew who it was, and they are still ANC members in good standing.⁶³ (Agang, National)

Respondent: They [the provincial leadership] are extremely weak, they do nothing to condemn intimidation. In fact I wouldn't be surprised if they are actually actively telling their members, 'go and intimidate the DA voters as much as you can'.

Interviewer: *But there is no evidence of that or anything like that?*

Respondent: No, there is no evidence of that. But I can tell you now, I have for example been in the provincial legislature for about seven years, actually nine years and I have never ever heard anyone in the ANC speaking out against intimidation. (DA, Mpumalanga)

Though initially they were expected to play a neutral role in rural areas, traditional leaders were identified in some cases as playing a role in obstructing opposition activities, or at least discouraging people from associating themselves with an opposition party. The UDM interviewee, for instance, indicated that a traditional leader would sometimes expect the people in his (or her) area to 'go with him'. Where the chief is politically active opposition groups who wish to book a venue will be told 'no the venue is booked', the interview said. Similarly, an ANC interviewee indicated that traditional leaders known to be aligned with

⁶³ This is apparently a reference to the incident in which a member of the DA had his T-shirt torn off by ANC supporters.

the IFP also discouraged people from openly associating with the ANC in the Zululand district.

[T]hese are mainly traditional areas, and you have *amakhosi* (chiefs) and *izinduna* (headmen) who generally you would not expect they will show which party they belong to, but you do find in most cases that if you go to Ulundi municipality, most of the *amakhosi* and even *izinduna* are aligned to the IFP, so people would then not easily be able to come out and there would be that element of not feeling that we are accepted within the community if we are not aligned because of *amakhosi* or *izinduna* which is aligned to IFP. That is why I am saying it has been risky over the years. (ANC, KZN 2)

However traditional leaders do not always present an obstacle to free political activity in an area. For instance, a press reports suggests that the fact that the EFF launch went ahead in Marikana, in the middle of October 2013, was in part a result of the fact that the local chief resisted pressure from the local mayor to obstruct the launch.⁶⁴

d) Where and when is intimidation taking place?

While intimidation is not taking place in all parts of poorer South Africa, it is widespread and occurs in a wide number of localities in many of the provinces. In addition, the places where one party faces intimidation are not necessarily the same locales where other parties face coercion. For instance during the civil war of the late 1980s and early 1990s in KwaZulu-Natal, the ANC and groups aligned to it tended to exercise power in many of the black urban townships, while rural areas tended to be dominated by the IFP or its predecessor, Inkatha.⁶⁵ In the urban areas the IFP/Inkatha was also often the dominant political force in hostel areas, not only in KwaZulu-Natal but also in what was then the Witwatersrand. These patterns continue to manifest themselves in the contemporary geography of intimidation.

ANC interviewees identified parts of Zululand and some of the Durban hostel areas as still presenting a problem for the ANC, but one of the IFP interviewees indicated that, though there were only 'pockets' where the IFP faced intimidation, these tended to be situated in urban township areas, citing as examples Clermont, in greater Durban, and Imbali in Pietermaritzburg. 'In rural areas,' he said, 'we have never had a problem'.

⁶⁴ Hlengiwe Nhlabathi, EFF launch set to go on despite hurdles, *Sowetan*, 11 October 2013.

⁶⁵ The Inkatha Cultural Liberation Movement became the IFP in July 1990 (Our history, Inkatha Freedom Party, <http://www.ifp.org.za/2014/Who-we-are/OurHistory/ourhistory.html>).

Though intimidation continues to be a problem there have been profound shifts in the geography of political intimidation in South Africa since 1994. For instance, while the opening up of rural KwaZulu-Natal to the ANC has partly been an incremental process, it would appear that the ascension of Jacob Zuma to the position of President, both of the ANC (in December 2007) and of South Africa (in May 2009), dramatically shifted dynamics in parts of KwaZulu-Natal that had continued to be hostile to ANC presence.

Before 2009 you won't wear an ANC T-shirt at KwaNongoma because you will either be killed or be shot at. Now you can, things have changed dramatically. ... Things are calmer now. You have a few pockets—like recently one of our members at Ulundi ... on the same day we were welcoming three councillors from Nongoma Municipality who were members of the IFP. Those ward councillors resigned from the IFP—to come and join the ANC. On the same day one of our members who was also formerly an IFP councillor at Ulundi was shot and killed at his house with almost eight bullets. When that happens people would obviously get afraid and feel we can't be open and come out and say we are ANC members. We do have a few of those things but most of the intimidation it will not be reported in the media. But generally I would say things are no longer as they were before. You have the ANC almost able to come back in all areas of Zululand. Obviously you have areas where people are not receptive to the ANC coming to those areas, but it does not result in violence in terms of the work that we have been doing. Let me give you one example—we have 89 wards in this district and ... there is not one ward where you do not have an ANC member who has joined an ANC branch. This is for us an indication as it is something that has not happened before. Over time people are starting to accept that other parties can also be part of those communities. (ANC, KZN 2)

However, as indicated, the Ulundi area remains an area where the ANC still feels that it does not have complete freedom.

Within the five municipalities⁶⁶ for instance at eDumbe, Vryheid and Pongola, its no longer. People are able to freely express themselves about which political party they belong to. But you still have those elements in the area of Ulundi where [IFP] President Buthelezi comes from. There are people who are now members of the ANC but intimidation is still there. (ANC, KZN 2)

⁶⁶ A reference to the five local municipalities within the Zululand district.

In March 2014 the National Freedom Party (NFP) requested the IEC to investigate incidents of intimidation against its members in the Ulundi area. The NFP indicated that its supporters in the area were being intimidated and T-shirts bearing the face of NFP leader, Zanele Magwaza-Msibi, had been burned.⁶⁷ While ANC interviewees reported that they continued to face a problem of intimidation in a limited number of rural areas in KwaZulu-Natal, interviewees from the DA argued that in many rural areas they suffered from a serious problem of coercion at the hands of the ANC, though their experience of intimidation also extended to some urban areas. The UDM interviewee also indicated that intimidation was high in rural areas. On the other hand, the NFP interviewee in Gauteng indicated that it was above all in hostels and informal settlements that 'intimidation is very high':

But the area of poorer people in hostels and informal settlements, believe me there is no freedom, no freedom. I talk from experience, there is no freedom. (NFP, Gauteng)

Speaking ten days after the launch of the EFF on 13 October 2013, the single EFF interviewee indicated that in the build-up to the launch the EFF had experienced intimidation 'In all our meetings ... everywhere we've been'.

Some DA interviewees emphasised that there were many poorer communities, both in rural and urban areas, where they did not face intimidation. There appeared to be a number of factors which influenced whether or not the ANC in an area would engage in intimidation, one of these being the nature of local leadership. However DA interviewees, notably from Mpumalanga and the Eastern Cape, argued that while there were local variations, the key factor was whether or not the DA in a specific locality had started to become a serious contender for popular support.

Political activity has been completely free and fair in this country. Amazingly so. But there's a context to that. If you have a government that is so hegemonic, and so strong, that if they think they are going to shed 15–20% to the combined opposition, they can afford to be magnanimous, and say, 'Carry on, go do your thing. We're still going to get our 70 or 80%.' So 20% [is a] small price to pay. It really endorses our democracy. It shows our magnanimity. It's fine, go ahead. But when there's a real chance of losing power, the stakes are much higher. We've

⁶⁷ SABC, NFP asks IEC to probe KZN political intimidation, *SABC News*, 8 March 2014, <http://www.sabc.co.za/news/a/1b8bd4804330fe718f5c9f45a23ba143/NFP-asks-IEC-to-probe-KZN-political-intimidation-20140803>

started to see that in areas where we threaten to win, that there's much less tolerance. And there have been incidents of assault, threats on people's lives. ... So it's starting to happen. (DA, Eastern Cape)

Where the ANC's dominance in terms of electoral support is extremely high, intimidation is less, okay. Kind of logical, where they pulling 90–95% of the vote they are less likely to intimidate because they feel very comfortable about their position and they gonna get large amounts of votes, they don't mind the presence of an opposition to get that 5% or 10% of the votes which they can get because it adds legitimacy to the democratic process and it's all glorious and nice and they recognise the fact that the opposition must be there and such like. But the moment you move into an area, no matter where it is, rural or urban, where the contest becomes closer and where the possibility of an ANC defeat becomes a greater possibility and a reality, intimidation escalates. So there are towns where we are stronger than other towns and in the places where the DA is stronger intimidation is higher. And I think that that is probably the key factor. ... I think it's very rarely that you are going to see the DA grow from a party of say being 10% going up to 30%, 40%, winning the ward, with no incident of intimidation, I don't think so. ... I cannot think of a single example where you have seen a trajectory of DA growth consistently over a period of time, to the point where we've won a ward or won a municipality, where there have not been elements of intimidation either directly or indirectly. (DA, Mpumalanga)

Related to the stronger position in which the DA now finds itself, incidents of intimidation have become a frequent occurrence:

All I can tell you is we encounter these on a weekly basis. From some intimidation, or a threatening demeanour at a house meeting in a ward in a municipality, where there's some DA people doing a house meeting, maybe showing a video or something. ANC people in the community will come and they will shout and scream and *toyi-toyi* outside the house, threaten the house owner that they'll come and burn the house down when we've left. That happens on a weekly basis. (DA, Eastern Cape).

An NFP interviewee also agreed that intimidation was not targeted at opposition parties in general but would focus on opponents who were perceived to pose a real challenge to the dominant party:

They target the party getting strong, they don't even bother with the weaker ones. They target the one attracting more members in that particular area which according to them is their territory. (NFP, Gauteng)

One interviewee argued that another dynamic could heighten the chances of intimidation and that this occurs when a party faces a challenge from a breakaway party. This suggests that the perception of betrayal by members of the original party might heighten emotions concerning the rivalry between the two parties:

Mostly if a person who is leading Party B was a member of Party A before, then obviously the members of Party A are not happy with him and they attack. I can mention maybe the EFF. I don't think the EFF has to do with other parties except those members of the party where the leader of the EFF was a member before. The same thing applies to us as NFP. Most of our enemies or attackers or intimidators are the people who our leader was a member of them before. (NFP, Gauteng).

e) Changes in the nature of intimidation and in voter behaviour

There were some differences between respondents in terms of how the history of intimidation was understood. Some respondents identified it as something that had always been part of politics in South Africa; others experienced it as a relatively new phenomenon that has started to become significant now that there are real challenges to ANC power. The EFF interviewee described intimidation as part of the 'reality of political hostility in South Africa historically', while a COPE member said that the intimidation faced by COPE in 2009 was similar in nature to that directed at the UDM in the late 1990s.

I was working on the ground, before and during elections. I knew exactly what intimidation meant. Remember, the tactics that I experienced [in COPE] are the same tactics that we used whilst in the ANC when dealing with the UDM, for instance, in full knowledge of the fact that, there is nothing much the IEC will do. This is our country, we do as we please. So the people who intimidated us [i.e. COPE], did so knowing full well that the ANC was the government and in control, nothing will happen. (COPE, Eastern Cape)

DA interviewees, in particular, identified intimidation as something that had escalated in recent years.

Absolutely; five years ago there were elements of intimidation whereby the ANC would just try and disrupt public gatherings of the DA. But there was no intimidation towards the voter as such. It was that subtle intimidation that, 'hey remember your ancestors are watching who you vote for', it was that subtle thing of 'if the ANC loses, you lose your social grants'. There was no physical intimidation of the voter for changing affiliation because by and large everybody was ANC. It's definitely a factor we have seen escalating over the past two years, about, where, as the DA has become a more diverse party, it has become a party that's become more acceptable to larger portions of the community, we have started posing increasingly that threat to the ANC's stability as the only party in a given community, the intimidation started. (DA, Mpumalanga)

Interviewer: So, if I can just try and keep us focused on the Eastern Cape, are you saying that you have observed a visible increase in hostility?

Respondent: Yes, definitely!

Interviewer: In the Eastern Cape?

Respondent: Definitely!

Interviewer: In what period?

Respondent: If you want me to define a period, I'll say it's escalated probably over the last ten years, but certainly since the 2011 Local Government elections, when we nearly won the Nelson Mandela Metro. That was way too close **for** comfort. Now, it's much more difficult to campaign in ANC strongholds in PE. Much more difficult. (DA, Eastern Cape)

As indicated, available evidence shows that political killings are largely restricted to KwaZulu-Natal. Interviewees in general affirmed the fact that intimidation in South Africa, particularly outside KwaZulu-Natal, does not as a general rule involve fatal violence.

It depends, but it's not like before, not like the first 3–5 years after 1994. Those years were very difficult because it was easy to be killed. But this time people have got some education and now reason themselves, they just intimidate, they don't kill. (NFP, Gauteng)

Along with shifts in the level and nature of intimidation other changes have taken place. According to one interviewee there are substantial alterations in the way in which voters now approach elections:

Political awareness is actually now improved, so they now can actually make, shall I say, informed decisions rather than emotional decisions. In 1994 it was all emotional, but during the later ... elections people begin ... to look for information, why should I vote for this party? What is that they are offering? What is there that they are putting on the table? What relevance do their policies have on my personal needs and that kind of thing? So now, people are now beginning to, then apply their minds each time they want to cast their votes, that's number two, number three is the issue party loyalty, loyalty is now beginning to crumble. ... Suddenly the DA is actually bold enough to actually go public to say we are going to win Gauteng, maybe five, ten, years down the line. Before they couldn't say that. Why? Because people are now no loyalties, party loyalties are beginning to crumble, in Kwazulu-Natal this used to be our stronghold you know, you might ask why is the IFP losing support here in Kwazulu-Natal, it's partly because of the loyalties that are crumbling. (IFP, National)

f) What's driving intimidation?

As has already been indicated, a number of respondents suggested it is the perception that opposition parties are posing a real challenge to ANC dominance that is driving intimidation in poorer communities. In addition, a number of respondents emphasised that it is not only the maintenance of power that perpetrators of coercion are trying to protect, but also the access to economic opportunities that this provides:

It's not just about who you elect as president, it's about who you are going to elect as mayor, who you select as a municipal manager, because you control the reins of power and resources, access to those resources. So, the tolerance levels are declining in our country, so if you look at what's happening intra-party, not even inter-party. ... It's because power means access to patronage. Patronage is anything from controlling your supply chain management, to your procurement processes, your salaries, or position, or appointments. (DA, Eastern Cape)

So it's the biggest thing driving the intimidation, is the fear of losing power, fear of losing control, access to state resources, access to tenders and of course the political patronage that you can exercise if you have got a whole range of well-paid jobs at your disposal which you can reward your friends with, you know, you look after me I look after you. And they don't wanna lose that and that is the core thing which they are hanging on to. ... It's not just a matter of who is mayor, it's the patronage that goes with that, the jobs for pals that goes with that, the sustained history and track record of tender manipulation which is left behind and the

possible consequences of being charged for malicious acts that you committed when you were in government. (DA, Mpumalanga)

Insofar as it is the local level leaders who frequently orchestrate acts of intimidation it makes sense that this is intended to protect their vested interest in political power. However it often appears to be rank and file members who are on the frontline of intimidation. Admittedly, the motivations of those on the frontline are not clearly understood. It is possible that those who participate in acts of coercion are themselves concerned about not being able to benefit from patronage opportunities, but not all the participants are necessarily direct beneficiaries.

The presence of opposition parties may be perceived by many ANC members or supporters as threatening on a more visceral level, particularly if they are invested in ideas around the ANC's right to maintain power due to its widely accepted status as the chief architect of democracy in South Africa.

Forms of intimidation and manipulation of the electoral process

a) Fraudulent voter registration

As indicated above, one of the ways in which elections may be manipulated is through fraudulent voter registration. The most far-reaching allegations of vote-rigging thus far, which were the subject of an electoral court application in February 2014, pertain to allegations that as many as 2,500 wrongly registered voters participated in by-elections in wards 18 and 13 in Tlokwe in 2013. The court application—in which independent councillors have asked for the election result to be set aside and an independent investigation instituted—contains allegations that:

- At least 500 voters whose addresses fall outside of the by-election wards were allowed to vote;
- At least 600 voters registered with incomplete or false addresses on voter registration forms;
- At least 31 voters were re-registered in contested wards and transported from the North West towns of Delareyville and Klerksdorp, and Free State towns including Bothaville and Parys, especially for the by-elections.⁶⁸

⁶⁸ Yolandi Groenewald and Siyabonga Sithole, Tlokwe vote 'fixed', City Press, 26 January 2014. <http://www.citypress.co.za/politics/tlokwe-vote-fixed-2/>

In 2013 complaints relating to fraudulent voter registration led to various by-elections in KwaZulu-Natal being postponed, including in Jozini, in KwaMashu Hostel's Ward 39, and in Abaqulusi (Vryheid). In the Abaqulusi Local Municipality in the region of 1,500 people were found to be inappropriately registered on the voters' roll.⁶⁹ Fraudulent voter registration was also uncovered in Nongoma, linked to a by-election in September 2012.⁷⁰

It is possible that fraudulent voter registration is more likely to occur at the time of by-elections than general elections, and possibly also more likely at the time of general local government elections than during national and provincial elections. There have, however, apparently been few, if any, allegations of conduct of this kind at the time of general elections. This is probably because party supporters who are encouraged to vote in another ward are no longer able to vote in the ward in which they reside.

It is unlikely that during national and provincial elections there will be the motivation to conduct this type of abuse, because shifts in the distribution of votes between different wards that are very close to each other make little difference to overall election results. Nevertheless, there may be an incentive to try to alter the composition of the electorate in a specific area by, for instance, shifting voters from an area in which a party has a strong majority to a more marginal area.

b) Manipulating economic needs and anxieties

i. Misinformation and threats regarding pensions and grants

Interviewees from the DA, IFP, UDM and Agang asserted that one of the primary tactics of the ANC was to present voters with an inaccurate picture of the policies of rival parties. Allegedly this is intended to promote fear about the consequences of voting for opposition parties.

What we have found is that in very poor communities where a political party is very strong—they will go in a community and spread stories about the opposition. In other words things such as do not vote for party A because that party would take away your grants. Or the party would take away your house; you will not get a house. So, it is basically to put a word out you know if you are going to vote in our case for DA, 'the DA is a white party, they would take you back to apartheid, will take away your grants, will prevent you from getting housing' and so basically spreading fear to a community. (DA, National)

⁶⁹ Nce Mkhize, Poll delays 'a threat to credibility', Business Day live, 8 August 2013, <http://www.bdlive.co.za/national/2013/08/08/news-analysis-poll-delays-a-threat-to-credibility>

⁷⁰ Thobani Ngqulunga, Nongoma: vote fraud claims resolved, The Witness, 19 September 2012, http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=87920

Older people—pensioners—are told if you vote for anyone other than the ANC you will lose your pension. Young mothers, 18–19 years old, they come from poor backgrounds and get the R250 child grant, they are being told if you vote for anyone other than us you will lose this grant. (Agang, National)

We have been campaigning in Limpopo and mostly old people in that and in other areas where I went, they are telling us that the ANC has been telling them that they are not going to be getting their pension funds if they do not vote for the ANC, if they associate with other political parties. I mean, that is certainly another form of intimidation. In areas where levels of, you know, I will say ignorance, so far as that means lack of a proper civic and political education, those kinds of intimidations would really find an echo particularly amongst old people but also various sections of communities that are dependent. Those are significant in rural areas where majority of people are unemployed, they are dependent on state grants and whatever welfare mechanisms that is there. (WASP, National)

A statement of this kind, made in this case by a government official, was reported to have been made shortly before the by-elections that were due to take place in Tlokwe in August 2013. The *Saturday Star* reported that:

Residents of Tlokwe were warned on Friday not to allow the ANC-run government to lose power as this would mean they would lose grants and food parcels. Thabapelo Lehloo, a representative from Dr Kenneth Kaunda district municipality in North West, issued the stern warning to the community of Ikageng in Tlokwe, once known as Potchefstroom, during a Social Development outreach campaign. “Let us make sure this government that gives us grants and food parcels doesn’t slip from our hands,” he said. “If it (the government goes) these things will be gone.”⁷¹

One interviewee suggested that levels of education play an important role in determining whether people can be manipulated by these kinds of messages.

Now, it all depends clearly on people’s understanding of systems, of their level of education etc. Some of the people are saying, ag, they are threatening us but they can’t take away our pensions, they cannot take away our houses and if they are

⁷¹ Thabiso Thakali, ANC accused of food for vote campaign, *The Saturday Star*, 3 August 2013, <http://www.iol.co.za/news/politics/anc-accused-of-food-for-vote-campaign-1.1557072>

well-educated then they are not so fearful. If they are not so well-educated then they are, that could make them not to want to support another party or even if they do not want to support the ruling party, then, they would rather try and stay away. (COPE, National)

While this type of manipulation usually takes the form of general statements about the consequences of voting for opposition parties, it sometimes takes on a more threatening tone. This may extend to threats that people will be denied not only their grants but also services.

We do our own tracking. If we find for example that we are tracking 7–8% in black communities, on the eve of the election, we get 4–5% [in the election]. We are squeezed big time, in the last day or two. Because the ANC goes into the community and says, ‘There have been a lot of blue T-shirts going around. We know what’s going on here. If you put these chaps into power, we’re still going to be in power, and we will withhold services to you. We will withhold grants’, or, ‘You won’t get your grants from the DA. We’re still in national government, so we will withhold services.’ So there’s strong intimidation, and strong threatening tactics, strong-arm tactics. (DA, Eastern Cape)

Where people openly express their support for an opposition party they may face more direct threats of this kind:

If people go out ... say regardless of what you are saying to me I am going out to vote and I am wearing my DA T-shirt that is where intimidation is starting [to take the form of threats] ... Suddenly they turn the wheel by telling people we are actually in control of your social grants; we have provided you housing. So, if you are going to go out and vote for the DA we will take away your social grant and your housing. (DA, National)

It is alleged that messages delivered by ANC leaders often contain a high level of ambiguity. Sometimes these kinds of statements are more on the level of what one interviewee called ‘mythical intimidation’:

Our premier in Mpumalanga, David Mabuza, is on record for saying to people that if you do not vote for the ANC your ancestors will haunt you and they will come back and punish you and you will have a life of hardship and prolonged poverty. (DA, Mpumalanga)

President Zuma is also on record as having made remarks of this kind. Speaking at Idutywa stadium in the Eastern Cape in January 2014, as part of the ANC's election campaign, he said: 'It is wrong to leave the ANC. In fact, it is cold and rough outside the ANC. People must remain in the party and try to fix things internally because those who do leave, they will attract the wrath of the ancestors, who will also bring that person bad luck.' ⁷²

ii. Use of government resources

Another way in which people's economic needs are allegedly manipulated in order to optimise support, most notably for the ANC, is through what is often termed 'vote buying'. While the individual concerned was not trying to motivate for or justify vote buying, one of the interviewees argued that, in poorer communities, there is an orientation towards evaluating parties in terms of what they offer in the 'here and now'. This takes precedence over a concern with policies or promises of the delivery of social goods such as housing. 'Vote buying' may therefore be understood partly as a response to this kind of imperative.

In poorer communities people are much more interested in what is going to happen in the here and now. If your party gives out food parcels, then it is going to get the votes. People are hungry, people are after bread and butter issues, people want to know if it is the specific party, if it is the ANC, if it is COPE, if it is the DA or IFP that has put food on our table tonight and that's why they are going to vote for them. ... That's what we are seeing, people that are much more interested in the deliverables in the here and now, simple. ... 'Don't promise me a house tomorrow, don't promise me free water and electricity tomorrow, I want something now, I want to feed my family now, that's what's important'. (ANC, Western Cape)

The interviewee argued that when considering which party to vote for, the question people should ask is 'what will the political party do for the weakest member of our society'. However:

People often vote for what the political party can do for me and this is one of the dilemmas with democracy, it's often for individual reasons that people would vote. If we are saying we are voting for what the political party will do for me, that is indirectly a form of patronage, so if politicians promise me a job for my vote then is this not an indirect form of patronage? So where do you draw the line between

⁷² Asanda Nini, Zuma stirs up ghosts at ANC poll-rouser, *Times Live*, 27 January 2014, <http://www.timeslive.co.za/thetimes/2014/01/27/zuma-stirs-up-ghosts-at-anc-poll-rouser>

an election promise and patronage? And it's a really fine line. ... We have seen particularly in poor communities people much more participating when there is personal gain ... And this could be for any party. (ANC, Western Cape)

Various instances of alleged vote buying have received attention in the media. In August 2013 Minister of Social Development, Minister Bathabile Dlamini, visited Ward 9 in Tlokwe, North West province, in order to distribute food and blankets 'to the needy'—five days prior to by-elections scheduled for 7 August 2013.⁷³ In response to questions about the timing of her visit the Minister said, 'My presence here is part of an outreach programme that we do as the department. As I have said before, I have nothing to defend myself for because we are doing this all the time. We are not going to stop our programmes because there are by-elections. The problem of malnutrition in this area is a concern for us.'⁷⁴

Dlamini was accompanied by ANC and high-ranking government officials, including former Tlokwe mayor, Maphetle Maphetle, who had been removed from his position due to allegations of corruption. In the middle of September food parcels from the Department of Social Development were reportedly distributed once again, by Dlamini and the ANC provincial chairperson, days before by-elections scheduled for 18 September 2013.⁷⁵ Coinciding with the build-up to a further round of by-elections in Tlokwe, in October 2013, the Department of Social Development distributed blankets in the area. There were reports that food parcels were also expected to be distributed.⁷⁶ Dlamini also distributed food parcels in Oudtshoorn in the Western Cape on 5 August, two days before by-elections in three wards.⁷⁷ In September the DA made a formal complaint to the Public Protector about the distribution of food parcels in Tlokwe.⁷⁸

The ANC was accused of distributing food parcels, fences, and irrigation systems in order to buy votes in the Nongoma area during the build-up to by-elections there in October

⁷³ South African Broadcasting Corporation, DA, Sanco questions minister's food, blanket donations in Tlokwe, Friday 2 August 2013 <http://www.sabc.co.za/news/a/b01b7f8040947e02b27bb738b59b7441/DA,-Sanco-questions-Ministers-food,-blanket-donations-in-Tlokwe-20130208>

⁷⁴ Thabiso Thakali, ANC accused of food for vote campaign, *The Saturday Star*, 3 August 2013, <http://www.iol.co.za/news/politics/anc-accused-of-food-for-vote-campaign-1.1557072>

⁷⁵ Craig Dodds, ANC food parcels row set to escalate, *Saturday Star*, 21 September 2013, <http://www.iol.co.za/news/politics/anc-food-parcels-row-set-to-escalate-1.1580912#.Uj2IAAtKBmt8>

⁷⁶ SAPA, ANC accused of Tlokwe vote buying, *Times Live*, 4 October 2013, <http://www.iol.co.za/news/politics/anc-accused-of-tlokwe-vote-buying-1.1587408#.UIVd0dKBmt8>

⁷⁷ Carien du Plessis and Yolandi Groenewald, ANC's food for votes, *City Press*, 5 January 2014, <http://www.citypress.co.za/politics/food-votes/>

⁷⁸ SAPA, Madonsela to investigate Dlamini Tlokwe food parcels, *Times Live*, 24 September 2013, <http://www.timeslive.co.za/politics/2013/09/24/madonsela-to-investigate-dlamini-tlokwe-food-parcels>

2013.⁷⁹ In the build-up to by-elections in Mbhase in the Eastern Cape in January 2014, the ANC was accused of using food parcels to buy votes. 'According to three recipients, the food parcels were on Wednesday handed to destitute families by one of the ANC candidates, who asked them to vote for the party. The candidate and an unnamed ANC-aligned ward committee member allegedly took the residents to SA Social Services Agency's offices, where they allegedly collected the food parcels.'⁸⁰ Cathy Dlamini, Mayor of Mbombela in Mpumalanga, was also reported to be linked to the distribution of food parcels prior to by-elections in Hazyview, in November 2012⁸¹ and in late 2013.⁸²

In January 2014 *City Press* reported that the budget for 'social relief', from which food parcels are usually paid, had been supplemented by an extra R200 million in October 2013. It was understood that this measure aimed to support increased distribution of food parcels in the build-up to the 2014 election. The initial R219 million allocated to social relief was reported to have been used up by the end of October. The report provided figures suggesting that it had become standard practice to increase the social relief budget immediately prior to national election years. As opposed to the R419 million allocated in 2013, the average allocated over the previous four years was R178 million per annum. However in 2008 the amount allocated was R500 million.⁸³

In November 2013 some observers suggested that a vote that month by the ANC-controlled North West legislature, in favour of a bill to appropriate R176-million from the provincial budget to provide temporary employment to more than 20,000 people, was intended primarily as a measure for the ANC 'to gain favour with the electorate'.⁸⁴ In the previous week the Gauteng provincial government pledged R140 million to temporarily employ 4,564 youths as painters, cleaners and grass-cutters. Both initiatives were set to last for only six months.⁸⁵

⁷⁹ SAPA, IFP to fight for Nongoma in by-elections, *City Press* online, 18 October 2013, <http://www.citypress.co.za/politics/ifp-fight-nongoma-elections/>

⁸⁰ Mphumzi Zuzile, 'I needed the food, so I agreed to vote ANC', *Times Live*, 17 January 2014, <http://www.timeslive.co.za/thetimes/2014/01/17/i-needed-the-food-so-i-agreed-to-vote-anc>

⁸¹ Sibongile Mashaba, DA accuses the ANC of abusing municipal property, *Sowetan Live*, 5 Nov 2012, [HTTP://WWW.SOWETANLIVE.CO.ZA/NEWS/2012/11/05/DA-ACCUSES-THE-ANC-OF-ABUSING-MUNICIPAL-PROPERTY](http://www.sowetanlive.co.za/news/2012/11/05/da-accuses-the-anc-of-abusing-municipal-property)

⁸² Carien du Plessis and Yolandi Groenewald, ANC's food for votes, *City Press*, 5 January 2014, <http://www.citypress.co.za/politics/food-votes/>

⁸³ Carien du Plessis and Yolandi Groenewald, ANC's food for votes, *City Press*, 5 January 2014, <http://www.citypress.co.za/politics/food-votes/>

⁸⁴ Olebogeng Molatlhwa, Piece jobs for ANC votes, *Times Live*, 20 November 2013,

⁸⁵ Ibid

Several interviewees, from the DA, IFP, UDM and Agang, indicated that it is an established practice that the distribution of food parcels, sometimes combined with other services, is targeted at communities prior to by-elections, especially where these are closely contested. For instance one DA interviewee said:

We conducted a by-election in Namakwa in the Northern Cape that is a DA run municipality and so we has this by-election which was heavily contested. It was a marginal DA ward where we got 43% and the ANC got 39% in previous elections. .. I got a call one day from our structures to tell us that all provincial government [departments] had moved into the local church hall. .. That is social development, housing, health and so forth and so they helped people, so people can go to the church hall and they can get ID document or apply for a social grant or whatever else they needed and they could do that and that just happened a week before the by-election. Simultaneously the national ANC leadership was there and they have distributed food parcels from the Department of Social Development. That went along during an election period in a demarcated ward where the ANC was very present and so word of mouth was there, you know, ANC government is here handing out food parcels and so vote for the ANC. (DA, National)

Referring to the distribution of food parcels, fencing and other equipment in Nongoma, one of the IFP interviewee's said:

People have been asking for these things for the last eight years and nobody actually cared, but simply because there is by-election coming up in the next month or so, then there is this mad rush by this government. (IFP, National)

In one example cited by an interviewee it was alleged that an impending by-election led to a sudden wholesale improvement in service delivery.

Our greatest challenge to the ANC was in Hazyview, just at the end of last year, in a by-election. The mayor, after having neglected the town of Hazyview for 10 or 15 years, suddenly when the by-election came up, the mayor was distributing food parcels. The mayor had the whole parks department of the municipality in there in an operation clean up kind of thing, to make the place look good, suddenly the street lights were being painted, suddenly the potholes were being filled. (DA, Mpumalanga).

In another instance a DA interviewee reported that toilets were suddenly delivered to the

area immediately prior to a by-election in Umzimkhulu in the Sisonke district in KwaZulu-Natal.

I remember in one particular area two days before the by-elections they came and they delivered about four hundred to five hundred toilets. A week after the elections they came back and said it was a mistake, they were delivered in the wrong place and those toilets were meant for another place and they took those toilets away. That was after they won that election. In the areas where they taken those toilets away from there were no toilets. (DA, KwaZulu-Natal 2)

In addition it was alleged that opposition party activists were offered jobs at the local council in exchange for coming to work for the ANC. In the Eastern Cape in May 2013 it was alleged that Local Government MEC, Mlibo Qoboshiyane, had used funds meant for municipalities to pay for a gathering of ANC councillors. 'Although the invitation to all mayors, chief whips and speakers suggested that it was a workshop for all councillors, the invitation was passed on only to ANC councillors.' At the workshop councillors were reportedly warned by Qoboshiyane that the party could lose control of Nelson Mandela Bay to the DA if councillors did not improve their performance.⁸⁶ The DA controls one Eastern Cape municipality while the rest are controlled by the ANC. Qoboshiyane dismissed suggestions that the workshop was an abuse of taxpayers' money, saying that the workshop had been convened to discuss improved service delivery.⁸⁷

Allegations were also made against the DA in the Western Cape:

If it's the provincial government of the Western Cape giving out food parcels with DA T-shirts and it's the provincial government that is paying for it obviously there is an ethical question involved. That does happen. But when the minister of Social Development, in the name of Social Development as a government department, I don't see anything wrong with that. But yes there are fine lines, but those are very difficult fine lines. Even on the provincial level I don't think it's something that is black and white, it's very difficult to say, this is patronage when giving out food parcels. Of course those who defend democracy will say no matter what a party gives me, my vote is still my secret and that's what gives credibility and legitimacy to our democracy. (ANC, Western Cape)

⁸⁶ Rochelle de Kock, MEC accused of misusing municipal funds, *The Herald*, 9 May 2013, <http://www.peherald.com/news/article/14888>

⁸⁷ SAPA, E Cape councillors' workshop legit: MEC, IOL, 8 May 2013, <http://www.iol.co.za/news/politics/e-cape-councillors-workshop-legit-mec-1.1512487>

One ANC interviewee argued that:

Across political lines the parties do give out food parcels. The ANC is as guilty as the DA about giving food parcels.

An ANC interviewee dismissed the idea that the ANC was using government resources to buy votes:

The problem with opposition is that everything you do as government is seen as buying votes. As government of the day you are duty bound to deliver. ... If next year in January people's houses are burned down, are you saying government must not do anything because it will be seen as vote buying? (ANC, KZN 1)

Other ANC interviewees also ridiculed the idea:

That's done throughout the five years. ... Is that vote buying or is it just delivery? (ANC, National)

While the kinds of allegations were clearly a source of concern, a number of interviewees expressed the view that it would be difficult to address the issue as, in most cases, it appears difficult to prove that state resources are being distributed specifically to promote the ANC or other party. One interviewee also observed that it was difficult to contest the practice:

Poor communities are poor, I mean, how can you argue against them receiving some food relief. (COPE, National)

iii. Other allegations of manipulation of economic vulnerability for electioneering

A press report in March 2014 contained allegations that participants in the Expanded Public Works Programme (EPWP) in Atteridgeville on the east side of the Tshwane municipality were coerced into attending an ANC rally in Garankuwa, to the north of Pretoria. According to one man a number of EPWP participants were taken, in two buses, to Garankuwa where President Zuma addressed an election rally. The man said that EPWP workers were told on the previous day that they would attend Zuma's rally and were threatened with losing their jobs if they did not attend. The man also told reporters that

he had been forced to do door-to-door campaigning for the ANC in September 2013. ANC spokesman Jackson Mthembu rejected the allegations.⁸⁸

c) Secrecy of the ballot

In general interviewees expressed confidence in the secrecy of the ballot in elections in South Africa. However some interviewees argued that many people in poorer communities, especially those who are less educated, do not have confidence in the secrecy of the ballot.

So lots of people then either don't change their vote or don't vote because of that fear that the ANC can see who we voted for and then I will lose my house, I will lose my social grants, I will lose my child grants or this or that. (DA, Mpumalanga)

We are getting there, in some areas people will not be certain of how secret is their votes. Nongoma, Ulundi, some older people. The IEC is not doing enough voter education. Right now we have first time voters who will be voting next year but IEC has not started anything regarding voter education. If this is done by political party it speaks to constituency ... it does not cut across [party lines]. (ANC, KwaZulu-Natal)

Afrobarometer data (Table 3) supports the contention that confidence in the secrecy of the ballot is relatively high, but that a substantial minority of members of the public have doubts about it. In the 2011 survey 20% of respondents said that it was either somewhat likely (15%), or very likely (5%) that 'powerful people can find out how you voted, even though there is supposed to be a secret ballot in this country'.⁸⁹

In line with data on fears about intimidation and violence (see Table 1, above) KwaZulu-Natal was one of the provinces, the other being the Western Cape, that had the highest percentage of respondents (both 27%) who thought it 'somewhat' or 'very' likely that powerful people can find out how you vote. In three other provinces (Gauteng—21%, Mpumalanga—22% and the Northern Cape—22%) more than one fifth of respondents also thought it 'somewhat' or 'very' likely. KwaZulu-Natal (8%) and Mpumalanga (10%) were the two provinces where the highest percentage of people thought this 'very likely'.

⁸⁸ Sipho Masombuka, 'Forced to campaign for ANC', The Times, 10 March 2014, <http://www.timeslive.co.za/thetimes/2014/03/10/forced-to-campaign-for-anc>

⁸⁹ Afrobarometer, Summary of Results – Afrobarometer Round 5 Survey in South Africa, p 40 http://www.afrobarometer.org/files/documents/summary_results/saf_r5_sor2.pdf

Table 3: Responses to the question: How likely do you think it is that powerful people can find out how you voted, even though there is supposed to be a secret ballot in this country? - *Afrobarometer, 2011*⁹⁰

	Urban	Rural	E Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	North West	N Cape	W Cape	Total
Very likely	5	5	3	2	5	8	3	10	5	2	5	5
Somewhat likely	15	14	7	7	16	19	16	12	6	20	22	15
Not very likely	27	23	22	25	27	22	30	16	28	30	33	26
Not at all likely	48	52	68	66	42	50	34	58	55	47	40	50
Don't know	4	6	0	0	10	0	16	3	5	1	0	5

Some interviewees also asserted that anxieties about the secrecy of the ballot are manipulated by politicians.

So there is a firm belief that Big Brother is always watching and when those guys campaign, they tell them that Big Brother is watching. (Agang, National)

Specific allegations were made that people were sometimes forced to take pictures of their ballot papers, using cell-phone cameras, in order to ensure that they had voted in a specific way.

There were incidents of husbands asking their wives to take a picture of their ballot after they voted, and the ANC asked their own comrades because they did not trust them to take a picture of their ballot to show they had voted ANC.
(Agang, National)

⁹⁰ Afrobarometer, Summary of Results – Afrobarometer Round 5 Survey in South Africa, p 40
http://www.afrobarometer.org/files/documents/summary_results/saf_r5_sor2.pdf

According to a press report similar observations were made by the Agang national leader, Mamphela Ramphele, in June 2013 after a four month tour of the country. Ramphele is reported to have said that she had heard of some people being required to take pictures of their ballot papers with their cellphones to be "rewarded for doing the right thing". She also said that, "Voters don't actually know that they have a choice. Many are being told that if you go into that ballot box, we can see who you vote for and therefore we will punish you and take away your grants or your RDP houses".⁹¹

An Eastern Cape interviewee said that in one case in a previous election an IEC member had been involved in intimidating voters by placing a cell-phone in the voting booth.

They would put a cell phone in the voting booth. The ANC agents would be telling people, that 'you know what, when you get into the voting booth, there's a cell phone with a camera. That cell phone will be taking a photograph of you. Whatever you vote we will know. If you don't vote for the ANC, we'll take away your food parcels and your grants.' I mean that's blatant intimidation. An illiterate person, who some of them have not touched a cell phone in her life, will believe that, and their primary worry is losing their grant and food parcels. (COPE, Eastern Cape)

In December 2012 the ANC's electoral commission was reported to be in the process of tabling a proposal to ban the use of cellphones at the polling booths at its Mangaung conference. According to a press report:

There had been complaints in some provinces in the past that political leaders monitored how delegates voted by asking them to take pictures of their used ballots after voting. There were reports that something similar happened at the hotly contested ANC conference in Polokwane five years ago.⁹²

The use of cellphones at polling stations or in polling booths has been banned in certain elections in a number of foreign countries including in Pakistan,⁹³ India⁹⁴ and in Tobago and Trinidad.⁹⁵

⁹¹ SAPA, Ramphele worried over IEC, *News 24*, 18 June 2013,

<http://m.news24.com/news24/SouthAfrica/Politics/Ramphele-worried-over-IEC-20130618>

⁹² Sabelo Ndlangisa, ANC electoral commission wants to ban cellphones, *City Press*, 13 December 2012,

<http://www.citypress.co.za/politics/anc-electoral-commission-wants-to-ban-cellphones/>

⁹³ The Express Tribune Correspondent, No cell phone inside polling booths: ECP, *The Express Tribune*, 21 August 2013, <http://tribune.com.pk/story/593003/no-cell-phone-inside-polling-booths-ecp/>

d) Interfering with access to meeting facilities

Several interviewees, from Agang, COPE, the NFP and DA, indicated that their parties were frequently denied access to meeting facilities that had been booked by them. For instance the Agang interviewee referred to an incident in Bloemfontein in September 2013:

We booked the hall—a community hall—paid R400. ... We arrived in the morning and in front of the hall there were ANC members blocking the gate to the hall. It was locked—the gate. The municipality told the council workers not to open the hall on the day.

Both interviewees from the Eastern Cape referred to this as a recurring phenomenon in the province. Referring to the 2009 election the COPE interviewee said:

You see you are dealing with a very sophisticated party. In the Eastern Cape, it would be isolated incidents where a COPE meeting was disrupted by ANC people. Very very few, if any. All of the municipalities in the Eastern Cape are run by the ANC. But how they would do it, would be when you book a hall, the poor official, not knowing, would allow you to pay R350 on a Wednesday for a meeting scheduled from four in the afternoon, to eight at night. On the day of the meeting, we would be told, 'Sorry, you cannot use this hall it has already been booked by someone else.' So they would present it as some kind of a mistake of 'double-booking'. But that has been a trend, you would be refused use of municipal facilities such as halls, stadiums—and where else do you meet, under the tree? They would do those kinds of things. You would get to a town, and expect to have a meeting, and the caretaker would be nowhere to be found with the keys. Or you are told that, 'Oh sorry, this one has been booked by someone else for some other gathering. So sorry, go tomorrow and get your refund from the municipality.'

(COPE, Eastern Cape)

For example, if you hold a meeting, you'll book a hall, and you get there, it's an ANC ward, and the ANC council has the keys and they won't open the hall. They'll give you some story that the hall was pre-booked before, you've got to go and hold meetings outside, it happens every weekend. Nosimo Balindlela will go with one of

⁹⁴ Special correspondent, Voters should not use mobile phones in polling booth, *The Hindu*, 4 May 2013, <http://www.thehindu.com/news/cities/Mangalore/voters-should-not-use-mobile-phones-in-polling-booth/article4683063.ece>

⁹⁵ Alexander Bruzual, Cellphone alert at polling stations, *Trinidad and Tobago Newsday*, 21 October 2013, <http://www.newsday.co.tt/news/0,185358.html>

our MPs or MPLs to an area in the Maluti's or somewhere. We would have booked a hall and done all the preparation and paid and everything, and it will be shut down. (DA, Eastern Cape)

Interviewees from the ANC and DA also identified localities where it was alleged that the IFP was linked to this kind of practice. A DA interviewee in Gauteng identified this as a problem in relation to a hall in the vicinity of the Meadowlands Hostel in Soweto. The ANC interviewee said that this had been an issue in Louwsburg in the Abaqulusi municipal area. Asked whether this type of incident discouraged political parties from organising meetings the COPE interviewee said:

In the short term, it doesn't, because it actually infuriates people. But in the long term it does. No one wants to go to a meeting place to find that they have been locked out, several times. I mean, people can only take so much. At some point they get tired of it. (COPE, Eastern Cape)

The Agang interviewee indicated that the party had now become cautious about booking municipal venues.

We now book municipally controlled venues only if we have no alternative. It minimises and limits our participation, so by implication it means you cannot go into certain areas. We went to Bloemfontein and we could not gather peacefully and do our business because the councillor instructed the council employees to not open the facility on the day. We are now using venues that are not owned by government. We are using schools especially Catholic schools because they are independent. So we now have to look at venues that are privately owned so we can gather peacefully. (Agang, National)

e) Disruption of meetings and other events

One of the major forms of intimidation is the disruption of meetings or gatherings, both outdoor gatherings and meetings inside halls and other venues. Several interviewees accused the ANC of orchestrating such disturbances and several press reports have highlighted instances of this kind, although the details provided are often fairly minimal. For instance, in mid October 2013, an incident was reported at which a confrontation between ANC and EFF supporters took place in Diepsloot, during protests concerning the murder of two toddlers. The report indicated that officials of the African National Congress Youth League (ANCYL) were addressing supporters when EFF members approached shouting "Juju!" referring to the founder of the EFF, the expelled ANCYL

leader, Julius Malema. The ANC and EFF supporters then engaged in a tussle, shoving each other to maintain territory. Both sides taunted the other with EFF members attempting to tear an ANC T-shirt bearing an image of President Jacob Zuma.⁹⁶ EFF supporters in red berets sang songs mocking President Jacob Zuma, singing in Sesotho that, "If you are a person who is voting for Zuma you are not to be trusted." The EFF supporters accused ANC supporters of beating them.⁹⁷

In this case the details provided suggest that the EFF supporters may have disturbed a gathering of the ANCYL. Despite the fact that EFF supporters ultimately accused the ANC supporters of beating them, the available information appears to suggest that it may have been the behaviour of the EFF supporters that precipitated the confrontation.

There are reports which suggest that EFF members sometimes have disrupted the activities of the ANC, although the number of incidents reported is not extensive and the information detailed therein is often insubstantial. In February 2014 it was reported that EFF members had prevented ANC members from attending the funeral of a man who had been killed in a demonstration.⁹⁸ At least one report gave no indication as to whether supporters of either party could be seen to have been the primary aggressor, stating that a clash ensued when 'EFF and ANC supporters ran into each other unexpectedly while campaigning' on November 3rd in Freedom Park, south of Johannesburg'.⁹⁹

However, in a number of reports there is some indication that the initial disruption has involved members or supporters of the ANC trying to disrupt the meetings of a rival party:

- On 22 July 2013, a confrontation with ANC members took place at an Agang meeting in Mzobane in Limpopo. A press report on the incident contains little detail but says that Agang, 'claims an ANC councillor disrupted their meeting through attempts to bribe its members with food parcels and jobs'. According to the Agang interviewee, what happened at the meeting was, 'Our guys on the ground called a meeting to address community issues. In the middle of the meeting the councillor for the ward where the meeting was held, together

⁹⁶ ENCA, EFF, ANCYL supporters in clash in Diepsloot, 18 October 2013, ENCA, <http://www.enca.com/south-africa/eff-ancyl-supporters-clash-diepsloot>

⁹⁷ SAPA, EFF claims ANC supporters beat them up in Diepsloot, *Times Live*, 18 October 2013, <http://www.timeslive.co.za/politics/2013/10/18/eff-claims-anc-supporters-beat-them-up-in-diepsloot>

⁹⁸ SABC, Standoff between ANC, EFF supports at protesters funeral, *SABC News*, 15 February 2014, <http://www.sabc.co.za/news/a/f64c4a0042f10514b7dabf895990ad13/Standoff-between-ANC,-EFF-supports-at-protesters-funeral>

⁹⁹ Tebogo Monama, Bullets fly at EFF march, *Pretoria News*, 6 November 2013, <http://www.iol.co.za/news/crime-courts/bullets-fly-at-eff-march-1.1602697#.UnnmsXCBmt8>

with his goons—ANC guys—disrupted our meeting and then a fist fight, where there was a scuffle, and a fight ensued’. He indicated that the police had been called by Agang members although, as also confirmed by the press report, it was then three Agang members who were arrested by the police.¹⁰⁰

- According to Agang similar incidents also took place at Bela Bela¹⁰¹ and in the Western Cape.¹⁰²
- On 5 August—Police stopped a clash between the EFF and ANC over a venue in Rustenburg. The EFF claimed the ANC was out to disrupt its gathering, saying the EFF had booked and paid for the hall, only to find it occupied by the ANC.¹⁰³
- On 26 September members of the ANC supporting South African Students Congress (SASCO) were involved in a confrontation and ‘scuffle’ with members of the EFF at the University of South Africa (UNISA) in Pretoria. EFF leader, Julius Malema, had been invited by the UNISA Academic and Professional Staff Association to talk at the university. Permission for the gathering was later withdrawn, apparently after objections from SASCO. However, Malema decided to go ahead with this address outside the University’s Theo van Wyk building. The confrontation, during which it is alleged that four SASCO members were hurt, apparently took place while SASCO members were singing songs in order to try to disrupt Malema’s address. In his address Malema said that the University had cancelled the event because of intimidation: ‘It can’t be that events are cancelled through intimidation.’ He said that succumbing to intimidation amounted to an irresponsible act. He also called on EFF supporters to, ‘Protect meetings, do whatever it takes for this meeting to succeed. Let us show the police and security that we can do without them. So let us protect ourselves.’¹⁰⁴ The SASCO chairperson at UNISA, Solly Nkuna, had earlier said that only registered students would be allowed into the Z.K. Matthews Hall, where Malema had been expected to speak. ‘We have vowed to disrupt any talk given by Malema,’ said Nkuna. ‘We took a position that non-students are not going to enter or participate. We will

¹⁰⁰ Mia Lindeque, Agang SA’s first fight ends in arrests, *Eyewitness News*, 23 July 2013, <http://ewn.co.za/2013/07/23/Agang-members-arrested>

¹⁰¹ SAPA, ANC ‘Zanufying’ South African politics: Agang SA, *Times Live*, 11 October 2013, <http://www.timeslive.co.za/politics/2013/10/11/anc-zanufying-south-african-politics-agang-sa>

¹⁰² SAPA, ANC ‘Zanufying’ South African politics: Agang SA, *Times Live*, 11 October 2013, <http://www.timeslive.co.za/politics/2013/10/11/anc-zanufying-south-african-politics-agang-sa>

¹⁰³ Tebogo Monama, Bullets fly at EFF march, *Pretoria News*, 6 November 2013, <http://www.iol.co.za/news/crime-courts/bullets-fly-at-eff-march-1.1602697#.UnnmsXCBmt8>

¹⁰⁴ You Tube, Malema at Unisa Part 1, Published on 1 Oct 2013, <http://www.youtube.com/watch?v=nqqIuw9o0QU>.

destabilise everything until such a point that students are the only ones left inside [the hall].'¹⁰⁵ Nkuna also alleged that, 'three EFF members had guns which they pointed at people with an intention to intimidate them to stop singing.'¹⁰⁶

- In late November gunshots were fired during a confrontation between the ANC and EFF in the Zenzele informal settlement outside Mohlakeng, south of Randfontein, resulting in two boys being injured. According to a press report 'the EFF had called a public meeting while the ANC in the area was having a door-to-door campaign. Witnesses said ANC members started chanting loudly, and then, 'the EFF leaders urged their supporters to chant even louder and urged them to follow behind the ANC members'. However, ANC members alleged that a car carrying EFF members started spraying everyone with pepper spray. Gunshots were fired and some ANC members were badly beaten. One was later arrested by the police.' Two boys, aged 11 and 17, were allegedly shot while trying to escape the clash between the supporters of the two parties. A police spokesperson indicated that a 48-year-old man had been arrested in connection with the shooting. According to the same press report a Grade 11 pupil, who is an ANC member, said he was forced to go into hiding. The youth said he had been told by EFF members that should he continue his political affiliation with the ANC he would find himself 'six feet under'.¹⁰⁷
- During an EFF event on 11 January 2014 Julius Malema was pelted with 'stones and water bottles' by ANC supporters. The incident took place near the Nkandla homestead of President Jacob Zuma where the EFF was handing over a newly built house to a woman and her grandchildren.¹⁰⁸ When Malema arrived for the handover, ANC members blocked the progress of his car, forcing him to get out and walk to the house. After he made it through the crowd, ANC supporters began throwing bottles of water and stones. Later, the ANC supporters were on a nearby hill when EFF members emerged from their meeting and began singing. Some of the ANC group began throwing stones at them. Police intervened using truncheons, a water cannon and teargas. Rubber bullets were fired and people ran and dived for cover. Thirty people

¹⁰⁵ SAPA, Defiant Malema goes ahead with Unisa talk, *News 24*, 26 September 2013, <http://www.news24.com/SouthAfrica/Politics/Defiant-Malema-goes-ahead-with-Unisa-talk-20130926>

¹⁰⁶ Sipho Masombuka, Guns drawn at Malema speech, *Times Live*, 27 September 2013, <http://www.timeslive.co.za/thetimes/2013/09/27/guns-drawn-at-malema-speech>

¹⁰⁷ Itumeleng Mafisa and Irvine Makunyane, Kids shot in EFF-ANC clash, *The New Age*, 25 November 2013 also at <http://www.ann7.com/article/5044-2511201325112013kids-shot-in-eff-anc-clash.html>

¹⁰⁸ Giordano Stolley, Malema braves stones, bottles in Nkandla, *IOL*, 11 January 2014, <http://www.iol.co.za/news/politics/malema-braves-stones-bottles-in-nkandla-1.1630524>

including three minors, believed to be ANC supporters, were arrested and appeared in court in connection with the incident.¹⁰⁹

- A press report on 10 February 2014 indicated that a visit to Bredasdorp in the Western Cape, by DA Parliamentary leader, Lindiwe Mazibuko, was disrupted by ANC supporters.¹¹⁰
- On 14 February 2014 ANC supporters obstructed NFP members from campaigning in the Ntshongweni area, west of Durban. ANC supporters were reported to have blocked the streets and burned tyres to obstruct the NFP, and to have insulted and sworn at the NFP supporters. They were also accused of having 'chased them away'. Provincial ANC spokesman, Senzo Mkhize, is reported to have said that the ANC condemned the incident 'in the strongest possible terms' and stated that the ANC would act against members found to have disrupted the NFP campaign. 'No matter the provocation, no one is allowed to block others from campaigning,' he said.¹¹¹

While the press reports surveyed do not uniformly implicate the ANC as the source of disruption, this seems to be what is implied by several of them. Media coverage tends to treat these incidents as unique and fairly isolated incidents rather than as reflecting a pattern of incidents of this kind. However, a number of interviewees indicated that the disruption of meetings or gatherings is widely practiced by ANC supporters. One incident referred to by a few interviewees was the disruption by members of SASCO, of a speech by DA leader, Helen Zille, at Fort Hare University in October 2013. Most of the incidents that were described appeared to take place outside South Africa's major metropolitan centres, often in more rural areas.

A DA interviewee described an incident of this kind in September 2013 in KwaNyuswa, in the Ndwedwe municipal area in the iLembe district, north of Ethekeini (Durban):

Look, we actually had alerted the community and members of the DA that we were going to be having this gathering on Wednesday. ... When we arrived there were ANC members who gathered just down the road from where we were supposed to be. When we started with our meeting their group kept growing ...

¹⁰⁹ SAPA, Nkandla ANC public violence case postponed, *Mail & Guardian*, 13 January 2014, <http://mg.co.za/article/2014-01-13-nkandla-public-violence-case-against-eff-postponed>

¹¹⁰ SAPA, ANC disrupts Mazibuko visit to Bredasdorp: DA, *Times Live*, 10 February 2014, <http://www.timeslive.co.za/politics/2014/02/10/anc-disrupts-mazibuko-visit-to-bredasdorp-da>

¹¹¹ Nathi Olifant, ANC disrupts NFP rally, *Sunday Independent*, 16 February 2014, <http://www.iol.co.za/news/politics/anc-disrupts-nfp-rally-1.1647822>

and then as we wrapped our meeting they came to us singing and *toyi-toying* and they started bashing our cars [and] insulting people. (DA, KwaZulu-Natal 1)

The interviewee said that similar incidents had occurred in Clermont (in eThekweni), a few weeks previously in Umgababa (in eThekweni), as well as in KwaSwayimane in central-northern KwaZulu-Natal—apparently this was a reference to an incident in February 2013.¹¹² He also cited the November 2012 attempt by Helen Zille, the DA leader, to march on the Nkandla homestead of President Zuma, which was obstructed by ANC supporters, as an example of this kind of disruption.

In Mpumalanga the experience of the DA was described as follows:

So we would hold an event in a given community, let's say 20, 30, 40 community members would arrive, the ANC would make sure that they are at the same venue at the same time also with 20–30 people to come and just make a noise and disrupt you so that you physically can't speak because of the noise interference. I had one in Delmas two months ago where we had to cancel the entire day's tour because the ANC literally followed us around with cars and the moment we stopped at a venue in a park somewhere, we started calling people together to come and talk to us, the ANC will come and surround us and prevent the people from talking to us. (DA, Mpumalanga)

The frequency with which incidents of this kind happened was described as 'escalating at an alarming rate'.

Other tactics allegedly used by ANC supporters include:

'Bringing a sound system truck and parking it next to a hall, if there's a national leader or a provincial leader holding a meeting, and just drown it out. Or simply surround the meeting, and chant and throw stones on the roof, and make it such a din that you can't proceed. (DA, Eastern Cape).

In another case a DA meeting in Ngeleni in the Eastern Cape was disrupted.

¹¹² SABC, DA's visit to KwaSwayimane met with resistance, *SABC News*, 4 February 2013, <http://www.sabc.co.za/news/a/27b65c804e6f1ff38275fa7da4cd6ad7/DA's-visit-to-KwasWayimane-met-with-resistance>

We had a meeting there on a Saturday morning. We travelled miles to get there. We booked this hall, paid the money, it was a church hall. Just before we arrived, some ANC people arrived and they started throwing the chairs around saying that we hadn't booked the hall, and they were using the hall for a church service. Some were wearing ANC kit. (DA, Eastern Cape)

After a standoff between the members of the ANC and DA, the DA attempted to proceed with the meeting:

'Then they turned the electricity off, but we had our own battery powered thing. We carried on with our meeting, and finished our meeting and then left.

Experiences of this kind are not restricted to the DA. As indicated in press reports Agang had also reported a number of events that had been disrupted by ANC supporters. EFF leader, Julius Malema, has for instance stated that EFF meetings 'have been targets of ANC hooligans who dedicate themselves to disrupting us'. The EFF interviewee appeared to confirm this, stating that attempts had been made by ANC supporters to disrupt virtually every EFF gathering in the build-up to the EFF launch in October.

All EFF meetings have been disrupted, and they have been disrupted in this manner ... So there is a pattern. ... You have people who are wearing ANC T-shirts. In a huge turnout, we have never addressed less than two thousand people where we've been, without posters and all those things. All you say is 'EFF is going to have a meeting and Julius is gonna address'. People come in huge numbers. And you see a group of seven ANC people wearing T-shirts, howling. And you ask them, 'What is your problem, we want to have our meeting.' [They respond] 'No, this is our community we cannot be removed. Freedom of this ... blah blah blah.' If you are here then you must allow us to have our own meeting, and without you interfering with that.' And they will become rowdy, even violent, even aggressive. In one instance one of the girls that was a part of the group literally hit my beret to the ground. I think they want to portray us as violent. That invites us to physically, you get what I mean, because if you hit my beret, obviously EFF members attach significance to the beret, and their leadership. So perhaps that's their strategy to collapse our meetings and then the report is that we beat people up in meetings. So, that is what would happen. In Pretoria for instance, they were literally throwing things at us, bottles and what. And the police were useless. (EFF, National)

One of the COPE interviewees indicated that the disruption of meetings had been an established practice, endorsed by ANC leadership, since the late 1990s:

In 1999, Holomisa goes to Fort Hare to campaign before the elections. The UDM had just started. The ANC Youth League went to Fort Hare to campaign for the ANC. At the time I was the Regional Chairperson of the Youth League. We were sent to go and disrupt the meeting. We did so successfully. Senior leaders, including Stofile, were in the neighbouring town, Fort Beaufort, were in direct communication with me about, 'What's happening, ... what's happening'. What we did was, three hours before the meeting, we went into the hall and literally covered the hall in black, green and gold, so when him [Holomisa] and his guys got in they saw this. We were already there in huge numbers. We allowed him to take up the podium, but when he wanted to speak, we would chant, 'ANC, ANC, ANC'. We did this until he gave up and left. (COPE, Eastern Cape)

Interviewees from COPE and the DA also referred to situations where it appeared that ANC members deliberately positioned themselves outside meeting venues in order to discourage people from attending meetings of an opposition party.

And on the day of your meeting ANC will be parked with their cars opposite the hall, for instance, looking at everyone who is walking in, clearly getting to know whose who, who is in, who is out, who is supporting COPE and so forth, so that they can deal with them at a later stage. (COPE, Eastern Cape)

They would stand at the gate of the school yard and tell them you are going to the white man's party, why you betraying your grandfathers and such like, you know. (DA, Mpumalanga)

f) Assaults and threats of physical harm

As indicated in the previous section, there have been several incidents where violent confrontations of some kind between members of rival parties take place following meetings that have been disrupted. What the reports suggest is that these attempts to disrupt meetings often lead to confrontations, as a result of which both sides may become involved in violence. The members of the party trying to hold a meeting have a choice: stand back and allow their meeting to be disrupted, or respond to the attempt to disrupt their meeting. The latter course of action, unless they are able to obtain assistance from the police, may, and often does, lead to some form of physical confrontation.

In many of these incidents it appears that the violence involves little more than 'shoving', although it is not uncommon for clashes to escalate, leading to blows being exchanged. In some cases people have been injured, and in at least one of the cases above, in the Zenzele informal settlement, gunfire resulted in two boys being wounded. Those who are injured are not inevitably members of the 'victim' group and may be from the group whose actions precipitated the confrontation. Sometimes people who sustain injuries are not even participants in the skirmish.

Physical violence as a tactic of intimidation is not restricted to these kinds of events.

And then of course the physical intimidation that takes place where people literally get beaten up if they are known to be associated with the DA, houses burned down, rocks pelted at vehicles, T-shirts ripped off people's bodies and burned in the street, all of those kind of things take place. ... We've seen physical abuse and physical attack, while the physical attack where we are at the moment has not resulted in death yet. But most certainly it's going to. It is getting more and more physical. (DA, Mpumalanga)

Even when there is no direct physical violence, participants in attempts to disrupt opposition meetings and other campaigning activities often make threats of physical harm:

Say for example you would go on a Saturday afternoon and we would conduct door-to-door visits and all of a sudden you would just see a big group of ANC supporters chasing you away and say 'you do not belong in this community, go away' and literally threatening our activists and *toyi-toyiing* and they would be threatened with their lives that they gonna kill you, and they would be doing signs like this [indicates throat cutting motion]. So it is literally threats you know that we will kill you if you don't go out of this community. (DA, National)

The same interviewee referred specifically to events during a by-election in Umzimkulu, near Kokstad in KwaZulu-Natal, in May 2013:

It normally goes along with ... with verbal threats. *Knobkerries*¹¹³ and you know just people saying you would not see the day of tomorrow if you are going to vote for the DA. So, it is threats, it is a show of force you know large group of ANC supporters coming, going through the ward, literally running through the ward and

¹¹³ A short club with a knobbed end.

shouting slogans going to individual households and saying if you are going to vote for the DA you know XYZ is going to happen to you.

Similar incidents were reported by the DA Eastern Cape interviewee:

Where there's some DA people doing a house meeting, maybe showing a video or something. ANC people in the community will come and they will shout and scream and *toyi-toyi* outside the house. Threaten the house owner that they'll come and burn the house down when we've left. That happens on a weekly basis. (DA, Eastern Cape)

Despite being the ruling party in the province this kind of incident was also identified as something that the DA faced in the Western Cape.

In some cases there may not be verbal threats but ANC members use a type of 'mock charge' as a threatening tactic. The Agang interviewee referred to an incident in Bloemfontein:

Our guys were here, ANC was here, they kept charging towards us. I called the police when the ANC started to charge towards us. I called the police when that started to happen. We had to have a wall, a human chain, separating the two groups, ours and theirs.

Rather than being directed at groups, acts of intimidation may be directed at an individual or specific individuals.

So, what we have experienced in a number of instances around the country in recent months is that, especially our activists and our public representatives have been intimidated, have been threatened, by the ANC or by members of the ANC, by telling us get out of this community, you are not welcomed here and you do not belong here. Obviously we are not going anywhere so we are there to stay and so that creates a lot of tension on the ground, and anxiety and fear amongst our activists, amongst our supporters. (DA, National)

Anonymous cellphone text messages (SMSs) or phone calls are also a means by which threats are made. A DA leader in KwaZulu-Natal was quoted in a press report saying, 'An SMS was sent to one of our members in which he was told that his days are numbered. One of our employees in Umzimyathi has had to take stress leave because he has been

receiving anonymous threatening phone calls and his house was even broken into.’¹¹⁴

It may be assumed that there are a large number of incidents in which low level party members or supporters are threatened, and in some cases harmed; often in circumstances where they are on their own and there are thus no witnesses. An NFP interviewee argued that rank and file members were particularly vulnerable to this kind of intimidation:

So if in the so-called stronghold of that party a person who is strong and known has decided to defect, then it’s easy and it is not a problem in that case. The problem is that if an ordinary community member decided to join Party B it’s where the problem occurs. (NFP Gauteng)

Referring to East London, a DA interviewee referred to ‘a number of cases where our activists have been beaten up and assaulted and hacked with pangas’. The EFF interviewee referred to incidents in Ethekwini where EFF members or organisers were beaten up, as well as a case in Pretoria where an EFF organiser was shot. ‘These guys who shot this guy literally knocked, and when he opened, they shot him without stealing anything. So what do you call that?’

g) Fatal violence

On 6 October 2013 an Agang member, Nyako Masenya, was killed in the village of Uitkyk in Limpopo. While there is concern that the killing might have been, at least partly, politically motivated, it is not clear that this was the case. The killing coincided with the launch of an Agang branch in the village and Masenya, wearing an Agang T-shirt, was apparently taking a break from the meeting. He apparently became involved in an argument at a liquor store and was assaulted with a bottle and piece of wood until he collapsed and died. His assailant was arrested and has appeared in court.¹¹⁵

As indicated in Table 4, the killing of Nyako Masenya, is the only political killing identified during research for this report to have taken place outside of KwaZulu-Natal since the beginning of 2013. All the other suspected political killings that may be related to rivalry between political parties in South Africa have taken place in KwaZulu-Natal. KwaZulu-Natal is the primary location of incidents where office bearers, members or supporters of

¹¹⁴ Fatima Asmal, DA urges ANC to stop hate speech, *Mail & Guardian*, 31 May 2013.

¹¹⁵ SAPA, Suspect held for Agang SA member’s murder, News 24, 7 October 2010, <http://www.news24.com/SouthAfrica/News/Suspect-held-for-Agang-SA-members-murder-20131007>

political parties are killed, accounting for eleven of the twelve killings (in 11 incidents) recorded in Table 4.¹¹⁶

Table 4: Killings of office bearers and members of political parties during the period January 2013–February 2014

Date	Province	Party	Area	Name and position
2 Feb 2013	KZN	NFP	Ulundi	Themba Timothy Zulu Jiyane (ward chairperson)
26 Feb 2013	KZN	IFP	KwaMashu hostel	1 unnamed supporter
8 Mar 2013	KZN	ANC	Estcourt (Umtshezi township)	S’bu Majola (ANC branch chair)
15 Mar 2013	KZN	ANC	Cato Crest	Thembinkosi Qumbelo (ANC member and President of the Cato Crest Residential Association)
23 Jun 2013	KZN	ANC	Lamontville	Sithembiso Ngidi (Member of branch executive)
6 Oct 2013	Limpopo	Agang	Uitkyk	Nyako Masenya (member)
11 Aug 2013	KZN	ANC (former IFP)	Ulundi	Makhosonke Msibi (branch chairperson)
4 Nov 2013	KZN	NFP	Ulundi	Siphumelelo Buthelezi (Stetema branch deputy chairwoman)
27 Jan 2014	KZN	IFP	KwaMashu hostel	Vika Ngcobo (IFP block chairman), Alpheus Magwaza (supporter)
17 Feb 2014	KZN	NFP	KwaMashu hostel	Ntombi Mzila (NFP supporter)
20 Feb 2014f	KZN	IFP	KwaMashu hostel	Nonhlanhla Biyela (Local IFP Women’s Brigade Chairperson)

However, it cannot be taken for granted that each of these killings was the work of a political rival (whether within their own political party or another). For example, following the killing of Themba Jiyane, chairperson of an NFP ward in Ulundi, a press report indicated that the NFP ‘was not sure whether the attack was political or business

¹¹⁶ An ANC member was assassinated, allegedly by other ANC members, in North West in December 2013. Apparent political killings have not occurred in Mpumalanga since early 2011.

motivated, as Jiyane had business interests in the taxi industry'.¹¹⁷ Nevertheless, ten months later, after another NFP member, Siphumelelo Buthelezi, was killed in the area, the NFP spokesperson stated that they had no doubt that the latest killing was political.¹¹⁸

Between these two killings of NFP members, in February and November 2013, an ANC member who had previously been part of the IFP was also killed in August in the Ulundi area. These three killings appear to suggest that it is rivals of the IFP in the area that are most at risk. This municipality is one of the last remaining strongholds of the IFP in KwaZulu-Natal, being one of only two municipalities in which the IFP won an outright majority in the 2011 municipal elections.¹¹⁹

Nevertheless, the highest number of fatalities was not recorded in Ulundi but in another IFP stronghold, the KwaMashu hostel area. Here, four out of the five people killed (in four incidents) were however members or supporters of the IFP. While it is possible that some of these people were killed by internal party rivals, the killings raise the possibility that rivals of the IFP, possibly including supporters of the NFP, may be linked to the killings. The fact that the NFP identifies itself as having a constituency in the hostel was reflected in an incident in November 2012 in which NFP leader, Zanele KaMagwaza-Msibi, attempted to visit the area and her convoy was stoned, allegedly by IFP supporters.¹²⁰

Insofar as the information in Table 4 is indeed comprehensive, it indicates, despite the looming elections, that no other area in KwaZulu-Natal has been the location of repeated political killings since the beginning of 2013. For instance the Umtshezi municipal area, which includes Estcourt and the Wembezi township, was the location of at least five political killings in 2011 and 2012, but it has apparently not experienced any further political killings since the killing of the ANC branch chair, S'bu Majola, in March 2013.

Presuming that at least some of these killings were perpetrated for reasons related to political rivalry or the maintenance of political dominance, they provide evidence that political conflict in South Africa continues to involve fatal violence. (The incidents listed include the killing of a social movement activist, Thembinkosi Qumbelo, who was an ANC member. Another social movement activist, Nkululeko Gwala, who was not linked to a

¹¹⁷ Chris Ndaliso and Mayibongwe Maqhina, NFP leader shot dead, comrade critical, the Witness, 5 February 2013, http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=95150

¹¹⁸ Nce Mkhize, NFP leader shot and killed in Ulundi, *Business Day*, 5 November 2013, <http://www.bdlive.co.za/national/politics/2013/11/05/nfp-leader-shot-and-killed-in-ulundi>

¹¹⁹ Wikipedia, South African municipal election, 2011, http://en.wikipedia.org/wiki/South_African_municipal_election,_2011#KwaZulu-Natal

¹²⁰ SAPA, Violence between IFP, NFP supporters erupts in KwaMashu, *Mail & Guardian*, 25 November 2012, <http://mg.co.za/article/2012-11-25-violence-between-ifp-nfp-supporters-erupts-in-kwamashu>

political party, was also killed in Cato Crest in June 2013.) In addition to fatal incidents there may be cases where an attempt to kill a rival politician was unsuccessful. A press report in May referred to Thokozani Gumede, a DA councillor from KwaDukhuza in KwaZulu-Natal, who had reportedly been forced to stay in hotels for several months, after being followed by hit men allegedly hired to kill him by followers of the ANC.¹²¹

Consequently it would seem that, for reasons that are unclear, political conflict in KwaZulu-Natal translates more easily into fatal violence than it does elsewhere. Mpumalanga appears to be the only other province that has recorded a significant number of killings of this kind. However political killings that have been recorded in the province are generally alleged to be 'internal' and none are regarded as linked to conflict between any of the established political parties. No political killings have occurred in the province since early 2011.¹²²

It therefore seems possible, despite political intimidation being widespread in South Africa, that in much of the country there is an inhibition against translating this coercion into fatal violence. While those who are involved in intimidation sometimes make threats which imply they are willing to resort to extreme and even fatal violence, it appears that these threats are generally not translated into action. (It should be noted also that typical incidents of non-fatal violence that are discussed in this report are generally not so extreme that they would result in a person being hospitalised.) Assuming that a restraint of this kind does exist, there may be different reasons for this, apart from a general inhibition against killing.

One of these reasons may be that, despite seeing their political dominance challenged, intimidators are confident they will be able to hold onto power. Intimidation may therefore be a means of impeding the growth of opposition, rather than being motivated by a belief that opposition parties are indeed powerful enough to supplant them. Further, it may be that 'low intensity' intimidation tends not to attract media publicity unless it takes place in some of the more visible (from a media perspective) parts of the country, or involves high profile individuals.

As illustrated above, and below, there is a multiplicity of mechanisms to discourage open support for opposition parties by people in poorer areas. Many of these can be pursued with impunity, while killings, or other forms of open and severe violence, would draw

¹²¹ Fatima Asmal, DA urges ANC to stop hate speech, *Mail & Guardian*, 31 May 2013.

¹²² The killing of ANC Ehlanzeni Region Chief Whip Johan (or John) Ndlovu on 5 January 2011 is the last apparent political killing that we are aware of in the province.

attention to the fact that intimidation continues to be practised in South Africa—and carries the risk of prosecution and imprisonment. Whereas those who are protecting their positions of political dominance do indeed feel that a lot is at stake, ultimately they may be hesitant about facing the risk of criminal sanction for their actions. Overt acts of extreme violence are therefore not the primary manner in which party political intimidation is conducted, currently, in South Africa.

h) Damage to (political party or individual) property

Overt acts of violence directed at physical structures (shacks, houses, buildings, vehicles) are another form of political intimidation. A number of incidents in which people's houses have been burned or destroyed were referred to during the research, but these appear not to be commonplace.

- In June 2013 the DA in Gauteng reported that a shack belonging to one of their activists, living in an informal settlement in Tembisa, had been burned down in a suspected act of political intimidation.¹²³
- Later in the same month a DA youth activist in the Western Cape lost all his clothing when his home in Tambo Square, Gugulethu, was set alight in an apparently politically-motivated attack. The arsonists left a threatening note outside the shack.¹²⁴ The Western Cape ANC Youth League released a statement condemning the attack as 'cowardly and thuggish'.¹²⁵
- According to a DA interviewee there have been arson attacks on the homes of DA members in Mpumalanga, including in Steve Tshwete municipality, in Emakhazeni, and in Mashishing near Lydenburg.
- The UDM interviewee indicated that incidents of this kind had occurred in KwaZulu-Natal, the Free State and Eastern Cape.
- An NFP interviewee indicated that supporters of the party had suffered from violence of this kind both in KwaMashu and Umlazi, though he indicated that this seemed to have declined since the first half of 2013. The tail end of a convoy of vehicles was stoned, and a journalist's car was burned, allegedly by

¹²³ Jack Bloom, DA activist's shack burned down, *Politicsweb*, 12 June 2013
<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=382905&sn=Marketingweb+detail>

¹²⁴ SAPA, DA youth activist's home set alight in alleged political attack, *Times Live*, 30 June 2013,
<http://www.timeslive.co.za/politics/2013/06/30/da-youth-activist-s-home-set-alight-in-alleged-political-attack>

¹²⁵ SAPA, ANCYL condemns attack on home of DA leader, *City Press*, 3 July 2013,
<http://www.citypress.co.za/politics/ancyl-condemns-attack-on-home-of-da-leader/>

IFP supporters, when an NFP convoy escorted its leader, Zanele KaMagwaza-Msibi, into KwaMashu in November 2012.¹²⁶

- The Gauteng NFP interviewee argued that people in informal settlements in the province who attended events hosted by a rival political party would face the risk of having their shacks burned down by supporters of the dominant party in that area. He also mentioned an incident in Nancefield Hostel in Soweto, where the windows of NFP supporters had been broken and that in some cases people were evicted from their rooms in hostels for political reasons.

Interviewees mentioned other instances of damage to property, including cars being damaged and party posters and other election material being destroyed. In March 2014 a war of words erupted between the DA and ANC in the Western Cape, after the DA complained about alleged vandalism of its posters in a number of areas in the province.¹²⁷ Some level of destruction or other damage to party posters, by supporters of rival parties, is probably a general feature of many elections, even if the election is not otherwise marked by intimidation. Nevertheless it is a criminal offence. A DA interviewee in Gauteng referred to this problem.

In the previous election I remember one house, we found a number of our posters, possibly about two thousand. They had been brought down and they were in somebody's house. Some of the community members tipped us off and said, 'Go there, you will find your posters have been brought down.' We went there with the police and they found those posters. Since then a case was opened but the guy was released without any action. This is the challenge we are having. Police are not sure if this is a civil case or an IEC case, and what to do with those cases. (DA, Gauteng 1)

The DA interviewee in the Eastern Cape said that in one instance a person had been convicted for tearing down DA posters and had been sentenced to a year's imprisonment.

i) Display of power on election day

Interviewees from both the DA and the ANC referred to a pattern established during by-elections in the Western Cape where both parties engaged in a 'display of power' on

¹²⁶ SAPA, Violence between IFP, NFP supporters erupts in KwaMashu, *Mail & Guardian*, 25 November 2012, <http://mg.co.za/article/2012-11-25-violence-between-ifp-nfp-supporters-erupts-in-kwamashu>

¹²⁷ Glynnis Underhill, DA offers R5000 for info on poster vandalism, *Mail & Guardian*, 12 March 2014, <http://mg.co.za/article/2014-03-12-das-offers-r5-000-for-info-on-poster-vandalism>

election day. Localities where incidents of this kind had occurred were identified by interviewees as including Riversdal, Belhar, Phillippi and Grabouw. Typically this involves:

We have seen though in the last few months, particularly in the poor communities a great vibe being made around voting stations ... if you take for instance the case of Riversdal, in the voting district in the town there was peacefulness and calm. Each party had its stall and not much hype and loud speakers. Those in the poor locations, in the townships, in the locations, there was great hype, lots of people were wearing T-shirts of both parties, there was lots of music and loud speakers, there was SAPS because of this stand-off. ... And yes, as I say, this often happens that people become a bit excited, one's music is louder than the others, etc. etc., but there is no kind of serious stand-off or threats being made, or criminal activity taking place. (ANC, Western Cape)

Then it happened like that—about 600 people, activists and canvassers of the ANC, and we had 600 people. But now you can imagine in a town like Grabouw, you know this massive vibe of 'we all know it is election day' and you see a lot of yellow T-shirts and you see a lot of blue T-shirts and you could feel the hostility in the air. Now you must imagine if you are a voter and you need to walk out of your home, you are dependent on the support from the government, or whatever, but even if you are not, even if you just want to go out and vote. And now you need to walk past a sea of yellow T-shirts and a sea of blue T-shirts and all that you want to do is to go and make your cross. Will you not feel intimidated? Even if no one actually said a word to you, you can see that there is just a lot of tension here and so will you go out and vote? (DA, National)

These competing 'shows of force' appear, at least in part, to be a by-product of the DA's decision to challenge the ANC's power in poorer areas. The DA interviewee referred to an event of this kind during a by-election in Grabouw in 2012. The DA's decision to engage in a 'show of force' on election day was partly motivated by the fact that, in the run up to the by-election, there had been high levels of intimidation. Coercion included 'preventing people from canvassing, intimidating our canvassers, chasing them away' with threats that 'we will harm you and hurt you'. As a result, on the election day itself, 'we knew that we have to have a massive group of people there to show force because we knew that the ANC was going to have a massive group of people'.

On the other hand, the ANC interviewee argued that these events were a deliberate strategy by the DA to create 'organised chaos' in voting districts where a high proportion

of voters were likely to vote for the ANC, so as to discourage voting in these districts.

I'm almost certain that the only reason why the DA goes out to those voting stations is, because the numbers certainly don't imply that it has support in these communities, so they simply go out and cause chaos, and they know that this is going to cause chaos, it's organised chaos and this ensures that the ANC's numbers are much lower in these voting stations. For example our analysis in the Riversdal case was that we were able to win the ward and we lost the ward by 200 votes. Had we gotten our extra 200 people in the voting districts in the poorer part of the ward we would have won. But because of this kind of organised chaos caused by the DA, sending in loud hailer, shipping in people from Mossel Bay, Swellendam and all these surrounding places, they are not even locals, with their T-shirts, with their loud music, it causes chaos and unfortunately ANC comrades fall into the same trap, they get taunted by the DA, they want their music louder, they want to dance more and people, at the end of the day lose sight of what the real purpose of the day is, which is to go and vote. ... We have always thought that this was a tactic used by the DA to destabilise voting stations within the ward, the DA hardly gets any votes in those areas and yet they would deploy all those resources like trucking in people with their music and their speakers to go and cause this kind of hype and unfortunately ANC comrades fall into this trap. So the turn out in those areas where ANC is stronger is lessened. I wouldn't call it intimidation but it does have a destabilising effect on the voting stations. (ANC, Western Cape)

It would appear that these types of displays of power may be illegal in terms of the Electoral Act. According to the Act:

On voting day no person may:

- (a) hold or take part in any political meeting, march, demonstration or other political event; or
- (b) engage in any political activity, other than casting a vote, in the area within the boundary of a voting station.¹²⁸

The interviewee from the ANC Western Cape suggested that this problem might be restricted to by-elections; the regulatory framework was not applied as stringently in these elections as it was in the national and provincial elections. 'National elections are treated differently from by-elections, so maybe this is something we need to bring to by-elections as well.' The interviewee said there was an emerging awareness in the IEC about

¹²⁸ Section 108, Electoral Act, 73 of 1998.

the issue and that the ANC would be raising the issue in meetings with the IEC in the Western Cape.

j) Victimisation by state and other agencies

Comments by interviewees about the role played by the South African Police Service (SAPS)—and other police agencies—in addressing intimidation, as well as allegations of victimisation by them, are discussed in more detail in a subsequent section of this report. It must however be noted that, in at least one of the interviews, allegations were made that victimisation and intimidation also involved state agencies other than the SAPS. These allegations emerged primarily from WASP. Though there are elements of similarity between the types of intimidation experienced by WASP and other parties, WASP's experience of intimidation is in some ways fairly distinct. The WASP interviewees attributed this in part to the fact that WASP 'campaigns on the very issues that communities are fighting upon, service delivery, we campaign in defence for instance of the mine workers facing retrenchment, we are supporting the strikes in the motor and other industries'.

In the case of WASP, much of what was described amounted to apparent attempts to disrupt or prevent their involvement in political activity. Those involved were alleged to include not only the ANC but also the SAPS, other state security agencies and departments, mining companies and traditional authorities, most notably the Royal Bafokeng.

Examples provided by WASP included being denied access to communities living on privately-owned mining land and having meetings prohibited and disrupted. This was alleged to have happened on the Swartklip mine in Limpopo as well as in the Robega community which is situated on land which falls under the Royal Bafokeng traditional authority. In the latter case it was alleged that the Bafokeng 'royal police' (described by the interviewees as a private security company) and SAPS had co-operated since 2012 in 'basically impos[ing] a state of emergency that did not allow more than three people to gather together, actually going into people's houses, circulating with helicopters, light shone directly into windows, almost bombing the area with teargas'. This was combined with intimidation that involved 'actually going to visit our members and supporters in their homes, come with veiled threats about how their lives will be messed up'. Part of what has motivated these actions has apparently been the belief on the part of the Royal Bafokeng authorities that WASP is organising on behalf of the Association of Mineworkers and Construction Union (AMCU).

The WASP interviewees alleged that initial plans for the WASP launch in December 2012 were disrupted by police who withdrew at the last minute formal permission for the launch to take place at a stadium in Limpopo.¹²⁹ Similarly, attempts were made to prevent a march that had been organised by WASP from going ahead. The march, in September 2013, was intended to call for the reopening of Sekhukhune College in Fetakgomo, Limpopo. Permission was initially granted for the march until it was discovered that WASP was involved. The police then allegedly started creating apparently fictional bureaucratic obstacles to try and prevent the march. This included the assertion by the police that the notification had allegedly not been completed on the correct form and that the meeting that the various role players had been involved in did not qualify as the stakeholders' meeting provided for in the Regulation of Gatherings Act. In the days leading up to the march participants were threatened with arrest.

WASP also alleged that workers who are WASP members, in a company that belongs to an ANC member in Limpopo, are being threatened with dismissal unless they leave the organisation. A WASP member was invited to participate in an SABC programme but the invitation was withdrawn at the last moment, allegedly as a result of political pressure on the programme organisers.¹³⁰ It has also been reported that there was interference by security departments in a visa application by a prominent WASP member who is a Swedish national but married to a South African.¹³¹

k) Beyond election time—denial of jobs, contracts, services, development opportunities and social isolation

Several interviewees argued that there were various ways in which people associated with the ANC would penalise individuals or communities for supporting opposition parties. These measures are alleged to be ongoing rather than restricted to election time.

An alleged example related to whether specific communities received services or benefited from development initiatives.

¹²⁹ See also DSM, DSM and mineworkers found WASP, *Politicsweb*, 18 December 2012, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=347787&sn=Detail&pid=71616>

¹³⁰ Mail & Guardian Staff Reporter, Shange censored for anti-ANC views, says WASP, *Mail & Guardian*, 4 October 2013, <http://mg.co.za/article/2013-10-04-wasp-sabc-censors-views-that-oppose-anc>

¹³¹ Rebecca Davis, Loved by the miners, attacked by the ANC: Who really is Liv Shange, *Daily Maverick*, 9 July 2013, <http://www.dailymaverick.co.za/article/2013-07-09-loved-by-the-miners-attacked-by-the-anc-who-really-is-liv-shange/>

We hear that certain infrastructure projects will be given to certain communities depending on whether they are pro- or anti- ANC (Agang, National).

Once the DA starts winning wards in traditional ANC communities like we have done in the Eastern Cape, they say, 'Don't come to us guys, we are in charge of this municipality, but you in Ward 5 in East London don't come to us guys you've made your choice. You've now voted for a party that is not in government. Don't come to us for services, now that you've made your political choice. Because you chose the DA. You've now got a DA ward councillor but we as the ANC run the municipality, and we control all the resources.'... So that's a problem for us, because where we grow in non-traditional [DA] areas, people say, 'Hang on, now we've chosen you guys, and your arms are tied'. So we have to find all kinds of innovative ways to muscle the municipality to deliver on services because they are very comfortable to turn their back and say 'Sorry,' to frustrate you. (DA, Eastern Cape)

A chief, who is a friend of mine, in Alice, is still feeling the repercussions of his people having voted COPE in large numbers in his area. No projects go his way. No projects go to his area, because COPE ... has worked extensively in the area and we got about seventeen percent (17%) of the vote. This is the area in which the ANC has been guaranteed in the past at least ninety five percent (95%) of the vote. So people get punished beyond the election. ... For example, we have a developer who wants to build eight hundred units of houses in those rural villages. Some few weeks ago, the Minister endorsed the project, but the municipality is refusing to include it in the IDP, as a punishment. There's no other explanation. (COPE, Eastern Cape)

In a couple of interviews it was specifically alleged that people would be denied water from the water tanker if they were not aligned to the dominant party in their area.

Then there is intimidation that is absolutely wrong as it happens in the township and in poor communities. What happens there? If you are an ANC member who wants to discuss issues openly or vote for another party, next thing the water truck comes to your house and you don't get water. You get overlooked. This is happening with our members in Limpopo. Where our members who live in a poor community and they held an Agang meeting the water truck no longer stops at their homes. (Agang, National)

One of the interviewees also said that there were allegations that an NFP municipality was linked to this kind of practice.

The NFP is leading in three municipalities within this district, for instance on the issue of the distribution of water within the district, through using water tanks. I was in one of the wards, Ward 5 there is an area called Kwanjogwe where there is a water shortage, there is a situation where people say 'we have water tanks in the form of Jojo tanks, but there is no water tanker, it passes by and goes to another area because people in that area are members of the NFP'. So you do get situations like that. I know because I was doing door-to-door in that area and people were saying on the issue of water and sanitation, which is currently the responsibility of the district, they feel that sometimes they don't have certain services because they don't belong, in the case of Nongoma in particular to the NFP. (ANC, KZN 2)

Allegations about non-ANC members being denied housing and other services were also alleged by a DA representative from Warrenton in the Northern Cape. The DA representative was responding to an incident in which some elderly people were allegedly told that blankets being distributed at an outreach event hosted by Northern Cape premier, Sylvia Lucas, were available only for ANC members.

People who apply to receive houses are treated in the same way. If they do not support the ANC, they do not get houses. He alleged this attitude also applied to lower water and electricity costs for the poor. Louw said opposition supporters were scared to wear party T-shirts because they would not be picked for working on government projects or other jobs.¹³²

An ANC spokesperson rejected the allegations.

Other allegations were made by numerous interviewees that opposition party supporters were denied employment opportunities in municipalities, in public works programmes, and other projects.

If there's a project, let's say there's a construction of a mall, houses or a road. When those projects are available, usually the ward councillor is consulted with first. In these poorer areas, ward councillors are ANC. When they are consulted to

¹³² SAPA, 'ANC accuses DA of 'petty politics'', *IOL News*, 21 August 2013, <http://www.iol.co.za/news/politics/anc-accuses-da-of-petty-politics-1.1565736#.UhSq6NIwflc>

say that there is this opportunity coming, ward councillors must inform the whole community, regardless of their political affiliation. What they do then, they exploit poverty in the sense that they say, 'If you do not belong to this political party, you will not get this opportunity.' It means that if you are DA member, you will not get the job based on the fact that your political affiliation is different to the majority one in the area. The ones who will benefit are those that are closer to the politician or the political party. In this instance it will be the ward councillor in these poor areas. Whenever there is a project, we get that reported to us. (DA, Gauteng 1)

When the local municipality is employing people and you are known to be a DA activist, you won't get employment. That is one of those more subtle kinds of intimidation that is taking place. (DA, Mpumalanga)

Yes, you will come across reports where people are saying for me to get work I'm told I must have a membership card of the organisation, must be a member of the ANC. You will come across it in areas where the ANC is in control and where it is not in control. It has happened. It can be debateable, the level, how far does it go. (ANC, KZN 1)

Asked why he had said that people were afraid to attend meetings of opposition parties one interviewee replied;

Remember most of our people rely on government for these Extended Public Works jobs, project jobs. If there's a construction project, road construction or road surfacing projects, it's the councillors of those particular wards that are given the responsibility to choose whom to employ and whom not to employ. ... Say, we have a construction of a hall in my ward. It's meant to employ thirty people from my ward. The councillor, the project liaison officer, and the contractor sit down and say, 'We want thirty people to work here'. The councillor will bring those thirty people. So the councillor will only look at those people that are loyal to the ANC for employment. If you have been seen, or are suspected of being supportive of an opposition party, forget! Same as with the allocation of food parcels and the allocation of houses, same as everything. If it comes from government you won't get it. (COPE, Eastern Cape)

The interviewee also indicated that political allegiance is a factor affecting whether or not people are recruited into the 'youth cadet' programme run by the department of rural development and land reform¹³³.

You must speak to people who have been refused entry, because their allegiance was suspect. There's hundreds of those people. These are the kind of patronage we are talking about. Jobs are handed out to people who are known to be supporters of the ANC. (COPE, Eastern Cape)

Another consequence of association with opposition parties was alleged to be the denial of tender opportunities.

Well, even to those people who are aspiring to, want to have some businesses, they will be told well if you do not vote for a particular political party you won't get tenders ... you won't get any work for the government. ... [For example] Durban metro actually controls almost a ... ten billion rand budget ... If you are not connected, politically connected, you are not going to get any tender (IFP, National)

One interviewee argued that the general environment in South Africa rewards those who associate with the ANC, while associating with opposition parties carries substantial risks. For instance, whatever skills they might possess, individuals who were associated with opposition parties would not be appointed to the boards of state-owned enterprises. Similarly, in the private sector, many companies were afraid to appoint to their boards individuals who were associated with opposition parties. This created a dynamic of fear regarding involvement with opposition parties, and it applied across all levels of society.

Now by moving out of this system, you risk losing benefits and this is why people are scared and why people make a very direct link between the ruling party and social provision of certain benefits. That is what creates the fear. (Agang, National)

Similarly, another interviewee alleged that:

So I'm saying this kind of intimidation occurred. If you are a known COPE supporter, people will harass you at the workplace, particularly in government,

¹³³ This appears to be a reference to the National Rural Youth Service Corps (NARYSEC) which falls under the department. See <http://www.ruraldevelopment.gov.za/about-us/narysec>

[you are] never allowed to lead ordinary lives. They were constantly under pressure. Others lost their jobs. Others were pulled off lucrative business deals. And this is all in the build up towards the election. ... You have a [employment] contract that would run until 2010. You are brought before the [disciplinary committee], and they mount charges against you, and you are dismissed. You take it to court, you win or lose it. For some, their contracts were simply not renewed. And they knew that had they been in the ANC, their contracts would have been renewed easily. Others were bought out of their contracts before they finished their contracts. (COPE, Eastern Cape)

I) Gender and intimidation

Three of the interviewees indicated that women sometimes faced pressure to comply with their husband's or partner's dictates as to who they voted for. (See also comments by the Agang representative in the discussion on **Secrecy of the ballot.**)

If you canvass constantly for a week you definitely you will find at least one case like that, where a person says 'I can't discuss politics with you without my husband being present' and I think it is a matter where the husband calls the shots, he makes the decision, he decides who we voting for and that is what has to happen. And I think it could also be reflective that perhaps certain women haven't had political exposure, so they just get guided by their husbands who might be working and they might be a housewife. And so they do not get the kind of life exposure out there to even be able to entertain a political discussion in a meaningful way. So they will go and vote but they will just rely on what the husband tells them how they should vote. I don't think that's a widespread problem, I really don't think so, I mean I don't have any evidence to suggest that it is or it isn't but it would be one out of 50 cases, for about every 50 houses you visit you will find one that says that. (DA, Mpumalanga)

Impact of intimidation

a) Modifying behaviour

Though it is not necessarily a feature of political life in all poorer communities, intimidation and other forms of the manipulation of electoral processes, appear to be widespread. As a result, these practices undoubtedly impose limits on the ability of opposition parties to canvass for and attract support. In many areas this is likely not only because of fear of physical harm, but also because people fear being punished in other

ways, such as being denied employment opportunities or positions on public works programmes, or being socially ostracised.

The available evidence appears to suggest there are grounds for considerable confidence that voting in South Africa is indeed secret, in most circumstances.¹³⁴ However, even when people do have confidence that the ballot is secret, political parties can only mobilise support effectively if people are not afraid openly to support them. Some people are more vulnerable to social pressures to conform and therefore will never 'take the lead' in openly expressing their support for a party that is not endorsed by the majority of people in their community. But even where people have been bold enough to take this step, many people, afraid of violence or economic repercussions, will not openly show their support for opposition parties.

Being able to demonstrate that there is support from a number of people in a community is, in itself, a way of building support for a party. Insofar as people in poorer communities are inhibited against showing their support for rival political parties, intimidation has the potential to obstruct their growth. An ANC interviewee indicated that problems of this kind had impacted on the ANC's potential for growth in Zululand.

Well I won't 100% say that the state of democracy is healthy—you know obviously it comes from the history—the district was predominantly IFP but from 1994 up to now there are changes, people are beginning to ... I would say that comparing the ANC and the IFP within the district, over the years the ANC has been able to increase its numbers in the district in terms of the people who are voting for the ANC within the district. But obvious we come from a history where people were threatened and it has always been a high risk to come out and say which political party you belong to particularly if you are not an IFP person. (ANC KZN 2)

Similarly, a DA interviewee talked about a dynamic of fear that impacted on party efforts to canvass for support:

And so, when you are conducting door-to-door canvassing as a DA [member] you would come across what we call hot spots in communities which is very hostile not because people feel that they do not want to listen to us, they don't want to accept us in communities, but because they feel threatened and they feel that their lives are being put in danger if they are being seen with a DA person. (DA, National)

¹³⁴ The obvious exception being some special votes, where people are assisted during voting.

Another consequence of intimidation is that it limits the ability of parties to hold public meetings, rallies or other activities. Talking about the by-election in Umzimkulu, in May 2013, the DA interviewees indicated that intimidation had a major impact on the willingness of DA supporters to be seen supporting the party.

So we have been present on the ground and we have our door-to-door canvassing and we have just been present in the community but I cannot tell you the levels of which the ANC actually felt threatened by our presence in this community. And to what levels they went to prevent us from canvassing and making contact with the voters and speak to the voters about our policies and promoting the DA. So, what I got from that whole experience is how intimidated our structures felt, our activists felt. On the day of the election we had almost a thousand people on the field there. The ANC intimidated our structures and our activists to such an extent that only half of our people pitched because they felt endangered, they felt really intimidated but they also fear for their lives. (DA, National)

The EFF interviewee also indicated that intimidation had introduced an element of fear into organising for the party:

Organisers become careful. You have to be extra careful when you organise for the EFF. (EFF, National)

An NFP interviewee also talked about fear having a dampening effect on opposition activity:

The NFP is fast growing, those people who are recruiting and make people feel free to join, they are now being attacked. They are intimidated and are no longer doing what they are doing. Since that happened,¹³⁵ we have seen no records of new members in that area, it is now quiet, because those who are doing that are now focused on their safety because they don't know who attacked them. At the moment they are not free to work for the party, the message of that party that it needs more members in that particular area is not getting out to the people. (NFP, Gauteng)

¹³⁵ Referring to an incident where the windows of NFP supporters were broken at Nancefield hostel.

The interviewee indicated that due to the fact that people were afraid to be seen attending party meetings, party activists had to rely on alternative strategies to communicate with potential supporters.

The ballot is secret but it depends on leadership of those members of the highly intimidated party in that particular area to come and encourage people and even tell them 'go to vote—nobody will see which party you vote for'. If they don't come to encourage people, they will only hear those who are saying if you vote here you must vote for Party A then they just decide not to vote, because they don't see leaders of Party B explaining things. Remember they don't associate themselves with Party B if intimidation is strong. You rather speak in the form of loud-hailing in a moving car because they can't come to your meeting, because it will be a problem for them as if they go to your meetings it is a problem for them because they will be able to be identified as attending a meeting of Party [B] if those people intimidating are very strong. So you come and loud-hail and move around with loudspeakers, they will hear this is Party B which we like, so they open their windows and listen to the message and then they go, because you have motivated them and they vote secretly. But if you call a meeting they cannot come. (NFP, Gauteng)

b) Ignoring, defying and resisting intimidation

Intimidation is not uniform in its impact. The EFF interviewee indicated that, due to the fact that the party is attracting very large numbers of people to its gatherings, whilst the groups trying to disrupt EFF meetings are relatively small, attempts to disrupt EFF meetings were not necessarily having a major effect on the party's ability to mobilise.

The thing is we are big in numbers, so they are unable to do anything. (EFF, National)

A similar dynamic was described by a DA interviewee who said that it was when the party had a small number of visible supporters in an area that members were most likely to face intimidation.

As I said, we are mobilising on a large scale. Intimidation happens only in instances when we are few. Where we have already mobilised in large numbers, people are feeling free, more at ease because it's not only one or two people in that community, it's large numbers. When you are campaigning, you cover the whole area because of the support you are having. But it is not in all areas that we are like

that. We are growing but growth is not just once off. We are growing one area at a time, and we try to spread across. Some people come to our office and they say, 'You know, I want to be a member'. When they join, then they say, 'How do I get support so that we have a lot of people?' We then advise and say, 'Okay, do door-to-door where you start working in your neighbourhood and establish contacts'. While doing that, because you are still few, you get intimidated, you get assaulted, you get harassed. Then when you have more people, it's not so easy for people to target you. This one is aware that that person is targeting you. This one can come to your rescue and say, 'No, you can't do that. We have got rights. Stick to your own choice, we have made our own choice'. (DA, Gauteng 1)

DA interviewees acknowledged that intimidation was discouraging support in some areas, but also spoke about a greater willingness by people to assert their right to engage with the DA and to choose freely which party they wished to support, notwithstanding intimidation in some areas.

Let's say five years ago there was probably more fear, because support was more isolated. Now, there's less fear, in fact there's quite a lot of agro to say 'No-one is going to intimidate me about my political choice'. So, people wear their DA T-shirts for example. They wear them at the bus stop, they wear them to work, everywhere. Whereas before, they'd wear it under a coat and go to a meeting and take the coat off. Now people wear their DA T-shirts, because there's safety in numbers. They get the feeling, 'Look, I'm not the only one in the street. There's four of five of us in the street, so if my neighbour is coming to try and intimidate me, attack me, or harass me, I've got the guy two houses down and one across the street who will come to my defence.' (DA, Eastern Cape)

What we have found in the past is that people were very hesitant and they were fearful to be associated with any other political party other than the ANC and that's starting to change. ... But there is also a feeling of but we want to listen to the DA, so do not prevent us from going to DA meetings. Do not prevent us from inviting someone from the DA into our homes, I want to listen, it is my democratic right. ... Yes, we are experiencing that on a very big scale across the country where people are openly now associating themselves with the DA. People are listening to the DA and they are very acceptive of the DA and they are inviting people into their homes and we do experience that in a very big scale. (DA, National)

According to DA interviewees this greater receptiveness was motivated to a substantial

degree by dissatisfaction with the current government. People were therefore increasingly looking for alternatives.

c) Responding to intimidation with force and aggression

While there appears to be a willingness by many people to disregard or defy intimidation, it was also apparent that some people feel it is necessary to protect themselves against coercive groups and individuals. Taking into account the inadequacy of police responses to intimidation, there is something of a tendency to deal with intimidation by 'self-help'. As indicated above, many of the physical confrontations that have been recorded in the press take place when members of one political party respond to attempts by members of another political party to disrupt their meetings or gatherings. Though these types of situations do not inevitably lead to violence, they often lead to very tense confrontations.

I mean equally so, you must understand, when you are in the situation like that both parties there become violent, I mean not violent but you know force meets force, So it is a matter of, you know, the one group is attacking another and later on it is just a chaos ... Basically I mean if you are threatened your reaction is going to threaten back, 'you will not chase me away, we will not go, we are here to stay' that kind of [thing]. So, I mean that just creates a tension situation on the ground. You don't have a situation where the ANC is attacking us and we are just standing there and we do not say anything. I mean obviously our message is, as is the ANC I am sure, is not to provoke people, not to break the law, you allow people to canvass in a free and fair society, but that doesn't happen when people are in a very tense situation, naturally your fall back will be to go on the attack yourself. (DA, National)

A DA member attributed the fact that DA members sometimes respond very aggressively to attempts at intimidation by groups of ANC supporters, to the presence of increasing numbers of former ANC members in DA ranks:

And the thing is, lots of DA members now ... are former ANC members. So they are former ANC members joining the DA that know the *modus operandi* of the ANC. So you have got large amounts of DA members who are very ready to retaliate when they are intimidated. I mean five years ago, you would think it's absurd if I told you I actually physically hold back DA members, physically with my hand, to prevent them from beating up the ANC, you know, because the ANC is intimidating them. And so much of the mentality, political thinking, composition is still the same. They

might have changed to be DA but they are still as angry and aggressive as they were in the ANC. (DA, Mpumalanga)

As indicated above¹³⁶ EFF leader, Julius Malema, has gone so far as to say openly to EFF members that they should protect EFF meetings:

‘Protect meetings, do whatever it takes for this meeting to succeed. Let us show the police and security that we can do without them. So let us protect ourselves’.¹³⁷

Similarly, the EFF interviewee said:

We are an IEC registered party and we expect protection from the state police. If not, we will protect ourselves. ... We will defend ourselves. We will not turn the other cheek. If we do it [resort to violence] we will do it in defence. Whoever thinks that we will fold our arms [is mistaken]. We will protect our meetings and protect our rights. (EFF, National)

The interviewee indicated that, if people attending EFF meetings are there to disrupt them, they are asked to leave or alternatively physically removed from the meeting. The WASP interviewee also indicated that their experience was that attempts to negotiate with the authorities and representatives of the ANC were often fruitless, and that the main option open to the party was to defy attempts to obstruct WASP activities, sometimes combining defiance with warnings about potential consequences.

I warned them, okay, because with me, I usually go to them and say look, true, you can come here, you kill people and don't think that we are not capable of retaliation, so, I [went to] the leaders of the ANC face-to-face, and I told them that if they bring the police and get the police to kill people, if they take for granted the right to live in that community, they are mistaken. All of them must be prepared to relocate and leave if that is what they want to do. So, they were intimidated and went to these guys and they said fine, let us allow them to march. ... That is what I told them to give us a permit. I said look, we can have a peaceful demonstration and after the march, everybody goes home and we are done or we do it the hard

¹³⁶ See discussion on disruption of meetings

¹³⁷ You Tube, Malema at Unisa Part 1, Published on 1 Oct 2013, <http://www.youtube.com/watch?v=nqqIuw9o0QU>

way. In any way, the only way to ever get the mandate is that you play that kind of thing with them (WASP, National)

Institutional framework for dealing with intimidation

a) The South African Police Service (SAPS)

There was some evidence that in some areas political parties felt that they could rely on the police to support their right to free political activity. One of the DA interviewees indicated that if they had experienced intimidation in a community they would notify police about their intention to canvass in that community. Thereafter they were often able to rely on the SAPS to maintain a visible presence in the areas where they were canvassing, which, they said, discouraged intimidation. Another interviewee said:

But let me also say that if we have a national leadership figure coming to a meeting and we inform the police and we say, 'This meeting is taking place at such and such a time', they are there, even branch meetings. They park their vehicles there. They don't always resolve issues or stop inflammatory situations. Sometimes they shy away from it ... [But] they do not say, 'Sorry, we do not do DA meetings', for example. (DA, Eastern Cape)

Because she is a provincial premier, DA leader Helen Zille, receives a dedicated escort from the police, not only in the Western Cape, but whenever she visits another province.

As a matter of principle, when Helen Zille comes and when she moves, and obviously no matter where, she remains the premier of the Western Cape, so there is police protection that comes with her and there we don't have problems. (DA, Mpumalanga)

On the other hand many interviewees had perceptions of the police that were far from positive. One observation was that there are major variations, from one locality to another, regarding the kind of service that can be expected from the police.

It depends, depends from community to community, police station to police station, and it depends on what kind of resources they have, in terms of human bodies and vehicles and so forth. (DA, National)

Some interviewees argued that in some areas the SAPS operate directly as instruments of the ANC:

Obviously, this ANC, I mean they control these police guys. Can you see, it is like Johannesburg and the cities, is much better but believe you me, when you go to the remote corners of the country, there is not even a pretention of separation between the ANC and the state. There, in my area there, police clearly take instructions, the ANC tells them we do not want this, we do not want that, you know. Even those officials who try to just go on with their work, guided by the law and so forth, they are told. I remember this guy was telling me, you guys have complied with everything we need, the guy is supposed to give us a permit at the municipality but these guys are sitting on my neck and my job is also on the line with this. (WASP, National)

Well, our confidence in the police has always been questionable. In the past police were used as part of the state machinery to suppress us. That said, they haven't done themselves any favours. Because they want to be accepted by the ruling party, they have all of a sudden negated the primary cause of their existence, that of protecting South Africa and its citizens without prejudice, fear and favour. The police are much more aligned to the ruling party. You can't really expect them to have different views. Most of them are unionised POPCRU members. POPCRU is part of COSATU, and COSATU is part of the tripartite alliance. ... Today's police commissioner is not appointed based on his/her past experience in the police service. Anyone who serves underneath a police commissioner, who is a political appointee, is set to have people beneath him trying to appease him. If your boss is a political appointment, in as much as you have worked your way up, if you still want to proceed, you must be in the good books of the boss. You must pursue a certain political agenda to remain in his good books. (COPE, Eastern Cape)

In October 2013 EFF members in Mpumalanga accused police of assaulting them as a deliberate act of political intimidation. According to a press report:

[EFF Bohlabela regional co-ordinator] Mokone said the EFF was registering new members and campaigning at the Bushbuckridge Mall on Saturday when police asked to search them. "The officers did not find anything after searching our members. I believe they thought we were having alcohol with us. Then they started asking us why we were wearing Julius Malema's berets in Bushbuckridge," he said. When an EFF member tried to respond, he was allegedly surrounded and

beaten. "He was beaten until he fell down while they stomped on his phone. When he arose he was beaten again, while they were busy saying the place is not for Malema and we are imitating another man by wearing red berets," Mokone said. He claimed police assaulted other EFF members before going to Shatale township, 7km from the shopping centre. "At Shatale they found more members wearing the red berets and asked them why they were wearing them," said Mokone. "Then they started beating them." One EFF member had to be treated at Mapulaneng Hospital for injuries allegedly sustained during the assault.¹³⁸

In a number of cases interviewees reported that police seemed more inclined to arrest victims of aggression who were from opposition parties, rather than ANC aligned aggressors.

Our guys on the ground called a meeting to address community issues. In the middle of the meeting the councillor for the ward where the meeting was held, together with his goons—ANC guys—disrupted our meeting and then a fist fight, where there was a scuffle and a fight. Our people called the police. The police got there, found all these people and arrested our guys for causing violence! ... When we called the police to come and arrest the guys, they arrested our guys! ... The police are complicit in these matters, there is no question about that. (Agang, National)

An ANC interviewee in KZN also expressed concern regarding the continuing problem of police partisanship, in favour of the IFP, in some areas.

If you want effective policing get police from outside because local police are mostly former [Kwa]Zulu police so they are part of the problem. (ANC, KZN 1)

Though there may be cases where police are politically partisan against the ANC, frequently apparent police partisanship, or fear of repercussions, appears associated with a reluctance to assist opposition party members in opening a case that may implicate a member of the ANC.

¹³⁸ SAPA, Police are targeting us – EFF, *News 24*, 31 October 2013, <http://www.news24.com/SouthAfrica/Politics/Police-are-targeting-us-EFF-20131031>. See also SAPA, Malema's EFF motorcade stopped, *Times Live*, 10 August 2013, <http://www.timeslive.co.za/politics/2013/08/10/malema-s-eff-motorcade-stopped>

Respondent: You know, where people have been beaten up at a DA meeting and then those DA members go and lay a charge against the ANC activists and then the police, because they don't want to also to rock the boat too much, and say to the DA activist, 'But who are these guys?' and we say 'we don't know but it's those group of ANC people' [and they say] 'But how do we know it was them?' [and we say] 'But we saw them they were there'. But they think we should rather bring them in, we must go fetch them and you know, stuff like that, deliberate stuff and then they say 'We don't know how to handle cases like this'.

Interviewer: So there is a reluctance to open cases?

Respondent: Most certainly there is reluctance to open cases. With or without evidence, with or without physical pain or whatever, there is a sure reluctance to open a case, definitely.
(DA, Mpumalanga)

Alongside complaints of the SAPS overtly favouring the ANC, a major theme of the interviews was that police frequently seemed uncertain as to how to respond, or afraid to take action.

Members would go to the local charge office and they wouldn't be allowed to open cases, the police would just say 'We do not know how to deal with this, come back tomorrow, we don't know how to do that or this and the next thing'. Sometimes I have to go down to a police station or a colleague has to go down to the police station to go and help to try get some kind of action out of them. We had a situation the other day, the DA built a crèche in a community called Mathibidi and the ANC arrived and said this is a DA crèche we are burning it down, and they tried to burn it down and we tried to phone the police and they told me that they are just too scared, 'We are not going to go there and interfere with these okes, we are not going to go and try to stop them', and they just leave them to carry on with whatever they are doing. (DA, Mpumalanga)

When ANC members are *toyi-toying*, singing or chanting in order to disrupt a gathering of an opposition party, it frequently seemed that police were uncertain whether they had any authority to act, or were afraid to take any action. This is despite the fact that, in terms of the Electoral Act, it is an offence to 'unlawfully prevent the holding of any political meeting, march, demonstration or other political event'.¹³⁹

¹³⁹ Section 87(1)(f).

Towards the launch, we had political intimidation. The police there, I don't know whether they don't know what to do or they are complicit. Maybe they are not trained. ... But in most cases they would be clueless as to what to do. And we would be forced to protect our own meetings. (EFF, National)

They came, they talked to us and said what's going on and we showed them the paperwork. They went to the ANC councillors of whom they are afraid because they know they are powerful in these areas, and they came back to us and said these people are just singing and dancing, and then they left, they abdicated their responsibility. (Agang, National)

Interviewer: So what were the ANC members doing, making a noise, *toyi-toying*?

Respondent: No, just making a noise whaaa whaaa whaaa, singing songs, chanting slogans and such things, just so that you can't make a speech. And then eventually we had to call the police and they eventually came and they would just establish a presence like that, but they wouldn't do anything. ... We actually had to get the police just to come and hang around, so that these guys would shut up, because the police are of the opinion, this is a serious problem within the police, they do not do preventative work, so they only deal with it post the incident. So they will not remove you from our meeting until you have actually damaged property or assaulted somebody. ... The police view is that as long as they haven't beaten anyone up or stolen anything or damaged property they have done nothing wrong because you are having a public meeting so they are entitled to be there as well. (DA, Mpumalanga)

One interviewee suggested that there were a range of factors that discouraged police from taking action against ANC members who were involved in intimidation:

Because remember today four o'clock when that police officer knocks off, he takes off that uniform and he goes and lives in that same community that is ANC dominated and his own intimidation, and of course because the police force are so politicised, he knows that this councillor can go to the mayor and the mayor can go to the station commander and say this police officer is constantly preventing us from disrupting the DA, so deal with him or re-deploy him elsewhere. (DA, Mpumalanga)

Similar issues were alluded to by an interviewee from the IFP:

Well, I think the police are lost, in how they should actually handle these issues and they are for, they have lost because of the various reasons. One, some of them truly do not understand how to deal with such issues, others they know what to do, but they prefer not to do anything, because in most instances these things actually involve the government party, so for fear of risking their jobs they prefer to actually you know mill around as if they don't know what to do (IFP, National)

In addition, because elections are not a routine occurrence, police may tend to lose familiarity with the details of the law relevant to policing the interface between political parties.

I think because election campaigns are something that just comes around once every five years, the police officers aren't equipped with the legal administrative policing expertise to know what to do in instances of political violence and intimidation. I mean we have had cases whereby they have literally said we don't know how to handle a case like this. (DA, Mpumalanga)

Along similar lines, another interviewee argued that police training regarding enforcement of the Electoral Act was inadequate.

We have a very serious concern that the police is not adequately trained in that, they do not understand what their role is when it comes to these matters. In the Electoral Act, a person who is being intimidated has a right, during the period once the election has been announced. Certain, can I say undemocratic behaviour, is actually criminalised and any perpetrator of any political party—if you are any person who is doing something in support of a particular political party against another political party, if that person is reported—a case should be investigated, a case should be opened, the incident should be investigated etc., there should be punitive action. But police have turned many people away saying “don't come here with that nonsense, we do not have any role to fulfil”. (COPE, National)

Another factor is that many of these situations are highly charged and not easy for the police to address. Rather than partisanship, an interviewee argued that this was the main problem.

No. I'd rather say a lack of confidence or insecurity rather than partisanship. There might be personal partisanship, but I don't see SAPS partisanship. ... But certainly uncertainty, lack of confidence, arm's length kind of involvement. ... Sometimes the police are very constrained. You know, how do you deal with a big crowd of people when there's political infraction? It's very difficult. You can't just walk in there and shoot. It's happened in Marikana. But, in a political environment, it's very difficult because emotions get inflated very quickly, and people are always in close proximity of each other. It could easily spark, become incendiary. (DA, Eastern Cape)

On the other hand the EFF interviewee argued that the role currently being played by SAPS reflects a continuity from the apartheid era:

The police in South Africa have always had an institutionalised role. You know, in the 80s, people used to say ... even the 40s and 50s, during the huge *tsotsi*¹⁴⁰ gang days, people used to say the police are nowhere to be found when people mug us, when people used to beat each other up. They don't act with so much decisiveness. They only do two things, they police pass laws and activists. That role ... you get what I mean, of policing movement of black bodies ... one. Two, political activists in the interests of whoever is in power. You know, I think that they'll have to rethink that whole thing.

b) The Independent Electoral Commission (IEC)

Both the Constitution¹⁴¹ and the Electoral Commission Act provide that the functions of the IEC include ensuring that elections are free and fair.¹⁴² The Electoral Commission Act also requires the IEC to 'establish and maintain liaison and co-operation with parties'.¹⁴³ In line with this provision the IEC has developed regulations regarding the establishment and functioning of such committees at national, provincial and local levels.¹⁴⁴ It is the party liaison committees that appear to serve as the IEC's primary mechanism for dealing with intimidation. In the words of one interviewee, the benefit of these committees is:

That is a very important structure, because that is where all parties who are registered, all the registered political parties who participate in the elections, are meeting. And we then established a working relationship. Instead of trying to fight

¹⁴⁰ Delinquent.

¹⁴¹ Constitution of the Republic of South Africa, section 190(1)(b).

¹⁴² Act 51 of 1996, Sections 5(1)(b) and (c).

¹⁴³ Section 5(1)(g).

¹⁴⁴ See Regulation on Party Liaison Committees, 1998.

each other I would for instance phone the ANC people and say “listen, your people in Limpopo are doing this or that, can you please follow-up”, then they would follow-up, you know, that sort of anti-democratic behaviour. So, we try to resolve matters between parties rather than making the IEC responsible, but ultimately, if you have serious clashes, then you have to get the IEC involved. And then you also have to report to the police ... for them to follow-up. (COPE, National)

In some instances this system works quite well:

The other day, it was the same thing regarding the local governmental election posters, the regular posters that are used, we laid a complaint to the Electoral Commission and the ANC came out on the last political party liaison meeting to say “we apologise for the incident, the local guys did not do the right thing”. It was just the description on the poster which was actually misleading. They said this guy was a councillor which was not true because he was just a candidate for the council. (COPE, National)

But the interviewee did not argue that conflicts between parties were always resolved:

No, I won't say that. It depends on the area and it depends largely on our reporting lines. If our reporting lines are there, they make us aware of the local problem, then it is resolved, then it *can be* resolved. But then that also depends on the other party that is involved in the intimidation and their ability to address the local issue. (COPE, National)

An NFP interviewee also suggested that meetings of the party liaison committee do not necessarily translate into action being taken to address intimidation at the local level.

Yes these are under the auspices of IEC. We are engaged with other parties to speak about all of these things. We always caution them. But when you speak to a political party you speak to the leaders of the party. (NFP, National)

Several of the interviewees indicated that engagement by the IEC with questions of intimidation was not necessarily what it should be.

For instance, if you report sometimes some intimidation and try to object, you do not see a good result or response from the IEC. Their interest is to see people during the voting days coming to vote, whether voting turnout is low, no, they

don't bother. To me, IEC is not doing their work properly, because if the area is reported as a hotspot they must investigate and send a clear message to residents of that particular area that if you continue to intimidate people we will not count the vote of this polling station. Members can then come and address their own members, if the IEC can strongly warn those people residing in those areas seen as hotspots. (NFP, Gauteng)

When we come back we raise these issues. Their response has been that they do nothing about it. They just do nothing about it. They say all political parties must work together, and of course no-one in the room gets up and says we will not, but of course the fact is these things continue to happen unabated. ... It has no system of holding people responsible or investigating these issues. When we raise them it's talk. When you go there they will tell you go to the police. This incident in Bloemfontein was reported to the police. Nothing has been done. ... There is no mechanism of following up and bringing people to book. (Agang, National)

Yes the IEC should be setting up much closer working relationships with the South African Police Service in terms of managing and monitoring intimidation and incidents of intimidation. They should definitely be taking a harder stance on intimidation in the sense of, you are not seeing sufficient IEC reaction to incidents of intimidation taking place. Particularly those ones that become high profile which everybody knows about, I think the IEC should be responding to those. (DA, Mpumalanga)

In addition to anxieties that IEC mechanisms for responding to intimidation were inadequate, several interviewees expressed the concern that the officials representing the IEC at polling stations are often politically partisan.

We are not happy as the IFP about the fact that IEC is using teachers as you know presiding officers, because teachers belong to SADTU, because SADTU is a strategic partner of the ANC. Each time there is going to be an election SADTU goes public to say that they are committed to ensuring that the ANC wins the elections. Now if you use such people to manage the processes of the elections then those processes are bound to actually attract question marks from other people (IFP, National)

The problem with the IEC, and political freedom *per se*, is that many of the people who are employed by it on the election day are ANC aligned. It's done subtly, it's

not exclusive. It doesn't say, 'Show your membership card to get a job'. They are not that brazen. In the Eastern Cape, the ANC's domination is over 70%, which means over 70% of the IEC officials will be ANC aligned which means that the decision-making presiding officers will be ANC. So, it's very difficult to have complaints fully investigated and reacted to. Often complaints are overlooked because they say it doesn't make a material difference. But if you have situations like we have in the Eastern Cape, where wards have been decided by the toss of a coin, where you have a dead tie, and the law says you count three times and if you still have a dead tie, you toss a coin. You will realise that even one vote, makes a material difference. So the IEC is not without, or beyond reproach. It is a concern that they are perceived more and more to be malleable to the governing party. (DA, Eastern Cape)

Another interviewee voiced a suspicion that some of the problems which can occur during voting were a reflection of IEC bias.

We have a situation happening right now in Witbank where there is going to be a by-election, we were told on Tuesday that this weekend there is registration weekend. So the IEC likes to jump things on you. They are purposely not informing you of things in time so that you can prepare. ... For example in the by-elections we have had, suddenly at the voting stations which are known to be the DA strongholds the little *zip zip* machines they need to scan the ID books don't work, at eight o'clock in the morning the battery is flat, at two o'clock in the afternoon they run out of ballot papers, you know those kinds of things. (DA, Mpumalanga)

Referring to a couple of incidents in which voters who required assistance from IEC officials had been directed to vote for the ANC, another interviewee said:

So these kind of tactics particularly in rural areas are not only attributed to ANC agents, but to IEC staff members themselves. Remember most of them are civil servants and largely teachers, who are members of SADTU. With each election, SADTU declares its unwavering support for the ANC. Whilst he or she is employed by the IEC, to deliver impartial elections, on the other hand they've got a mandate from their trade union, which is an ally of the ANC, to deliver votes for the ANC. (COPE, Eastern Cape)

A number of recent events also suggest the need for the IEC to take steps to strengthen its credibility and integrity; most notably the court application regarding alleged illegal voter

registration in Tlokwe. (See above in the discussion on **Fraudulent voter registration**.) The application included allegations that IEC officials in Tlokwe colluded with the ANC to inflate voter numbers in contested wards. An independent councillor, David Kham, claims that he was never allowed to access the full voters' roll containing the addresses of registered voters. In papers presented to court Kham also tells of a voter who told him she never registered to vote in Ward 18, but was taken to the polling station and allowed to vote. The registration form, which she said was completed on her behalf, contained a false address. A man also alleged that when he went to vote an official wearing an IEC T-shirt encouraged him to vote for the ANC as "voting for other parties will not get you anywhere".¹⁴⁵

In September the Electoral Court ordered the IEC to conduct a probe into one of its officials who was found to have unjustifiably obstructed an independent candidate from registering for the Tlokwe by-election.¹⁴⁶ The IEC also reportedly initially dismissed charges of fraudulent voter registration in the Abaqulusi municipality that were later found to be valid.¹⁴⁷

Concluding discussion

a) Systemic nature of intimidation

Though it is not necessarily a feature of life in all poorer communities the research in this report indicates that intimidation and other forms of manipulation are a systemic feature of political life in South Africa. There are a number of characteristic forms or practices of intimidation and manipulation that manifest in a wide range of different localities. These practices would not be accepted in those areas if they did not have the endorsement of local political elites. They therefore form part of the culture of local politics in many areas. Some, if not all, of the practices are also approved and practised by many within party hierarchies.

¹⁴⁵ Yolandi Groenewald and Siyabonga Sithole, Tlokwe vote 'fixed', *City Press*, 26 January 2014. <http://www.citypress.co.za/politics/tlokwe-vote-fixed-2/>

¹⁴⁶ Johnson and Others v Electoral Commission and Others (004/2013) [2013] ZAEC 2 (9 October 2013), <http://www.saflii.org.za/za/cases/ZAEC/2013/2.html>

¹⁴⁷ Setumo Stone, Court orders probe of IEC officials in Tlokwe, *Business Day*, 18 September 2013, <http://www.bdlive.co.za/national/politics/2013/09/18/court-orders-probe-of-iec-officials-in-tlokwe>

b) Distinguishing intimidation from other practices

Not all of the practices that have been identified in this report necessarily involve acts or threats of physical harm. However, if intimidation is loosely defined as referring to practices that involve coercion, violence, threats or manipulating people's fears and anxieties, then some of the practices that function on more of an 'economic' level can also be labelled as forms of intimidation.

People in poorer communities are vulnerable to the manipulation of their position of need, their economic vulnerability and dependence on the state. In line with this the forms of intimidation to which they are subjected go beyond the purely physical. People are affected by intimidation not only because of fear of physical harm but also because they fear being punished in other ways, such as being denied grants, employment opportunities or positions on public works programmes.

But not all of the practices identified should be labelled as forms of intimidation. (See Table 5, below.) Insofar as those involved are willing participants, fraudulent voter registration is characterised by the attempt to impact on election outcomes through misrepresentation, rather than through coercion. When government resources are targeted deliberately at communities where there is an impending election, this should be understood more as an abuse of state resources to popularise a specific party. While this involves the manipulation of people's position of economic vulnerability it does not by its nature involve coercion or fear.

Denying opposition groups access to meeting facilities does not necessarily involve generating fear amongst them. But arranging for the hall manager to say that the key cannot be found, or that another group had already booked the facility, does involve the abuse of influence and authority. In this respect it involves the abuse of power. However, though it may involve some element of overt coercion (for instance if the manager of the facility is threatened to ensure his or her compliance with the instruction) this is not directed against the political opponents themselves. Nevertheless, the practice may be seen as coercive in that it does involve physically excluding opponents from facilities to which they should have rightful access, and in this respect may be seen as a form of intimidation.

Table 5: List of practices identified—do they qualify as forms of intimidation?

Practices or forms	Is this intimidation—does it involve coercion, violence, threats or manipulating fears and anxieties?
Fraudulent voter registration	No
Manipulating economic needs and anxieties – misinformation and threats regarding pensions and grants	Yes
Manipulating economic needs and anxieties – use of government resources ('vote buying')	No
Secrecy of the ballot	Yes
Interfering with access to meeting facilities	Yes
Disruption of meetings	Often this involves overt violence or threats. In some cases attempts to disrupt a meeting may focus on making an overwhelming noise, only. Nevertheless this is a form of coercion.
Assaults and threats of physical harm	Yes
Fatal violence	Yes
Damage to property (political party or individual)	Yes
Display of power on election day	The effect may be to create an intimidating atmosphere at the polling station, thereby discouraging voting. Interviewees gave different accounts regarding motivations for these actions.
Victimisation by state and other agencies	Yes
Beyond election time—the denial of jobs, contracts, services, development opportunities and social isolation	Yes
Women expected to align themselves with voting preference of male partner	May involve intimidation, but may also reflect patriarchal family power relationships, rather than overt intimidation

There were also differences in how ‘displays of power’, at polling stations on the day of elections were interpreted by the two interviewees who mentioned this phenomenon. The interviewee from the DA appeared to suggest that the motivation for these actions was not that of intimidating voters but that these ‘shows of force’ nevertheless had an intimidating effect. The other interviewee, from the ANC, indicated that the intention, rather than being specifically to intimidate, was to create a chaotic atmosphere at polling stations—which diverted those at the polling station away from their focus on voting. He argued that this was deliberately being done by the DA.

Finally, insofar as some female voters may feel obliged to follow the directions of their husband or other male partner, this may involve some element of threat or coercion. In domestic situations where patriarchal authority is the *status quo* it may also simply be part of ‘how things are done’.

c) Primary manifestations of intimidation in South Africa

Consequent to the way in which they have been categorised in this report, there are a dozen different practices, many of them involving forms of intimidation, that are utilised as a means of trying to maintain the political dominance of, or otherwise promoting, political parties in South Africa. Not all the practices that have been identified are equally pervasive. For instance, while there is evidence that a substantial minority of people continue to feel anxious about the secrecy of the ballot, the available evidence appears to suggest that situations where this is undermined may be relatively isolated.

This study does not precisely quantify any of the practices that have been identified. However, on the basis of the interviews that were conducted, together with the review of material which had appeared in the media, it appears that the primary ways in which political intimidation is practised in current day South Africa is through:

- Manipulating people using misinformation and threats regarding pensions and grants
- Interfering with access to meeting facilities
- The disruption of meetings
- Assaults and threats of physical harm
- Punishing people who associate with rival political parties through the denial of jobs, contracts, services and development opportunities

In addition to the problem of intimidation, other significant means by which opposition parties are illegitimately undermined, or voters and electoral processes are manipulated, appear to include:

- Fraudulent voter registration
- The targeted use of government resources to promote parties immediately prior to elections

Fatal violence, and the threat thereof, also continues to be a factor in political life in South Africa, although this phenomenon is largely restricted to KwaZulu-Natal. Incidents where people are threatened with death or severe injury, as well as cases of arson including the burning of peoples homes, occur more widely in South Africa. There are likely to be many situations where individuals who are on their own or with one or two companions, are threatened with physical harm for associating with an opposition party, and these remain largely invisible to the public eye.

d) Just singing and dancing?

The bulk of intimidation in South Africa therefore does not involve killing or other extreme acts of physical violence against people or their property. The most public and visible forms of intimidation are instead collective acts which superficially may appear merely to involve groups of people singing or chanting and *toyitoyiing*.

Though it is sometimes associated with violent acts of protest, the *toyitoyi* is generally seen as a legitimate form of peaceful protest. The *toyitoyi* 'march-dance' emerged as part of a repertoire of community resistance to the apartheid state in the 1980s. As such it has a semi-sacred status as a legitimate form of community self-expression in South Africa. However, a factor that has not been engaged with or debated is that the *toyitoyi* is highly flexible and versatile. While it can be used in a celebratory way, it can also be used in a manner that is highly threatening. People who are engaged in *toyitoyiing* may claim to be 'merely singing and dancing' whilst in fact they are involved in acts of intimidation.

The primary public and visible forms of intimidation therefore tend to involve confrontations, where a group of people who are singing, chanting, dancing and/or *toyitoyiing* are actually engaging in actions intended to disrupt opposition political activities. Often these actions are overtly intimidatory in nature and involve, for instance, mock charges, verbal threats or threatening gestures, invading the area in which the opposition group is meeting, or attempts to drive them out of an area.

While such activities constitute violations of the Constitution and the Electoral Act and are used to obstruct lawful political activity by rival political groups, it is likely that this practice is often justified and rationalised by its perpetrators in terms of the right to assemble and to demonstrate.

e) Implications of intimidation for the 2014 elections

The research on which this report is based does not imply that intimidation will disrupt the 2014 election, nor does it forecast any similar scenario of doom. Instead, it indicates that, notwithstanding the fact that fatal violence continues to be a feature of the political environment, intimidation generally does not take this extreme form. Political coercion has instead been adapted to the terrain of democratic South Africa, and frequently manifests in the guise of practices that, superficially at least, may appear to be lawful and legitimate.

Despite this, the forms of intimidation and other manipulations of the electoral process outlined in this report generally constitute violations of Constitutional principles and offences in terms of the Electoral Act, or the provisions of criminal law. Parties that are repeatedly connected to acts of intimidation also run the risk of having their registration as a political party revoked by the Electoral Court and thus being disqualified from participating in elections.¹⁴⁸ In addition, as elections draw nearer scrutiny of political party behaviour increases. These factors may motivate some of those who have been involved in intimidation to desist from it, or at least to engage in it less overtly. Insofar as they continue, many of the practices outlined in this report may therefore decline in frequency as the election approaches, rather than escalate.

However, there can be little doubt that intimidation will continue to have a significant impact on the degree to which people in South Africa, most notably in poorer communities, feel free to openly support, or even engage with, political parties that are not dominant in the areas in which they live. Even though acts of intimidation occur as relatively discrete events, often precipitated by an opposition meeting or the presence of an opposition party engaged in canvassing activities, the nature of intimidation is that it has an enduring effect. People who witness or hear about these incidents frequently internalise the message that there may be adverse consequences for them if they do not toe the line. The manipulation of economic insecurities also has an enduring impact.

¹⁴⁸ In terms of Section 96(2)(h) of the Electoral Act, the Electoral Court may disqualify a candidate or ‘any candidate of that party’. In terms of Section 96(2)(i) it may also issue an order cancelling the registration of a party.

Whether or not intimidation increases in the build-up to the 2014 elections, the 'ground' on which political parties are competing is ground that is shaped by, and shows the continuing influence of, political intimidation. Even if there is a decline in overt acts of intimidation as the election approaches, systemic intimidation has already established a climate of fear and anxiety in many areas and will continue to have an impact on the degree to which people feel they are free to choose which party they wish to support.

f) Addressing intimidation

Early in January the EFF staged an event, clearly intended to embarrass the ANC, in the vicinity of the Nkandla homestead built for South African President, Jacob Zuma. The event was apparently held to coincide with the launch of the ANC's election manifesto at a rally in Mpumalanga, ensuring that the EFF drew media attention away from the ANC. Prior to the event EFF members built a house for a resident in the area. As mentioned earlier in this report, as EFF leader, Julius Malema, arrived for the event, at which he was due to hand over the house, ANC members blocked the progress of his car, forcing him to get out and walk to the house. When he had made his way through the crowd, ANC supporters began throwing bottles of water and stones.

The incident was a high profile event. If the general pattern that is described by the people interviewed for this report is correct then, perhaps because of its high profile nature, the police actions were quite exceptional. Rather than standing back when EFF members emerged from their meeting and began singing, and some ANC supporters began throwing stones at them, the police intervened using truncheons, a water cannon, and teargas. Thirty people from the group of ANC supporters, including three minors, were arrested and appeared in court in connection with the incident.¹⁴⁹

The incident was followed, shortly afterwards, by a speech at an event held to discuss the ANC's election manifesto in which President Zuma said that the ANC did not "approve of violent action against people who are exercising their democratic rights". He is also reported to have said that "the ANC re-commits to free political activity in all parts of the country, during this election period and beyond," and that, "we fought against no-go areas and will be the first party to defend the right of other parties to campaign wherever they wish".¹⁵⁰

¹⁴⁹ SAPA, Nkandla ANC public violence case postponed, *Mail & Guardian*, 13 January 2014, <http://mg.co.za/article/2014-01-13-nkandla-public-violence-case-against-eff-postponed>

¹⁵⁰ SAPA, ANC not pro violence: Zuma, *Times Live*, 13 January 2014, <http://www.timeslive.co.za/politics/2014/01/13/anc-not-pro-violence-zuma>

On the following day ANC deputy president Cyril Ramaphosa said the ANC would never tolerate a situation where party members blocked the activities of other political parties. "There should never be a no-go area for any leader in South Africa. After all, we are all contestants. Nobody should think they own a section of our society. We will not tolerate ANC supporters blocking leaders of other political formations from campaigning freely," said Ramaphosa during a television interview.¹⁵¹ As reflected elsewhere in this report, the sentiments expressed in these speeches are sometimes also expressed by other leaders of the ANC.

The research conducted for this report suggests that the practice of the ANC in many communities is not consistent with the principles or ideals referred to by Zuma or Ramaphosa in these speeches. Further, these principles and ideals appear to be inconsistent also with the responses of some representatives of ANC sub-structures and allies, to the announcement by the DA that it intends marching on the ANC headquarters, Luthuli House, in the Johannesburg city centre. Referring to events in May 2012 when COSATU members threw rocks at DA supporters marching on COSATU House,¹⁵² the ANC Youth League said: 'Their march to COSATU House provoked members of COSATU and became violent in 2012, that march and its aftermath was nothing compared to what our members can do to the rented marchers that will be bussed to Johannesburg CBD' and 'they shall face the full anger of ANC Youth League members and the Progressive Youth Alliance'.¹⁵³

The DA agreed, as a compromise, on a final destination of Johannesburg's Beyers Naude Square, rather than Luthuli House, but when the march eventually went ahead on Wednesday 12 February 2014 it was unable to reach its final destination. The police told the DA that it was too dangerous to continue. Some of the assembled crowd of ANC members 'openly brandished stones, bricks, sticks, knobkerries and sjamboks'.¹⁵⁴ During this event the response from the SAPS appeared, again, to be uncharacteristically exemplary in nature.¹⁵⁵

¹⁵¹ Matumo Letsoalo, Ramaphosa condemns ANC supporters' attack on EFF, *Mail & Guardian*, 14 January 2014, <http://mg.co.za/article/2014-01-14-anc-eff-nkandla-fight-ramaphosa-slams-bad-behaviour>

¹⁵² See for instance SAPA, Police form human shield at DA march, *Sowetan Live*, 15 May 2012, <http://www.sowetanlive.co.za/news/2012/05/15/police-form-human-shield-at-da-march>

¹⁵³ Craig Dodds, ANC, DA trade blows over planned city march, *Saturday Star*, 25 January 2014.

¹⁵⁴ Lebogang Seale, High noon in Joburg, *The Star*, 13 February 2014.

¹⁵⁵ An editorial in *Business Day* stated that 'On this occasion the much-maligned SAPS seems to have done its job or restoring public order to the best of its ability, despite some real provocation—of the 'sticks and stones' variety—from a group of ANC supporters. The Johannesburg metro police's actions—from initially seeking to ban the DA's march to allowing ANC members to gather illegally and vandalise the area in the process of arming themselves with bricks—are more open to criticism'. (ANC walks neatly into DA trap, *Business Day*, 14 February 2014).

The EFF event in Nkandla and the proposed DA march were both ‘publicity stunts’. At the same time they were lawful and therefore legitimate political actions. They are both important at the very least because they highlight the fact that the culture of tolerance which the ANC professes to uphold, has substantial limits. The ANC has a reasonable claim to being the chief architect of democracy in South Africa—but in pursuing democracy in South Africa it did not always promote political tolerance. Its own discourse frequently reveals a tension between, on the one hand, a concept of itself as a democratic party, and on the other, the belief that it is the sole party with a legitimate claim to governing South Africa.

The course of action that would best address the problem of political intolerance in South Africa would be for the ANC to acknowledge the shortcomings of many of its followers, and the obstacles these present to the potential consolidation of democracy in South Africa. Acknowledgement would hopefully be a first step towards implementing measures that would commit the ANC to observing more fully the democratic practice to which it says it is committed. It is well known that the rhetoric of leaders of an organisation does not necessarily impact on the behaviour of its rank and file members. Addressing the use of intimidation by many of its members requires purposeful action by the ANC, rather than pronouncements for public consumption.

In the event that the ANC is unable to do this, it is likely there will continue to be limits to the ability of members of key state institutions, such as the SAPS and IEC, to fully observe their constitutional obligations to uphold democracy.

g) Other suggestions for measures to address intimidation

- a. In addition to the ANC, the IEC should also take greater cognisance of the problem of intimidation as well as concerns about the alleged partisanship of some presiding officers or other personnel at voting stations. It should review political party concerns about existing mechanisms for addressing intimidation
- b. In-depth research should explore the challenges and obstacles facing police when responding to and addressing political intimidation
- c. In addition to fully committing themselves to conduct that supports free political activity, other parties should invest in documenting their experiences of intimidation
- d. To support the secrecy of the ballot there should be a ban on the use of cell phones and other photographic devices, by voters in voting stations

Annexure A: List of Interviews Conducted – August to November 2013

Party or organisation	National or province	Date of interview
UDM	National	30 August
COPE	National	4 September
DA	National	4 September
ANC	KZN 1	12 September
IFP	National	12 September
NFP	National	12 September
DA	KZN	13 September
DA	Gauteng 1	1 October
NFP	Gauteng	1 October
DA	Gauteng 2	3 October
ANC	KZN 2	October
Agang	National	4 October
WASP	National	8 October
DA	KZN other	9 October
IEC	National	14 October
DA	Mpumalanga	19 October
DA	Eastern Cape	19 October
EFF	National	23 October
ANC	National	24 October
ANC	Western Cape	28 October
COPE	Eastern Cape	31 October
DA	Western Cape	31 October
IFP	KZN 1	4 November
IFP	Gauteng	7 November
ANC	Gauteng	20 November

Annexure B: Interview Guide

Electoral participation in poorer areas—interview guide

Note that: questions may become redundant if they have been answered in an answer to a previous question

1. Are there different factors affecting political participation in different communities?
 - a. What are the main factors encouraging or discouraging participation in elections in poorer areas?
2. Political Intimidation
 - a. Have members of your party faced intimidation in any communities in South Africa?
 - b. If yes: how widespread is this problem?
3. Please indicate if members of your party have experienced any of the following types of intimidation:
 - a. Disinformation - telling people they will suffer negative consequences if they vote for another party?
 - i. If you have come across it: Please provide more details; Where has this happened? How frequently do you come across this?
 - b. Damaging people's property?
 - i. If you have come across it: Please provide more details; Where has this happened? How frequently do you come across this?
 - c. Threatening people with physical harm e.g. Do organisers or other people who openly support your party experience threats?
 - i. If you have come across it: Please provide more details; Where has this happened? How frequently do you come across this?
 - d. Actual assaults or other physical violence (including killing).
 - i. If you have come across it: Please provide more details; Where has this happened? How frequently do you come across this?
4. What is the impact of intimidation?
 - a. Are parties selective about which areas they go into as a result of intimidation?
 - b. Are residents of some areas afraid to be seen to openly support parties that are not the dominant party in their area?
5. Are there particular geographical areas where intimidation is more pronounced? In which areas is intimidation most pronounced?

6. Do people in poorer communities have confidence that the ballot is secret?
7. How do you deal with problems of intimidation when you come across them?
 - a. How do the police respond to complaints of intimidation? How do you explain this type of response from police?
 - b. Does complaining to other parties help?
 - c. Does the IEC play a role in this?
 - d. Does the electoral court address these problems?
8. Other factors affecting participation:
 - a. Is 'vote buying' an issue?
 - i. If so: what can be done about this?
 - b. Do people have trouble accessing polling stations in any areas? Is this an issue of resources or other problems of accessibility?
 - c. What about apathy or indifference? What is causing this?
9. Thinking about the issues raised above: do women experience any of these issues differently from men?
10. Is the IEC aware of these problems and doing enough to address them?
11. Would a constituency system make a difference to these problems? Why do they say so?
