



Democracy in the Democratic Alliance:

An analysis of the party's internal-party democracy and its 2023 Federal Congress

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1. Introduction

The Democratic Alliance (DA), South Africa's second largest political party in terms of representation in the National Assembly, and the official opposition, recently concluded its Federal Congress on 1 and 2 April 2023. The party's Federal Congress is where national leadership is elected, key policy resolutions are adopted, and amendments made to the party's Federal constitution. It is by far the most significant of the party's elective conferences and generally takes place every 3 years.

According to media reports, the Congress ran smoothly and was by most accounts a slick and well produced affair. Journalist Stephen Grootes wrote that it was, 'made for television'.¹ Many analysts predicted the outcome of the battle for Federal Leader and so it was no surprise when John Steenhuisen was re-elected with more than 80% of the vote, easily defeating Mpho Phalatse, the only other contender. The second most powerful position, that of Chairperson of the Federal Council, was uncontested and saw Helen Zille retain the role.

In contrast to the governing party's elective conference that was convened over December 2022 and January 2023, the DA's received scant attention in the media. Perhaps this was because contestation within the DA was not nearly as fractured or exciting compared to the African National Congress (ANC). There were also far fewer candidates contesting and some of the outcomes were largely predicted before the voting took place. A deeper interest in the ANC's internal elections is also understandable given that it is the governing party, and the consequences of its power struggles are far more significant for the country. But conferences such as these and the processes surrounding and leading up to them offer us an insight into the inner workings of our political parties.

¹ Grootes, S., 'The DA's big-time, on-time congress felt refreshingly normal in disturbed times' (03 April 2023) in *Daily Maverick*. Available at <https://www.dailymaverick.co.za/article/2023-04-03-the-das-big-time-on-time-congress-felt-refreshingly-normal-in-disturbed-times/>

This paper will interrogate the DA's internal democracy, both generally, but with a specific focus on its recent Federal Congress and the processes leading up to its conference. The way that parties operate internally in a political system, especially the most powerful ones, impacts and influences the political culture and sets norms for how politics is practiced. Internal democracy (or the lack thereof) in all political parties in South Africa is worthy of consideration. The DA is the official opposition and is set to play a significant role in our politics going forward. If the DA's wish comes true, it will be leading a coalition of parties in 2024 to unseat the ANC. And so, the way that the DA manages its internal affairs and its approach to and level of commitment to internal democracy is indeed important to understand.

2. Background to the Democratic Alliance

2.1 Making inroads to become the official opposition

To understand the DA of today, the type of internal democracy it practices, and some of the major tensions in the party, it is necessary to take a brief look at its history. The roots of the current DA can be traced back many decades to the earliest days of apartheid. First as the Progressive Party, formed in 1959 and following several mergers and breakups, by the dawn of democracy in the early 1990s it was known as the Democratic Party. The DA as we know it today was officially formed in 2000, when the Democratic Party merged with the New National Party and the Federal Alliance.

In the early 2000s, under the leadership of Tony Leon, the party managed to grow its electoral support at an impressive rate. From less than 2% in 1994 (when it was still the Democratic Party) in the first general elections the party contested, it increased this share to 12.3% in 2004. Over the next decade it would manage to secure its position as the official opposition. The party managed to dislodge the ANC from power, first in Cape Town in 2006 and then the entire Western Cape in 2009. On the national stage it would receive 16.7% of the vote in the 2009 national elections and increased this to 22.2% in 2014.²

2.2 Election of first black leader and push to expand voter base

Following the election of Mmusi Maimane in 2015 to the position of Federal Leader, the first black person to lead the party, the DA made making further inroads against the ANC's dominance, managing to form governments in metros other than Cape Town, namely Johannesburg, Tshwane, and Nelson Mandela Bay. The party saw an increase in its share of the vote in the local government elections as well, increasing from 22% in 2011 to 24.6% in 2016.³

² Independent Electoral Commission, *Results Dashboard*. Available at <https://results.elections.org.za/dashboards/npe/app/dashboard.html>

³ *ibid*

In Maimane's first speech as party leader, he stressed that the party, 'cannot pretend apartheid didn't happen'⁴. However, as Mhaka observed, 'his push to open up the party and the policies it was putting forward to address issues of concern to poor, historically-disadvantaged South Africans and attract more black voters did not succeed'.⁵

The decision to elevate black leaders within the party was a concerted effort to improve its electoral support. Realising that it would need to widen its voter base to increase its share of the vote, the DA embarked on a strategy to make the party more attractive to black voters. Journalist Paddy Harper cites the 2010 merger with Patricia de Lille's Independent Democrats, the rise of Lindiwe Mazibuko to Parliamentary Leader in 2011, the failed merger with Mamphele Ramphele's Agang (and of course, the emergence of Maimane in 2015 as the party's first black Federal Leader) as examples of this, commenting that these processes, 'had all been aimed at creating a breakthrough moment with black voters'.⁶

2.3 Decline in electoral support and reverting to old ways

However, the 2019 general elections saw a reversal of the party's prior electoral success, dropping their share of the national vote to 20.7%. The party lost votes to the Freedom Front Plus, a party mainly supported by white Afrikaans speakers.⁷ With the exception of Cape Town, the DA was also dislodged from power in the other metros it had run.

Its relatively poor performance in 2019 has been attributed to, amongst other things, the party's efforts to paint itself as a broad church, especially trying to attract black voters. Blame has also been laid on the party's existential struggle and at times contradictory messaging on issues of race, as well as inflammatory and damaging statements by some of its leaders. Some traditional voters also felt the party was abandoning its principles.

Soon after the 2019 elections Maimane resigned. His resignation followed the return of Helen Zille to the party's top leadership after she had been suspended from internal positions in 2017 following her infamous tweet about the virtues of colonialism.⁸ At the time political analyst Prince Mashele said that the DA was, 'going back to its original self, which is a party of white people, focusing on the interests of white, and nothing else'.⁹

A study from 2021 commissioned by the DA that investigated the party's approach with respect to elevating black leaders found that, 'the goal of the strategy was to "emancipate" the DA of an

⁴ Mhaka, T., 'Opinion: Helen Zille's return is a bad omen for South Africa' (27 October 2019) in *News24*. Available at <https://www.news24.com/news24/opinion-helen-zilles-return-is-a-bad-omen-for-south-africa-20191027>

⁵ *ibid*

⁶ Harper, P., 'Burned by its 2019 'woke' experiment, the DA is unlikely to follow the same path leading up to 2024' (20 February 2023) in *Mail & Guardian*. Available at <https://mg.co.za/politics/2023-02-20-burned-by-its-2019-woke-experiment-the-da-is-unlikely-to-follow-the-same-path-leading-up-to-2024/>

⁷ Du Plessis, C., 'Helen Zille, Queen of South Africa's alt-right' (10 September 2021) in *The Africa Report*. Available at <https://www.theafricareport.com/125702/helen-zille-queen-of-south-africas-alt-right/>

⁸ On 15 March 2017, Zille tweeted the following: 'For those claiming legacy of colonialism was only negative, think of our independent judiciary, transport infrastructure, piped water, etc. Would we have had a transition into specialised health care and medication without colonial influence? Just be honest, please'. Available at <https://www.sahrc.org.za/index.php/sahrc-media/news/item/657-zille-gets-served-for-colonialism-tweets>

⁹ 'South Africa's Mmusi Maimane quits as Democratic Alliance leader' in *Al Jazeera* (23 October 2019). Available at <https://www.aljazeera.com/news/2019/10/23/south-africas-mmusi-maimane-quits-as-democratic-alliance-leader/>

alleged perception of being a white party and in so doing attract support of black voters. Instead, it “broke down trust with many white voters”. Further, “The ultimate result was the loss of support and members who subscribed to the values and principles of the party and who felt betrayed by the different and almost reckless alternative direction within which the party was steered by the relevant individuals within the party”.¹⁰

2.4 A pattern of black leaders leaving the party

Following his departure, former leader of the party Tony Leon called Maimane’s tenure, ‘a failed experiment’. Maimane’s exit was not the first time, nor the last, that a black leader resigned from the party. In most of these cases, leaders who have left indicated they were essentially forced out or felt that the party no longer represented them. This continues to reinforce the notion that the DA is out of touch with issues of race and was using black leaders to win votes. A non-exhaustive list of black leaders who have left the party include:

- Mbali Ntuli (member of KZN legislature) and Bongani Baloyi (former Midvaal mayor) both left in 2022;
- Phumzile van Damme (MP) in 2021;
- John Moodey (Gauteng provincial leader) in 2020;
- Herman Mashaba (Johannesburg mayor) and Mmusi Maimane (federal leader) in 2019;
- Patricia de Lille (Cape Town mayor) in 2018; and
- Lindiwe Mazibuko (parliamentary leader) in 2014.

The party’s response to these departures, generally, is that people leave of their own volition or that they leave when they get into trouble, such as contravening internal rules. In 2020, Zille claimed that allegations that the party was using its Federal Legal Commission to purge are unfounded.¹¹

However, there is a pattern and several black DA leaders holding senior positions in parliament and provincial legislatures commented that after Maimane resigned, they were forced into silence, presumably on issues of race. An article in the *Mail & Guardian* observed that, ‘Many feel that there is disparity in how black and white leaders are treated within the party and Leon’s comments have only exacerbated the simmering racial tensions internally’.¹²

2.5 Where to next for the DA?

As South Africa readies itself for what many claim to be the most consequential of elections since the dawn of democracy, the DA remains the party with the greatest potential to unseat the ANC from running the country. The party’s machinery does all in its power, at times quite successfully, to position itself as the antithesis of the ANC, as the party of law and order and of clean governance. However, its position on race continues to be a major hindrance to further growth. It has also been accused of having high levels of factionalism and very centralized

¹⁰ Harper, P., ‘Burned by its 2019 ‘woke’ experiment, the DA is unlikely to follow the same path leading up to 2024’

¹¹ Kiewiet, L., ‘No mass exodus, for now’ in *Mail & Guardian* (10 September 2020). Available at <https://mg.co.za/politics/2020-09-10-no-mass-da-exodus-for-now/>

¹² Ferreira, E., Tandwa, L., and Koko, K., ‘The race elephant lurking in the DA’s “laboratory”’ in *Mail & Guardian* (8 April 2021). Available at <https://mg.co.za/politics/2021-04-08-the-race-elephant-lurking-in-the-das-laboratory/>

leadership that rules with enormous power and as this paper will explore, can also do more to improve its internal democracy.

At the DA's recently concluded Federal Congress, re-elected Federal Leader Steenhuisen spoke of the need for a coalition, with the DA as the main partner, to win a majority of votes in 2024. Harper writes that, 'the DA looks set to default to its original setting for the 2024 elections, playing it safe to retain its traditional support base while trying to dislodge the ruling ANC and emerge as the leader of a national coalition.'¹³

For the DA, its biggest internal challenge has always been about race and inequality. As Andrew Harding wrote, 'The DA's factionalism is complicated and often over-simplified, but it centres on South Africa's apartheid past, and how best to tackle the enduring racial inequality here'.¹⁴ Writing during the tenure of Maimane, but still relevant today, Harding continued, 'The idea that the party's crisis can be reduced to a simple black-white issue might seem absurd. After all, South Africa has changed enormously since apartheid, and the modern DA is full of young black officials and politicians who have helped make strong inroads in black communities... But 25 years after the advent of democracy, racial injustice remains a raw and dominant theme here'.¹⁵ While the DA seeks to lead the country under a coalition government, the party's most recent electoral performance must be a thorn in their side. In the most recent local government elections in 2021 their share of the vote dropped from 22% to 20%.¹⁶

There are various components of the DA's approach that they will need consider if they are to increase its share of the vote. One of these crucial elements is the way it practices internal democracy, and specifically, leadership representation on lines of race and gender. Through analysis of the party's recent Federal Congress and its long-standing policies and practices, the following sections unpack the party's approach to internal democracy generally, and with a focus on representation.

3. DA Federal Congress 2023

The DA has well regulated processes leading up to and for the running of its Federal Congress. The Federal Council decides on the rules for the elections at Congress as well as deciding when, where, and the agenda of the Congress. This year, the party held its Federal Congress at Gallagher Estate on the weekend of 1 and 2 April with more than 2,000 delegates in attendance. The previous Congress was scheduled for May 2020, but was delayed until November of that year and was held online due to the Covid-19 pandemic.

Unlike most other South African political parties, the DA holds its Federal Congress every 3 years. Most parties, including the ANC, EFF, and IFP hold their respective conferences every 5 years. The DA's approach is positive in terms of internal democracy, allowing for more regular contestations of power and adoption of policy. However, the DA does not impose term limits for elected Federal positions, arguing that these would be 'short-sighted' and may lead to office

¹³ Harper, P., 'Burned by its 2019 'woke' experiment, the DA is unlikely to follow the same path leading up to 2024'

¹⁴ Harding, A., 'Can South Africa's Democratic Alliance bounce back' (24 October 2019) in *Mail & Guardian*. Available at <https://mg.co.za/politics/2023-02-20-burned-by-its-2019-woke-experiment-the-da-is-unlikely-to-follow-the-same-path-leading-up-to-2024/>

¹⁵ *ibid*

¹⁶ Independent Electoral Commission, *Results Dashboard*. Available at <https://results.elections.org.za/dashboards/npe/app/dashboard.html>

bearers being removed when they are still the best person for that position.¹⁷ For example, James Selfe held the position of Chairperson of the Federal Council for 19 years.

3.1 What is the nomination process to become a candidate?

Any member of the DA can put themselves forward to be nominated for elected positions at Federal Congress. For the most recent Congress, nominations were open from 6 February to 13 March 2023.

To stand as a candidate, a person would need to submit a nomination form, provide a certificate indicating they are in good financial standing, a signed declaration, and agree to the rules for internal elections. A level of support from other members is also required as candidates need to have their nominations seconded. After the nomination period is closed, the party conducts its vetting processes.

The nomination process is fair, not overly onerous and provides all prospective candidates with an opportunity to put themselves in the running for electable positions at Federal Congress.

3.2 How are candidates vetted?

A letter written by the party's Greg Krumbock, who was the chief presiding officer for the Federal Congress and dated 6 February 2023 stated that, 'Nominations received will be interrogated by the federal compliance department in consultation with the presiding officers, to confirm the validity of nominations, interested individuals, proposers and seconders'.¹⁸ After receiving nominations, the party says that it enforces a very strict vetting process to ensure that all candidates are suitable to represent the party, espouse its values and have no issues that may delegitimize them.

The final list of candidates was released on 15 March, but this was later amended after one of the candidates, Lungile Phenyane, chose not to run for several positions she had initially indicated she would. The DA said it was, 'pleased with the diversity of our candidates as well as the provincial representation and the age diversity'.¹⁹

In the party's Federal constitution there are clear rules for the nomination and election of DA public representatives, for those standing for positions in the National Assembly, National Council of Provinces, mayors and premiers. But for office bearers, the rules are less clear. It is not clear if, or the extent to which Electoral Colleges and Selection Panels of the party

¹⁷ Hunter, Q., 'No term limits for DA leader' (29 April 2015) in *Mail & Guardian*. Available at <https://mg.co.za/article/2015-04-29-no-term-limits-for-da-leader/>

¹⁸ Tandwa, L., 'DA releases rules of engagement for its elective conference' (7 February 2023) in *Mail & Guardian*. Available at <https://mg.co.za/politics/2023-02-07-da-releases-rules-of-engagement-for-its-elective-conference/>. Contains extracts of the Letter written by Greg Krumbock, DA presiding officer dated 6 February 2023.

¹⁹ Masuabi, Q., 'Who is Lungile Phenyane? She is in the running for all top DA leadership posts' (16 March 2023) in *Daily Maverick*. Available at <https://www.dailymaverick.co.za/article/2023-03-16-lungile-phenyane-wants-da-top-jobs-but-not-even-google-knows-who-she-is/>

rigorously partake in the nomination process in the lead up to the Federal Congress in the same way as they do for the list of candidates for the National Assembly.²⁰

3.3 What are the rules for campaigning?

There is a short period between the finalization of candidates and Federal Congress, but according to the Krumbok, it still provides candidates with time to campaign. This did not stop current Federal Leader, John Steenhuisen, from launching his re-election campaign as far back as November last year. The party has clear rules governing how campaigning must take place and prohibits negative campaigning, attacking the party or other members, and campaigning that is in any way discriminatory.

With respect to fundraising, the party prohibits candidates from approaching donors already supporting the DA, a policy that seems to be quite unique in South African politics. All donations need to be declared within 72 hours and there are systems in place for financial oversight. All monies raised would be deposited into the main fundraising bank account, but specifically referenced to ensure that the person for whom it was intended has access to the funds. The candidates needed to delegate someone to disburse and keep a record of the funds. Interestingly, funds not used would be handed over to the party.²¹

In a bid to mitigate buying influence and votes, the party has placed an expenditure cap of R100 per campaign helper or person attending an event. This is meant to pay for things such as food or promotional material. In contrast to the ANC, there have not been allegations of vote buying at the DA's elective conferences. The DA stated, before Federal Congress this year that it has, 'systems and processes ensure that the Federal Congress can never be hijacked by bribes and intimidation'.²²

The DA's approach does seem to create a relatively fair environment for candidates to contest. The rules on the financing of internal campaigns could be strengthened by making candidates publicly disclose the sources of their funding. However, the oversight of finances suggests that money raised by candidates is used for the intended purposes.

3.4 How does voting take place?

According to its Constitution, all bodies of the DA including its Federal Congress vote by a show of hands. Exceptions can be made for this rule, on request by, 'the person presiding or by one-tenth of the members present'.²³ However, in a document titled, 'Regulations for the Nomination of Candidates'²⁴ that was approved by the Federal Executive in 2018 includes an annexure titled 'System of voting for internal elections'. The voting system referred to contains elements

²⁰ Democratic Alliance, *Federal Constitution* (amended 1 April 2023). Available at <https://cdn.da.org.za/wp-content/uploads/2023/04/19132045/DA-Constitution-As-Adopted-on-1-April-2023.pdf>

²¹ Tandwa, L., 'DA releases rules of engagement for its elective conference'

²² Democratic Alliance, 'The DA's Federal Congress is a milestone event for South Africa's future' (30 March 2023). Available at <https://www.da.org.za/2023/03/the-das-federal-congress-is-a-milestone-event-for-south-africas-future>

²³ Democratic Alliance, *Federal Constitution*, Section 2.3.1

²⁴ Democratic Alliance, *Regulations of Nomination of Candidates* (5 May 2018). Available at <http://www.myvotecounts.org.za/wp-content/uploads/2019/04/Regulations-for-Nomination-of-Candidates-2019-approved-by-Fedex-5-May-2018.pdf>

that would not always be possible to vote by a show of hands, namely a ranking system known as the Single Transferable Voting (STV) system.

Based on observations from this year's Federal Congress, it seems the party uses both show of hands as well as secret voting. At Congress this year, there was video footage of candidates openly voting for resolutions, holding up green cards that meant 'yes' and red to signify 'no'. When it was not clear by a quick glance at hands, votes were counted. However, for the leadership positions, the party used a digital voting system allowing delegates to show their preference for more than one candidate and to also rank their preference.

Before Federal Congress conference, Phalatse was critical of the electronic voting system. She is quoted as saying, 'I have been speaking to delegates ahead of the congress and many have expressed fears and I do think that the party has not done enough to allay fears that the system is credible. A lot needs to be done to win the trust and confidence of voting delegates, that they are able to trust the system'.²⁵ However, chief presiding officer, Greg Krumbock, said that the system was tried and tested and the party had used it a number of times since 2020 without incident.²⁶ There were no accusations that the voting system was an issue after votes had been tallied. The party also has measures in place to address disputes of election results. There is no indication that there have been any serious issues relating to internal voting at the party's Federal Congresses.

3.5 Who has voting rights and what positions are elected at Federal Congress?

Although the DA's Constitution outlines the composition of voting delegates, the Federal Council or Federal Executive decides the number of delegates who will attend and vote. According to the DA's Constitution, the list of delegates with voting rights is as follows²⁷:

- the Federal Leader;
- the Federal Chairperson;
- the three Deputy Federal Chairpersons;
- the Chairperson and two Deputy Chairpersons of the Federal Council;
- the Federal Chairperson of Finance;
- the Chief Executive Officer, without voting rights;
- any co-opted members of the Federal Executive;
- the Provincial Leader, one Deputy Provincial Leader, the Provincial Chairperson, if any, per province;
- all Members of Parliament and Members of Provincial Legislatures;
- local government councillors equal to five times the number of Members of Parliament and the Provincial Legislatures in the country, allocated to the provinces on the basis of the proportion of votes obtained by the Party in the province in the last election of a national nature; and

²⁵ Masuabi, Q., 'DA moves to quash voting system jitters after leadership contender Mpho Phalatse stirs 'trust' fears (31 March 2023) in *Daily Maverick*. Available at <https://www.dailymaverick.co.za/article/2023-03-31-da-moves-to-quash-voting-system-jitters-sparked-by-phalatse-video/>

²⁶ *ibid*

²⁷ Democratic Alliance, *Federal Constitution*, Section 6.1.3.

- non-public representative delegates allocated to branches and elected by a proportional voting system approved by the Federal Council or Federal Executive, which shall not comprise less than 45% of the total Congress delegates;
- the Federal Leader, the Federal Chairperson and Provincial Chairpersons of the Democratic Alliance Youth;
- the Federal Leader, the Federal Chairperson and Provincial Leaders of the Democratic Alliance Women's Network;
- the Chairperson of the Association of Democratic Alliance Councillors, or his or her nominee;
- the the DA Abroad Leader, or his or her nominee
- nine other delegates from DA Abroad, allocated according to a formula approved by the Federal Council;
- other persons invited by the Federal Leader or the Federal Chairperson, with the approval of the Federal Council, provided that such persons may not vote;
- Any members of the Federal Council who are not otherwise delegates

The following positions are directly elected by the delegates listed above:

- Federal Leader (John Steenhuisen)
- Federal Chairperson (Ivan Meyer)
- Deputy Federal Chairpersons (1st Deputy, JP Smith; 2nd Deputy, Solly Malatsi; 3rd Deputy, Anton Bredell)

Once the above positions are elected, the Federal Council votes for the following positions (name in brackets indicate the successful candidates at 2023 Federal Congress):

- Chairperson of the Federal Council (Helen Zille, uncontested)
- Deputy Chairpersons of the Federal Council (1st Deputy, Ashor Sarupen; 2nd Deputy, Annelie Lotriet; 3rd Deputy, Thomas Walters)
- Federal Finance Chairperson (Dion George, uncontested)

The Federal Council is the highest policy making and governance body between Congresses, akin to the ANC's National Executive Committee. The Federal Council consists of²⁸:

- All members of the Federal Executive who are not otherwise members of the Federal Council;
- the Chairperson of the Federal Legal Commission;
- the Leader or his or her nominee, of all duly constituted and recognized ancillary organisations;
- the Provincial Chairpersons
- the Provincial Chairpersons of Finance;
- the Regional Chairpersons of the party in whose area of jurisdiction at least 80 000 votes were cast for the DA at the most recent national election;
- 24 Members of Parliament;
- 24 Members of Provincial Legislatures;
- 24 local government councillors;
- 24 members of the party who are not public representatives;

²⁸ Democratic Alliance, *Federal Constitution*, Section 6.2.3.

- any additional members, up to six, co-opted by the persons referred to above, subject to a two-thirds majority of the Federal Council meeting approving each co-option by secret ballot;
- two staff members from each province designated by the Provincial Chairperson, without voting rights.

For further clarity, the Federal Executive (often referred to as the 'Fed Ex') consists of the following²⁹:

- the Federal Leader;
- the Federal Chairperson;
- the three Deputy Federal Chairpersons;
- the Chairperson of the Federal Council;
- the Deputy Chairpersons of the Federal Council;
- the leaders of the party in the National Assembly and the National Council of Provinces if they are not already members
- the Federal Chairperson of Finance;
- the Provincial Leaders or their nominees;
- the Chief Whip of the DA in the National Assembly;
- the Leader, or their nominee, of each Ancillary Body
- the Chief Executive Officer, without voting rights
- up to six member co-opted by a two-thirds majority of the Federal Executive by secret ballot.

In terms of internal democracy, the clearest issue in terms of the way national leaders are selected is the pool of delegates that vote for them. For the positions of The Federal Leader, the Federal Chairperson, and the three Deputy Federal Chairpersons, the delegates listed in Section 3.5 have voting rights. While it may seem that the various structures of the party are represented here, it is important to note that branch members will generally only have 45% representation in this body. The DA goes to great lengths to claim that it is representing the voices of its members, especially at branch level. But less than half of the votes for these positions come from branches.

This year, before Congress, the DA released a long statement focusing on its commitment to internal democracy:

'When the DA says that it is the only party that represents all South Africans, we really mean it. Chapter 6 of the DA's Federal Constitution stipulates that a minimum of 45% of all congress delegates must be non-public representatives. This means that at least half of all voting delegates are not members of parliament, a provincial legislation, or councillors, but ordinary activists and branch members who understand the needs and desires of their respective communities. In this way, the DA ensures that the proportion of votes cast in leadership elections is not dominated by those already in public office. This is one of many ways the DA's Federal Constitution prevents self-interest from directing the party's leadership contest'.³⁰

But if you contrast this with the ANC, where branches make up 90% of voting delegates, the DA's assertions fall flat. The voices of ordinary branch members are not elevated to the same

²⁹ Democratic Alliance, *Federal Constitution*, Section 6.3.1.

³⁰ Democratic Alliance, 'The DA's Federal Congress is a milestone event for South Africa's future' (30 March 2023). Available at <https://www.da.org.za/2023/03/the-das-federal-congress-is-a-milestone-event-for-south-africas-future>

degree as they are in the ANC when it comes to electing national leadership or voting on policy. Further, because more than 50% of those with voting rights receive their salaries in one way or another by being part of the DA, they are more likely to toe the line of leadership and do as they are told. If the DA wants to be truly democratic in the way that its leaders are elected, it should consider the One Member One Vote approach, instead of the delegate system it currently uses.

3.6 How are Resolutions or Constitutional Amendments adopted?

The party opened the window for submissions by members in October 2022. Members could submit proposals that they wanted to be voted on at Congress. As part of the preparation for Federal Congress, Kevin Mileham, who is the DA constitutional amendment chair, headed a committee that collated all the submissions received from members of the party. The committee also provided recommendations for each proposal. In March, there was a webinar where the amendments were debated.³¹

In an article on 31 March, Mileham is quoted as saying that there were more than 100 submissions but this was later, 'dropped to around 89'.³² Before Congress, Krumbok was quoted as saying that, 'Over the next couple of days, the DA will discuss and vote on 43 resolutions, seeking to drive the DA's policy agenda and give practical expression to our values of 'Freedom, Fairness and Opportunity'.³³ According to an article after the conference, 'Most of the amendments and resolutions were passed, with 75 of 104 amendments and 19 of 27 resolutions passed.'³⁴

Prior to Congress, ancillary structures within the DA were pushing for greater representation on the Federal Council. These structures are the DA Women's Network, DA Youth, DA Student's Organisation, the Association for DA Councillors, and DA broad.³⁵ They were lobbying for an additional seat on the Federal Council, on top of the one that they each already had. This was rejected at Congress.³⁶

While Section 3.8.2 of the party's Federal constitution states its branches, 'serve as the vehicle for the articulation of the interest of members of the Party', it is the higher structures within the party that have the real power when it comes to matters of policy. As discussed earlier, branches comprise only 45% of delegates at the event.

Further, in between Federal Congresses, it is the Federal Council that has the power to, 'formulate policies in matters where no policy has been stated or where the party is not clear or needs to be specifically applied, expressed, amended or expanded'. As Maier observes, 'if that

³¹ Masuabi, Q., 'DA ancillary bodies lobby for more power in party's federal council' (31 March 2023) in *Daily Maverick*. Available at <https://www.dailymaverick.co.za/article/2023-03-31-da-ancillary-bodies-want-amendments-so-they-can-join-the-federal-council/>

³² *ibid*

³³ Masuabi, Q., 'DA moves to quash voting system jitters after leadership contender Mpho Phaltase stirs 'trust' fears

³⁴ Hussain, M., 'DA still has a race problem, despite its 'deconstructing racial classification' resolution (1 April 2023) in *News24*. Available at <https://www.news24.com/news24/opinions/analysis/in-depth-da-still-has-race-problem-despite-its-deconstructing-racial-classification-resolution-20230404>

³⁵ Masuabi, Q., 'DA ancillary bodies lobby for more power in party's federal council'

³⁶ Democratic Alliance, *Resolutions passed at Federal Congress 2023*. Available at <https://www.da.org.za/dacongress2023>

power is exercised extensively by the Federal Council to circumvent the Congress in key issues, the process of democratic policy development is at stake'.³⁷

3.7 Representation/Inclusivity:

The DA has long tried to project an image of a party that is representative of all South Africans. Before Congress, the party spoke at length about this, commenting that, 'We are a truly inclusive party, with 45% of our delegates and activists being non-public representatives coming from our branches.' Further, 'The nearly 2,000 delegates to congress are made up of branch activists, councillors, MPLs and MPs from across the country. Each province will be sending a sizeable delegation depending on their proportional support and branch formation in new territories for the DA'.³⁸

The DA has a policy that it does not release membership figures, or any information related to the composition of its members on lines of race, gender, age or any other metric. This makes it difficult to ascertain just how representative the party is. The DA says that most delegates at its Federal Congress are black, but this is a crude way to claim representation.

The DA has also, for years, rejected any quotas for the election of leadership, meaning that it does not have measure to ensure a degree of representation is ensured when leaders are elected. There are no measures to ensure that the party's most senior positions elected at the Federal Congress is representative of the racial or gender make-up in the party. The DA has attracted criticism due to the large number of black members which is not mirrored in the outcome of elected positions at the Federal Congress.

Former leader Maimane had tried to introduce a 'diversity clause' that would ensure that the party, 'will, to the best of its ability, attempt to replicate diversity in its own ranks', in line with South Africa's Constitution'.³⁹ However, this was eventually watered down, and the party maintains a hard line on its rejection of any form of quotas to ensure representivity.

Critics of the need for representivity in a party will argue that merit should be the only thing that matters, and that if this means the DA is led by an all-white, all male leadership, then so be it. At the 2018 Federal Congress, Selfe, who stood uncontested for the position of Federal Chairperson, commented that, 'Diversity is the output not the input. You can't manipulate democratic outcomes. It is a democratic outcome that delivered this'.⁴⁰

The problem with this argument is that it ignores our highly racialized past and present situation. Of course, a party can choose whoever it wants to lead it. Voters can simply not vote for that party. But if a party, especially in South Africa, wants to be seen to be representative, and attract

³⁷ Maier, B. *The Legal Regulation of Internal Party Democracy – a study of South Africa and Germany*, pp.48-49 (2015 Masters Thesis, University of Cape Town). Available at https://open.uct.ac.za/bitstream/handle/11427/15206/thesis_law_2015_maier_benjamin_gerhard.pdf?sequence=1&isAllowed=y

³⁸ Masuabi, Q., 'DA moves to quash voting system jitters after leadership contender Mpho Phaltase stirs 'trust' fears
³⁹ Mahlase, M., 'Introducing quotas in the DA would be a slap in the faces of black leaders – Moodey' (5 April 2018) in *Mail & Guardian*. Available at <https://mg.co.za/article/2018-04-05-introducing-quotas-in-the-da-would-be-a-slap-in-the-faces-of-black-leaders-moodey/>

⁴⁰ Pather, R., 'Selfe: Black people chose to elect white people at DA congress' (9 April 2018) in *Mail & Guardian*. Available at <https://mg.co.za/article/2018-04-09-selfe-black-people-chose-to-elect-white-people-at-da-congress/>

voters from across the spectrum, it should have measures in place to ensure there is a level of representivity in its leadership.

In internal party democracy, there is a tension around the idea of 'too much democracy'. If you do not intervene then you have an outcome that is democratic. However, if this reinforces past injustices, then is this really the most pragmatic approach, both for the party, and the people it is meant to represent. McKaiser writes that, 'Colorblindness, in a society that only recently emerged from centuries of race-based oppression, is not a winning formula in South African politics.'⁴¹

At its 2023 Federal Congress, delegates voted for five positions and the Federal Council voted for another five positions. The composition of the DA's newly elected leadership has only one black African person (Solly Malatsi) and only two women (Helen Zille and Annelie Lotriet) across the ten positions. Omry Makgoale, who is ANC member but is openly critical of his own party, observed that, 'In a country of more than 75% black African population, their representation in the DA leadership does not augur well for representivity. With more than 51% of the population being female, and Helen Zille and Annelie Lotriet as the only two women in the top leadership, the DA's gender representivity is not satisfactory either'.⁴² This is not a new issue; at the previous Federal Congress there was only one female elected, Deputy Federal Chairperson Refiloe Ntsekhe.

4. Conclusion: formal rules versus political practice

There are many elements of the DA's approach to its internal processes that promote and upheld its internal democracy. Its constitution and internal policies provide for regular elections and contestation of power, for members to have a voice, for discipline to be dealt with fair, for a level of transparency and other key metrics of internal democracy. The rules of engagement for its Federal Congress are generally well considered and contain processes that other parties can learn from. There are many things the party can point to that are in line with internal democracy, although one can argue these can also be strengthened.

But there is at times a disconnect between formal rules and the way that politics is practiced in the party and its institutional culture. A party's internal democracy is not simply the formal rules, but a more organic system that also encompasses less easy to identify and quantity matters, such as power dynamics and organisational culture.

In addition to the issues the DA faces relating to race, representation along race and gender lines of top leadership, and the limited power of ordinary members at Federal Congresses to elect leaders and policies, the party has also been accused of internal factionalism and powerful individuals that hold enormous sway. The many high profile exits of leaders, citing issues of race and internal power struggles referred to previously does lend credence to these claims. Parties are by their very nature centralized organisations, with power resting at the top, so this is by no means unique to the DA. But one of the purposes of internal democracy is to put

⁴¹ McKaiser, E., 'The Democratic Alliance's demise puts South Africa's multiparty democracy at risk' (29 October 2019) in *Foreign Policy*. Available at <https://foreignpolicy.com/2019/10/29/the-democratic-alliances-demise-puts-south-africas-multiparty-democracy-at-risk/>

⁴² Makgoale, O., 'Can the Democratic Alliance dislodge the ANC from power in 2024' (12 April 2023) in *Daily Maverick*. Available at <https://www.dailymaverick.co.za/opinionista/2023-04-12-can-the-democratic-alliance-dislodge-the-anc-from-power-in-2024/>

measures in place to limit this type of power, and to provide membership with the ability to direct the party.

The DA continues to be a party that struggles with issues of race and identity. If the party wants to ever be able to truly contest for power and lead a coalition of parties to unseat the ANC, it will need to do some deep introspection and rethink how it can appeal to a wider part of the electorate. To address this will require the party to reconsider its policies on race and representation in its own ranks and take measures to develop a party that is more reflective of the people it purports to serve.

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