Power Contestations in Student Representative Council Elections: Technicalities Used to Divert People's Wishes

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Abstract: Elections are one of the tools of democracy in relation to the establishment of the government of the people, by the people, for the people. Universities informed by the Higher Education act 101 of 1997, and various statues of universities, conduct Student Representative Council (SRC) elections annually or biannually for distance education such as University of South Africa (UNISA). It is by nature of the elections that the wishes of the electorates are the cutting stone to determine who leads. The SRC elections in South Africa Higher Education institutions remains a "*hot potato*" to swallow, and it is always a question how and why the situation makes democracy to decline. The paper accesses the strength and the application of the electoral procedures whether being able to respond to the challenges to uphold elections that are above board. The behaviour of student organisations are always hostile particularly if results or decisions are not favouring their student political movement. These intolerant behaviour compromises an environment of free and fair elections from the observation of how hostile is the situation in various universities during the SRC election period. The paper is presenting an opportunity to relook into the electoral systems; rule of law and compliance; political intolerance; voter apathy and democratic decline; Conflict and anarchy; objection procedure and fairness; voting systems; endorsement of results and acceptability. These concepts review literature through the empirical evidence of the annual or biannual SRC elections. The paper is diagnostic towards solution to the escalating challenges of SRC elections in universities as randomly observed. The paper intends to use the conclusion and provide basic steps to be taken in improving the challenges that surround student governance at the period of annual and biannual SRC elections.

Keywords: Elections, Democracy, Electoral system, Fairness, Integrity, Political parties, Tolerance

1. Introduction

In recognition of the modern higher education in the democratic South Africa, Higher Education Act 101, of 1997 as amended acknowledge the existence of a body of governance that is elected annually to represent the views of the students within the institutional governance setting. It is in principle to first outline the existence of the Student Representative Council (SRC) as a manifestation of a democratic process, which give appetite to reflect on what constitute democracy from the literature point of view and at a practical level. Schmitter and Karl (1991) broadly define democracy for instance as a generic concept that distinguish it as a unique system for organising relations between rulers and the ruled. The formation of the SRC is meant to be a representation of the voice of the students, which is reflected through balloting system. Elections are often a political manifestation of a democratic process, which Schmitter and Karl (1991) argue that modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of elected representatives. The SRC elections is expected on annual basis, which the essence is to explain how tediousness the process is, and how student organisations often attempt to faulting of rules and eventually collapse the elections if they are not favourable. The fundamental question is what happened to elections being the expression of the majority of the students. It is very strange that while the student leadership and activists celebrated the dawn of democracy in 1994, and embrace a new order of higher education that respect the role of students in institutional governance, adherence to rule of law that constitutes principle of democracy still lacking behind. It looks like students use expediency with no respect for democracy. Van Reybrouck (2016) suggests that the degree of enthusiasm is nothing short of spectacular, especially in the light of the fact that less than seven years ago, democracy was in a very bad way as a result of fascism, communism and colonialism. These elements have never done well for inclusive institutional governance. For instance, fascism has always been in the centre of student organisational deployment, which

threatens internal democracy within student organisations, which ultimately affect the running of SRC elections. The persistence of fascism and political intolerance has seen using technical flaws, which does not make any material change on the results as the means to nullify the majority voices of the students. Beviá, Corchón and Romero-Medina (2017) proclaim that the study the evolution of political power and show that in some cases, rational agents who value the future may yield political power to another class. The basic principle reaffirms that it shows that student leaders value their assumption of power that that of the views expressed by the student population. It is therefore that the fear of losing power overtakes the very existence of democratic process that must produce the SRC. The paper as a qualitative and is based on the author's experience and observations of SRC elections in Higher Education sector.

2. Overview of the Electoral Systems

SRC elections are conducted using electoral models that are adopted through varies institutional SRC Constitutions as approved by the governing Councils of various universities. Bonneau and Cann (2015) argue that for decades, scholars have been interested in the effect of party identification on vote choice. Indeed, candidate party affiliation is seen as the most meaningful cue to voters in terms of which candidate they should support. The SRC elections in universities recognises the party systems in embracing student organisations. In the overview, there are two common systems that SRC elections adopted by various institutions, and later deal with the how student organisations have tried to manipulate them to suite their own circumstances. The first model identified in this area of elections of the SRC is "Fist-Pass-the-Post" model, which Smyth (2017) argues that rankings can be represented as candidates and voters can cast ballots for the candidate that represents their ranking. However, it is notable that the pervasive stand-offs by student leaders is always to reject independent candidate to get into this space, which is against the model of posturing individuals who have no relationship with any student organisation. This reaffirms the gatekeeping of democracy to be control by only student organisations, not by quality of leadership. This empirical evidence has proven that elections can often collapse if the interpretation to close none-partisan is not working. In the administration of SRC elections, the "First-Past-the-Post" model has assisted to clean conflicts

that comes with the organisational squabbles at the nomination phase on the basis that when ballot is drawn, it would have defined who the candidate is and they contest without any party interference after the elections.

The application of the Promotional Representation (PR) system or model of elections being adopted in some universities, which Cox, Fiva and Smith (2019) state that a prominent line of theories holds that proportional representation (PR) was introduced in many European democracies by a fragmented bloc of conservative parties seeking to preserve their legislative seat shares after franchise extension and industrialisation increased the vote base of socialist parties. The more push from student organisation to advance the PR system on the basis that it empowers them to monopolise power in the SRC, which has been observed as a factor motivating the persistence to be in power regardless. The PR system constitutes a reactive strategy and mechanism of managing SRC elections because, elections are first completed before the deployment is made, which postponed the squabbles. Cox, Fiva and Smith (2019) further argue that several scholars have previously challenged the dominant seat-maximisation theory of PR adoption. However, it advances the power sharing in line with the votes expressed by students, unlike "First-Past-the-Post" that is observed creating SRC's as one party state, which is a danger for democracy.

3. Compliance with Electoral Policy and Fairness

Each university has its electoral policy that governs SRC elections, which is subjected to the Electoral Act 73 of 1998, inclusive of its regulations. The electoral act pushes for transparency and credibility as basic principles of conducting elections. Norris (2017) argues that transparency is usually regarded as one of the core principles which should be followed, where officials lay out their goals, responsibilities and constraints, providing information about citizens' rights and voting procedures, engaging with stakeholders on a regular basis, and giving reasons for decisions and rulings. In some cases, the contestation of a decision is found even being appealed to the offices of the university management that has nothing to do with the process of SRC elections and no provision of the electoral policies support such actions. Elections emphases on accountability, which Dai (2006) argues that, although democratic

institutions intensify the degree of electoral account-ability, which leads to a higher level of compliance, which depends on the political attributes of compet-ing interests. The compliance requires accountability with rules that are fair to level the ground, however, it is always observed that the seating SRC always proposes Electoral Policy to university governing Council to close power for others on a long term basis, for instances, only allowing organisation that have national platforms to close those that might emerge as a way of gatekeeping. Dai (2006) under-scores that the more regularly competitive elections are held or the more election results bind the policy maker's fate of staying in power, the more the com-pliance policy is biased toward the group with more political leverage and informational advantage.

The electoral policy should be based on basic princi-ples of democracy and must embrace growth in the choice that citizens have to make. It is always that the game is to deliberately misquote the electoral policy to overhaul the process, which is the tech-nicalities that are the crux. In understanding that elections constitute game of multiple players Dai (2006) posits through this fundamental question is that how and under what conditions do democratic institutions induce a higher level of compliance? Which he developed a game-theoretic model to address this question? However, the control mech-anism of the elections in this case is the electoral policy, which the question is how fair it is and how is it understood by the student organisations to ensure that there is compliance and fairness.

4. Political Intolerence and Elections

It is often necessary to proclaim that elections require peace and stability in order for the voters to have a conducive atmosphere when exercising their dem-ocratic rights. While elections are about campaigns and sloganeering, it is often that student organisa-tions create no go areas for other, which create an atmosphere of hostility and intolerance. This phe-nomenon is not new to student governance, as it happens in the National and Provincial government elections as observed in KZN in the past, which man-ifest conflicts and tensions. Conflicts often arise in the period build-up to elections, during elections and post elections, and therefore, conflict is often associ-ated with none tolerance of co-existence by various student organisations. Elections are the centrepiece of efforts to rehabilitate countries devastated by civil conflict, and they are held increasingly often and

early, Flores and Nooruddin (2012) further argue that the inability of post conflict politicians to commit credibly to respect peace and democracy implies that elections will inflame tensions unless countries have previous democratic experience or elections are delayed to allow for institution building. The point of departure is to answer the question of why these conflicts exists in the running of SRC elections that is supposed to be a space to learn how democ-racy prevails in the society in general at a lower scale in universities.

Political intolerance is understood as negative cam-paigning. Mitchell (2016:5) suggest that there is little agreement amongst academics on whether positive or negative campaigning is most effective. Some researchers suggest that negative campaigning can demobilise and demoralise. While SRC elections campaign is marked by propaganda, negative insin-uation for other candidates or opposition parties. This is against the very essence of electioneering, which Maier and Jansen (2017) state that election campaigns are designed as a transfer of information from those who want to get elected (i.e. parties, candidates) to those who have the power to decide who will be in office after an election (i.e. voters). It is hard to understand how engaging on disparag-ing campaign can assist to advance one's political ambitions to power, but negating an opportunity to sell the organisational manifesto. It is arguable that these are some of the acts that make SRC elections campaign to take a toll, and create an atmosphere of hostility.

Maier and Jansen (2017) underscore that the use of negativity in election campaigns is the subject of great controversy. Democracy is about competition and choices – as well as the duty of the opposition to be critical of the actions of government, some scholars argue. The SRC elections campaigns have been a subject of violence given the negative strat-egy of campaigning as if is fashionable to do, and this elements of campaign contribute to collapse of elections. The competition is observed being that of stand-offs marked by violence to create discomfort of opposing parties. The concept of logic retaliation becomes pervasive during SRC elections, which Dolezal, Ennser-Jedenastik and Müller (2016) argue that the extant literature has demonstrated that the logic of retaliation is a core feature of negative cam-paigning. Attacks by one side induce counterattacks by the other. Yet most research on the interac-tive nature of negative campaigning is limited to

two-party competition and provides little theoretical justification for why political actors should respond to attacks with counterattacks. The phenomenon of SRC elections is confronted by negative completion of electioneering that threatens democracy, due to its nature of violence, which is expected that at the young age, effort of building a peaceful society should be moulded, but efforts has always remained constrained given the pervasiveness of the situation.

In examining electoral violence from evidence based point of view, Seeberg, Wahman and Skaaning (2018) state that two and half decades after the broad reintroduction of African multi-partyism, research on African elections has matured significantly. Scholars of contemporary democratisation have devoted much energy to uncovering the dynamics of interparty competition, noting how the weakness of political opposition has affected the prospects for real competition and democratic consolidation. These scotches of violence and intolerance during SRC elections are not only due to the competition amongst different student political organisations, but also emerge from internal contestation that affects the nomination process and constituting of the SRC structure where PR system is used. Seeberg *et al.* (2018) in the review of literature underscore that when inter-party competition is low, nationally or locally, electoral politics becomes a matter of intra-party, rather than inter-party, struggle.

The intra-party politics add to the intolerance and creation of an atmosphere that is not democratic, which Ceron (2016) suggests that given that political parties are composed of a variety of subgroups retaining different policy preferences and contrasting political ambitions, the role of intra-party politics in the bargaining process should be taken into account. The line of enquiry in this case is whether the intra-party conflicts in student politics as it relates to SRC elections has anything to do with policy or ideological context, which the experience of the author observes all these as preference to power to serve the factional politics, clientelism and patronage, which caused institutions of higher learning pain consistently. Any losing faction always plan to collapse the process, and is even more pervasive if is one student political party against the other.

5. Voter Apathy and Electoral Decline

Elections, by their nature of existence, require the masses to declare their choice of leadership. The fundamental question is whether the students are voting in numbers and what motivates them to vote. Youth participation in elections is not a new matter of discussion. Hofmeyr (2004 in Oyedemi and Mahlatji, 2016) states that youth appears to increasingly dissociate themselves from formal politics due to a sense of alienation or even marginalisation from the political environment characterised by elite bargaining and a failure to address issues that directly affect them. It is arguable that youth votes constitute a future investment in maturing democracy on the basis that if young people are unable to participate into this important democratic process, it absolutely threatens democracy from its growth. It is therefore that identifying what drives young people to vote, or abstain from doing so, is critical to strengthening democracy (Tracey, 2016). It is important to acknowledge that paradigm shift creates new norms and standards of living. Elections constitute a political process that older generations before 1994 in the age of hope, the society in South Africa valued the importance of voting. However, politics are no longer a concern of the current generation, which Cammaerts, Bruter, Banaji, Harrison and Anstead (2014) argue that a common interpretation of the low levels of electoral turnout among young voters is that they are apathetic and part of a generation that does not care about political issues − indeed, a selfish and materialistic generation.

One of the key question that youth always ask is what constitute the benefits of voting, which this question has defeated any conceptual understanding of the people's government on the basis that the material conditions are still the same. Cammaerts *et al.* (2014) note that when talking about participation, it becomes apparent fairly quickly that many people have different conceptions as to what participation actually means and entails. It is often that if government has failed to deliver, the citizens go awl during elections, and the fundamental question is whether does it mean that SRC's in universities have failed in their electoral mandates? The affirmation of this question is whether as well SRC's lost meaning? SRC elections in the universities constitute a field for students to always be reminded how voting blend the emerging democracy in a society outside the university boarder due to its frequency of polls (annual basis). However, this has proven to not assist as many university SRC elections are struggling to reach a threshold of 25% voter's turnout, which threatens an ongoing validity of SRC elections. The voter apathy threatens political life

of a democratic state. Farthing (2010) underscores that young people's relationship with contemporary politics is complex and often problematised. They are often chastised as the apolitical harbingers of an incipient 'crisis of democracy' while simultaneously heralded as the authors of sophisticated new forms of politics, most notably within electronic realms. This new generation of democratic order reaffirms that there is no democracy that exist for more than two decades without persistence and hardship to grow with no compromised. This is against the understanding that youth constitute an important segment of growing society. It is commonly accepted today that many young people in a globalised world cease to see the relevance of state-based politics or state-oriented activism and are no longer finding meaning in or opportunities for traditional modes of affiliation and participation (Harris, Wyn and Younes, 2010). Having noted the persistence of literature which observes that youth are pulling back from electoral platform, which Rampedi (2017) posits that perceptions around youth and electoral politics centre around the idea that young people are apathetic towards politics, that they dismiss politics in the early stages of their lives and only engage with them later on. Rampedi (2017) in the review of literature asserts that young people's attitudes towards elections are analysed using four themes: governance, liberation legacy, democratic duty, and change. It is in the view that students in universities are a society that suffocates growth of democracy due to observed nature of silent participation in both active student struggles and voting, which reaffirms that politics in the modern new order of sophisticated democracy is for downtrodden and not for privileged students who are occupied by other *new normal* struggles.

6. Elections Conflict and Arnachy

It is paramount to conceptualise what these concepts means and how they are related. In the pursued of the literature review, Brisman, and South (2018) argues that in conceptualising conflict as violence or the threat of violence stemming from incompatibilities in stakeholder's interests, priorities, values or understandings. In further explaining conflict, Havercroft and Prichard (2017) posit that the problem of anarchy cannot be divorced from how we understand the problem of epistemology, ontology, politics and conceptions of the good. In the interest of applying the two concepts that reaffirm conceptual contestation and connectivity.

It is a fact that for democracy to flourish, peace and stability constitute an atmosphere that is conducive and encouraging for self-choice. However, elections as the cornerstone of democracy should be conducted in an environment that is not antagonistic. In review of literature, Fernandes (2015) affirms that where politics, and above all strategy (in terms of hostility), flourishes, war, war left to its own devices, international anarchy, cannot flourish. The effort to rise, if real, compromises anarchy because war, left to its own devices, tends towards solipsism, to move towards emptiness. This question whether SRC elections cannot be conducted without hostility, conflict and anarchy, which violate the same principle of peace and stability. Prichard (2017) suggests that the possibility of theorising anarchy in world politics is largely dependent on prior assumptions about the formal or empirical characteristics of states and their ontological status in any social theory, while Inglis (2018) posits that social theory is a crucial resource for the social sciences, which provides rich insights into how human beings think and act and how contemporary social life is constructed.

7. Objection Procedures and Fairness

The principle in this area requires that if one stage is passed with objections resolved or no objections, that stage is deemed completed. In the light of interrogating what in practical sense objections are all about, according to De Visser and Steytler (2016), objections must be made in writing and handed to the Presiding Officer. He or she must investigate the circumstances and may ask questions to anyone that may be able to assist. The Presiding Officer must then decide on the objection, write up the decision and inform the objector and other parties involved of the outcome. One of the processes that polarise SRC elections is slate politics that always get fronted to embroil the elections credibility. Glaser (2018) argues that the SRC is formally pluralistic. Elections proceed by way of competition between slates of candidates. There is no simple demarcation of party political space and election space, which the sole strategy is always been observed as that of the failure to convince the organisation is a simple declaration of electoral polarisation, and ultimate collapse. These incidences are at play to form an irritable atmosphere for every individual involved in election to completely forge electoral violence, which Bardall (2015) posits that common victims of all forms of election violence include voters, elected officials, candidates, political aspirants (i.e. those

seeking nomination), political party members and leaders, electoral workers, journalists, individuals engaged in civic and voter education and electoral security providers. They are all targeted by violence to control or oppress their electoral participation, according to their relative roles in the process. The author notes that victimisation is always at a tipping point on the basis that objections are always not raised as an objective process of fairness, but as a means to collapse the electoral process.

It is observed that the foundational ground of SRC elections is in crisis because of a lack of integrity because student leaders resist respect for the Electoral Procedures. Schulz-Herzenberg, Aling'o and Gatimu (2015) suggest that electoral integrity depends on the character of governance leading up to an election, the quality of the process on the day, as well as mediated efforts to manage conflicts over contested processes and outcomes. The author observes this as deepening fascism in the midst of the collapsing democracy in the context of SRC elections, which ultimately create SRC and student politics as the game of rulers by force not by mandate. It is conclusive that SRC election objection are only used as a strategy to undermine the existence of the rules and independence of the process. The space of SRC election poses danger to the emerging democracy on the basis that student leaders polarise the process with no consequences, which the study of ability to upheld rule of law is at the crossroads.

8. Debates on the Voting System

The recent debate in voting methodologies remains the emergence of modern technology against the conventional ways of voting. In examining the voting methodologies, secret ballot is one of the commonly use method, which Aidt and Jensen (2017) argue that the secret ballot is one of the cornerstones of democracy. Bernhard, Benaloh, Halderman, Rivest, Ryan, Stark, Teague, Vora, and Wallach (2017) suggest that perhaps the most distinctive element of elections is the secret ballot, a critical safeguard that defends against vote selling and voter coercion. In practical terms, voters should not be able to prove how they voted to anyone, even if they wish to do so. This restricts the types of evidence that can be produced by the voting system. The SRC election is gradually moving from conventional secret ballot where physical ballot paper is produced, with slow pace of acceptance of secret ballot where voting is

done electronically. This scepticism is informed by lack of trust for voter manipulation, and this has not transcended the mind-set to investigate the electronic safeguarded mechanism of voting. Berhard *et al.* (2017) posit that the need for evidence because officials and equipment may not be trustworthy, elections should be evidence-based.

Any observer should be able to verify the reported results based on trustworthy evidence from the voting system. Many in-person voting systems fail to provide sufficient evidence; and as we shall see Internet systems scarcely provide any at all. The author observes that the mainstream political parties that student organisations align with are have demonstrated no appetite to accept the technological innovating systems in their party elections of leadership, for instance, the ANC rejected the electronic voting in 2007, Polokwane elective conference, and since then, the debate on electronic voting has not been considered. The adoption of electronic voting has been done in various countries related to cost and time reduction operationally. On the other hand, recent publication has been informed several issues occurred such as technicality, reliability, security and privacy due to the compromised system were used (Lubis, Kartiwi, and Zulhuda, 2018). The rationale of electronic voting is informed by the tediousness of the conventional and manual secret ballot that has been confronted by discrepancies administratively that always create a scapegoat for losing party to halt the process. It is perhaps that the student leaders are comfortable with the current state of electoral chaos that always plunged by litigation as part of normal aftermath of every SRC elections in universities.

9. Endorsement of Results and Acceptability

The key aspect is whether general observations have projected SRC elections in universities to be endorsed and accepted without any attempt to stifle the outcomes. Przeworski, Rivero, and Xi (2015) suggest that in less polarised societies, some policy divergence is necessary to induce parties to compete and outcomes of elections are acceptable whoever wins, because their distance from ideal policies is small for both parties, which the author observes post-election aftermath been the frontiers of unacceptability of the less material change of the outcomes, which demonstrate the rigger to obscure the people's voices through

technical means. For instance, student organisations would write letters to the top management of the university complain about immaterial issues dated day one of elections process, which objection period for that has elapsed. The only tricky question is whether any electoral reforms allow objections and elections complains to be packed and be raised in the last day when a student organisations have lost the elections and hold student governance at ransom as if it is fashionable to do so. All these behaviours have no consideration of the SRC Constitutions respectively, and the worst part is that these are observed as recurring situations in universities SRC elections.

The key aspect of the electoral reforms in universities is a general move towards introduction of percentage poll in a form of threshold to validate and endorse the outcomes of the SRC elections. This element is not new in universities, but has been practised long in the business of elections validity. For instance, in the case note of thresholds for European elections, which Michel (2016) states that the 3% threshold was declared void for the same reasons the 5% threshold had been, the dictum and the reasons for it being adopted by five to three. One judge in the minority presented a dissenting opinion. He called into question the strict review standard applied, which put Germany onto a path of isolation compared to other member states. While in another case, Smekal and Vyhnánek (2016) underscores that exactly half of the 28 EU member states apply a legal threshold in the European Parliament election. Most of them have set the threshold at 5%, three states at 4%, Greece at 3% and Cyprus at 1.8%. It follows that the 5% legal threshold looks like an ordinary instrument to prevent overcrowding of political parties in representative bodies. Having noted all these practices of election turnout, which is introduced for two fundamental reasons, first, to ensure that there is sufficient number of students who cast their votes to ensure that the outcomes produces, the government of the students, and secondly, to put more pressure on youth to the poll strategy, which invest in blending the future maturing democracy in South Africa.

10. Conclusion and Recommendations

SRC elections have been presented as an absolute chaos with more volatility without consideration of an existing Electoral Procedures as stated in various SRC Constitutions in the universities. These elements of chaos are acts of student leaders who find themselves with no appetite to accept the defeat from both their respective organisation to the outcomes of elections. There are characteristics that have overtime in the author's experience have proven the chaotic element of the SRC elections generally to prove the that *"Leaders circumvent the will of the people through technical mean"*, which are among others, factional politics in nominations and deployment to office; overall complain as a reactionary mode of the outcomes; creating hostile campaign; no consideration of objection ruling and persistently ignore rulings; and sticking to voting systems that has no guarantee of security. All these observed practices undermine democracy at its emerging stage and threatens the rule of law as if is normal to have elections in a hostile situation, ignore rulings and most fundamentally, abusing the system by challenging the election process from the beginning as a reactionary mode of an attempt to collapse the process. It is in this context that all these are done to divert the majority choice and have a regime that is not voted if is not favourable. The situation requires a radical mind shift to rescue electoral reforms in higher education space, which Pink (2017) argues that electoral reform is an often-studied topic and published works as well as other sources tell us that there is no universally valid and suitable procedure to achieve it. The starting point is to invest on rigorous electoral procedures that empower the process managers to succeed in the process. The electoral tribunals should be empowered to ensure that any individual or organisations that have no consideration to respect the process, there are consequences, and this aspect is mainly because student leaders disrupt SRC elections with no consequences, and this act is punishable by law as a threat to democracy. Finally note that advocacy is the most fundamental aspect to manage demanding process, and therefore, elections workshop should be intensified to ensure that all participating parties understand the application of the electoral procedures.

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