CONTENTS

INTRA-PARTY DEMOCRACY (IPD): THE REGULATION OF SOUTH AFRICAN POLITICAL PARTIES AND EXPLORING IPD CRITERIA

ABTRACT

Proponents of intra-party democracy (IPD) argue that the level of commitment to uphold democratic governance by a political party can be determined by inspecting to what extent the political party upholds democratic governance within the party. Overly centralised power and the abuse of power within political parties in various countries, including South Africa, is a systemic problem. While scholars have elaborated on the South African regulatory context in relation to IPD and how this regulatory context enables an undemocratic relationship between political parties and its members, this policy brief goes further to outline the general criteria required to put IPD into practice in South African political parties. The criteria for IPD explored in this brief includes fair and inclusive candidate selection procedures and policy-making processes; fair disciplinary procedures; the protection of freedom of speech; the inclusion of diversity provisions in terms of race, gender and age; upholding and protecting civil liberties; and upholding transparency and accountability. Following this policy brief, MVC will measure the extent to which South African political parties uphold or institutionalise IPD by looking at which of the mentioned criteria these parties fulfil.

1.   INTRODUCTION

South Africa is one of the many modern constitutional democracies where the internal organisation of political parties is not regulated according to internal party democracy or intra-party democracy (IPD) provisions.[i] South Africa's constitution outlines the foundation of principled rules and norms, to protect and uplift human dignity, and is a social contract that defines how our state institutions allow for a balance of power to protect the citizenry against the abuse of power. A major concern is that the existing gap in regulating political parties' internal rules and practices allows for political parties to restrict membership participation, practice strict party discipline

on members and evade transparency and accountability of its internal affairs. The regulatory framework pertaining to political parties in South Africa defines them "as voluntary associations," affording political parties the discretionary power to either be "open, inclusive and membership driven, or entirely hierarchical and repressive of membership involvement."[ii] It is for this reason, that constitutional law experts such as Pierre de Vos and Judge Kate O' Regan have proposed the implementation of IPD regulation. This paper unpacks IPD requirements which can be used to assess levels of IPD in political parties. There is no broadly accepted blueprint for IPD and different parties or countries implement their own versions of IPD. The most commonly agreed upon aspect of IPD is allowing for

participation so that party decisions are not concentrated amongst a few or single individuals.

This policy brief will firstly explore the importance of political parties in a multi-party democracy. Secondly, the regulatory background pertaining to political parties' internal organisation in South Africa is addressed to bring attention to the need to thoroughly assess political parties. Thirdly, the meaning and importance of IPD is briefly outlined. Finally, and most importantly, the necessary criteria to regard a political party as internally democratic are explored. The IPD criteria allows one to assess how internally democratic a politicl party is by drawing upon as many requirements neccesary in the context of South Africa. IPD criteria explored in this policy brief includes fair and inclusive candidate selection procedures and policy-making processes; fair disciplinary procedures; the protection of freedom of speech; the inclusion of diversity provisions in terms of race, gender and age; upholding and protecting civil liberties; and upholding transparency and accountability.

2. DEMOCRACY AND THE ROLE AND STATUS OF POLITICAL PARTIES

Former Constitutional Court judge Kate O' Regan identifies three fundamental levels at which political parties operate: "within the party itself, within the broader community and within the structures of government."[iii] Within 'the broader community' or society, political parties articulate group aims and present voters with ideological and policy alternatives. Political parties are also instruments through which members of the public can hold public office. Through holding public office, political parties affect and/or determine content of legislation and how the country it represents is governed. Within political parties, potential political leaders are recruited, selected and trained. The leadership of the party is socialised "into the norms and values of democratic governance and thereby contributing to political stability."[iv] A political party internally analyses policy options and determines how the party aims to present the party's "vision" and "mission" on electoral platforms. Considering the various roles that political parties are meant to fulfil, political parties are therefore not merely adjuncts to democracy, but are at the centre of democracy.[v]

The early conception of democracy did not include political parties.[vii] The classical definition of democracy and its principled wisdom was underlined by "rule by the people."[viii] Many classical philosophers firmly saw political parties as antithetical to democracy. Prior to the nineteenth century, practically all political philosophers were opposed to political parties. Political parties were regarded as being limited to advocating for particular group interests which disregards the interests of the general public.[ix] Furthermore, political parties were regarded as disruptive to the public good and threatening of public peace. This rejection of political parties as part of democratic practice, changed in the early nineteenth century.[x] Over time, the understanding of the role of political parties play in democracy has fundamentally changed. Political parties came to be universally accepted as the primary political units that participate in competitive elections in a modern democracy. Modern scholars emphasise the importance of competitive elections as the means to put democracy into practice. Democracy also goes beyond "rule by the people" and competitive elections, to include the rule of law, transparency, accountability, free and fair elections and so forth. The three levels at which political parties operate are also assessed in terms of how and/or if they pragmatically adhere to these democratic practices, principles, rules and norms.

The aim of elaborating on the operative role identified by Judge O' Regan of political parties stresses the reality of their centrality in the modern democratic era. While classical scholars may have disregarded the functional role of parties in democracy, their negative sentiments are still reflected in how parties are perceived. The description of the levels at which political parties operate illustrates the ideal political party and one must acknowledge that not all political parties adhere to these practices.[xi] There is common skepticism and a lack of trust towards political parties and politicians associated with self-interest and corruption.

Nonetheless, one has to acknowledge that political parties still play an important role within a democracy. Although political parties fullfill an important function within many democratic countries, assuming these "external" democratic functions is not dependent on its level of internal party democracy or intra-party democracy.[xii] Acknowledging a political party's adherence to democracy must go beyond participation in competitive elections. The analysis of political parties must start by looking at how political parties shape their relationship with their members and the electorate.

3. WHAT IS INTERNAL PARTY DEMOCRACY AND WHY IS IT IMPORTANT?

Internal party democracy or intra-party democracy (IPD) has been defined in various ways.[xiii] IPD is commonly understood as a minimal set of democratic provisions and norms that a political party should implement internally. Implementing IPD generally aims to enhance participation

within a political party through facilitating inclusivity and decentralisation.[xiv] Inclusivity can be facilitated to the extent that a political party allows for participation of its members in the intra-party decision- making procedures. Decentralisation allows for power to be dispersed at different levels of the party, instead of power concentrated in one organ at the national level. As one explores scholarly texts on IPD, one is exposed to various other indicators of IPD, some of which are contextually applicable to specific countries. Throughout these texts however, the participatory element is an underlying element of IPD. Scholars of IPD explore the extent to which opportunities for participation in political parties' affairs can or should be extended to its members and/or citizens. In the last section of this policy brief IPD criteria is further expanded on.

Antagonists of IPD have argued that too much participation may lead to crises in decision-making.[xv] This concern of the efficiency of decision-making should not be disregarded and political parties need to be strategic to include membership participation without making the party unmanageable or ungovernable. At the same time, the concern of too much participation does not mean that IPD should be brushed aside as there are means to balance participation with efficient internal governance. Critisism of IPD have argued that maintaining the privacy of political parties' affairs is based on the idea that the state should not interfere or intrude in the affairs of parties. There are various countries that are able to accommodate political parties' independence alongside certain state regulations, limited to ensuring a standard of particular intra-party democratic practices. If IPD is implemented in any political party, it can positively contribute to strengthen the practice of state-level democracy between political parties.

4.   A REGULATORY BACKGROUND TO THE CONTEXT OF POLITICAL PARTIES IN SOUTH AFRICA

In South Africa, political parties are often in the spotlight, not for the important role that they play in a multi-party democracy, but due to the overbearing role that these political parties assume, often in disregard for accountability and transparency. A common concern is the manner in which party discipline is strictly and unfairly enforced on elected representatives who do not to the party line.[xvi] In cases where party members put the interests of the political party before the interests of the citizens, party executives can unethically utilise punitive measures on dissenting members. Such cases not only unfairly impact the relevant party member, but can be disruptive to governance and at times despotic.

The only specific legislation pertaining to political parties is the *Electoral Act 73 of 1998*.[xvii] South Africa does not have a particular piece of legislation or "party law" that prescribes the nature of the relationship between a political party and its members.[xviii] Like in many Commonwealth countries, the legal system in South Africa treats political parties as voluntary associations. Voluntary associations are obligated to treat their members fairly, but fair treatment can be limited to disciplinary procedures. In addition, the *Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000* protects members against unfair discrimination.[xix] The relationship between voluntary associations and its members is contractually regulated, and in the case of South African political parties the party constitutions are the contracts. The contractual nature of a a political party's constitution gives the party the power to determine the level of participation of its members. This framework allows a political party to determine whether it safeguards transparency, fair practices and membership driven participation or on the other extreme, whether its constitution will concentrate power in the hands of a few leaders and restrict general and meaningful membership participation.

The South African Constitution does not comprehensively regulate political parties' relationships with its members and public representatives. A founding provision of the Constitution regards a multi-party system of democratic government as a means to "ensure accountability, responsiveness and openness."[xx] Section 19 of the South African Contstitution is the next relevant part which entrenches political rights, particularly Section 19(1b) which protects the right of citizens "to participate in the activities of, or recruit members of, a political party." However, the Constitution does not go further to prescribe the nature of this participation and the meaning of "participation" is not elaborated on. Participation can be interpreted as citizens and members being merely allowed to attend political party gatherings or it can imply a more active and meaningful form of participation where members play key roles in electing leadership or determining party policies. In the Constitutional Court judgement on the matter between *Ramakatse* & *Magashule*, the majority judgement argued that the constitution of a political party must be consistent with Section 19 of the South African Contitution, but the Court leaves it to the political party to determine the content of its own constitution. It has been argued that the Court implied that a political party's constitution must adhere to basic intra-party democracy practices, but again the Court does not determine specifically what this democratic practice means.[xxi]

5. CRITERIA OF INTRA-PARTY DEMOCRACY

5.1 Candidate and leadership selection

Political party office bearer elections is a prime function of a democratic political party. The selection procedure of a political party's public representatives and of party office bearers who do not hold public office are determined by the party.[xxii] Exploring the nature of the selection procedure allows one to evaluate the democratic ethos of a political party. There are various dimensions of political party office bearer selection which can be evaluated on at length. This analysis will focus on decentralisation and inclusivity, freedom of selection and representation.

5.1.2 Decentralisation & Inclusivity

Decentralisation and inclusiveness are two core dimensions of democratic internal political party office bearer elections. Decentralisation distributes power throughout different tiers within a political party and affords sub-national units some level of autonomy.[xxiii] More specifically, in consideration of the election of political party office bearers, a bottom-up approach should influence the central or national structure of a party. The process should not be a top-down approach where at the central or national level, leadership of different territorial units are merely assigned.

Inclusivity is facilitated by including more individuals in the selection process, as opposed to leadership positions being determined by party elites. If a political party claims to represent the interests of its members then members should be able to select preferred leaders. To test this, one should be able to gauge the level of agency in the process of candidate and leadership selection through asking if members can shortlist candidates, if members can vote for or against a list of candidates or if members can rank candidates in order of preference.[xxiv] Scholars refer to the body that chooses political party leaders as the "selectorate." One can also assess how inclusive a selectorate is based on a continuum of categories from most to least inclusive, whereby an electorate is the most inclusive and includes citizens who are not members. A single individual determining the candidates and party leaders would be the least inclusive. Adapted from IPD scholar O.Kenig's identified categories, a continuum of the categories is identified below:[xxvi]

5.1.3 Freedom of selection

The freedom of a member's vote should be protected by means of a secret ballot. Otherwise, individual preference and the right to privacy can be compromised. Open voting may influence an individual member's voting decision in different ways, including whether it is to show loyalty for the sake of advancing in the party, fear of drawing attention to oneself in opposition to the majority, or for being disciplined.

5.1.4 Representation

Another dimension of candidate and leadership selection that certain scholars consider essential for IPD is how representative the political party is of the people it represents in terms of gender, race and age. One can assess a political party and how it internally resembles a representative democracy through its level of descriptive representation. Descriptive representation calls for the party to resemble the demography of the group represented.[xxvii] In the context of apartheid South Africa, where political parties and the electoral system were explicitly unrepresentative, it is important that the right to participate as a member or leader within any political party is protected, regardless of race, gender or age. Some proponents of IPD regard a representative outcome of political party elections as a necessary requirement for a political party to be characterised as internally democratic. However, scholars argue that a "purely" internally democratic electoral process likely leads to unrepresentative outcomes, which is particularly the case when more males are elected. This is because a wholly democratic selection procedures cannot guarantee an outcome fairly and equally representative of different age groups, races, ethnicities and genders. There are certain corrective measures utilised in different countries to guarantee the election of diverse groups. Scholars have argued that this complexity is a case of "too much democracy." Corrective measures should not be seen as undemocratic, but complementary or necessary for political party elections processes to be regarded as democratic.

"Corrective measures" provide means to secure the selection of a certain amount of women or minorities (e.g. quotas).[xxviii] Quotas are regarded as more impactful and easier in addressing gender imbalances in parliamentary legislatures than trying to transform the values of a society to directly have an impact on a group's selection behaviour.[xxix]

Democratic ← Electorate - Members - Delegates of a selected party agency - Caucuses - Party Elite - Single Individual → Autocratic

In South Africa's transition to a democratic dispensation, a multi-party democracy and proportional representation was selected as a means to accommodate diverse groups and minority political parties. Therefore, it is difficult to require all political parties to produce leadership that is representative of different ethnic or racial groups. Certain political parties' members or electorate narrowly garner support from a particular racial and/or ethnic group. In addition, even though a political party (whether a larger party or minority party) may not deny the participation of members from a particular racial, ethnic, religious, cultural, gender or age group, it may be difficult for a party to represent diversity if there are few or no willing participants from different groups. In the case that a political party has a more diverse or broader voter and membership base, it would be problematic if leadership was not descriptively representative of that diversity. In addition, it is not enough for a party to claim that it represents diversity, but then restricts its diversity to its membership base. The diversity of membership should be emulated at different levels of the party.

Guaranteeing youth participation is also regarded as a vital element of IPD. While the youth are often actively involved in civic engagement or activism, young people are not sufficiently represented in legislatures. Therefore, young people have little participatory and decision-making power, marginalising their influence on governance related issues that affects their own lives. While a party may have separate youth-led leadership branches, the interests of young people must go beyond these insulated bodies. To meaningfully include young people to represent young members and electorate interests, political parties must ensure that a certain portion of its political party leaders, within the party and in legislative positions are represented. In order to have a representative sample of youth participation, each party should strive towards ensuring that the percentage of young people in our country is mirrored in the percentage of young people in the party and in candidate and leadership positions. While there may be a lack of young people willing to participate in the party-political system, the proposed corrective measure may encourage more youth participation if young people knew they were guaranteed a more direct role in political party and state institutions.

5.2 Policy-making

If and how a political party includes members in policy-making is another fundamental means to evaluate a political party's level of IPD. Wholly excluding meaningful membership participation is undemocratic and exclusive policy-making limited to party elites and in extreme cases a

single individual, should be avoided. Policy-making should be inclusive through allowing members to participate by articulating and selecting their party's policies.[xxx] Not only does the election of party officials encourage participation in internal party affairs, but meaningfully involving members in policy platforms encourages more participation.[xxxi] A political party should encourage regular consultative forums and opportunities for members to discuss, brainstorm, debate, select, contest and instigate reform of party policies. These consultative forums should be facilitated at various stages of the policy-making process. Some political parties' policy-making process can have the appearance of being democratic by allowing members to adopt policy resolutions, but members adopt preselected policy options.

Gauja identifies two main arenas where participation of party members takes place. The first arena is in the drafting of policy proposals at the local branch level or through members consulting within working groups. The second arena is participating through voting to adopt, reject or amend the policies.[xxxii] The model of policy-making which allows for the most inclusive participation and input from each member is direct democracy. Direct democracy descends from the ancient Greeks, where citizens were allowed to actively participate in the decisions of a political party. However, in modern democracies it is unrealistic to include all citizens in policy-making. Too much participation may lead to the inability to collectively come to decisions and can be detrimental, specifically in cases where urgent decisions need to be made for the party to function. It can be fruitless and impractical for larger parties to adopt a model of direct democracy. IPD scholars acknowledge the tremendous challenge of accommodating all members in formulating policies. However, advocating for inclusive policy-making processes does not mean that one disregards the challenges too much participation can bring to efficiency.

5.3 Civil liberties

A liberal democracy protects and upholds civil liberties, including freedom of expression, freedom of the press, freedom of association and freedom to join or form an organisation. Although civil liberties are generally associated with the protection of the individual it should also be extended to groups. Political parties right of existence is also as a result of the protection of these civil liberties. Further, the existence of various political parties within a society upholds the mentioned freedoms, is reflective of the acceptance of a pluralistic society and a smoothly functioning democracy.[xxxiii] While a right to form a party is guaranteed by the South African Constitution, a political party should also treat their party as a group of

protected individuals. A political party's democratic ethos may be evaluated by if or how it upholds or protects the right of its members to such civil liberties. There are various scenarios one can think of where political parties have unfairly enforced party discipline on a member, often to punish a member for not toeing the party-line. Members may fear that freely and fairly conducting one's affairs could threaten their membership, party executive, party leadership[xxxiv] position or seat in public office. Unfairly enforcing discipline is particularly worrisome in cases where the party-elite or leadership puts the interests of the party above the public interest.

5.3.1   Freedom of expression

Freedom of expression should be upheld as members and leaders should not merely be treated as mouthpieces of a political party. Protecting the right to freedom of expression and accountability invites the necessary contestation of ideas, debate and deliberation. Members should be treated as free-thinking individuals whose ideas, opinions and criticisms are part of a party's political democratic culture. Just as a democracy protects the civil liberties of citizens and voters to fairly, freely and equally participate in elections and participate in civic engagement, a party should foster a healthy political culture which invites the contestation of ideas. The internal culture of a political party should not coerce members into maintaining secrecy of any internal party affairs, preventing public awareness of corruption or mal-administration, avoiding public attention of internal discontent against a party's policy position or other concerning political activities. Whether for the sake of upholding accountability and transparency or for allowing for debate or discussion, a member should never fear infringement on freely expressing him- or herself, or be disciplined for openly expressing a critical or dissenting viewpoint from the political party majority or party elite.

5.3.2   Freedom of association and assembly

According to the African Commission on Human and People's Rights (ACHPR), an association is an "organized, independent, not-for-profit body based on the voluntary grouping of persons with a common interest, activity or purpose."[xxxv] The choice to join an association must be voluntary. An individual cannot be forced to join an association and should be free to leave the association at any point in time. An assembly is "an act of intentionally gathering, in private or in public, for an expressive purpose and for an extended duration." The right to assemble can be exercised through protests, demonstrations, rallies, sit-ins, through online platforms or in any other form chosen by the assemblers.

In the context of political parties, freedom of association and assembly is particularly relevant in the case of opposition parties, groups or individuals who are in opposition to one another. Freedom of association and assembly does not mean that people should hold membership in multiple parties at the same time. However, if a few or all members want to assemble they should be allowed to freely express, associate and assemble and a member should be allowed to attend a political gathering of any group or party without the risk of being disciplined.

5.4   Fair Disciplinary Procedures

Political party discipline has often come under scrutiny for its arbitrary and unfair use on party members. In South Africa, party discipline has often been used within different political parties to punish members for not toeing the party line. Members and/or public office holders have been unfairly suspended from particular positions or lost their jobs for taking a stance against the will of the party elite. The public may become powerless spectators of internal party power abuse, whereby the party is at liberty to place it's own interests above the interest of the public and at the expense of political stability. The necessity for discipline must be clearly established and where party discipline has to be enforced, there must be clarity on when it will be applied. The instances where it may be applied should not infringe on the civil liberties elaborated on earlier. Disciplinary procedures are necessary to allow for due process, preventing membership or senior positions from being revoked without the right of a member to appeal a decision or present their own case. A party should not bar a member from fairly representing their case, as this denies a member a legal opportunity for the objective consideration of matters related to the particular case. In the case that a member is granted the opportunity to present their side of the story, there must be meaningful consideration of each argument. The relevant member's case should not merely be heard to allow for the appearance of a fair process. For such a process to be fair, it may be necessary to have a third party body consisting of a panel of non-party affiliates, who can objectively consider the different arguments.

5.5   Transparency

Political parties must be transparent so that members and the public have access to information on it's internal affairs. Withholding information on received donations, corruption, maladministration, internal decision-making and operations erodes membership and public trust and strengthens sentiments that political parties are inaccessible other than during election campaigns. How and why certain internal party decisions are made can

have a major bearing on decisions and operations on the state and public affairs. It is therefore imperative that parties consistently and effectively inform their members and the public of their internal affairs and operations.

Transparency of party funding has been frequently identified as one sphere of IPD. In addition, IPD scholars have argued that a party's transparency can easily be linked and assessed to the parties' use of the internet, particularly in relation to how a party actively represents itself.[xxxvi] Online communication and representation is convenient as a "one-stop" site to access a variety of information on the party and can speedily provide the electorate with updates. However, in our socio-economic context it is also important that there are means to distribute information for those who do not have internet access. For example, a party can take advantage of print media and broadcast media to communicate important updates. Particularly in local communities where a party is represented, a party must engage its members and the community on key party developments.

One can assess transparency through how well a party makes the following available:

- The history and core principles of a party;
- Different enacted versions of the party's constitution on their website and in their branch offices
- How party leaders are elected;
- Lists and profiles of who in the party holds a certain position or public office on all territorial levels that a party is represented;
- The contact details of party members;
- What, why and how certain policy decisions are made;
- Information on changes in any leadership positions, including the exact timing and reasoning for the change;
- What disputes or disciplinary procedures have occurred and how related final outcomes were reached;
- Where political parties receive their public and private funding from and how much funding was allocated to them;
- What future events are planned and documentation of all past events recording the deliberations and outcomes of those events;
- Transcripts, minutes and recordings of speeches and high-profile meetings; and
- News and updates on a party's affairs on all levels of government it is represented on, including updates on corruption and maladministration.

5.6   Accountability

Accountability involves two different phases. Firstly, it involves informing and explaining one's actions, but secondly it has to go further through enforcing sanctions.[xxxvii] The party presents its mandates in its campaigns and in the form of election manifestos. Therefore, political party leaders must be accountable to their members and the public on where it has failed to fulfil its mandate. Accountability is facilitated by an inclusive and engaging culture among the different party regional infrastructure and between the party and the electorate, so that communication is sustained and the national level or party elite is not insulated. Political parties must not limit their accessibility to their members and the public to election periods.

The most common sought of example where parties fail to hold members accountable is in instances where a party member is found guilty of corruption. Members are then protected in the interest of the party elite who have vested interests. The party should not defend, protect or conceal criminality or maladministration of its members from other members or the electorate. Instead, a party should have the necessary procedures and mechanisms in place to publicly account for such instances and address it in a lawful and justifiable manner, including the imposition of sanctions.

6   Conclusion

The IPD criteria listed above illustrates a range of sound standards for parties to uphold if a party is to holistically practice democracy. Ultimately, the criteria emphasises the rights of members and the electorate to have fair access in how their political party operates. If a political party operates in democratic competitive elections in Competition with other political parties, it logically follows that a political party should operate democratically internally. The above outline of IPD criteria can be used to measure how democratic any political party is, particularly South African political parties.

Author: **Zahira Grimwood**
Political Systems Researcher

i   Kate O'Regan. 'Political Parties: The Missing Link in Our Constitution' Available at: https://www.corruptionwatch.org.za/political-parties-the-missing-link-in-our-constitution/, accessed on 7 May 2018.

ii   Graeme Orr. 'Private Association and Public Brand: the dualistic conception of political parties in the common law world' Critical Review of International Social and Political Philosophy 'Political Parties, Partisanship and Political Theory,' (2014).

iii   Kate O'Regan. 'Political Parties: The Missing Link in Our Constitution' Available at: https://www.corruptionwatch.org.za/political-parties-the-missing-link-in-our-constitution/, accessed on 7 May 2018.

iv   Ibid.

v   W.P. Cross & R.S. Katz. Ed's. 'The Challenges of Intra-Party Democracy. Oxford University Press: United Kingdom' (2013).

vii   S.C. Stokes. 'Political Parties and Democracy'2 (1999) *Annual Reviews* 243 at 245.

viii   Hanspeter Kriesi. *Direct Democratic Choice: The Swiss Experience* (2005) at 45.

ix   See Steven Calabresi 'Political Parties as Mediating Institutions' (1994) 61 *University of Chicago Law Review* 1484.

x   Gerald Leonard *The Invention of Party Politics: Federalism, Popular Sovereignty, and Constitutional Development in Jackson Illinois* (2002) at 1.

xi   Kate O'Regan 'Political Parties: the Missing Link in Our Constitution' () at Available at: https://www.corruptionwatch.org.za/political-parties-the-missing-link-in-our-constitution/, accessed on 7 May 2018.

xii   Ibid.

xiii   Lars Svåsand 'Internal Party Democracy in New and Established. Democracies' *European Council Policy Review* (2013) Available: https://ecpr.eu/Events/PanelDetails.aspx?EventID=5&PanelID=720 at2.

xiv   T. Poguntke. B. Von dem Berge., Peter Obert and Diana Tipei. *Measuring Intra-Party Democracy. A Guide for the Content Analysis of Party Statutes with Examples from Hungary, Slovakia and Romania.* at 3.

xv   Susan Scarrow's *Political Parties and Democracy in Theoretical and Practical Perspectives: Implementing Intra-Party Democracy* (2005) at 4.

xvi   Pierre de Vos 'It's my party (and I'll do what I want to)? Internal Party Democracy and section 19 of the South African Constitution' *South African Journal on Human Rights* 31 (2015)1 at 42.

xvii   Pierre de Vos 'It's my party (and I'll do what I want to)? Internal Party Democracy and section 19 of the *South African Constitution' South African Journal on Human Rights* 31 (2015)1 at 47.

xviii   Ibid at 43.

xix   Kate O'Regan 'Political Parties: the Missing Link in Our Constitution'. 11.

xx   The Constitution of the Republic of South Africa. (1996). 3.

xxi   Pierre de Vos 'It's my party (and I'll do what I want to)? Internal Party Democracy and section 19 of the South African Constitution' *South African Journal on Human Rights* 31 (2015)1 at 47.

xxii   Kenig, O. Rahat, G. Razan, & R.Y. Leadership selection versus candidate selection in parliamentary democracies: similarities and differences. ECPR General Conference. Bordeaux.

xxiii   T. Poguntke. B. Von dem Berge., Peter Obert and Diana Tipei. *Measuring Intra-Party Democracy. A Guide for the Content Analysis of Party Statutes with Examples from Hungary, Slovakia and Romania* at 5.

xxiv   Anika Gauja 'Internal Party Democracy and Policy Formulation: Rationales, Trends, Relevance' (2009). Available at: https://ecpr.eu/Filestore/PaperProposal/29b8a562-d709-46b6-ad62-9276b57677cf.pdf. [Pg,106]

xxv   Isabelle Hertner *Centre-Left Parties and European Union: Power, Accountability and Democracy* (2018) at 87.

xxvi   Ofer Kenig, Gideon Rahat, & Reuven Y. Hazan Democratising Party Leader Selection Primaries: Challenges and Opportunities Beyond Intra-Party Democracy" (2013) Available: https://ecpr.eu/Events/PanelDetails.aspx?PanelID=722&EventID=5.

xxvii   A. Shapira., & G. Rahat. 'An Intra-Party Democracy Index: Theory,

Design and A Demonstration.' *Parliamentary Affairs* 70 (2017) 1.

xxviii   Sefakor Ashiagbor *Political Parties and Democracy in Theoretical and Practical Perspectives: Selecting Candidates for Legislative Office* (2008) at 12.

xxix   H. Britton 'Challenging Traditional Thinking on Electoral Systems' *Women and Legislative Representation* (2008) at 48.

xxx   A. Turkmen 'The institutional design of intra-party democracy through legal instruments: Turkish case. University of Westminster'Doctoral Dissertation at 172.

xxxi   Anika Gauja.& Marian Sawer. Party Rules?: Dilemmas of political party regulation in Australia(2016): 90.

xxxii   A. Turkmen 'The institutional design of intra-party democracy through legal instruments: Turkish case. University of Westminster' at 173

xxxiii   'Political Parties – Key Factors In the Development of Democratic Societies' (2013) Available: https://www.osce.org/odihr/126431?download=true at 41.

xxxiv   Party leadership includes staff appointed positions in the party, whereas party executives are elected.

xxxv   'Guidelines on Freedom of Association and Assembly in Africa' (2017) at Available: http://www.achpr.org/files/instruments/freedom-association-assembly/guidelines_on_freedom_of_association_and_assembly_in_africa_eng.pdf.

xxxvi   A. Shapira., & G. Rahat. 'An Intra-Party Democracy Index: Theory, Design and A Demonstration.' *Parliamentary Affairs* 70 (2017) 1 at 84-110.

xxxvii   A. Schedler, L.J. Diamond, & M. F. Plattner'The Self-Restraining State: Power and Accountability in New Democracies' (1999) at 14.