



Fourteen years of democracy: Reasons why South Africa should not change its electoral system.

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This paper argues that although a constituency-based electoral system probably leads to an increased accountability of representatives, South Africa is not ready for adopting such a system under the current conditions. The paper therefore proposes that the country should retain the current PR system. However, political parties, parliament and public representatives should discuss and devise mechanisms and incentives that will encourage and facilitate electoral accountability by public representatives to their constituencies and the electorate in general.

Introduction

South Africa's transition through the National Peace Accord 1993, which paved the way for the Convention for a Democratic South Africa (CODESA) forum, was negotiated with the principles of establishing a multi-party democracy in the country.¹ The document ensured that the stakeholders (political parties, the police and security forces) agreed on certain principles or rather the codes of conduct while the political groups had in common a vision to establish a multiparty democracy in a non-violent, peaceful manner.

The constitution adopted in 1996, two years after the first democratic elections, prescribed for an electoral system that "results in general, in proportional representation".² As a result, South Africa chose to have a Proportional Representation (PR) closed list system (herein referred to as a PR system) for an electoral system at national and provincial level of government. At the local government level, the country has a mixed electoral system where half of the councillors are elected through a PR list process while the other half is elected through local representation at ward level (that is, by a constituency system).

The absence of an electoral threshold means that the country's national electoral system is truly proportional, that is, every vote counts. There are currently (since 2007) 15 political parties represented in the National Assembly, this is up from 7 in 1994, and 13 in the 1999 elections. There is even a one-member party in Parliament. The increase in the number of political parties across legislatures was also a result of the floor-crossing legislation adopted in 2002 by which Parliament amended the Constitution to allow elected representatives to change their political affiliations without losing their seats at national, provincial and local levels. One therefore can assert that South Africa's Parliament personifies the demographics of its people in the diversity of its make-up and its opinions and which transmits and directs this diversity in the political process of legislation making.

There is currently an ongoing debate on whether the electoral system should be revised. This is because the representatives in national and provincial legislatures are elected by their respective parties through a party list system instead of being elected by the people through a First Past The Post (FPTP) system, often referred to as a Constituency system. The proponents of the electoral change argue that Members of Parliament (MPs) are more accountable to their political parties in the PR system, therefore eliminating the basic tenet of accountability in a democracy.

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¹ National Peace Accord signed on 14 September 1991 by 26 organisations and political parties who committed themselves to the promotion of peace, harmony and prosperity in violence-stricken communities.

<http://www.sahistory.org.za/pages/library-resources/online%20books/soul-of-nation-constitution/chapter7.htm>.

² Constitution of the Republic of South Africa, 1996; Act 108 of 1996, Section 46 (1d).



Advantages of a PR system in South Africa

South Africa's current electoral system is truly representative and this is reflected at both national and provincial legislatures through the diversity in the members. There are four principles that run through the current electoral system:

- **Fairness:** Every vote counts and all votes are equal (hence, there is no electoral threshold).³ This is also based on the history of the country where for a long period Blacks and Africans in particular were disenfranchised under the Apartheid regime.
- **Inclusivity:** to ensure demographic and political inclusivity
- **Simplicity:** that it would accommodate even the illiterate in the society
- **Accountability:** to live to the connotation that democracy is the governance of the people by the people

There is a consensus that the PR system has produced a system where the minority groups have a voice in the legislation-making sphere of government regardless of the political majority attained by the African National Congress (ANC). The preoccupation of South Africa during the negotiations was the concern of the representation of minorities in a system dominated by a political majority. The ANC in particular was concerned about the dangers of too much local representation within a racially divided urban system and undermining attempts to create a municipality-wide focus on longer-term development issues.⁴ The ANC for example, has used the PR system internally to ensure that the lists are representative of marginal and minority groups in the country. The ANC claims that it attempts to transform society hence the party's guidelines for its internal list processes that is used to elect MPs reflects key objectives of creating a united, non-sexist, non-racial and democratic society. The guidelines normally include factors such as geographical representivity, racial, ethnic, linguistic representation, skills, interest groups, 50% representation of women in all party structures in order to comply with the party's Constitution.

Although the above highlights the success of a PR system, the setback of this system is the power of the party in determining representation and the benefits that accrue to people elected to positions of leadership in legislatures. This scenario creates a political milieu whereby it is in the interests of the aspirant and the elected politicians to behave in ways that please the party leadership, rather than constituents.⁵

It is therefore evident that the current electoral system has done very well in ensuring and maintaining three of its principles, that is, it remains fair, inclusive and simple. Accountability however, remains a challenge.

Advantages of a Constituency System in South Africa

As already mentioned earlier, the country has a mixed electoral system at local government level. The weakness of the PR system at provincial and national level is often compared to the strength of the constituency system at local government level. That is, the reality that the direct election gives the 'representatives' a constituency other than the party and therefore a power base for independence of

³ For example, the Congress of the People through the Freedom Charter adopted the principle that every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws. The Freedom Charter was adopted in Kliptown in June 1955, see www.anc.org.za/ancdocs/history/charter.htm.

⁴ Low, M; Ballard, R & Maharaj, B (2007). Dilemmas of Representation in Post-Apartheid Durban, *Urban Forum Journal*, Volume 18, Number 4, December, 2007.

⁵ Faull, J (2008), 'Electoral Reform and Responsive Representation', paper delivered to the Helen Suzman Foundation Roundtable. See <http://www.hsf.org.za/publications/roundtable-series/roundtable-archive/seventh-issue-july-2008>.

thought and action; and that the model creates an incentive for locally elected representative to serve the needs of their constituency and individual voters – of whatever party – living in that constituency.⁶

However, despite this reality, there is no empirical evidence that proves that local government representatives are more accountable than representatives in legislatures in South Africa. In 2006, South Africa experienced 920-recorded cases of unrest related to poor service delivery; by September 2007, 40 violent protests had occurred during the year in Gauteng alone.⁷ Although some of these were politically motivated, driven by national rivalries, the majority of them were based on the genuine concerns of the people in the communities. The South African Local Government Association (SALGA) cited a number of reasons as behind the service delivery protests at local level: poor governance, poor service delivery, lack of public participation (ineffective client interface) amongst others.⁸ Among the relevant issues in these tensions are the break down of communication between councillors and the people they represent, therefore resulting in a lack of public consultation and participation on local government matters.

What are the merits of the argument?

The proposal to change the current electoral system to a Constituency system in the belief that that such a system will enhance the accountability of public representatives is flawed and misguided. Those initiating and driving this debate are not asking the fundamental question. What can be done to ensure that South Africa has accountable and responsible public representatives? The report of the Electoral Task Team (ETT) appointed by the government in 2002 to consider the electoral system emphasises the fact that electoral systems in any format, do not necessarily produce accountable politics and politicians.⁹

The report states “Electoral systems of whatever variety can be abused by leaders, cliques, representatives and parties in an unimaginable number of ways. Redress for such behaviour cannot be sought in an electoral system”.¹⁰ The need for accountable public representatives in South Africa goes without saying. The transition from the authoritarian Apartheid government to a democratic one continues to highlight the fact that citizens are still sensitive and are yearning for accessible, consultative and transparent public representatives and democratic institutions.

Fourteen years into democracy, the country clearly is still in a state of transition. While this is a sensitive, long process, some tend to view it as an event and they forget that as much as the country has progressed in other matters, it is also still struggling with others. For example, it is clear that South Africa is grappling with the concept of nation building and as a result, the country has not managed to find a national identity. Nation building is about creating a new political culture, which unifies all different population groups, fosters formulation of common values shared by all and facilitates the development of true and unbreakable spirit of national consciousness or patriotism. South Africa has not managed to get the essence of reconciliation, which is about making it possible for people to reconstitute themselves into a virile team with a robust nationalism, desire, confidence, and common national objectives both within the domestic and external environments, which they

⁶ Graham, PM. Restoring Constitutional Democracy: Electoral Systems, see www.idasa.org.za.

⁷ Hough, M (2008), ‘Violent Protest at Local Government Level in South Africa: Revolutionary Potential?’ *South African Journal of Military Studies*, vol. 36, no. 1, pp. 1-13.

⁸ South African Local Government Association (2007), *Current Wave of Protests in Municipalities*.

⁹ The Electoral Task Team was appointed by Cabinet in March 2002 to draft the new electoral legislation required by the Constitution. Dr. Van Zyl Slabbert was the Chairperson of the Task Team. It reported in 2003, with both a majority and a minority report. The minority report proposed remaining with the existing electoral system; the majority report proposed changes.

¹⁰ The Electoral Task Team report (2003), p.22, available at <http://www.elections.org.za/papers/27/ETT.pdf>. This part of the report was endorsed by both the majority and minority.



pursue.¹¹ Genuine reconciliation remains a dream. Extreme poverty and high inequality (although inequality is now both intra-racial as well as inter-racial, as was the case in the past) seem to be deterrents to national reconciliation. Apartheid's structural deficiencies seen through racism, segregation (in all its forms) and feelings of powerlessness and exclusion are still experienced on a daily basis by the majority. Hence voting patterns narrate the story of the country's past and present. Those who have tried to rationalize the unexplainable xenophobic attacks concur that the levels of poverty and the desperate competition for scarce resources and opportunities between the poor South Africans and poor foreigners catalysed the unjustifiable, violent rejection and butchering of poor, African foreigners.

In conclusion, having argued that electoral systems are not without faults and that a form of electoral system does not necessarily result in accountable politicians, accountability remains a challenge in the context of South Africa. Nonetheless, I am of the view that the three other principles are equally important and whatever electoral system the country may choose to have in the future should never compromise these principles for the sake of achieving electoral accountability. The next phase in strengthening the PR closed system list system should be about seeking ways of ensuring that legislatures, political parties and public representatives discuss and devise mechanisms and incentives that will encourage and facilitate electoral accountability by public representatives to their constituencies and the electorate in general. These mechanisms need to be uniform and apply to all political parties. As a start, Parliament could create a designated constituency department within its helm, which will be responsible for coordinating this process. This would make sense in that Parliament funds political parties for constituency work.

The views expressed in this paper are those of the author and do not necessarily reflect those of AfriMAP or the Open Society Institute or Soros Foundation Network.

¹¹ Kiguwa, S.N.W (1998). National Reconciliation and Nation Building: Reflections on the TRC in Post Apartheid South Africa, Department of Political Studies, University of Venda.
<http://cas1.elis.rug.ac.be/avrug/trc/bibtrc.htm>