



Electoral Reform in South Africa

"We need a system that elevates the elector more than the party, a democracy that trusts its people to express their own free will directly, not via a party list ... South Africans must take a fresh look at their democratic options. We demand a new electoral system so that we can become masters of our own fates".¹

1. Introduction

The 'electoral reform' debate in South Africa is not going away. It became a major focus on the political agenda in 2002 when the Mbeki government appointed an Electoral Task Team (ETT) with a mandate to review the South African electoral system. Some opposition political parties and citizens from different sectors of society suggested that the pure proportional representation (PR) system, in place since 1994, was weak, in the sense that elected representatives were not accountable directly to the electorate, but rather to their party superiors. The subject of accountability has thus dominated the discussions about reforming the existing electoral system. As a response, the ETT was established to identify and recommend what electoral systems would be appropriate for our country. The team, headed by the late Dr Frederick van Zyl Slabbert,² proposed that a mixed system (a combination of 'single member constituency' and 'party list' systems) should be adopted at national and provincial level.

However, ten years after the establishment of the ETT, the debate about the electoral system continues, and no major electoral reforms have taken place since it submitted its report.

The importance of this debate cannot be overestimated. As Marie-Louise Strom has written, an electoral system has important implications for the political life of a country; it determines the way representatives are elected

to Parliament and it influences the relationship between voters and their representatives.³

2. South Africa's Electoral System

At the Multiparty Negotiations Forum (MNF) and the Convention for a Democratic South Africa (CODESA) it was decided that a proportional representation (PR) system should be implemented. Many reasons were put forward for this. According to the African National Congress (ANC), the PR system allowed for a multi-party democracy which would promote electoral participation.⁴ In addition, academics and political parties argued that the PR system was known for its inclusivity, fairness and simplicity.

More importantly, because South Africa was, and remains, a deeply divided society characterised by ethnic, class, social, race, linguistic and religious cleavages, the adoption of the PR system offered the best chance for addressing ethnic and racial inclusivity. It allows social groups to gain some degree of parliamentary representation even with only a tiny share of the national vote. Many smaller parties, which would not earn sufficient votes to win any geographical constituency, have thus managed to maintain a modest presence in Parliament.

Interestingly, after the adoption of the PR system, South Africa was one of the few African countries that made a clear break from the so-called

'Westminster' system that had been used under the apartheid regime. This system, also known as the first-past-the-post (FPTP), was inherited from the time when South Africa was a British colony, and was used for over eighty years to elect Members of Parliament.

3. Proportional Representation

The PR system is viewed as the most accurate form of representation. This is due to the fact that there are no 'wasted' votes; the number of seats allocated to parties in the national and provincial legislatures is proportional to the number of votes each party wins in the election. For example, if a party gets 60% of the national vote, it will occupy 60% of the seats in Parliament. Thus, with reference to the 2009 elections, the Congress of the People (COPE) obtained 30 seats in the National Assembly after it won 7.42 % of the national votes.⁵

The local government electoral system differs from the national and provincial electoral system of pure proportional representation. South Africa has adopted a mixed electoral system for municipal elections, in which half of the ward councillors are elected by a PR list process, while the other half are directly elected through local representation at ward level (that is, by a constituency system).⁶ If a ward councillor resigns or dies, a by-election is held in order to retain the electoral balance as voted by the communities.

4. Why Electoral Reform?

Although the PR system can be good for representivity and inclusivity, and while it has the ability to create coalition governments and to lessen political conflict and violence, the system is faced with many challenges.

First, it typically suffers from a lack of accountability and, to some extent, a lack of 'MP accessibility'. Voters do not have a direct relationship with their representatives, as members are not elected to serve individual constituencies. Unofficially, some political parties have decided to allocate constituencies to MP's, but this does not always work well: some members do not visit their constituencies regularly, while others do not make any attempt at all. Voters often complain that they only see and hear from candidates during election times

when they are looking for votes. In addition, the 'constituency' offices double-up as local party-political offices, which may be alienating to people who do not support that particular party.

Secondly, the process of nominating national and provincial candidates has also received much attention over the years. Because South Africa uses a closed list PR system, Members of Parliament and Members of Provincial Legislatures (MPs and MPLs) are selected by their party and not by the electorate. As a result, MPs and MPLs do not have to satisfy voters to be elected into office, but rather to satisfy the political leaders in order to be nominated onto the party lists. Members who worry that they won't be placed high enough on the party list for the next election are thus likely to ingratiate themselves with the party hierarchy, possibly to the detriment of their public duties. In this sense, it is argued, that their loyalty lies more with the party than with the electorate.

Another weakness of the system is that if a member resigns, dies or is expelled from the party, that member loses his or her seat, and the party chooses someone else to take up the seat. Party managers thus have wide powers to decide who gets to stay an MP (with the very lucrative salary that comes with the post) and who will be next on the list for nomination. This aspect is of particular concern in a context where MPs are unlikely to find alternative employment which is anywhere near as remunerative, as is the case with many South African MPs.

Professor George Devenish argues that this gives the leadership of political parties 'monopolistic control' over public representatives.⁷

5. Debating the PR System

On 9 March this year the Catholic Parliamentary Liaison Office (CPLO) and the Hanns Seidel Foundation (HSF) co-hosted a roundtable discussion on electoral reform in South Africa.⁸

In Prof Piombo's analysis of the electoral system, she explained that because South Africa has a history of political conflict and violence, the PR system was chosen for its conflict management potential. And, since the adoption of the PR system, political conflict and violence have declined. In addition, the PR system was very democratic in the sense that Parliament was not only representative of major political parties, but

also included small parties. “Yes, there may be a dominant party, but smaller parties still exist. Smaller parties can still participate in Parliament and this is very unusual for African democracies”.⁹ Also, Prof Piombo indicated that the PR system encouraged support for minority parties. Voters were thus provided with a wide range of parties to choose from. In this regard, all voices of society had an opportunity to be represented, which tended to prevent any given group from feeling sidelined.

Prof Piombo admitted that the PR system (because of its closed list dynamics) has many weaknesses; however, no electoral system was perfect. While discussing the strengths and weaknesses of the PR system, Prof Piombo noted that South Africa has held four successful national and provincial elections under the PR system, “and as much as we want to criticize the electoral system, the system has served the country well for almost two decades”.¹⁰

6. The Electoral Task Team

The ETT assessed the PR system on four key values: fairness; inclusiveness; simplicity; and accountability. It found that the existing PR system was strong on principles of fairness, inclusiveness and simplicity, but the team remained doubtful whether this system satisfied the principle of accountability.¹¹

Upon completion of its work, Dr van Zyl Slabbert submitted two reports to Cabinet. In one report the majority of ETT members proposed that the existing system should be replaced by a mixed electoral system, where MPs would be elected to Parliament both by designated geographical constituencies and through PR, with the former constituting a large majority.¹² The majority report explains this as follows: under the mixed system voters would elect 300 members of the National Assembly through a constituency system and the remaining 100 MPs will be drawn from parties’ national lists, according to the overall number of votes earned by each party nation-wide. Such a mixed system, they suggested, would effectively ensure accountability at both national and provincial level, while still maintaining broad proportionality. However, the second, minority report advocated that the PR system should be retained in its current form.¹³ Cabinet decided to follow the minority’s recommendation, but to consider a change before the 2009 national and

provincial elections. It appears, though, that no serious consideration has yet been given to a change, and no electoral reform seems likely in the near future.

7. Analysis

Some electoral reformists have argued that the government should consider adopting a FPTP system to ensure more direct accountability. However, the greatest weakness of this ‘winner-takes-all’ system is that it leads to unproportional representation and, in some countries, unstable governments. As Prof Piombo states, “this system represents a section of society to the exclusion of others”. For instance, in Lesotho’s 1993 elections, the ruling Basotho Congress Party (BCP) won all the seats in Parliament, but on the basis of only 75% of the national vote. In other words, there was no opposition in Parliament, even though 25% of the citizens of Lesotho had voted for other parties.¹⁴ If this scenario were applied to South Africa, it is likely that the 20% or so of voters who supported neither the ANC nor the DA in the last election would end up without representation.

Such a situation would not just deprive people of a presence in Parliament; it would also exacerbate the divisions that still exist along racial and other lines: in general, white voters support historically white parties and black voters support historically black parties. But there are also other social groups who would feel excluded if their parties failed to win a single constituency; for example, Zulu-speaking IFP supporters and those Christians who find a home in the ACDP. For this reason too, a shift towards a FPTP system would be inappropriate.

Those who advocate the retention of the existing PR system have pointed out that it allows for non-racialism, multi-ethnic representation and gender representation. In this way, the PR system has the ability to create an open democratic society in which people of all races and political opinions can co-exist and make their voices heard.¹⁵ Certainly, the PR system has many strong points but, as mentioned before, we cannot ignore the extensive power that the closed lists give to party leaders. The question is thus ‘how can we best promote *both* accountability and representivity?’

As a response, Prof Piombo indicated that we do not need to reform the whole PR-based system;

however, she recommended that an open party list system should be adopted. In an open list system voters know who is on the list and can vote for candidates according to their own order of preference. In South Africa voters know the names of candidates on the party lists that are published before each election, but they cannot vote for specific individuals in order of preference; the vote is essentially for the list as a whole.

But there are also electoral systems which employ both PR and constituency-based aspects; these are known as mixed systems. The ETT majority report strongly advocated that such a system would, firstly, address the lack of accountability and, secondly, the feeling of alienation among voters. The key rationale for adopting a constituency-based system is thus to elect representatives who prioritise the needs of their community, not just the wishes of their party bosses. This system would also encourage public representatives to become more attentive and responsive to the electorate in a given constituency, regardless of which party an individual voter had supported.

Speaking at the roundtable, Prof Piper indicated that although changing to a mixed system might help to increase accountability and representivity, reforming the electoral system is only part of a bigger institutional reform. In his analysis of the PR system, he argued that South Africa needs to find new forms of accountability and new forms of representation for the poor and marginalised, especially in policy implementation.¹⁶

Dr James, who served on the ETT, gave a good

historical and practical input on the electoral reform debate. In his view, the issue of accountability and representation depended on the culture of political parties. It would therefore be naïve to think that a redesign of the electoral system would deal with the question of accountability all by itself. A mixed system could also be manipulated by party leadership and vested interests.

8. Conclusion

Changing an electoral system is no easy task, and all electoral systems have advantages and disadvantages. On the question of accountability, a mixed system would go some way to addressing the lack of accountability, but it would not guarantee that elected representatives would be more accountable to the electorate. No system can force elected representatives to be more responsive to the needs of voters if they do not subscribe to a 'culture of accountability'; and it is up to political parties to inculcate such a culture among their members no matter which electoral system is adopted. Clearly, though, we South Africans need to take the electoral reform debate much more seriously, and to ask ourselves what we ultimately want from our electoral system.

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¹ Pityana, B. 'The State of our Democracy in South Africa- of Mice and Men: On Being a Citizen in a Democratic South Africa'. Speech delivered on the occasion of the IEC's 10th anniversary, 3 August 2007.

² Dr Van Zyl Slabbert died on 14 May 2010. Other members of the ETT were Raesibe Tladi (Tladi resigned on 13 August 2002 and was not replaced), Zamindela Titus, Adv Pansy Tlakula, S S van der Merwe, Norman du Plessis, Adv Rufus Malatji, Professor Jørgen Elklit, Professor Glenda Fick, Nicholas Haysom, Dr. Wilmot James, Dren Nupen and Tefo Raditapole. *Report of the Electoral Task Team*.

³ Strom, M. (2007). 'Understanding Electoral Systems'. Youth Vote South Africa, No 8. Idasa.

⁴ Report of the proceedings of the Multi-Stakeholder Conference of the Electoral Commission of South Africa, held at The Forum, Bryanston, Johannesburg, 8 to 10 October 2007.

⁵ Independent Electoral Commission. 22 April 2009 National and Provincial elections. Retrieved from www.elections.org.za

⁶ In 2000, a new electoral system was introduced for local government elections.

⁷ Professor George Devenish. *The Need for Electoral Reform*. Retrieved from www.highbeam.com

⁸ The speakers included Professor Jessica Piombo from the US Naval Postgraduate School, Professor Laurence Piper from the UWC Department of Political Studies and Dr. Wilmot James, Democratic Alliance MP and a former member of the Electoral Task Team.

⁹ Professor Jessica Piombo, Presentation at CPLO/HSF Roundtable Discussion on *Electoral Reform in South Africa*, 9 March 2012

¹⁰ See 9 above.

¹¹ Electoral Task Team, *Report of the Electoral Task Team*. Pretoria: Government Printers, 2003.

¹² The majority report was endorsed by van Zyl Slabbert, Haysom, du Plessis, James, Elklit, Malatji, Fick and Nupen.

¹³ The minority report comprised members Titus, Raditapole, Tlakula and Van der Merwe.

¹⁴ Strom, M. See 3 above.

¹⁵ Chiroro, B. (2008). *Electoral Systems and Accountability: Options for Electoral Reform in South Africa, Policy Paper No 3*. Johannesburg: Konrad-Adenauer-Stiftung (KAS).

¹⁶ Professor Laurence Piper, speaking at the CPLO/HFS Roundtable Discussion on *Electoral Reform in South Africa*, 9 March 2012.

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