



HELEN SUZMAN FOUNDATION

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Cover picture: Given Makhubele's *The Road to Democracy* is reproduced with the kind permission of Iziko Museums. Moving towards the new democratic order, the return of exiles and Umkhonto weSizwe cadres to the country was viewed by many blacks in an optimistic light, in the same way parents greeted the return of their children from initiation school. Images commemorating the return of 'freedom soldiers' are depicted here.

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Profiles



Bantu Holomisa

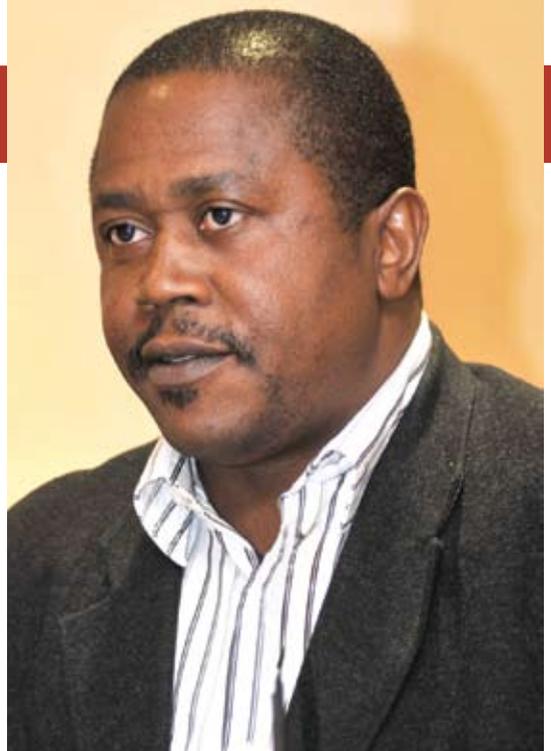
Major General (Retired) H Bantubonke (Bantu) Holomisa co-founded the United Democratic Movement (UDM) in 1997 and currently serves as its President. In 1999, within a period of twenty months since the UDM was established in 1997, he together with thirteen other members of the party was elected to Parliament.

Previously, he was the Commander of the Transkei Defence Force and Head of the Transkei government (former independent homeland between 1987 and 1994) up to the first national elections in South Africa in 1994.

He was one of the first two black persons accepted by the South African Army College to do a one-year senior staff course for officers in 1984.

Between 1988 and 1989, the government led by Mr Holomisa un-banned approximately 33 organisations that were banned by his predecessors and his government worked closely with the liberation movements. As a result, Transkei had a smooth transition prior to the South African national elections of 1994. Mr Holomisa also led Transkei delegation to *Convention for a Democratic South Africa* (CODESA) negotiations.

He was chosen by the African National Congress (ANC) Election Committee to campaign nationwide alongside Mr Nelson Mandela, Mr Thabo Mbeki, Mr Cyril Ramaphosa, Mrs Winnie Madikizela-Mandela, the late Mr Joe Slovo and Mr Steve Tshwete during the democratic election in 1994.



Denis Kadima

Mr Denis Kadima took up the position of Executive Director of EISA in December 2002. He worked for the National Democratic Institute for International Affairs (NDI) from 2001 to 2002 as the Senior Programme Manager in Windhoek, Namibia and Resident Director in Lesotho. Before the NDI assignment, he was EISA's Research Manager (1998-2000). Since rejoining EISA, Mr. Kadima has expanded the organisation's geographic and programmatic scope, which now covers the whole of Africa and encompasses not only elections but also selected areas in the Democracy and Governance field, including Political Party Strengthening, Legislative Work, Decentralisation and Local Governance and the African Peer Review Mechanism (APRM). A former banker in his country, the DR Congo, Mr. Kadima is currently completing a PhD on political party coalitions in Africa at the University of the Witwatersrand, Johannesburg in South Africa. He has published extensively on elections, democracy and governance. In 2000, he founded EISA's Journal of African Elections, an accredited journal. Mr. Kadima speaks French, English and basic Portuguese.

Mr. Kadima is the Chairperson of the Board of Trustees of the Southern Africa Trust and a member of the IFES Executive Advisory Council.



Jonathan Faull

Jonathan Faull holds a Bachelors degree in Politics and Economics and an Honours degree in Political Philosophy from the University of Cape Town. Jonathan worked as a parliamentary researcher, before moving to Johannesburg to help found and work for the economic think-tank, the Economic Development Growth and Equity (EDGE) Institute. Jonathan joined the Political Information and Monitoring Service (PIMS) in 2004 as Political Researcher. His work focuses on inter- and intra-party political dynamics, the politics of the tripartite alliance (ANC, SACP and COSATU), electoral and parliamentary strategy, inequality and social justice.



Prof Siphon Seepe

Professor Siphon Seepe holds a Dip Sci (Ed – Unibo), B.Sc Ed (Physics – Unibo), M.Sc (Physics – Wits), M.Ed (Harvard University), PhD (Physics – Uni. Nwesi), and Advanced Management Programme (Henley UK).

He is the Director and Head of The Graduate Institute of Management and Technology. He has served as the Academic Director of Henley Management College, Southern Africa, and as the Acting Vice-Chancellor of Vista University, and was appointed in 2002 as Deputy Vice-Chancellor at Vista University.

He held teaching positions at various levels both locally and abroad and writes extensively on a wide array of matters of public interest, and was a columnist and an associate political editor of the *Mail & Guardian*.

He is a recipient of the prestigious Fulbright South African Researcher Grant and Harvard South Africa Fellowship.

Seepe was involved in a number of research capacity-building initiatives among the historically disadvantaged institutions in South Africa and has served on several committees in this regard.

Prof Seepe serves on the HSF and SAIRR boards and was invited by the Presiding Officers of Parliament to serve as member of a panel tasked with reviewing Parliament's performance with regard to its constitutional mandate.

Profiles



Sandra Botha

Sandra Botha was an activist for many years in the Free State Province before becoming a candidate for elected office. She became a Member of Parliament in 1999 and has had a stellar career in Parliament.

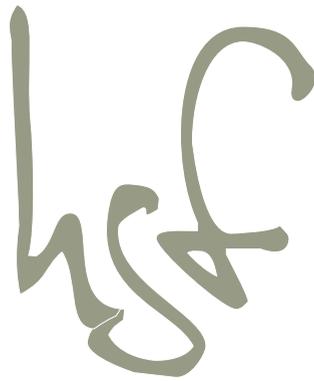
She served on various Select and Joint Committees of Parliament and served as the Chairperson of the Democratic Alliance Parliamentary Caucus. In 2004 she was honoured by being appointed as Chairperson of the House, a position she has subsequently relinquished. Botha was elected as the Leader of the Official Opposition in the National Assembly by the Democratic Alliance Caucus in 2007.

Her policy interests vary and include women's issues, issues affecting the African continent, human rights and economic policy. Her personal interests embrace art, architecture, travel in Africa and reading.



Norman du Plessis

Norman du Plessis started his career in education and served in the diplomatic service of South Africa for thirteen years in London and Paris. He returned to South Africa in 1985 and was appointed Regional Director for the Department of Home Affairs. He became an Electoral Officer for the 1987 and 1989 general elections for the Pretoria region – House of Assembly. Norman organized the referendum in 1992 widely seen as a key precursor to the negotiated political settlement. He participated in the multi-party negotiations as a technical advisor; Independent Electoral Commission Act, Electoral Act and Schedule 2 of the Interim Constitution (electoral system) and assisted with the setting up of the 1994 IEC and was responsible for political liaison with participating parties in those elections. Norman was the Executive Director of the Steering Committee that led to the Electoral Commission Act, 1996 and the appointment of the permanent Commission. He was appointed Deputy CEO of the Electoral Commission in 1998 and his duties have covered all activities over time including serving as a Member of the Slabbert task team on electoral system review (the ETT).



HELEN SUZMAN FOUNDATION

*Electoral Reform and
Responsive Representation*



OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA



Introduction

The Helen Suzman Foundation thought it prudent – with an election campaign mere months away – and the Electoral Task Teams’ call for a new mixed electoral system to be in place by 2009 to convene our second QRS this year to discuss Electoral Reform and Responsive Representation. The debate around electoral reform in South Africa has had a distinct journey with constitutional negotiators opting for a system of closed-list proportional representation at national and provincial levels of government with a mixed system at local government level.

Over the years we have seen clear gains – inclusive parliamentary compositions – but also clear losses – a lack of accountability and a growing distance between the electorate and public representatives – a trend that is very dangerous in a 14-years old democracy. We have also seen perversions such as the introduction of floor-crossing provisions in a PR-system, with the concomitant consequences of alienating the electorate even more from elected public representatives and Parliament, with a 20% drop in confidence levels in the House this year alone, and a lively debate about an end to this near-mercenary measure.

At the ANC’s 52nd Polokwane Conference there were once again gains and losses for representative democracy from a reform perspective – floor-crossing would be abolished but the electoral system would stay and maintain the status quo despite the calls in the Van Zyl Slabbert Electoral Task Team’s report, and delegates made no significant strides on the regulation of party funding and financing reform with the exception of some small changes to tax-payer funded finance through the Represented Political Parties’ Fund.



Introduction

In July 2008 the Executive tabled the Constitutional Fourteenth Amendment Bill, the Constitutional Fifteenth Amendment Bill and the General Laws Amendment Bill in Parliament and the Portfolio Committee on Justice and Constitutional Development (PCOJCD), chaired by Yunus Carrim, MP, has deliberated on these initiatives to abolish floor-crossing.

Importantly, during the deliberations the question of broader reforms always featured prominently. Indeed as HSF Panelist Jonathan Faull observed in his submission to the PCOJCD: "...this legislation should form part of a greater review for the Committee. In passing these three bills the Committee will essentially restore to our electoral system not only its integrity, but some of its faults that ostensibly informed the passing of the original legislation in 2002; namely, that individual representatives elected through the pure proportional, closed party-list system, are beholden to their party's for their seat, and effectively cannot vote on conscience. A greater review of our electoral system has the potential to revisit some of the weaknesses relating to the accountability of representatives to their constituents, and enhance South Africa's democratic edifice". Given the comments made by Committee Chair, Mr. Carrim, during deliberations on these three Bills it seems possible that a broader review could be contemplated.

Whilst the Helen Suzman Foundation welcomes the initiatives taken in the various bills before Parliament to undo the egregious consequences of floor-crossing as it has been implemented in our system, it is incumbent on government to consider the proposals of the ETT on electoral reform in a more substantive form preferably prior to the 2009 poll.



Chairperson

“The Van Zyl Slabbert Commission recommended a mixed electoral system.”

The debate on electoral reform in South Africa has been active for quite some time. The commission on electoral reform chaired by a former member of Parliament, Frederick van Zyl Slabbert, largely recommended a mixed electoral system be adopted for South Africa, a system that maximises the minority representation which the proportional-representation list system is trying to cultivate, but, at the same time, enhances accountability. We're going to hear different views, even on this score.

The debate was very lively prior to Polokwane because there were indications that perhaps, along with decisions that were on the table about the possibility of scrapping floor-crossing, there might also be a more enhanced debate on electoral reform – not only in relation to the system itself, but also in relation to party-political funding and the rules and regulations needed to ensure sound, ethical party fund-raising in South Africa.

With those introductory comments, I'd like to welcome my fellow panellists today. I haven't had the opportunity yet to thank Norman du Plessis for being with us today, but I'm delighted to see that we have the Independent Electoral Commission (IEC) represented. It had its tenth anniversary year last year, and also hosted discussions

along these lines in quite a vibrant conference, and I was delighted to see that.

Next to him, we have Denis Kadima of the Electoral Institute of Southern Africa (EISA). Professor Sipho Seepe, as a columnist, author, writer and thinker, needs no introduction. On my left I have my former colleagues in Parliament, and still friends, General Bantu Holomisa of the United Democratic Movement (UDM), and Sandra Botha of the Democratic Alliance (DA). Next to her, we have Jonathan Faull from the Institute for Democracy in South Africa (IDASA).

I'm going to start with Jonathan, because I know he has a number of provocative ideas that he'd like to share with us.





“The electoral reform and party-funding reform debate was very lively prior to Polokwane.”



Raenette Taljaard

Jonathan Faull



“The Electoral Task Team asserts that electoral systems in and of themselves do not manufacture accountable politics.”

Jonathan Faull

I've gone off on a bit of a tangent, for which I hope the Foundation and the audience will forgive me. But, having prepared a very different analysis, I was re-reading the electoral task team report over the past few days, and was struck by the assertion, repeated in both the majority and minority sections of the report, that electoral systems, in and of themselves, do not manufacture accountable politics. To quote the report directly:

"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."

Today, we have been asked to debate electoral systems, reflecting on their ability to ensure responsive and accountable representation. I would argue, together with the majority reports of the ETT, that "putting a face" to representation, and devolving political accountability to communities through the election of identifiable individuals who are accessible between elections, would benefit South Africa's politics.

I would also argue, however, that there are duties and responsibilities for parties,

citizens and institutions – and for the institutions of representative government – that can enhance the current system, ensuring a far greater measure of responsiveness and the delivery of accountable government.

It seems trite to say that for democracy to sustain itself, it must earn and maintain the trust of its citizens. In a South African context of a transition from anti-democratic and authoritarian government to democracy, this challenge is compounded by the need for new institutions and democratic structures to assert their accessibility, transparency and representative capacity in the face of citizens' lived memories and experiences of institutional impunity, opacity and illegitimacy; so it is a fundamental and very important point for South Africa's development.

In the past months and weeks, South Africa has been beset by events that have appeared to be both inexplicable and completely surprising. The xenophobic violence in Gauteng and the Western Cape, for example, was met across the board by disbelief and consternation. Largely perpetrated by children of the transition, those within whom the Constitution should breathe as a living document, having inherited those ideals

through the ideological state apparatus of the new state through their education and socialisation, this practical manifestation of the violent rejection of the values that should frame South African life is very worrying.

Yet, the collective of our political leadership, the party branch structures and the relevant institutions of local government appear to have been caught entirely off guard, their leadership adrift from the currents of frustration and perceived injustice that drove people on to the streets and into violent frenzy. Representation of the concerns, grievances and aspirations of citizens in these instances failed, together with the transmutation of values to society by leadership.

Many poor citizens of South African cities feel under-represented or unrepresented, buffeted by the tide of poverty, [** ?] criminality and desperate competition for resources and opportunities that play in the shadows of our extensively inclusive and representative country. Many youth feel that this polity has abandoned their

potential to choose and pursue lives of opportunity and betterment. Whatever the material truth of these perceptions, they exist in the mind of many South Africans and have to be addressed politically for democracy to sustain itself. Representation and accountability, and the responsiveness of leaders to citizens, are crucial to this end.

A twin tragedy implicit in the events over the past months is the complete lack of democratic agency evident in the easy return to violence on the part of citizens. When consultation, representation, civic engagement and community fail to mediate tensions, violence is the last and final solution.

South Africans have a long tradition of violent confrontation to solve communal, material and family problems, which is deeply entrenched in our society, and democracy has failed to stem systemic social violence. Violence, needless to say, undermines the authority of the state. It undermines the development of social capital and tears communal bonds.



Citizens, I would argue in this context, must claim their political right to elect accountable and responsive leaders within political parties, and ensure a transparent and accountable political practice on the part of politicians through civic activism and civic agency. The power of citizenship and civic activism was evident in the aftermath of the xenophobic violence, where many ordinary people involved themselves in important humanitarian and civic work. In short, government, leaders and political parties will not be responsive or accountable in the face of a facile, demobilised, un-networked and apathetic citizenry, no matter what the electoral system is.

That said, the principles that underpin our current electoral system, of fairness – that every vote counts and all votes are equal – inclusivity, demographic political inclusivity, simplicity, and accountability, should not be forgotten or undermined.

The benefits of the current system are self-evident. Internal party processes ensure that lists are representative, sometimes overly representative, of marginal groups in the country. Gender equity in Parliament is one of the highest in the world, and in local government it is now at 50% within the African National Congress (ANC), and this will be extended to other legislatures. Proportional representation (PR) and party-list systems ensure that ethnic, racial and linguistic minorities are represented in the legislatures.

Minority groups in the ANC are over-represented relative to their proportion of membership of the party, and generally minority groups are over-represented in Parliament relative to census data. Inclusive representation importantly cuts voter apathy and encourages participation from groups who may feel alienated from dominant opinion.

The key benefit of the current system was accrued through the first years of the transition, where it helped enforce a ceasefire across a deeply divided society. Had the previous constituency system been retained, militant national groups like the Freedom Front and the Pan-Africanist

Congress of Azania would not have had any incentive to cease violence and run for office. Almost by definition, the most extreme or militant organisations have the least electoral support. Through representation in the National Assembly, these small, often extreme, groups swear allegiance to the Constitution and are subject to its prescriptions and vision.

PR has ensured the representation of a multitude of views in Parliament. As a consequence, we've seen the number of parties elected to Parliament increase from seven in the first democratic Parliament, to 13 in the second, and 12 in the third. Of course, that has mushroomed considerably through the stupidity of floor-crossing, but thankfully that will now come to an end.

The single-party-dominant system enables South Africa to enjoy the benefits of proportional representation, as I've already mentioned, without many of the costs, [such as] the instability and paralysis of collapsing coalitions in contemporary Poland and many other post-Communist countries in the Eastern Bloc, and Argentina.

South Africa has become immune to a situation in which the ruling coalition is held hostage to unreasonable demands by small and extreme parties in a coalition. In Israel, for example, where the ruling party in 2002 had 14% of votes and the leading opposition party had 20%, when a small party, often representing marginal or extreme views, threatened to walk out of the coalition, the ruling party was held hostage to their demands and had to concede in order to avoid losing power.

The Christian Science Monitor has argued for a range of other benefits accruing to PR, which I think are important as well. PR virtually eliminates the swing factor whereby a small percentage of voters tilts elections one way or another, in a winner-takes-all scenario. This addresses two further scourges, gerrymandering and the influence of money. If a swing vote of 5% can be leveraged into 100% change – we're seeing this play out in the United States context at the moment – it pays to manipulate district boundaries and

concentrate campaign funds into close races. With PR, these efforts are far less rewarding.

PR also undermines the other great scourge of American politics, of many constituency systems: pork-barrel politics, whereby representatives conspire to approve each other's pet projects for their constituencies in order to secure re-election. This effect is diluted by the much larger voting districts used for PR, and by freeing politicians from the need to win majority support.

The primary problem, highlighted by critics of the PR closed-party-list system in South Africa, is the power of the party in determining representation and the contingent benefits accruing to persons elected to positions of leadership in legislatures. It is argued that this scenario creates a political milieu whereby it is in the interests of aspirant and elected politicians to behave in ways that please the party leadership, rather than constituents. And this is a fact of life across the board in South African politics, although the ruling party, given its size

and the dominance of its executive power, is usually singled out as the example.

This is a very significant criticism, and one at the heart of calls for some kind of electoral reform in South Africa. As with our ultimately successful enterprise – the abolition of floor-crossing – through the actions of civil society institutions, calls for change will have to emanate from the mouths of ordinary South African citizens. I would argue, fundamentally, that gaps in responsiveness and accountable government in South Africa lie far more in the gutters of apathy, cynicism and perceptions of powerlessness than they do with the current electoral system.

We do need change, I would argue, but we need to make that happen with the basics of democratic citizenship, which has to be internalised by the citizens. Parties must be democratised by the engagement of citizens in party structures, through the election of accountable and responsible leadership, and, in turn, the insurance of responsive, transparent and democratic institutions.





“Now that we are facing an election quite soon, in 2009, it’s time that we re-think our electoral process.”

Sandra Botha

I think the most important thing to understand about electoral reform and responsive representation is that it's not really about elections. Elections are simply the culmination of a wide range of philosophical, sociological, economical and historical processes. All these are intimately interwoven in what we understand by the concept of democracy and the role, if any, the individual sees for herself in that process – and that is what happens before we enter the ballot box.

I'm glad that you have given us the opportunity once again to speak about this issue, because if it weren't for you, we'd possibly push it on to the back-burner for quite a while and not think about it until somebody in Parliament raises it, and there's a sudden flurry of interest. Whereas, particularly now that we are facing an election quite soon, in 2009, it's time that we re-think our electoral processes.

I read something about Jody Kollapen saying that [Zwelinzima] Vavi and [Julius] Malema's utterances are unacceptable in a run-up to an election, and, clearly, make no contribution to the establishment of democracy. That is part of the objection that we have against what both of those gentlemen said, that they are destabilising a process instead of creating an atmosphere

which we're hoping would lead to freer and fairer elections in 2009.

It's crucial for civil society to be involved in this important debate, to hedge against the high probability of undue political interference in the electoral process. This is a key difficulty the world over. In most cases the electoral system benefits the incumbent party, making it unlikely that the party in power will agree to reform, except, of course, if it sees itself as the beneficiary of that reform. The ANC has illustrated this; they're no exception to the rule. The Cabinet decided to endorse the minority recommendations of the electoral task team, which basically advocated that the status quo be maintained.

In the meantime, I believe that this debate is largely of an academic nature at this stage. It's not on our agenda in Parliament for discussion. And I think the report from Van Zyl Slabbert is very, very dusty, wherever it may have been put.

The DA doesn't believe there's anything wrong with the core values of the current electoral system, or that the current system should be radically altered. However, the system has had some unintended consequences, which does indicate the need for some change to be made, if it is to

function optimally. The key question is: how responsive is our representation to the needs and the demands of the voters?

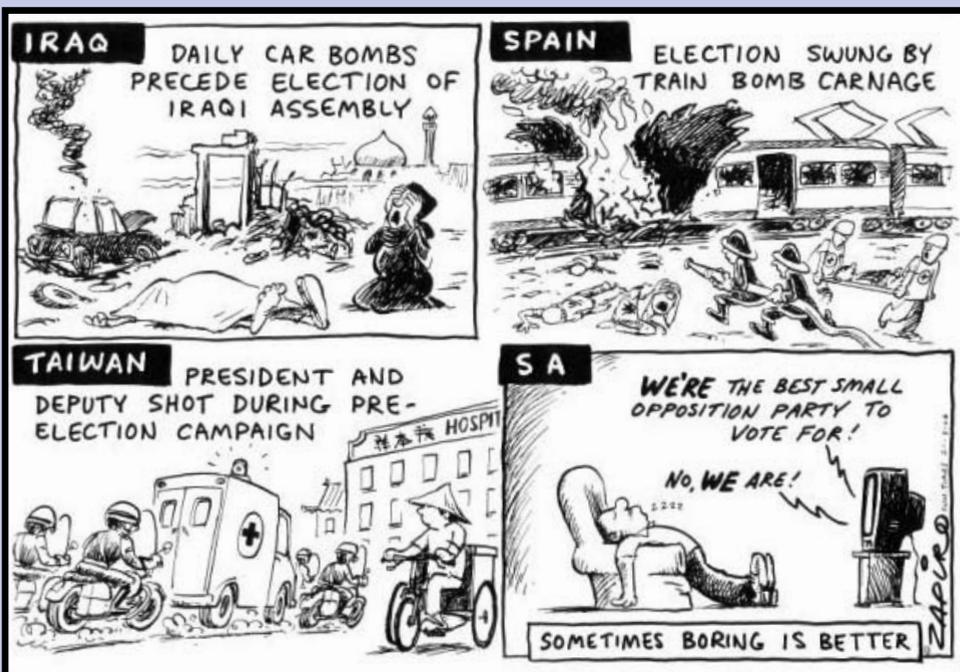
What I've seen in Parliament – and I must share some personal experiences – is that quite a number of commentators were delighted when the Zuma-ites took over after Polokwane, saying that there's something like a Prague spring to be seen in Parliament. The members are now actually questioning legislation, and questioning the Executive in terms of its performance, and holding it accountable. My view is that that's absolutely not true. Whereas what we had before was people who were totally cowed into submission by Mbeki, we now have people running for positions. And so the moment they realised that their next election was dependent on being on the right side, they started acting in a way that they thought [would benefit them].

I am quite sure we have seen nothing of a change of attitude, because we are still very much the captives of a list system. If this were really true, we should see, on the issue of the Scorpions and the Scorpion legislation, a variety of views emanating from the ANC benches, because we know they weren't unified in their views on what should happen to the Scorpions. And I will eat my hat if you hear anybody from the ANC say anything out

of line. So it was, unfortunately, a temporary sort of aberration which I wish could have lasted longer.

In terms of the work in the National Assembly, the system has had clear negative repercussions for the role of Parliament, as I've said, in helping to promote sound governance, to ensure the maintenance of the Constitution. In the example of the Scorpions, our list system has had an effect on organised crime in the country, if you want to draw the conclusion from start to finish. Had we not had this kind of sycophancy our system operates on, it's quite possible that issues such as Travelgate, arms deal corruption and the disbanding of the Scorpions would have been handled in a manner that was much less damaging to the people's perception of Parliament, and therefore Parliament's standing in our democracy.

It's quite extraordinary, and it remains extraordinary to me, that a political party can have such power over its voters – and not only its voters, over its representatives. I was at a debate last night with Andrew Feinstein and I asked him whether he still had a job in England, because he is travelling the speaking circuit of this country. He quite openly says that he's not courageous enough to remain in South Africa with Mbeki and Zuma as presidents. He won't live in this



country while that is the case, because he has got small children. Those were his words.

I thought how extraordinary it was that he can still say, then, that he is a supporter of the ANC. So if your voters have that kind of approach, and these are your informed voters, then it's clear that you will find no independent movement among the people who are dependent on that party for their cheque at the end of the month.

I think it's accepted that an electoral system, in and of itself, cannot force greater accountability or improved responsibility, but a system that provides a more direct linkage between the voters and the public representatives will be more conducive to a bottom-up representation, as opposed to the bias towards representation by decree of leadership of the political parties.

More crucially, a more direct system may give voters the opportunity to reject specific candidates, even if they represent their preferred party. That is, they may provide the voter with a modicum of control over the party list within a defined geographical region. In terms of the current system, the quality of the prospective public representative does not earn the party's votes. You vote for the list, so the quality of the list is not a consequence of the vote.

An example that really struck me was a lady who was the Free State representative in the NCOP [National Council of Provinces] before the previous election, 2004. She told me that she didn't think she was going to make it again. And then lo and behold, she said, "You won't believe it, but I've just seen my name on the Gauteng list." Which, you can imagine, is not how I think, ideally, your representatives should be chosen. It's a purely mechanical and probably power-play process.

The popularity of political parties is largely dependent on the voters' emotional connection with the parties as a whole, and their perception of the parties' leaders. Since aspiring candidates have to compete within parties for high places on party lists, the recruitment of high-quality candidates may be discouraged.

In the light of these findings and obstacles, the DA has since its first submission to the electoral task team advocated the institution of a PR system of multi-member constituencies, combined with party lists, similar, of course, to the one we have at local government level.

Our second proposal is for a minimum threshold. I'm not sure if, actually, this is my party's proposal. It's my proposal. I get highly irritated by the fact that we have in Parliament people who are actually representing nobody, who have a speaking turn in every debate. To my idea, that is not democracy – however much it may have been useful in the beginning years, as Jonathan was saying. I'm very much in favour of having a threshold, probably a 5% threshold as they have in Germany, if we continue to have our proportional system.

And then, apart from the cross-overs that gave us these one-person parties, you also have parties like the Minority Front, which used to have one and now has two representatives in Parliament, and they speak in every debate. Even if they'd like more time, the fact is that they are represented in the public eye as valid representatives of the size of the constituency. That is, at least, the impression I think they are giving, and I don't believe that is actually a correct view of who the people voted for.

I also want to speak about the lack of government response, particularly to the xenophobia that we've just seen, which in itself is evidence of the fragile state of our democracy. But it's the prime example of our government and our public representatives, especially those of the ruling party, who were nowhere to be seen near refugee safety sites for weeks after the first violence broke. And you all know when our President spoke out – nine days into the event. It is clear proof of a lack of the responsibility that Dr Mamphela Ramphele implores us to develop.

It's the result, unfortunately, of an unchallengeable majority. It simply makes representatives too far removed from the electorate, and they don't see a need to

respond expeditiously, as they do not feel that their power is threatened at all. If any proposals that we make here today can help to change or break that unchallengeable nature of this majority, I think that will only serve the long-term good of the country.

Also, the fact that we are now elected on the list means that we [effectively] don't have constituencies. Tied to this is the fact that the parliamentary programme has changed dramatically from before '94. It is almost a full-time, or a four-term, stay in Cape Town. Previously, elected representatives spent six months in Cape Town and six months at their home.

I live in the northern Free State; my constituency is Bloemfontein. Practically, for me, it means I've got to go home over a weekend, which is to a farm two and a half hours away from an airport, where I don't see too many voters – and in any case, it is not my allocated constituency. So either I go home, or I go to my constituency in Bloemfontein, where I hardly know anybody. And therefore my interaction with voters, I find, is pathetic. It certainly isn't at the level people think of as ideal for democracy, where you can actually experience what your voters experience. You almost parachute into your constituency, and you leave it again in a very unsatisfactory manner.

And yet we say it would be short-sighted to view our own electoral situation in isolation, or with a view that reaches no further than the next two or three elections. Both in Zimbabwe and in Kenya, we've seen electoral systems favourable to a formerly democratically elected majority party being subverted by a self-interested core, as the ruling parties of these countries have started to lose their grip on the electorate. This phenomenon is not uncommon when nationalist movements come crashing down under their own weight.

I hope that we in South Africa may be in a much more favourable position, because, regrettably, I think the nationalist movement in our country could still be gathering weight. That is what we'll be seeing in the next election. Hopefully not, but it's still possible. But I think it is for this reason, because we are not immune to what has happened in our region, that we owe it to ourselves to re-look at the electoral system, and in the run-up to the election, which Mr du Plessis may be able to answer for.

[We need to do that] if we don't want to land ourselves in what hopefully is not the rule for Africa, but which, regrettably, has turned up in our part of the world, and which I think we may ignore only at our peril.



Sandra Botha



“We fully agree with the recommendations of Dr. Slabbert about looking at a mixed system.”

Gen Bantu Holomisa

We were excited when, several years ago, Dr Van Zyl Slabbert was appointed as the Commissioner to look into our electoral reform. Indeed, he finished his task. However, as you have heard, that report is still gathering dust in the offices of Mr Mbeki. Perhaps the reason why it was never debated or published by the government, or accepted, is because it was introduced by Minister Buthelezi, who was from the Inkatha Freedom Party (IFP). Had it been spearheaded by an ANC cabinet minister, we might long ago have changed some of the electoral grey areas in our system of government.

During the processes of the commission, it became apparent that these and a host of related concerns were shared by most of the political parties. We fully agree with the recommendations of Dr Slabbert about looking at a mixed system. We believe that this will greatly reduce the number of unaccountable public representatives who ride into the councils, legislatures and Parliament on the coat-tails of their more visible colleagues or the reputation of their party. However, the ruling party felt at that stage that they were the kings.

Last year we were invited by the IEC to debate the need to look at our electoral reform. Most of the parties present at that conference agreed that there is a need to review our electoral system. We therefore

asked the IEC, as political parties, if we could establish our own multi-party forums with a view to identifying the inherent difficulties in our electoral systems. We met last December to begin that process, which culminated in a meeting of the leaders of political parties or their representatives early this year, with the IEC, under the leadership of Ms Brigalia Bam.

We agreed in that meeting that we needed to identify areas that could be addressed in the short and long term. We have finished that exercise and handed it over to the IEC, and a few weeks ago Ms Bam replied that she has referred the points we've identified to the PLC [Political Liaison Committee] and the IEC CEO, Advocate Tlakula. But our experience is that the PLC is a toothless body because it doesn't have executive powers. It is there merely to table whatever comes from the various parties. [Its members] cannot take any decisions; they normally make recommendations to the IEC commissioners, and the commissioners take a final decision.

But the IEC is a body dominated by the ANC and its nominees. I was not in exile when we were negotiating the Constitution of this country; I was part of that process as early as 1991/92. In 1993, the ANC, the IFP and the National Party agreed to second people to the first IEC. Later on, the representatives of the IFP were no longer there, and you were left with mostly people



from the ANC, and those who were from the National Party. When the National Party decided to join the ANC, [its representatives] still remained, and they're there today. So it's anybody guess where their allegiance lies.

So, in this document we identified the IEC's level of independence and the PLC's decision-making level, as well as party funding.

We are also addressing the media. We're attending meetings with the Independent Communications Authority of South Africa (ICASA), as well as the IEC, with a view to addressing the abuse of power by the ruling

party. For instance, when they launch their manifesto during elections, they are covered live for three hours by the so-called public broadcaster. And then their main closing rally is also covered live. When you ask for the same privilege, they ask you whether it is newsworthy.

Then we talked about elections, and we also said floor-crossing must go – and I wish, how I wish, Ms Botha, that this floor-crossing legislation had not been removed this year. I'm sure we would have seen some people beginning to move from the ANC, especially as there are those who are not sure whether they will be in Jacob Zuma's list, if he becomes President.



HELEN SUZMAN
FOUNDATION

PROMOTING LIBERAL CONSTITUTIONAL
DEMOCRACY AND HUMAN RIGHTS

Gen Bantu Holomisa



“These were the four key principles: it had to be fair, simple, accountable and inclusive.”

Prof Sipho Seepe

I'll try to avoid going over what seems to be a consensus on the pros and cons of the present system, save to say that some of them would be applicable in any political system.

And one of the concerns I've always raised is that whatever theoretical models you have, they will always be tested in the realities of pragmatism. The issue would be to what extent we are devoting some of our best thinking to what is most likely to happen. A few years ago I wrote a piece, "Why the ANC succeeds as it fails", that speaks to some of the points that have been raised on the system. One was the issue of emotional connection that Sandra mentioned.

Another is, how do you present a proposal in such a way that it is not seen as a proposal from the DA, or the UDM, or any other party? One of the frustrating things in this country has been people's inability to look at a proposal as it is, but rather to locate it as a proposal that comes from the opposition. So the merits are not considered. If you do not understand that and bring it on board, you will not be able to move forward. It becomes very important to understand what constrains the possibility of moving towards a system that we can say is consistent with what the Constitution envisages as non-

racial, and towards a democratic society.

For instance, many people on the ground would not have supported floor-crossing, but somehow the people in Parliament agreed to it. So you have to ask yourself, how can, especially, the ANC be the very party to ignore that notion [inherent in floor-crossing] that the people will no longer dictate? And then you get back to the notion of elite transition: there are the people, but there are also the elites.

So our approach, in terms of a critique, must be based on those pragmatic considerations. Simply condemning what we have will be inadequate, because it takes away the intellectual challenge of trying to make sense of why things are the way they are. And, of course, if one goes to 1994, pragmatic considerations led to a situation where, given the fact that people had wanted to vote and they had waited for so long, you needed a system where every vote would count. That was one of the paramount issues for those who sat and crafted the present system.

And, of course, we also prepared a system that would be fair, simple and inclusive, given our history, and it was not simply because we wanted to accommodate. We had

a history of exclusion, so these were the four key principles: [it had to be] fair, simple, accountable and inclusive. People have made mention of why the issue of accountability is still a challenge. But without addressing these other issues, our discussion becomes simply an academic exercise.

I think Bantu Holomisa is correct to say that if floor-crossing had not been scrapped, there would have been very interesting dynamics next year. If we'd foreseen that, some people would have said, let's wait a bit on this issue. But the long and the short of it is that we need also to realise that, fundamentally, democracy is an experiment, and it becomes very important for people to seize the moment when it is possible to push certain ideas. I'm of the view that at the moment, there is far greater chance than we had in the past.

There was a time when questioning authority was unthinkable; today you can do it. The space may be limited. As Sandra indicated, people might be pursuing self-interest and self-preservation, but others might be pursuing this from the perspective

of: "This is what we have been waiting for." But at the same time, one should not underestimate the fact that when the ANC came into power, it had unimaginable political, social and historical capital that other people did not have.

What that did was to say to people that when these guys came from prison and back from exile, our job was simply to elect them to take over. And, fully understanding the vacuum that had been created, they took over. But, of course, people continued to have faith and to believe in the leaders, and it was only through experience that they began to say that maybe that was not sufficient, maybe we need something else.

So, for instance, at that point in time it was very easy for Van Zyl Slabbert's recommendations to be rejected. But I could argue that if that proposal had been put to the ANC strongly before Polokwane, it would have been easy to get it adopted. So there are times when good ideas need a better ground, a better space for them to germinate. What was very clear for the



Prof Siphho Seepe



President (at that time) of the ANC was that such a system would diminish the power and control that they had over the organisation.

Polokwane decided to say, among other things, that the President of the ANC should not have so much power, and it became a moment for us to start talking about democratising. The point was raised by Jonathan that nothing can replace citizen activism. So we are at the stage where our own history has given rise to a certain level of protest when people feel that their interests are not taken into account. One should also remember that it was not so long ago, in 2005, that we had about 800 municipal protests countrywide, and most of those were against municipalities run by the ANC.

So, effectively, beyond simply putting proposals that are correct, you need to latch on to this experimenting and experience. But the challenge remains, how do you

present a proposal in such a way that it is not seen to be party specific?

But I'm one of those who believe that now is the time to exploit the space. It may be too short-lived, but it's a space where we can start talking about representation. And, of course, the idea of constituency. With the people vociferously demanding to be heard, this is the time to say that the reason why they are not going to be heard is that the system inherently makes it difficult for them to be heard.

But, of course, we have put this as if it were the responsibility of the parties themselves. We have also to acknowledge that civil society, the NGOs and the media have been more obsessed with the contestation, rather than the education that should happen in society.

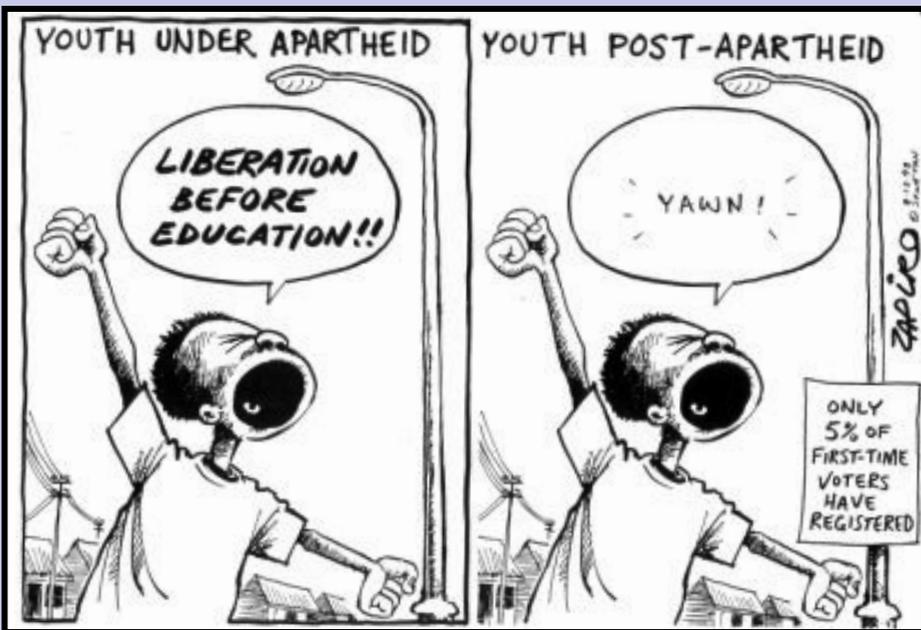
We tend to think that just because people have been engaged in the struggle for

democracy, they have a high degree of democratic consciousness. Often you find that people should know better – I mean, when you go to the courts, you find they're not even aware that we actually have a Constitution. The behaviour of some of the judges questions or undermines the principles in the Constitution.

So we need to approach the matter from the perspective of asking what the challenges are, beyond simply determining the right thing to do. How do we create a society? For instance, one of the things that bothers me is how this country is getting trapped in the madness of 1976, when the kids were engaged in what is anomaly, an aberration

of what kids should be involved in. And yet we perpetuate this as something that should continue to happen. That's why when Malema says something, there is almost a national outcry, when in fact we should at least be saying that Malema should be spending most of his time at school.

We are trying to normalise society. We appreciate the role that the young people played in '76, in the '80s, but our challenge right now is: how do we create a normal society, and how do the youth in a normal society behave? But we seem to be trapped in the discourse of the past, and the failure to understand that democracy is an experiment.





“If we change the electoral system in South Africa, what would that mean in terms of the level of inclusion the country has now.”

Denis Kadima

The debate about electoral system sometimes reminds me of marriage: how, in a sense, that those who are not married want to get in, and those who are married want to get out. The electoral system is exactly the same. We are never happy with what we have.

If South Africa is seen as a miracle from the outside, it's also because of its electoral system, which is quite unique. With, let's say, 0,25%, you can have one member in Parliament, which means very tiny minorities can still be part of the system. Out there in the region, in the continent, the mere fact of having people who are from political or social minorities as part of the system is on its own a miracle.

To accommodate various groups is what we are not able achieve in Zimbabwe. That's what makes many of the countries on the continent struggle: they can't accommodate each other. So we need to put things in perspective.

I think that one of the things that has helped the PR system maintain itself in South Africa is the dominant-party system. If we had a soft balance between political parties, we would have government instability.

Let's take the case of the Western Cape Province. When the alliance between the DP and NNP collapsed, the NNP was able to go with the ANC, and there was a new government. We could have that kind of situation at a national level. One of the factors, when we look at the electoral system, is the issue of political or governmental stability.

We also need to do some projections, to look at the results that we've had over the recent elections and see, if we change the electoral system in South Africa, what that would mean in terms of the level of inclusion that the country has now. These are some of the details that we need to look into.

Of course, the issue of accountability, the link between the elected leaders and the electorate, is very important. But much of it has to do with theory, because in practice, although I would like to know my MP, members of Parliament don't deal with issues of their constituencies. They discuss national issues. People deal with constituency issues at the ward level, at the municipality level. But even there, I asked a few colleagues of mine if they knew the names of their ward councillors, and none of them did.

I'm not trying to say that you should not look into the constituency system, combined with PR. I'm just saying that it should not be theoretical. You must look at the reality.

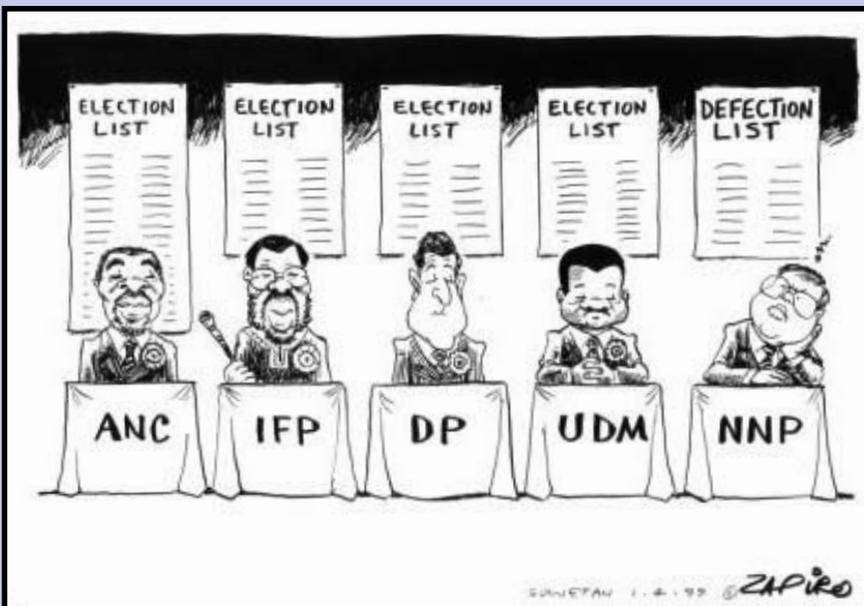
Anyway, changing the electoral system comes with its own challenges. It has been said that the case of Lesotho is very interesting. They have a very good system – Botswana and other countries look up to it – but at the last election it came with its own challenges as well, issues of alliances that didn't work very well. They had also the issue of floor-crossing. In the past the Prime Minister has crossed the floor and started a new government.

Also, in Lesotho they have a system they call multiple-member proportional, so some MPs come from constituencies, others come from the party lists under PR. The ruling party is very strong in the constituencies, and then the opposition is compensated through the PR system. But the elected members from the constituencies are people who have a lot of support at the grass-roots level. Sometimes someone may be very good at identifying the animals on the farms, and the people in the area are

very excited about that man and elect him. When these people go to Parliament, they are unable to articulate the issues that Parliament must discuss. And because the opposition have the PR list, all their leaders are in Parliament, and are very good at parliamentary debate.

Just to bring things to their conclusion, [in South Africa], as much as we say we need to reform our electoral system so that the elected leaders stop accounting to their bosses, but rather to the constituency, to the electorate, the same will apply for party finance. We don't want leaders who account to big businesses, to interest groups; they should account to the electorate. So let's be consistent and make sure that at all levels, if you want really representative governance, it must not only apply to electoral systems, it must apply throughout – in terms of party finance, how we account to people, and how we disclose the money that we've received.

In conclusion, what we need is to balance what we want, without losing what has made the existing electoral system a success to some extent.





“Electoral systems evolve over many years, decades. Personally, I am not despondent or negative about the debate as it is evolving in South Africa.”

Norman du Plessis

Let me at the outset say that I am from the IEC, but I don't represent the IEC in this particular context. Three members of the IEC served on the Van Zyl Slabbert task team, and we had a fairly lively debate on the whole issue of electoral systems. We all came to different conclusions with different points of emphasis. Advocate P Tlakula and S S Van der Merwe signed the minority report, which basically stuck to the outlines of the current system, whereas I took an opposing view, and supported the multi-member constituency proposal.

As an institution that supports democracy, we permit debate among ourselves and differing is not an issue. So I am proposing or advancing my own views on the subject.

If you look at electoral systems and their effects worldwide, you very seldom come across cases where people arrive at an ideal solution in the short term, or even in the medium term, for that matter. Electoral systems evolve over many years, decades. Personally, I am not despondent or negative about the debate as it is evolving in South Africa. I think in the fullness of time one would come back to elements, and get to a situation where it probably would not remain static in the long term.

The short-term issues that put the debate in the newspapers and on the political agenda refer to issues such as crime and unemployment, and immediate short-term political problems. And then that is immediately related to the question of accountability and politicians who don't look after the electorate, and an electorate that feels helpless. You then get proposals that centre on those political issues, rather than dealing with what is right and wrong.

When you are dealing with politicians selected under a particular system, and their natural inclination is to support the system that got them where they are, it becomes difficult. And if you add the political element to it, where you start criticising, then you run into natural resistance. I think we need a little bit of patience in dealing with it over the long term, where logic, and what is right and what is wrong, starts having a greater impact than purely dealing with the short-term issues.

An illustration of where short-term measures get you is the issue of floor-crossing. Some political parties saw particular short-term benefits in it. And if you see a benefit, then you support it. If you don't see a benefit, then you don't support

it. That's how the political process works, rather than whether it's right or wrong. It was an initiative aimed at a particular short-term benefit, and in the end, of course, the chickens came home to roost.

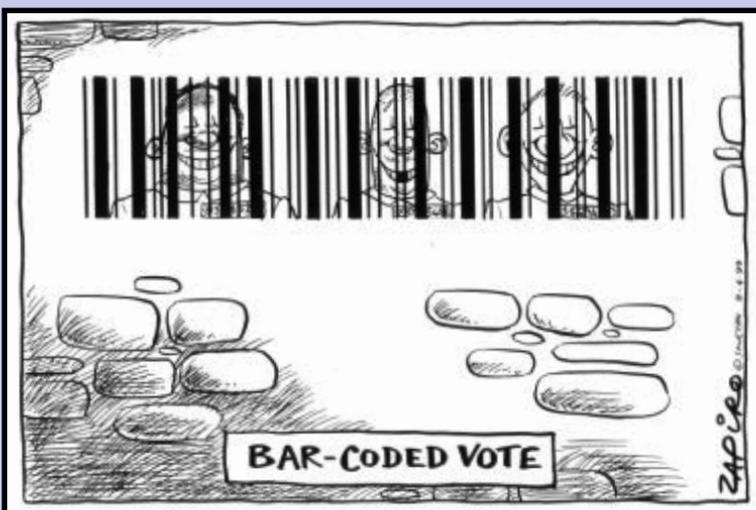
One needs to understand gravity, and where things gravitate to, if I can make that analogy, if one wishes to get involved in those kinds of debates. Sometimes I'm amused and sometimes I'm amazed by what I see in the press of people's comments on this particular subject, including members of the task team themselves, and the extent to which they understand what is actually written there, and what the consequences of it are.

Public comment centres on constituencies, and almost invariably people talk about single-member constituencies, not the multi-member constituencies referred to in the report itself. The interesting thing about that is that people are talking about two approaches. One is where half of the representatives are elected in their own right and half on the proportional system, without a compensatory element.

Now the simple matter of fact is if you start talking about 200 representatives being elected on a single-member constituency basis, then you're probably talking about three parties making it into Parliament, statistically: the ANC, the IFP and the DA. Perhaps one seat for the UDM in the Transkei, but not more than that. To explain that, if we talk about wards and municipal elections, you need about 16 to 20 adjoining wards where a party dominates before you start getting to a single constituency that could equate to one of 200.

So people are advancing issues without realising what underlies them. And I think that bedevils the debate. One needs to be informed in a technical sense exactly what one is talking about.

There's also the compensatory side of it. You would still have the division between constituency MPs and other MPs. The status difference between a ward-elected member of a local council and a list member of a local council is very interesting. The simple fact of the matter is you can't just kick out a ward



Norman du Plessis



representative because then there's a by-election. The list guy you can just suspend and get rid of, and replace with somebody else. So there is a fundamental difference whether you come from the compensatory or the directly elected portion.

Sandra, you mentioned quotas – just by the way, the DP wouldn't have made it to Parliament in '94 on the quota that you're proposing. Nor, General, did I see you reacting to the fact that she suggested that your party should not go back to Parliament, with the 5% threshold that was suggested. This is an issue of inclusion or exclusion, whether one has an inclusive or an exclusive approach to the whole issue, whether people are part and parcel of politics. I have said what I've said, basically, because I want to come to a first fundamental principle, which is that one needs to understand proportionality and the maths involved in combinations, and how you need to play around with that.

The second point that I want to make, and here I see perhaps a different emphasis from the other panellists, is that for me it

is not a question of accountability. I think it's an issue of centralisation as opposed to decentralisation. That, invariably, inevitably, brings accountability into it, but it's not the upfront issue. I think that there is not really an avenue in a centralised system for people to participate in the political process, or for accountability to come into it, because it's all far away.

And an interesting fact is that in '99, the peak number of voters was in the 23–27 year age group. In 2000, that moved to 25–29; in 2004, 28–32; and in 2006 it was the 30–34 age band with the highest number of registered voters. It's exactly the same group of voters that's moving on. And what that tells you is that there is nothing happening behind them.

We have to keep in mind that by 2014, that's the next election but one, the majority of potential electorate would be post-'94 kids that did not participate [in those elections], and where there are different issues, and different sentiments, and different backgrounds and issues. And I would suggest that because of the centralised

nature of our electoral system at this point in time, there is no forum for those people to get involved in the system.

The Van Zyl Slabbert report suggested multi-member constituencies. It is silent on whether the people that represent those constituencies should come from those areas or not, and it also still proposed a closed list. We had a bit of a debate among ourselves, because we said if you're too radical upfront, then you start having difficulties getting politicians to look seriously at the matter. But it follows, the moment you have a decentralised approach, multi-member constituencies, that if it's not legally provided for, ultimately the pressure for local people to get involved in who those representatives on a list should be becomes an issue. Whether it's five or ten years later, it will happen. Polokwane proves that, I think, in terms of the influence of people from outside wanting to be part of that process. A closed list is a simple way of dealing with things now. But in the fullness of time, the system could evolve to an open list where the electorate would choose. On election day they would choose who would represent

them on the list, rather than the party bosses choosing.

In the Democratic Republic of Congo election, one constituency, I think, had 793 candidates, representing 20-odd parties. I don't think it worked. In a large number of cases, people just marked the first guy on the list, regardless of which party he represented – and they were in different sequences on different ballot papers, because not all parties participated everywhere. So I think one can't get to a too-complicated system too early. If, for instance, you look at a Danish ballot paper, you have three/four parties, and they each have three/four candidates. It's simple for people to distinguish and to elect their own representatives among three or four nominees. I don't think we could even vaguely propose that kind of thing at this stage. With a little bit of patience, getting the first thing in place, whether that takes a few years or whether it takes a decade or two, it will follow. It invariably follows, because, largely, logic takes you to an evolving situation.



Questions & Answers

Peter Horwitz: I was once a Councillor and once a member of the Gauteng Legislature. I want to comment on something Norman has said. The trouble in municipal caucuses is that, inevitably, the list councillors are the most powerful politicians, and the DA, in fact, has mechanisms to deal with that. The ANC doesn't, and the result is that ANC ward councillors effectively don't do their work because they are treated like dirt. That's a major problem. They have a riot in a constituency and nobody knows it's going to happen, everybody's surprised. So it actually works in reverse. And frankly, if you're a ward councillor, as I was for five years, the burden of not having a proper constituency MP and a proper constituency provincial MP makes it a very difficult and time-consuming job to do. It's just not a fair burden.

Richard Steyn: I'd like to ask Sandra Botha and other panellists, if this is such an important issue, as I believe it is, and it's not on the national agenda at the moment, with an election coming up, how do they suggest we project it on to the national agenda? General Holomisa has done this preliminary work – there are some proposals, but how does one keep it in the public mind? This will help, but we need a lot more. Anybody got any good ideas? How do we take this discussion forward?

Ms Botha: I don't think, at the moment, probably because our system works fairly well, that it's going to become something of a burning issue. It is an important one, but not an immediate one. And therefore I think it will happen more into the future that we will start looking at these refinements. At the moment, there are other more imminent and direct burning issues that we need to address.





Questions

If I remember correctly, the issue of the Van Zyl Slabbert Commission was brought in by [the then Minister of Home Affairs, Mangosuthu] Buthelezi. He proposed the discussion. You would need that kind of leadership from the governing party, or at least a minister. And I know of nobody in the ANC who at this stage feels that there's a need to make a change. So I'm afraid, Richard, I don't have any bright ideas. I think perhaps a specific civil-society movement will put it on to the public agenda.

Gen. Holomisa: We'll continue to have these problems as long as the IEC is embedded in the state department, not independent. However, I would suggest that the IEC, which hosted the conference last year, in line with the [guidelines of the] AU and other international institutions whereby it is expected that each country should review electoral systems, should now call another indaba and say: we have identified those problems, this is how we have implemented, this is the view from the other stakeholders in the particular political parties, and this is how should we move forward.

But you get a sense that people hold these conferences just to be able to submit an annual report to Parliament that they did spend money. But implementation is very, very poor. But the multi-party forum I'm chairing [** ?] now is going to make a big noise before December, make no mistake. Some elements may even force us to go to court to force the IEC commissioner [to act], because we are major stakeholders there.



Questions

We have asked how on earth town managers can be appointed as electoral officers. These are political appointees. Why do you continue to want SACTU members to be presiding officers in various areas? SACTU is an affiliate of COSATU, and COSATU says publicly that all its members must vote for the ANC. Is that fair? So we are going to raise the bar, don't worry.

Mr Faull: I don't think it is completely off the agenda. Both the South African Communist Party and COSATU have endorsed calls through their national conferences for the reform of the current electoral system, to incorporate some kind of constituency-based representation. As the popular imagination would have it, the left is ascendant within the ANC, so that may find resonance elsewhere within the rank and file of the lead alliance member.

I was very disappointed that the debate, both at the policy conference and at Polokwane, did not seem to get very far and was very dogmatic, and all talk of reform was dismissed. But I think there is a foothold within the ruling party that can be exploited by citizens and civil society, and if the majority of opposition parties are already supportive of reform, there is no reason for not seeking out co-operation with other forces in society. There is a significant opportunity at the moment with the debate about the scrapping of floor-crossing, which was an appalling way of dealing with the problems with our current system. The proper means of addressing those concerns would have been electoral reform. And now, having achieved one victory which, essentially, was the restoration of the faults of the previous system, one needs to push the envelope further. And having more political consciousness of the current system, as a result of the floor-crossing debate, means that pushing the envelope further is now more possible than it was, say, in 2000.

Prof Seepe: To piggyback on what Jonathan has said, that it's also about timing, I cannot find a more appropriate time to raise these issues than now. But the way you raise them has to be such that you try to indicate how the system can assist in the resolution of the so-called material challenges that people face. For as long as you do not connect whatever you propose with material interest, the issue will be sidelined.



I do think that, because of the infighting or, probably, the growing sophistication among our people and also within the ANC, we are moving to a stage where our politics are now less oppositional. There was a time when you would not even hear the President acknowledging the opposition. But we have moved to a stage where the President will even agree with the opposition leaders, sometimes in an effort to undermine some of the views that are shared by his own party members.

So we are at the stage where the notion of “enemy” is fast becoming no longer relevant in our politics. For me, it's really about making sure that we avoid what Norman refers to as short-termism, simply saying “this is in our interest”. We need to connect every proposal to being a vehicle that will resolve a number of our problems.



Answers

Electoral systems 'evolve over time'

Wilson Johwa

Political Correspondent

THERE is no need to worry about flaws in SA's electoral system since developing a near perfect system takes decades, says deputy chief electoral officer at the Independent Electoral Commission (IEC), Norman du Plessis.

This comes with an increasing number of calls for SA to re-adopt the Westminster constituency system to make MPs more accountable to voters.

Du Plessis said electoral systems emerged over many years and therefore there was no need to be despondent. "In the fullness of time one would come back to elements ... it probably would not remain static in the long term," he said during a panel discussion on electoral reforms convened by the Helen Suzman Foundation.

Leader of the United Democratic Movement (UDM) Bantu Holomisa said he was in favour of a "mixed system", combining proportional representation

with constituencies to ensure that the majority of public representatives had a clearly defined constituency that elected them.

"We believe that this will greatly reduce the number of unaccountable public representatives who will ride into the councils, legislatures and Parliament on the coattails of their more visible colleagues or the reputation of their party," said Holomisa, who is also president of the parliamentary multiparty forum looking into electoral reforms.

Leader of the Democratic Alliance (DA) in Parliament, Sandra Botha, said the present electoral system promoted sycophancy at the expense of quality leadership.

However, Botha said electoral reform was presently not on the party's agenda in Parliament.

"The DA doesn't believe there is anything wrong with the core values of the electoral system or that it should be radically altered," she said.

Electoral reform

THE ruling party's belated agreement that legislation that allows elected representatives to cross the floor to other parties without having to consult the electorate undermines democracy and must go, has been broadly welcomed. However, the undeniably distasteful unforeseen consequences of floor-crossing should not be allowed to obscure the fact that the practice was introduced for a reason, and scrapping it will not make that reason go away.

The writers of the constitution recognised the need for a mechanism to cater for inevitable splits and mergers of political parties between elections, and left it to the legislature to make a plan. That plan has clearly backfired, with floor-crossing bringing out the worst instincts in some politicians, but there is still a need for a solution to the original problem.

Similarly, while there are aspects of our proportional representation electoral system that have failed to live up to expectations — specifically that MPs owe their loyalty to party bosses rather than being accountable to con-

stituencies — we should be wary of making wholesale changes that merely reintroduce the problems they were designed to fix.

It is common cause that when the National Party came to power in 1948, and on more than one occasion thereafter, it did so without a majority, even of the then whites-only electorate. This was possible because of the first-past-the-post constituency-based system. Those advocating the scrapping of proportional representation should bear that in mind.

There are both beneficial and detrimental aspects to proportional representation, just as the Westminster-style winner-takes-all system has its pros and cons. Combining the two in such a way that their worst effects are nullified is an idea worth pursuing, and the Helen Suzman Foundation is to be commended for keeping the debate alive. Whatever direction this takes, the bottom line is that the outcome of elections should give as many people as possible a voice in Parliament, and MPs must be directly accountable to those who voted them into power.

Relevant articles

BUSINESS DAY, 3 FEBRUARY 2008

Time to bring democracy back to Parliament

WHETHER the people are allowing South African parliamentary democracy to fail us. To illustrate the point, how many readers of Business Day have participated in Parliament, attended a parliamentary portfolio committee meeting, or even met the MP who is assigned to their constituency?

Our constitution requires that the National Assembly facilitate public involvement in the legislative process and the work of committees. It has done this to an exemplary degree, yet the public is failing to exercise this constitutionally protected privilege, and not just from apathy but also because Parliament is increasingly irrelevant. Public faith and trust in this cornerstone of representative democracy has diminished to the point where Parliament needs to be scrapped in its current configuration or else fundamentally reconceptualised.

A starting point would be a national debate on the reasons for public faith in Parliament plummeting and what can be

our thinking about what Parliament really ought to be doing, not just with respect to its pallid record of executive oversight but in its relationship with the electorate.

While Parliament's constitutional oversight powers are considerable, for it effectively to hold the executive branch accountable presupposes the electorate itself holds the legislature accountable. It assumes a clear relationship between the people and their public representatives.

Yet the democratic deficit of the South African Parliament is that MPs are accountable principally to parties, not the people. This pathology can be addressed in a number of ways.

The first is electoral reform. The 1996 constitution merely requires that the electoral system should produce representation in Parliament in proportion to voting. While proportional representation tends to produce a more inclusive and fair electoral outcome, party-list systems galvanise party discipline and



TIM HUGHES

system has contributed to the growth of a yawning and dangerous void between MPs and the electorate which diminishes our democracy. It leaves the marginalised little choice but to bypass Parliament by going to the streets, and it allows the powerful to avoid Cape Town and lobby directly in Pretoria and Sandton. For the health of our parliamentary democracy it is thus time to revisit the recommendations of the electoral task team chaired by Van Zyl Slabbert.

The majority recommendation of the task team was for SA to

voting to the current proportional representation party list system. This has the potential to better facilitate local democratic linkages and electoral accountability. Indeed, it may even produce MPs incentivised to act with the integrity and bravery on matters of principle and conscience, rather than as sycophantic manikins.

Beyond urgent electoral reform, however, the people need to exercise real power over their public representatives. One way of achieving this would be through the introduction of a social charter between publicly elected representative and the electorate. All prospective MPs should be required to sign a candidates' charter. Failure to do so ought to preclude nomination and election. Failure to adhere to the provisions of the charter would trigger a constituency right of recall.

The charter ought to contain a set of basic iron-clad undertakings. MPs would be required to attend all sessions of Parliament, save for accepted labour law

parliamentary term. The preterm meeting would serve as a means of previewing the business of Parliament, including forthcoming bills and committee meetings. It would serve as a clear and democratic means of renewing the mandate from the electorate.

Four constituency clinics per term should be held to hear and consider concerns, complaints and proposals from constituents. All candidates would have to present themselves to an annual public meeting to give an account of their attendance and work in Parliament.

MPs would be required to publish and outline what they had achieved for their constituents and to set out their proposed programme for the forthcoming year. Further, candidate MPs should be required to publish and declare their direct and indirect interests and assets to their constituents. These should also be published on the parliamentary website. All flights and trips undertaken at public expense must be declared in a public register and accounted for

qualities we, not the party, seek in an MP. The founding 1994 election propelled candidates on to party lists on the basis of a host of qualities — ranging from their role in the liberation struggle, loyalty to party leadership and voter sex appeal. The ensuing 12 years have seen the steady haemorrhaging of talent out of Parliament. Some have been eased out by party leaders, others promoted to higher office and many more have caught the all-stations gravy train to self-enrichment.

Twelve years into our democracy it is time open a national discussion about every aspect of our MPs' behaviour, character and qualities. This process will require all MPs themselves to place public service, ethics, professionalism and diligence at the core of their day-to-day activities, rather than milking the system and the rule book for all they're worth.

To achieve this will require the South African public to rekindle the fire in the belly for democracy. It is time for the people to bring democracy back to Parliament.

Electoral reform

THE African National Congress (ANC) is remarkably relaxed over the continued existence of the floor-crossing provision, given that it has an increasingly angry tiger by the tail.

The last national election held in the country — last year's municipal poll — sent out a strong message that the practice of allowing politicians to change party allegiance without the inconvenience of having to get a mandate from the electorate is deeply unpopular. The vast majority of opportunistic “crosstitutes” who stood in that election failed to retain their council seats.

The way floor-crossing has been implemented is raised repeatedly in political opinion polls as one of the issues that is undermining ordinary people's faith in democracy. Analysts have also pointed out that if the schism that has developed between the ANC and its alliance partners ever results in a new party being formed in opposition to the ANC, floor-crossing will make it easy for

any rebels to defect. Why, then, is the ANC-led parliamentary committee tasked with reviewing floor-crossing dragging its heels?

Much research has already been done on floor-crossing, its implications and the alternatives. An electoral task team headed by Frederik Van Zyl Slabbert made recommendations in 2003, and Parliament's own research section recently released a report on the subject. Yet the Slabbert report has been left to gather dust, and committee chairwoman Vytjie Mentor said this week that the most recent document had convinced her the issue was so complex that a solution would not be found before the next floor-crossing window in September.

She is correct in saying that floor-crossing cannot be considered in isolation from the electoral system — that is what Slabbert said too. If that demands a drawn-out negotiation process, a moratorium on floor-crossing should be declared while it is being thrashed out.

Relevant articles

BUSINESS DAY, 31 AUGUST 2007

Blossoms and floor crossing in the spring

THE coming of spring in this country coincides with the season of political courtship. The political hormones that are responsible for the desire to switch allegiance from one political party to another



**AUBREY
MATSHIQI**

tend to flow heavily in the month of September, resulting in behaviour that is generally offensive to the voter.

Because of the politically amorous conduct of some of our public representatives, leaders of "victim" political parties have in the past been moved by their chagrin to use sexually explicit language. One described the floor-crossers as prostitutes, while another spoke of how these politicians treated voters like used condoms. The main beneficiary simply reminds us that the law allows it. Personally, I am all for political romance as long as it is within a system that exposes politicians to the inconvenience of by-elections. The current proportional representation and floor-crossing system treats parliamentary seats as dowry to be offered by the crossers to political parties that benefit the most from these arranged marriages.

Because ours is a system characterised by the colossal dominance of the African National Congress (ANC), it is not surprising that the ruling party is so deaf to the outpouring of opposition from ordinary citizens to floor-crossing. Single-party dominance and the weakness of the opposition have lowered the appetite of the ANC for electoral reform of the kind that would ensure that floor-crossing is sanctioned by voters.

ONE is not blaming the ANC for its dominance but for its failure to use its majority to give effect to a more democratic model. For me this should be a model that is partly proportional and partly based on the constituency system. But the greater danger is that of the possibility of single-party dominance for too long, and the effect this might have on the quality of our democracy. I must hasten to repeat that the ANC is not to blame for single-party dominance — it results from the democratic determination of the will of the majority of South Africans. It results also from our history of colonialism and apartheid and how the majority was affected by these evils. Furthermore, these evils prioritised race in a manner that, even in our postapartheid context, is partly responsible for the coincidence between race and electoral outcomes. The chickens have come home to roost.

This does not mean, however, that the ANC is the only party that benefits from the coincidence between race and electoral outcomes. In this regard, the ANC and the Democratic Alliance (DA) are two sides of the same coin and the DA must not deny its contamination by the outcome of the 1999 elections. In this election, the DA benefited from the coincidence between electoral outcomes and the voting patterns of white people.

Having said all this, it is not my view that the ANC and the DA will always be the main beneficiaries of current voting patterns. If I am correct in thinking that in the long term there are shifts that may occur among black and white people that may alter current electoral realities, the possibility exists that other political parties will in future benefit from the coincidence between race and election results.

The growth of a black middle class increasingly removed from the reality of apartheid offers opportunities for the DA, in the medium to long term, to gain greater access to black voters. The corollary is the possible emergence in future of an impulse among black voters to support new or old alternatives to the ANC after a long period of withdrawal from active participation in the political process.

For the DA, the challenge is to avoid positing a vision of a post-racial future simply as a means to avoid dealing with the fact that race still remains a predictor of the social and economic position of many who are part of the ANC's support base. If Helen Zille's idea of an "opportunity society" is based on the illusory notion of postapartheid starting-gate equality, black voters will continue divorcing their interests from what they believe the DA stands for — dishonest engagement with issues of race. For the ANC, the challenge is to realise that black people, as the key "motive force" of the "national democratic revolution", have free political will, which they will exercise to the benefit of a party other than the ANC if its government fails to give satisfactory effect to the promise of "a better life for all".

■ *Matshiqi is senior associate political analyst at the Centre for Policy Studies.*

Hats off to IEC and a dream too easily forgotten

LAST week, I was privileged to be part of the 10th anniversary of the Independent Electoral Commission (IEC). Instead of the usual razzmatazz, the IEC convened a multistakeholder conference. Represented were research institutions, political parties, private and public institutions, labour unions and civil society and sectoral organisations. Delegates reflected on new approaches to creating an enabling environment for participating in democracy; political party funding, the role of the media, knowledge management and stakeholder involvement in democracy, democracy and development, floor-crossing, coalitions and the role of alliances in entrenching electoral democracy.

By any standard, the IEC is one of those democracy-supporting institutions whose impartiality and integrity

is beyond question. The critical role played by the IEC in normalising society is easy to appreciate if one considers that many African countries are either in a state of conflict, or preparing for conflict, or engaged in postconflict deliberation.

Our own first elections took place against all odds, with many parts of KwaZulu-Natal engulfed in violence, the absence of a voters' roll, a shortage of ballot boxes and a lack of trained staff. The IEC has produced by far the most effective electoral machinery on the continent. This is neither an accident of history nor a miracle. It is a product of determination and commitment by men and women entrusted with this responsibility. To its credit, the government has provided the necessary material support, including respecting the operational independence of the commission.

North West premier Edna Molewa put it elegantly: "The IEC has discharged its mandate with distinction and confidence. In the process, the IEC has taught many of us about the values of independence, fairness and political tolerance. Thanks to the IEC and our appreciation of the meaning of electoral contest, as political parties and voters we have learnt and accepted to be gracious in defeat and humble in victory."

Indeed, elections in this country have become so routine we take them for granted. Underscoring this, Molewa observed: "We are one of a select group of countries in the world where the freedom and the fairness of an election is taken for granted, assumed to a point where the deployment of external election observers is considered a possible waste of money."

It is unfortunate that the confer-



**SIPHO
SEEPE**

ence deliberations and the platform for public dialogue initiated by the IEC were lost to the media. Weighty matters relating to the enhancement of electoral democracy were eclipsed by the headline-grabbing developments and events last week — unrest

at our universities and the Selebi-Pikoli-Mpshe drama conspired to eclipse the IEC celebrations.

If there was a space to renew our commitment and re-ignite optimism, the IEC celebration was it. That we continue to enjoy political stability is testament to the collective foresight of the architects of our democracy. Indeed, our very electoral system was informed by the historical context. In discussing the electoral reform, chief electoral officer Pansy Tlakula reminded delegates of the continuing relevance of the pillars underpinning our electoral system — fairness, simplicity, inclusiveness, accountability.

The proportional representation system was chosen in 1993 against the backdrop of a deeply divided society, fragmented and deeply hurt by the system of apartheid. The (proportional list) electoral system was agreed

upon as the most appropriate one to take SA through the transition from an oppressive and divisive form of government to a true democracy. It was seen as supporting and promoting reconciliation, nation-building, the pursuit of peace and stability," she said.

The irony is that, having consolidated political stability, the African National Congress threatens to unravel its achievement by its failure to deal intelligently with its own political squabbles and its failure to entrench intraparty democratic practice. We have come so far, we should not let the fault lines of the current crisis set us back.

■ *Prof Sepepe is head of the Graduate Institute of Management & Technology and president of the South African Institute of Race Relations.*

Electoral system not big problem, says minister

BY ANGELA QUINTAL AND
CHRISTELLE TERREBLANCHE

With calls for South Africans to have a direct say in who is elected the country's president, a senior ANC leader believes the current electoral system is not cast in stone and should be reviewed if necessary.

"When we opted for the system, it was for a particular period ... We were addressing certain faultlines in the country and it worked for South Africa, but it's up to both the ANC and the country to look at it and see if they think it should be re-evaluated, like all policies," Foreign Minister Nkosazana Dlamini-Zuma said.

In an interview at the weekend with Independent Newspapers, the woman tipped in some quarters as President Thabo Mbeki's successor in 2009 was asked her views on a president who is elected directly.

While the electoral system could be re-evaluated, like all other policies, "I don't think it is a big problem, it has worked up to now", Dlamini-Zuma said.

South Africa has a proportional representation list system, by which MPs are not elected directly but are in parliament by virtue of the votes cast for their political party.

MPs then elect the country's president from their own ranks, invariably the highest-ranking candidate on the majority party's list.

Dlamini-Zuma said: "I think the important thing is to look at what is good for South Africa, rather than to say what is happening in other countries. But that doesn't mean ... it can never change in 100 years or

whatever."

Dlamini-Zuma said one of her concerns would be that a directly elected president might be from a political party that wasn't representative of the majority in parliament.

"You can say 'Well, the whole country has participated in electing the president, fine, that might be a good thing', but you may find that, having elected that president, the same electorate elects another party for parliament and you get a kind of paralysis ... I don't know if there is a perfect system."

While the ANC's policy conference believed it was preferable that the ANC president should become the country's president, "this does not mean it is absolute", she added.

However, Dlamini-Zuma was quick to scotch any speculation that she has any ambition for higher office in 2009.

She questioned the belief that Mbeki wanted her as his heir and said the issue had never been discussed between them.

On the view that Mbeki wanted her as future president so that he could still control the government from retirement, she replied: "I have never been controlled by anyone. Even as I sit here, I am not controlled by anyone."

"I am controlled by the ANC, the views of the ANC and the policies of the ANC."

■ *If you want to know more about the ANC's Polokwane conference, click on to www.thestar.co.za where our experts will be on standby at set times throughout this week to answer all your questions.*



Rasool should take ANC to court

IT IS a pity that Ebrahim Rasool does not intend to challenge his removal from the premiership of Western Cape in court. Irrespective of how good or bad a premier he has been, there is a vital constitutional principle at stake: to whom



JOHN KANE-BERMAN

are members of the executive branches of government really accountable? And beyond that is another question: to whom are members of the legislative branches accountable?

In terms of the constitution, provincial premiers and their executive councils are accountable to the provincial legislature, which can remove them by a vote of no confidence. The African National Congress (ANC) has the power to engineer such a vote. If Rasool refused to go quietly, the ANC is entitled to expel him from the party and, *ipso facto*, the provincial legislature. So in the end Rasool may be history. But perhaps he could make history by a court challenge that would expose the democratic deficit that characterises the constitution.

There are three major problems. One is that the constitution permits the principle of executive accountability to an elected legislature to be trumped on the orders of party headquarters. The second is that provincial premiers have been turned into mere employees of the ruling party. These two problems are themselves a function of a third, our list-based proportional representation (PR) electoral system, in which constituencies in the proper sense of the word do not exist. The problems occur at both national and provincial level.

IT HAS become a cliché that the South African constitution is one of the most democratic in the world. But it does not deserve this accolade. Democracy in SA happens for a day or two once every five years, then hibernates until the next election. In a democracy truly worth that name, voters would be able to choose their representatives. South African voters choose only lists, not individuals. Some parties then assign people from these lists to geographical areas as "their" member of Parliament (MP) or member of the provincial legislature (MPL).

However, probably the overwhelming majority of voters have not the foggiest notion as to who their assigned "representatives" are. And no wonder. Their MP or MPL is not their chosen representative but a employee of one or another party, vulnerable to removal at any time. He has no incentive to serve the interests of his supposed constituents, merely those of his party bosses. One consequence has been the failure of ruling party MPs to challenge the government on its AIDS policy even when their purported constituents were dying all around them.

The PR system has the advantage of ensuring that minority parties are fairly represented in Parliament and at provincial level. Its disadvantages are evident. Fortunately, it is possible to marry a PR system with constituencies, as a committee under a former leader of the opposition, Frederik van Zyl Slabbert, suggested years ago in a report that the government shelved.

Whether on the lines Slabbert proposed or otherwise, proper constituencies need to be introduced so that Parliament and the nine provincial legislatures become representative of voters rather than of parties. MPs and MPLs should all know that their chances of being re-elected next time round will depend not merely on keeping in their party's good books but on how well they serve the interests of their constituents.

This will give content to democracy between elections. It will breathe life into Parliament and provincial legislatures. It will increase the power of voters. It will also help give effect to one of the founding principles of the constitution, namely that SA should have "representative government". The constitution says the National Assembly is "elected to represent the people and to ensure government by the people". But the links between voters and the national and provincial legislatures are so remote as to prompt doubts as to whether we really have a system of representative government.

■ Kane-Berman is CE of the South African Institute of Race Relations.

Ballots measure only half the matter

LOSING ground in the next election may not be the African National Congress's (ANC's) biggest problem.

Reports of an internal poll, telling the ANC it could lose three provinces next year,



STEVEN FRIEDMAN

add to evidence that voters are unimpressed with its jockeying for power; ANC deputy president Kgalema Motlanthe has acknowledged this, saying it risks alienating voters.

This may confirm a truth about democracy, which elites of all sorts tend to forget – that voters are not fools, even if they haven't been to school. People know when their needs are not being taken seriously – those who haven't been to school usually know it first since more is at stake for them. Unlike those who often look down on them, many grassroots people know that ANC politicking this year has not been about a vote for the poor, but about one group of politicians' campaign to take over from another. And so the ANC's power battles have widened the gap between its leaders and voters.

If this produces a swing away from the ANC at the polls, accountable government would receive its strongest boost yet: nothing makes politicians listen to people better than a shock at the polls. The ANC itself would probably benefit: it is sure to hold on to power, and so a loss of support would be a wake-up call, forcing it to take voters more seriously.

But the odds remain against a substantial swing to the opposition next year because disaffected ANC voters don't have a party to which they can switch their vote. Our politics is chiefly about identities, about who people feel they are. And so no opposition party can make serious inroads unless it shares the identity of most ANC voters, which means that it would need to come out of the same history and experiences as the ANC. That sort of party will emerge only when the ANC splits and, despite worries among its leadership that it might, it is probably too early for this.

AS ELECTION day nears, ANC voters who have had enough of most of its leaders' current obsession with themselves will find that they have a stark choice: stay home or vote reluctantly for their political home. Most will do the latter – which is why surveys taken months before an election can greatly overestimate swings away from the ruling party. Many people who are now so angry with the ANC that they plan not to vote for it will trudge to the polling booth and support it on election day.

It is then that the ability of ANC leaders to understand voters will be tested. If they take the result as proof that voters were happy with them all along, they will make a serious mistake. Unless the ANC makes a far more serious effort to take voters seriously, its victory at the polls next year will not be a sign that grassroots voters are happy, but that they have no alternative. Many of its votes will be reluctant and grudging.

This matters because winning elections is not the sole measure of political success. If the ANC wins in a landslide, and then finds that citizens won't work with it, it will be unable to govern effectively. The government will then be a good place for those who want posts and privilege, a bad place for those who want to help develop the country.

Despite all the evidence to the contrary this year, many politicians do not only care about posts and privilege. They would like respect and know they won't get it unless the government serves people. And even for those who do care about only offices and perks, a situation in which many people vote reluctantly for them will not last forever. Perhaps as soon as the election after next, grudging voters may become non-voters or, perhaps, opposition voters and deprive many politicians of their posts.

The ANC is out of touch with its voters and this will come back to haunt it unless it is fixed – whatever happens next election. If it wants to secure its future, it will have to examine what it needs to do to convince voters that it cares about them.

■ Friedman is director of the Centre for the Study of Democracy, a University of Johannesburg and Rhodes University initiative.

Relevant articles

THE STAR, 23 OCTOBER 2007

Give real power to the voters

COMMENT

RICH MKHONDO



What was previously a government 'of' the people is slowly turning into a government 'off' the people

The ruling African National Congress (ANC) boasts more than 620 000 paid-up members. From this number, about 4 000 delegates are attending the party's national convention in Polokwane in December to choose the party's leader, who will eventually become the country's president. Is it fair for 1% of the population to dictate to 22-million other voters who should succeed President Thabo Mbeki? Not at all.

Our current electoral system makes fertile ground for autocrats and demagogues and must go. Our representative parliamentary democracy leaves the decision-making to a small group of party political and career politicians and representatives. We are slowly getting used to a government "of" the people becoming a government "off" the people. And that is dangerous.

We are facing an alarming decay in civic and political involvement. Every week seems to bring some new, shocking measure of apathy, ignorance, inequity or distorted representation.

The current Proportional Representation (PR) system has served its purpose and must go. True, democracy is not linear, and all nations often face challenges. Our challenge at the moment is that our political and economic model is becoming exclusionary and secretive and we all know that democracy abhors secrecy.

A few years ago a former leader of the Democratic Party, Frederick van Zyl Slabbert, and his task team recommended that South Africa should retain its proportional representation system but change it to a two-tier system, splitting the country into 60 constituencies electing between three and seven MPs, and keeping 100 seats as "compensatory" national seats. Unfortunately, the ANC government rejected this reform and appears to be unwilling to implement a new system.

Through the current proportional representation system, more than 10-million people voted for the ANC, and the party president became our president in the 1999 and 2004 national elections.

In this day and age why should a leader be imposed on people who are not card-carrying members of any party?

The ANC is not likely to change an electoral system which favours it. However, I am confident that as citizens we can force the ruling party to consider a new electoral system. Let it be the last time that 1% of the electorate dictate who we should vote for.

If we really believe that democracy is a universal right that does not belong to any country, region, individual or party and if we all agree that participatory governance, based on the will of the people, is the best path to freedom, growth and development,



JOSTLING FOR VOTERS: Election posters for the 1999 elections. South Africa's current electoral system, in which parties decide who will become the president of the country, creates fertile ground for autocrats and breeds cronyism, says the writer.

PICTURE: ROY WIGLEY

then it is high time we, as the voters, should in future be able to decide for ourselves by directly electing a president and members of parliament.

Here is why: The government conducts its business in our name as citizens. We have a right and a duty to know how and why that business is conducted. There can be no legitimate excuse for denying us the right to elect our leaders directly rather than through a party.

Efforts to improve the quality of governance are failing through the quality and calibre of the political executive, which is becoming unsatisfactory. We are all aware of the deterioration of the quality, integrity and commitment of the elected representatives and the criminalisation of politics.

To breathe life into representative democracy, we must address two fundamental problems: that the majority of adults do not participate regularly in electoral politics, and that, when they do participate,

they have extremely limited choices chosen for them by a party, not put to them by the party for them to vote for on election day.

We, the voters want a change, and, more importantly, we want representatives who will listen to and act on our wishes rather than the direction of partisan leadership.

Democracy is not a spectator sport, even though our politicians are making a spectacle of themselves. Our parliamentary democracy will become a participative democracy only when civil society plays an active role.

Our leaders must recognise that right vs left, conservative vs liberal, are not the average South African's concerns. We are more concerned with right and wrong. That's where our leaders need to focus.

We have the right, need and responsibility to be directly involved in the economic and political decisions that affect our lives, and the recognition of this is fundamental to all decision-making processes and

actions of government, economic and other social institutions

A citizenry cannot guide its government unless it had a hand in directly electing it.

Our democracy can be invigorated by replacing our proportional representation with a winner-takes-all electoral system.

Let parties field presidential candidates and members of parliament and let us vote for them directly.

Although not expected to cure all political ills, the winner-takes-all system is a practical electoral system which would significantly enhance the interaction between the public and the government.

Let us recap. The principle of proportional representation, in essence, is that parties should win seats in legislative assemblies in proportion to their share of the popular vote. In proportional representation systems, voters in each district are represented by several elected officials rather than just one, as in the winner-takes-all system.

Winner-takes-all systems allow 51% of voters to win 100% of representation. In contrast, proportional representation ensures that voters in the majority earn a majority of seats, but that voters in the minority also will earn their fair share of representation.

Proportional representation is not monolithic. Most well-established democracies use the system - including all but France and the UK in Europe - but systems vary widely. The system is criticised in Italy and Israel as breeding confusion and division by fostering large numbers of small political parties. Yet the flexibility of proportional representation allows reformers to calibrate just how far they want to open up the halls of representation.

I know some would say we shouldn't worry about low participation, that democracy requires only that those who want to participate have the opportunity.

We've seen what happens when a community simply loses interest in supporting its schools, community infrastructure or facilities.

The time for real leadership is now. South Africans have no interest in being represented by individuals whose primary concern is party-political correctness.

The proportional representation electoral system must go. We need an electoral system which will encourage party and voter co-operation and reduce voter apathy, dangerous antagonisms and cronyism.

Rich Mkhondo, a writer, author, former editor and foreign correspondent is the managing director of an international communications and public relations agency. This is his personal opinion.

Thank God the madness is over

COMMENT

JOVIAL RANTAO



The ANC has finally seen the light and put a stop to the treachery of floor-crossing

Finally! Cool heads have prevailed. The lunacy has ended. And our democracy will be all the better for it. Commonsense has replaced short-term, myopic political gains that lured political parties, led by the ruling ANC, to tolerate floor-crossing. There had to be something not right with a constitution that allows for this kind of treachery.

We must all applaud the end of floor-crossing – that fraudulent, undemocratic system that wreaked havoc in our political parties in the process. The announcement that floor-crossing is to come to an end is perhaps bigger than Finance Minister Trevor Manuel's Budget because of its impact on democracy.

Indeed, floor-crossing decimated not only smaller parties in our democracy, but introduced immoral and illegal activities in our political system. Political leaders, desperate for more seats – and more money and privileges – went as far as offering bribes to those who had been identified as targets for poaching.

So, for a few pieces of silver, a number of politicians changed parties in an exercise designed also to give the political party

more seats, more privileges and more influence in government at all three levels.

People were promised hard cash, while some were lured with the temptation of business deals, and higher positions in the legislature. Even a Russian blonde was thrown into the mix in one political transaction in Cape Town, which, along with other tightly contested cities, bore the brunt of this bad system. All these spicy and intriguing details should emerge once there is agreement between the ANC and the Democratic Alliance that the judicial commission established to probe spy allegations that have rocked the City of Cape Town should go ahead with its work.

One feels for small parties such as Bantu Holomisa's United Democratic Movement, Mangosuthu Buthelezi's Inkatha Freedom Party and Motsoko Pheko's Pan Africanist Congress. You can add to that list Patricia de Lille's Independent Democrats. All these parties have served as stepping stones for immoral politicians who dumped them as soon as a bigger carrot was dangled by someone else. All of them must feel like a nursery, building and nurturing politicians for bigger parties such as the ANC, to a large extent, and the DA to a lesser extent.

I suppose we should thank the ANC, which adopted a resolution at its 52nd conference that this system – from which it benefited greatly – should be abolished. The ANC has seen the light. It has realised this was a bad exercise of our fledgling democracy.

It has also noticed that floor-crossing did not benefit our country one bit, and the party is going to scrap it. It is only proper that when the next elections are held, this system will be history.

Ordinarily, there would be nothing wrong with politicians changing their mandates, but the problem with our current electoral system is that these politicians switched political homes for nothing but personal reasons. There was no need for them to consult with constituencies, whose mandate they are supposed to carry but did not because their rules allowed them to change colours without accounting to anyone.

South Africans who voted for political parties represented by the floor-crossers have been the only losers in this system.

Indeed, there was something wrong with a system that allowed so many politicians to meet over a cup of coffee, or something

stronger, decide to form a party and, *voilà*, they have one. Some of these instant political parties are represented in parliament today without having fought a single election.

I'm sure that if a question was to be posed to the "representatives" of these parties about their mandate and the concerns of those they are supposed to represent, the answer would be a big nothing.

It would be so because these politicians, these political parties, have not presented any manifesto to anybody but themselves. They cannot claim to represent anyone but themselves.

Irrespective of all of this, taxpayers have been forced to fork out salaries and allowances to these MPs and their parties – all in the name of democracy.

The ANC has done well by putting an end to floor-crossing. However, in order to deepen our democracy and force MPs to work and serve communities, the party should seriously scrap the current electoral system. In its place a constituency-based system should be introduced.

For a party that won over 70% of the vote in the last election, the ANC should have nothing to fear.



Designing a better democracy

From the IEC to the evening news, we could improve the way we run our elections, writes **Bantu Holomisa**

THE leaders of South Africa's political parties will tomorrow hold a meeting with the chairman of the Independent Electoral Commission, Brigalia Bam, and her commissioners, with a view to taking a look at our electoral processes and how these could be reviewed to help us as a nation cope with future electoral challenges.

The meeting is a follow-up on a number of such engagements, both in this country and across the continent.

The International Conference on Sustaining Africa's Democratic Momentum, held in Sandton last year, emphasised the importance of sufficient representation of political parties in all organs of the state where their direct participation would ensure and enhance high levels of transparency and accountability, with high levels of authority.

It was at this same conference that the African Union Charter on Democracy, Elections and Governance and other international electoral commissions were identified as sources of reference for the evaluation of electoral democracy. The text of the AU Charter should encompass all ethical values considered essential for the effective and efficient running of any state.

This led to a conclusion that a country should not be seen to be fit for democracy but should be fit through democracy.

I also participated in the IEC Conference held in Johannesburg in October last year, as well as another AU-sponsored conference in Ghana.

These conferences on electoral reform have looked at, among other things:

- The theories, concepts and democratic practices of electoral systems;
- Floor-crossing;
- The independence of the IEC;
- Party funding;
- The role of the media; and
- Inter- and intra-party democracy.

One of these discussions took into cognisance the fact that we have, since 1994, been striving to develop a system of democracy that will best address the imbalances of past regimes, which created deep divisions in our country.

We should therefore look for a democratic system that would be the embodiment of the standards, ethical norms and values of our society.

The adoption of any democratic system of government is thus preceded by the identification of an electoral system that best addresses the requirements of such a system of government.

As a result of electoral disagreements, we have seen elections in other countries ending in the courts, or with accusations of vote-rigging.

The worst recent examples have been the death of hundreds of people in Kenya after elections there, and the questionable manner in which the Zimbabwean elections were reportedly handled.

These regrettable incidents could have been avoided if the electoral processes in those countries had been continually reviewed, and systems put in place to ensure the independence of electoral commissions and polling staff — and to ensure transparency about every step of the electoral process.

At the core of the democratic impulse of every person are two related needs:

For how long have people in South Africa called for constitutions? Many others have called for a directly elected president

choice and voice. In other words, people desire alternatives in order to choose what best suits them, and people want to be heard, want their needs and aspirations acknowledged.

Our country's Constitution creates the space for these two needs to be fulfilled with the provision for a multiparty democracy and many other related mechanisms and institutions.

However, we cannot pretend that the voices we have heard from various sectors have had their concerns addressed adequately.

For how long have people in this country called for electoral reform and the introduction of constituencies?

Many others have called for a directly elected president. And indeed, vast numbers have rejected the concept of

floor-crossing.

The Van Zyl Stabbert Commission was finally appointed — years after these concerns were first raised — but its findings were promptly shelved, and we continue with a system that is being blamed for a lack of accountability.

While we appreciate the progress made thus far, the challenge facing us is to look how we can strengthen the institutions of our democracy, such as the IEC.

We observed how former ANC ethics watchdog Kader Asmal evaluated many of these vital democratic institutions — and while we may disagree here and there on detail, we can all agree that we need to find solutions to some of the inherent defects in these institutions or in the general legal framework.

The delegates at last October's IEC conference understood that South Africans want:

- A sense of ownership of their government;
- Direct control of their government;
- An accountable, ethical and incorruptible government;
- Decisive leadership on issues of national importance;
- Mutual trust between them and their government;
- To be in charge of their own destiny; and
- A say in the management of the country's resources.

The question is whether there is a need for improvement at the IEC as an institution, or at the legislative level.

How do we strengthen this institution in order to promote electoral democracy in our country?

We have to ask ourselves a question: is our IEC really independent? To the United Democratic Movement's understanding, an Independent Electoral Commission means:

- Insulation from control by the government or any external body; and
 - Guaranteed access to adequate resources in order to be able to carry out its mandate.
- We know that the current IEC cannot be called independent because it remains institutionally and financially dependent upon the government. As long as our IEC is embedded in a government department, and as long as legal provisions connect it closely to government in the performance of its

functions, it will continue to be a challenge for it to be able to act independently of the government's wishes.

One day we would like to see an IEC empowered to independently announce the date for elections, so that preparations can be done properly in advance, unlike the current situation.

We need to develop a legal framework that would allow the IEC to not be at the mercy of a minister of Finance or Home Affairs when it comes to funding — such as when the IEC calls for the improvement of its infrastructure to avoid rigging or to enhance electoral processes, but the relevant ministers simply drag their feet and frustrate the institution.

As stakeholders in the IEC, we need to look at the composition of the IEC board and ask whether it is fairly constituted.

We need to ask why it is that only Parliament, where the ruling party dominates, has a say about the composition of the IEC leadership.

As long as our IEC is embedded in a government department, it will continue to be a challenge for it to act independently

Indeed, why did other democratic countries avoid leaving this decision exclusively to Parliament? Did they perhaps not fear that the majority in that Parliament would automatically come up with their own favourites?

Delegates at the IEC conference spoke about the need for transparency; it is true, we need that. An IEC fully representative of all the stakeholders would definitely allow us to know which party was controlling our elections. Is it a genuine company — or an intelligence-front company, or a company belonging to a certain political party? What is the role of the intelligence agencies in our elections? What mechanisms are used to screen these companies?

If it is true that the National

Intelligence Agency can poke its nose into the issuing of tenders to run our elections, what is it that guarantees that they don't issue those tenders to their own front companies? And who authorised the NIA to get involved in this case in the first instance?

The IEC remains vulnerable to political manipulation which may compromise its independence. A case in point is the integration of municipal electoral officials into political bodies in the form of partisan municipalities, thus potentially compromising their independence.

Also, at the administrative level, we must question the wisdom of Cosatu members (the teachers' union, Sadtu, and other affiliates) being used as electoral officials throughout the electoral process, when Cosatu is unashamedly aligned to one of the political parties contesting elections.

The role of the public broadcaster is also a source of concern. There is no way that it can be fair that it is only the ruling party that receives live coverage on SABC television, as well as almost daily TV news coverage, while other parties are not shown at all or receive radically less coverage.

The same could be said about SABC TV's partisan behaviour when it covers party anniversaries, manifesto launches and closing rallies during elections.

When other political parties request the same treatment from the SABC, they are asked silly questions by the deployed comrades, such as: "Is it newsworthy?"

There is, therefore, the need for an electoral review that will enhance high levels of accountability and participation of the electorate.

In the same vein, we fully support that the public should fund our democracy, so as to avoid our politics being mortgaged either to business, wealthy individuals and companies or outside governments or institutions which might influence our government policy.

Obviously, this necessitates that there should be proper legislation for party funding, including regulations on how private business and unions support political parties.

All we are asking for is for the levelling of the playing field.

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