

SOUTH KONRAD-ADENAUER-STIFTUNG AFRICA



Electoral System and Accountability: Options for Electoral Reform in South Africa

Bertha Chiroro

POLICY PAPER

Issue No 3 January 2008



Konrad
Adenauer
Stiftung

The Konrad-Adenauer-Stiftung (KAS) is an independent non-profit organisation bearing the name of Germany's first chancellor after World War 2 (1949–1963).

In the spirit of Konrad Adenauer, the foundation aims at strengthening democratic forces and at the development of social market economies. An overview of the global range of KAS activities can be found at www.kas.de.

KAS programmes in South Africa concentrate on the following key areas and are run mainly in cooperation with local partners:

- Cooperative Governance
- Constitutionalism and the Rule of Law
- Political Party Systems and Multiparty Democracy
- Decentralisation, Local and Provincial Spheres
- Parliamentarianism and Legislative Power
- Promotion of a Multiracial Society
- Women and Youth Empowerment

More information on specific KAS activities in South Africa is available at www.kas.org.za.

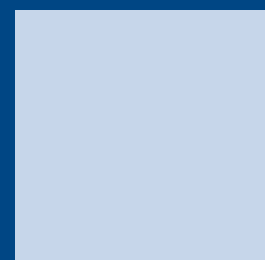
"Peace and freedom, these are the foundations of human existence.

Without peace and freedom, nations cannot develop and mankind can enjoy neither happiness nor tranquility. Peace for a single human being is impossible without peace for the community. Peace for the individual is impossible without peace for his or her nation. But peace without freedom is no peace."

Konrad Adenauer, 1952



Konrad
Adenauer
Stiftung



KAS Johannesburg Office

60 Hume Road, Dunkeld, Johannesburg 2196

P O Box 55012, Northlands 2116

Telephone: +27 (0)11 214 2900

Fax: +27 (0)11 214 2913/4

E-mail: info@kas.org.za

Website: www.kas.de / www.kas.org.za

FOREWORD	1
INTRODUCTION	3
THE IMPACT OF ELECTORAL SYSTEMS	4
SIGNIFICANCE OF ELECTORAL SYSTEM REFORM FOR THE CONSOLIDATION OF DEMOCRACY	5
DEMOCRATIC CONSOLIDATION AND ACCOUNTABILITY IN SOUTH AFRICA	5
THE REFORM DEBATE IN GENERAL	7
INTERNATIONAL TRENDS	9
IMPACT OF HIV/AIDS ON THE ELECTORAL SYSTEM	9
THE SOUTH AFRICAN ELECTORAL SYSTEM	11
THE CURRENT REFORM DEBATE IN SOUTH AFRICA	12
IMPACT OF ELECTORAL SYSTEM ON VOTERS	13
LOW VOTER TURNOUT	14
FLOOR CROSSING AND ELECTORAL SYSTEMS	14
PROPOSED OPTIONS	16
WHICH OPTION FOR SOUTH AFRICA?	19
CONCLUSION	19
ENDNOTES	21
RECENT KAS PUBLICATIONS	24

© KAS, 2008

All rights reserved

ISBN: 978-0-9802543-9-6

While copyright in this publication as a whole is vested in the Konrad-Adenauer-Stiftung, copyright in the text rests with the individual authors, and no paper may be reproduced in whole or part without the express permission, in writing, of both authors and the publisher. It should be noted that any opinions expressed are the responsibility of the individual authors and that the Konrad-Adenauer-Stiftung does not necessarily subscribe to the opinions of contributors.

Published by Konrad-Adenauer-Stiftung

60 Hume Road
Dunkeld 2196
Johannesburg
Republic of South Africa

PO Box 55012
Northlands
2116
Republic of South Africa

Telephone: (+27 +11) 214-2900

Telefax: (+27 +11) 214-2913/4

E-mail: info@kas.org.za

www.kas.org.za

Cover picture: Courtesy of The Star

Cover design: AdamBele Design

Editing, layout and production: Tyrus Text and Design

Printing: Stups Printing

FOREWORD

Elections are probably still the most credible way in which citizens can influence democratic governance. South Africa prides itself on having a strong electoral democracy with all three post-apartheid elections being declared free and fair by both local and international stakeholders.

The electoral system, which is the basis of electoral democracy, must be representative of the different constituencies and particular circumstances that exist in a country at a given time. As such there may be a need to review the electoral system from time to time in order to maintain the credibility of electoral democracy.

It was decided at the multiparty negotiations that proportional representation (PR) would be the ideal system to stabilise and strengthen South Africa's nascent democracy. Indeed, PR has worked well in South Africa so far due to its inherent qualities of inclusivity, fairness and simplicity. PR has also promoted nation building and reconciliation; however, the system lacks the element of accountability.

Fourteen years down the line, some opposition political parties and citizens in different sectors have suggested that it is time to review the electoral system so as to give voters an opportunity to elect their representatives directly.

Well known academic Professor Barney Pitso has stated that South Africa needs an electoral system that will elevate the elector above the party, and one that allows the electorate to be master of their own fate.

Electoral reform in this instance essentially means

looking at the system and deciding which aspects are working well and which are not.

A review of the South African electoral system began already in 2002 when Dr Mangosuthu Buthelezi (who was minister of home affairs at the time) appointed the Electoral Task Team (ETT) to identify and recommend appropriate electoral systems for South Africa to be put to cabinet for consideration.


The majority of the ETT members proposed implementing a mixed system that would involve a combination of proportional vote distribution and a constituency-based first-past-the-post (FPTP) system. However, the findings of the majority report were not implemented.

The Konrad-Adenauer-Stiftung (KAS) at the time funded some ETT roundtable discussions, with the principal aim of assisting to strengthen the democratic process. The ETT provided a unique opportunity to bring together important stakeholders to discuss alternatives and exchange ideas, and some of these discussions were published in the 2003 KAS/EISA book *Electoral Models for South Africa: Reflections and Options*.

Since 1994, South Africa's electoral system at national and provincial level has been closed list PR, which in reality means that the party chooses its candidates. As a result elected MPs are more accountable to their party than to the voter and voters do not have a direct relationship with the MPs because there are no electoral constituencies. Some therefore believe that the PR system as currently implemented means that elected leaders do not have to be accountable to the

voters, which brings with it a host of problems in terms of consolidating South Africa's democracy.

In this policy paper Bertha Chiroro, a senior researcher at EISA, looks at the electoral reform debate in general, the South African electoral system in particular and the different options that could be implemented in South Africa.



Werner Böhler
KAS Resident Representative South Africa

ELECTORAL SYSTEM AND ACCOUNTABILITY: OPTIONS FOR ELECTORAL REFORM IN SOUTH AFRICA

Bertha Chiroro

INTRODUCTION

Although the South African government has since 1994 been chosen through elections that are widely acclaimed as being free and fair, the electoral system reform debate and the search for different electoral system options continue. The current debate on electoral system reform in South Africa centres on the critical issue of accountability.

The various stakeholders have considered three options so far, namely, to:

- retain the current proportional representation (PR) system;
- introduce a multi-member constituency (MMC) system; or
- introduce a mixed member proportional (MMP) system with 50% list PR and 50% constituency seats.

The overriding argument is that an element of constituency representation would inject greater accountability into the South African electoral system. Public opinion, however, is not driving the debate on electoral system reform although there is evidence that South Africans would prefer a system that links the voter to a candidate.

South Africa is in the 14th year of stabilising its democracy and has held three successful elections under the closed list PR system.

The electoral reform debate started with the establishment of the Electoral Task Team (ETT) in 2002, which was tasked by the South African government to review the PR system and assess its utility to the country's democracy.

The ETT evaluated the PR system on the basis of four main criteria, namely:

- inclusiveness;
- simplicity;
- fairness; and
- accountability.

The ETT found that while the PR system met the first three criteria, it was deficient in terms of accountability. However, the ETT itself was not unanimous on how best to proceed in addressing the accountability issue. The team submitted two conflicting reports: the majority report advocated reforming the electoral system away from pure PR towards a mixed system; and the minority report advocated retaining the PR system. No major electoral reforms have been undertaken since the ETT process.

Whatever the prospects of reform, the renewed debate on electoral system reform is most welcome as it raises significant issues that are apposite to the deepening of democratic governance in South Africa.

Bertha Chiroro is a senior researcher at EISA in Johannesburg. She has published on elections and democracy, civil society, opposition politics, and gender and elections in Southern Africa. Chiroro has co-edited a book with Khabele Matlosa and Jørgen Elklit entitled *Challenges of Conflict, Democracy and Development in Africa* (Johannesburg: EISA, 2007).

To reform an electoral system is to overhaul it entirely, or to change an aspect of it, so that it enhances the public's desire and expectation of fairer representation and democratic governance.

Considering the impact of electoral systems on national politics it is imperative that South Africa re-examines the prospects for consolidating its democracy under the present PR system. Does the country's electoral system continue to serve the present needs of South Africans?

While the closed list PR system was suitable for transitional politics, the question now posed by political parties, academics and protagonists is whether closed list PR in its present form, without a threshold, is the optimal choice for consolidating democracy.

When choosing an electoral system one must first decide what type of politics one wants and then determine which system will give that outcome. The emphasis in 1994 was on achieving a stable and inclusive political system; however, the debate is around what type of electoral system would assist in the maturation of South Africa's democracy.

According to Pityana: 'Part of the maturing of our democracy must surely mean that we need to revisit our electoral system.'¹

The two most salient features of an electoral system are proportionality and accountability. The challenge of electoral system design is how to determine the degree of trade-off and how optimally to combine elements of the two. That is the challenge facing South Africa today.

This policy paper provides an overview of the current debates on electoral system reform in South Africa as well as some regional and international trends in reform. The paper concludes by discussing the reform options available to South Africa in its quest to achieve accountability and democratic consolidation.

THE IMPACT OF ELECTORAL SYSTEMS

An electoral system is designed to:

- translate the votes cast in a general election into legislative seats won by parties and candidates;²
- act as a conduit through which citizens can hold their elected representatives accountable; and

- define incentives for those competing for power.

The electoral formula used can be plurality/majority, proportional or a mixed system. Ballot structure and district size are other important issues in the choice of an electoral system.

There is always a trade-off in choosing one system over another. Each electoral system will have a different impact in terms of effective government, electoral accountability, parliamentary oversight, fair representation and political parties. Furthermore, electoral systems impact on issues such as the degree of choice for voters, the identification of local representatives, voter apathy and equality of the vote.

Based on his study of established and transition democracies conducted between 1989 and 2001 to ascertain which system brings about greater levels of participation, free and fair elections and accountability in new democracies, Lindberg lists five consequences of electoral systems:

- Majoritarian, first-past-the-post (FPTP) systems have a stronger reductive effect on the number of parties competing for and attaining seats in parliamentary elections than PR systems.
- Majoritarian systems produce or sustain two-party systems whereas PR systems are associated with multiparty systems.
- Majoritarian systems create substantial legislative majorities, resulting in a higher governing capacity than PR systems.
- Majoritarian systems sustain lower levels of popular participation than PR systems.
- Majoritarian systems provide clearer accountability for voters than PR systems.³

South Africa has never considered any move towards a pure majoritarian system; however, consideration has been given to a mixed PR and FPTP option.

On the one hand, majoritarian systems are considered inappropriate for divided societies as they tend to engender alienation by excluding minorities from power, resulting in a high percentage of wasted votes, lower incentives for participation and minimal women's representation. On the other hand, PR systems are

highly regarded in terms of 'representative justice'⁴ and are known to enhance inclusiveness. The number of parties competing for votes and winning is relatively greater in PR systems than in FPTP, and minorities generally get better representation thereby reducing incentives for anti-democratic behaviour.

In countries characterised by sharp cleavages based on ethnicity, race, religion, language or culture, a consensus model of democracy based on PR will more likely lead to political stability. Theoretically it has been argued that PR systems are better at enhancing the democratic quality of elections in plural societies than majoritarian systems.

Mixed systems that are part majoritarian and part proportional are argued to offer the best solution to satisfy the two main, but contradictory, imperatives of representative justice and governing capacity. Mixed systems are expected to produce more effective legislative parties than majoritarian systems.

Lindberg's analysis of new democracies incorporated two indicators to gauge the democratic quality of those elections, that is: the degree to which elections were free and fair; and whether the electoral process was peaceful or not. It was found that PR systems have generally produced elections with significantly higher levels of fairness than have majoritarian systems, with the mixed system falling somewhere in between.⁵

In addition, in new democracies PR systems seem to be doing a better job than majoritarian systems in terms of greater levels of participation, representivity, accountability, the 'democratic-ness' of elections and governing capacity. Majoritarian systems seem to be less conducive to stability and peaceful co-existence in the long run.

SIGNIFICANCE OF ELECTORAL SYSTEM REFORM FOR THE CONSOLIDATION OF DEMOCRACY

Competitive elections in a healthy political environment are the hallmark of a modern representative democracy; however, the crafting of good institutions and effective electoral systems that are in sync with the country context are crucial for attaining both democratic elections and a stable political environment.

The impact of the electoral system on democratic prospects should be considered seriously by all

countries considering reforms. An electoral system is viewed as one of the most influential of all political institutions and is essential to broader issues of governance.

Choosing an electoral system is about choosing between competing democratic values. The choice of electoral system has important bearing on whether citizens will be closely linked to their political leaders and whether they can demand real accountability and responsiveness.

It is important to ask what the objective of the reform is: is it to foster inclusiveness, accountability or political stability? Different countries are pursuing different objectives when they seek to reform their electoral systems. For most established democracies it is more about inclusiveness and accountability, while for post-conflict societies it is more about inclusiveness, representation and political stability.

Accountability is one of the core elements of representative government and is an important cornerstone of democratic consolidation. Plurality/majority systems have traditionally been seen as having the ability to foster accountability, but this is not always the case.

A government that is accountable is one where the government is responsible to the voters. Voters for their part should be able to influence the shape of government, to vote non-performers out of power and to alter party coalitions. Accountability at the individual level is the ability of the electorate effectively to check on those who once elected betray the promises they made during campaigning.⁶

Furthermore the electoral system should help ensure the presence of a viable opposition grouping which can critically assess legislation, question the performance of the executive, safeguard minority rights and represent its constituents effectively.

DEMOCRATIC CONSOLIDATION AND ACCOUNTABILITY IN SOUTH AFRICA

Democracy in South Africa is determined by socioeconomic factors and not only by political and human rights indicators. In simplistic terms, the bigger the gap between rich and poor, the more unemployment; and the less improvement there is in the living conditions of ordinary South Africans, the

less they will accept that South Africa is a consolidated democracy.⁷ Despite the fact that political rights are enjoyed by all, that human rights are guaranteed in the constitution, that free and fair elections are held regularly, and that the rule of law is respected, democratic consolidation is being benchmarked on issues of service delivery, government responsiveness and changes in the material well being of the people.

The challenges for electoral reform in South Africa are inextricably linked to the question of democratic accountability. Accountability is described as 'the ability to keep power under control and subject it to certain rules of conduct'.⁸ In its simplest form accountability is answerability and enforcement. Answerability is about public officials' and representatives' obligation to inform the voters about what they are doing, and enforcement is the capacity to impose sanctions on those with power or those who would abuse power. The consolidation of democracy involves the widespread acceptance of the rules that guarantee political participation and political competition.⁹

Kotze uses a substantive operationalisation of democracy.¹⁰ For him, democracy is assessed by socioeconomic factors and not by political and human rights indicators, although it is pertinent to use the procedural forms of democracy to measure democratic consolidation.

South Africa is a consolidated democracy as all citizens enjoy political rights, and human rights are guaranteed in the constitution. However, credibility problems exist in respect of some of the elected constitutional institutions, which raise doubts regarding the electoral system, floor crossing and the accessibility of elected representatives. The extended one-party dominance of the African National Congress (ANC) also becomes a factor.

There is fear that if the electoral system is not reviewed South Africa runs the risk of electing 'a despotic and authoritarian leader'.¹¹ If democracy is to be enjoyed fully in South Africa then it is the citizens' responsibility to hold those in power accountable. 'Democracy can never be determined by the power of X once every five years or so';¹² democracy must indeed be a continuous process of renewing political, social and economic institutions.

The literature on democratic consolidation in Africa is pessimistic and speaks more of the challenges that

exist than the fact that consolidation has been achieved. This is in spite of the fact that the three processes of democratisation – authoritarian breakdown, democratic transition and democratic consolidation – are vague and open to interpretation. The literature on democratic transition and consolidation struggles to properly categorise regimes, with some still in the grey area between authoritarianism and democracy. This has led to democracies being labelled variously as 'pseudo-democracy', 'authoritarian democracy', 'electoral democracy', 'delegative democracy', 'semi democracy' and 'virtual democracy'.

It is argued that democracy can only exist when all its required elements are present.¹³ In the case of South Africa a democratic transition has taken place and democratic consolidation is now the subject of debate.

According to Schedler, the widespread definition of a consolidated democracy is one which is unlikely to break down or reverse;¹⁴ similarly O'Donnell maintains that democracy is consolidated 'when it is likely to endure'.¹⁵ Valenzuela argues that consolidation is achieved when most significant political actors and informed citizens expect the democratic process to last indefinitely and when it is free of perverse institutions.¹⁶

Thus according to the democratic consolidation theorists, consolidation may involve the positive tasks of deepening a fully liberal democracy or completing a semi democracy. South Africa remains in the process of deepening its democracy, and reviewing the electoral system and other Chapter Nine institutions is part of that process.

Consolidation implies the institutionalisation of democratic procedures and an acceptance of a culture of democracy. It implies that public institutions have developed the capacity to govern, that procedures for governing have been established which are popularly perceived as being fair and legitimate, and that a constitutional state with the capacity to govern has emerged.¹⁷

Analysts do not agree on the role that elections play in the consolidation of democracy. Some such as Huntington use electoral criteria for measuring the consolidation of democracy (the so called two-turnover test),¹⁸ while others raise the problem of the fallacy of electoralism, which is the assumption that elections are a sufficient measure of democratisation – which they are not.

Bratton argues that elections are important for the consolidation of democracy; although elections and democracy are not synonymous, elections remain fundamental for installing democratic governments and are a prerequisite for broader democratic consolidation. For Bratton, the regularity, openness and acceptability of elections signal whether basic constitutional, behavioural and attitudinal foundations are being laid for sustainable democratic rule.¹⁹

South Africa has held three successive general elections which have been declared free and fair by both local and international stakeholders and observers. The basic foundations for democratic consolidation in South Africa have been met; what is needed now is greater institutionalisation of a democratic political culture.

The problem of legislative accountability in South Africa might not be the result of the electoral system alone. Other factors to consider in this regard are the cognitive skills, socialisation and political culture of the citizens;²⁰ in other words, citizens' orientation and perception of what governments should do. And whether they have the necessary political skills and organisation to engage with the legislature is important for legislative accountability. The accountability of the executive to parliament may, however, be compromised by the fact that the ANC-led government cannot be called to account by the dominant ANC parliament. An effective opposition is important in this respect.

Importantly, though, the ANC's dominance is not necessarily directly linked to the electoral system since in theory the PR system should lead to more parties. South Africa's history of racial diversity and oppression is a main reason for the ANC's dominance, as well as the fact that 80% of South Africans are black and still view the ANC as the movement of their liberation.

When it comes to the issue of accountability, the reality is that under the present PR system public representatives are subject to party discipline and their loyalty therefore lies more with the party than with the electorate. According to James Wilmot, it would 'be naïve to think that an electoral system redesign will deal with the question of accountability all by itself. It will not, but it will make a vital contribution to it'.²¹

THE REFORM DEBATE IN GENERAL

Changing an electoral system is no easy task, even in

a stable democracy like South Africa. Electoral system reform movements are usually driven by the fragmentation of a dominant one-party system, party de-alignments, rampant political scandals or serious government failures.

For example, prior to electoral reforms in Japan, Italy and New Zealand these three countries showed similar symptoms of the failure of their political systems, including political corruption scandals, high levels of public dissatisfaction and doubt regarding the accountability and efficacy of the political system.²²

In Southern Africa, electoral reforms have been propelled by three factors, namely:

- post-conflict political settlement;
- political crisis; and
- political grievances.²³

Examples of electoral reform as part of a post-conflict political settlement would include Namibia, Mozambique and South Africa. In these instances the reforms were triggered and influenced by the political settlement reached after protracted violent conflicts. The imperatives for reconciliation, constructive management of the conflict and nation building revolved around electoral system reform. As part of post-conflict peace building and reconciliation, these countries therefore adopted the inclusive PR electoral system.

Electoral reform as a response to political crisis occurred in Lesotho after many years of political strife and instability in that country. This effort resulted in a historic process in which the ruling Lesotho Congress for Democracy (LCD) and the then Interim Political Authority (IPA) agreed to abandon the country's FPTP system and to adopt an MMP system, which was first put to the test during the country's 2002 general election. The result has been relative stability and increased representivity in Lesotho.

Mauritius and Zambia are examples of countries that are considering making changes to their electoral systems due to political grievances concerning the fairness of the political system. However, while commissions of enquiry have been set up in both countries and reform options suggested, nothing has been implemented.

Table 1: Recent international changes to electoral systems

PREVIOUS SYSTEM FAMILY	NEW SYSTEM FAMILY			
	<i>Plurality/ majority</i>	<i>Mixed</i>	<i>Proportional Representation</i>	<i>Other</i>
Plurality/ majority	Bermuda <i>BV to FPTP</i>	Lesotho <i>FPTP to MMP</i>	Iraq <i>TRS to List PR</i>	Jordan <i>BV to SNTV</i>
	Fiji <i>FPTP to AV</i>	Monaco <i>TRS to Parallel</i>	Rwanda <i>FPTP to list PR</i>	Afganistan <i>FPTP to SNTV</i>
	Montserrat <i>FPTP to TRS</i>	New Zealand <i>FPTP to MMP</i>	Siera Leone <i>FPTP to list PR</i>	
	Papua New Guinea <i>FPTP to AV</i>	Philippines <i>BV to Parallel</i>	South Africa <i>FPTP to list PR</i>	
	Mongolia <i>BV to TRS</i>	Thailand <i>BV to Parallel</i>	Moldova <i>TRS to List PR</i>	
Mixed		Ukrain <i>TRS to Parallel</i>		
		Russian Federation <i>TRS to Parallel</i>		
		Mexico <i>Parallel to MMP</i>	Macedonia <i>Parallel to list PR</i>	
Proportional representation			Croatia <i>Parallel to list PR</i>	
	Madagascar <i>List PR to FPTP and List PR</i>	Bolivia <i>List PR to MMP</i>		
		Italy <i>List PR to MMP</i>		
Other		Venezuela <i>List PR to MMP</i>		
		Japan <i>SNTV to Parallel</i>		

Key: AV = Alternative vote BV = Block vote SNTV = Single non-transferable vote TRS = Two-round system

Source: Reynolds A, Reilly B & Ellis A (eds), *Electoral System Design: The New International IDEA Handbook*. Stockholm: IDEA, 2005, p 24.

There has been very little experimentation with alternative electoral systems in other African regions. In fact electoral system reform in Africa has been on the table in very few African countries (perhaps only in South Africa, Lesotho, Mauritius, Zambia, Benin and Mali).²⁴

Politicians are reluctant to modify the system under which they have been elected first because of the large transitional costs that accompany a shift from one system to another,²⁵ and second because politicians will need to invest in new campaigning, and a new system may bring uncertainty regarding their potential to be re-elected.

If the electoral system in use favours the dominant parties in parliament, there is little intrinsic force to push for change. According to Salih and Hamdok: 'As a rule political parties prefer to retain the electoral system that is advantageous to them and campaign to reform the system that is disadvantageous to them.'²⁶

But in spite of the general inertia that exists when it comes to electoral system reform, a number of countries, as mentioned, have shown an interest in the matter. New research is beginning to show the correlation between electoral systems and issues such as women's representation, access to legislative representation, equality of voting power, voter turnout and the power of the executive. In addition, electoral systems are being reviewed in terms of how they satisfy broad governance issues such as effective participation, representation and responsiveness in governance.

According to Reynolds, Reilly and Ellis, about 26 countries worldwide have undergone electoral system reform since the 1993 referendum in Italy which triggered the reform of that country's PR model towards MMP.²⁷ The authors state that:

most countries that have changed electoral systems have done so in the direction of more proportionality, either by adding a PR element to a plurality system (making it a parallel or MMP system) or by completely replacing their old system with PR. The most common switch has been from a plurality/majority system to a mixed system, and there is not one example of a change in the opposite direction.²⁸

A number of countries in the Southern African Development Community (SADC) region that use the

FPTP system (Botswana, Zimbabwe, Malawi and Zambia) are considering electoral system reform. The efficacy of the FPTP system is being seriously questioned in, for example, Zimbabwe and Zambia.

It is argued that FPTP has the following detrimental outcomes in the region:

- FPTP leads to disproportional and wasted votes.
- There are fears that FPTP is responsible for the declining voter turnout rates: since voters know beforehand that the parties they support have no chance of winning seats in the legislature, they refrain from voting.
- In countries where there are no supportive measures to increase women's representation FPTP is believed to lead to the under-representation of women.
- FPTP under-represents other nationally based parties.

The advocates of change in these SADC countries argue that a system based largely on PR or MMP would remedy the above mentioned distortions. The basic assumption is that the freer and more established a democracy, the more it endorses and supports the basic democratic values of inclusivity and fairness, and therefore also the PR electoral system.²⁹

INTERNATIONAL TRENDS

While the plurality/majority systems still hold sway in a good number of countries throughout the world, mixed systems and PR systems are becoming increasingly popular for the entrenchment and consolidation of democracy. This trend is clearly illustrated in Table 2 (*next page*), where it is evident that FPTP is still popular in the Americas and in Africa, while it is less popular in Europe and the Middle East. Some 35% of countries in the world use PR, 24% use FPTP, 16% use parallel or mixed system and 8% use the two-round system (TRS).

IMPACT OF HIV/AIDS ON THE ELECTORAL SYSTEM

The impact of HIV/Aids is becoming an important area of study when considering electoral system design. The disease poses enormous challenges to emerging

<i>Electoral system</i>	<i>Africa</i>	<i>Americas</i>	<i>Asia</i>	<i>Eastern Europe</i>	<i>Western Europe</i>	<i>Oceania</i>	<i>Middle East</i>	<i>Total</i>
First-past-the-post (FPTP)	15	17	5	0	1	7	2	47
Block vote (BV)	1	3	2	0	3	2	4	15
Party block vote (PBV)	3	0	1	0	0	0	0	4
Alternative vote (AV)	0	0	0	0	0	3	0	3
Two-round system (TRS)	8	3	6	1	1	1	2	22
List-proportional representation (PR)	16	19	3	13	15	0	4	70
Single transferable vote (STV)	0	0	0	0	2	0	0	2
Mixed member proportional (MMP)	1	3	0	2	2	1	0	9
Parallel	4	0	8	7	1	1	0	21
Single non-transferable vote (SNTV)	0	0	1	0	0	2	1	4
Borda count BC	0	0	0	0	0	1	0	1
Limited vote (LV)	0	0	0	0	1	0	0	1
Total	48	45	26	23	26	18	13	199

Source: Reynolds A, Reilly B & Ellis A (eds), *Electoral System Design: The New International IDEA Handbook*. Stockholm: IDEA, 2005, p 31.

democracies in the region, given the limited resources available to fight it. Studies have shown that economic growth in Southern Africa has already slowed down by 2.6% and this decline is attributable to the epidemic.³⁰ HIV/Aids has reduced life expectancy in the region from 60 years to 43 years in the most affected countries. The stigma attached to those living with HIV/Aids has the tendency to marginalise people from mainstream political and social life, thereby hindering political participation.

In terms of the relationship between the electoral system and HIV/Aids, there is a cost implication under

FPTP and MMP systems since by-elections must be held when a member of parliament (MP) dies due to Aids or any other cause.

Chirambo describes three levels at which HIV/Aids may impact on political party structures, namely: the organisational level; the membership level (the loss of cadres and members affects electioneering capacity); and the financial level (the loss of members reduces party subscriptions).³¹ Leadership is also affected as parties lose their patrons or members.

In a study carried out by Chirambo in South Africa, the

leading parties in South Africa, namely the ANC, Democratic Alliance (DA) and Inkatha Freedom Party (IFP) acknowledged that HIV/Aids could strain party structures, creating an increased need to replace cadres who have succumbed to the illness.

THE SOUTH AFRICAN ELECTORAL SYSTEM

The general debate that ensued in the mid-1990s around the efficacy of the PR electoral model prompted President Thabo Mbeki's government to appoint a task team on electoral reform primarily to advise on the best way forward for electoral system engineering in South Africa. Styled as the Electoral Task Team (ETT), this commission was established on 20 March 2002 and headed by Dr Frederik van Zyl Slabbert.

The ETT's broad mandate was to draft the new electoral legislation required by the constitution and to formulate the parameters of new electoral legislation in preparation for the 2004 national and provincial elections, should the need arise. The ETT's terms of reference were to:

- identify the controlling constitutional parameters;
- identify the salient and relevant aspects of the South African context;
- identify the list of options available within the South African context;
- canvass the preferences and views of relevant role players and stakeholders with special regard to political parties in respect of the list of identified options;
- develop specific proposals identifying the preferable electoral system to be canvassed with the aforementioned role players and stakeholders; and
- formulate a draft bill for submission to the minister of home affairs.

The four key factors that the ETT focused on in its review of the South African electoral system were: fairness; inclusiveness; simplicity; and accountability. At the end of the process the ETT produced two diverse views: the minority report advocated retaining the PR system, while the majority report proposed introducing a mixed system combining a multi-member constituency-based system with a PR system. The present system

was found to be doing very well on the first three values but floundered when it came to accountability.

The constitution of South Africa provides for a presidential system based on a two-chamber parliament, namely, the National Assembly and the National Council of Provinces. The constitution requires that the outcome of elections should in general be proportional in nature.

Section 46(1) of the constitution states that: 'The National Assembly consists of no fewer than 350 and no more than 400 women and men elected as members in terms of an electoral system that ... results in general in proportional representation.'

The principle of equal suffrage was applied for the first time in 1994. Every citizen who has reached the age of 18 and is in possession of a voter's eligibility document has the right to vote. The electoral system used since 1994 is closed list PR.

South Africa opted for maximum proportionality with a 400 elected seat legislature and no electoral threshold. The 200 National Assembly seats are chosen from nine provincial lists and the other 200 are elected from a single national list. The list form is closed. Two hundred seats are distributed proportionately in nine multi-member constituencies at provincial level according to the STV droop quota.

Early drafts of the electoral law had put the threshold for parliamentary representation at 5% of the national vote, but as a concession to the smaller parties, the ANC and the National Party agreed in 1994 to drop any mandatory threshold.³² The 1994 results represented a very inclusive 'pass the parcel game with everyone getting a small prize along the way'.³³

The PR system used in 1994 was part of the interim constitution and it was, in principle, supposed to change when a permanent constitution was adopted. It was agreed at the time that a few minor reforms could be made in future, such as introducing an electoral threshold and moving from closed lists to partially open lists.³⁴

However, since 1994 the electoral system has been universally judged to have worked well and any changes seem to be out of the question at this stage, although in terms of the 1994 agreement, the electoral system issue remains unfinished business.

The present PR system in South Africa has faithfully translated votes cast into a legislative seat, which was crucial for a country with deep societal divisions. The inclusion of all significant groups and smaller parties in the legislature is an important condition for democratic consolidation. Furthermore, the fact that there is no threshold increases the voters' perception that it is worthwhile voting since each vote will make a difference to the electoral outcome, however small. This has fulfilled the principle of inclusion, which is crucial for stability.

The PR system used to date has thus been effective in dealing with the challenges of transition such as nation building, inclusiveness and political stability; however, building a democracy means much more than regular competitive and transparent elections. Equally important is the capacity of voters to demand that electoral processes are translated into genuine democratic gains for the rest of the population.

THE CURRENT REFORM DEBATE IN SOUTH AFRICA

The debate concerning electoral reform is still raging in South Africa and options continue to be put forward. At the core of the debate is the need, some say, for greater accountability of the MP to the voter as the South African democracy matures, and this accountability can be delivered by an electoral system.

It is alleged that list PR suppresses the linkage between the voter and the MP and that this can be enhanced by an FPTP system. However, the argument against a mixed system at the national level is that a mixed system is being used at the local level and there are doubts regarding its effectiveness in terms of efficient service delivery and whether citizens actually know their ward councillors.

The major weaknesses in the current South African electoral system are as follows:

- MPs are not accountable to individual voters and voters are alienated from their MPs.
- The above problem is exacerbated by the floor-crossing legislation introduced to a closed list PR system, which gives MPs carte blanche to change their political allegiance without voter endorsement.
- Too much power is placed in the hands of the party

leadership when it comes to compiling the party lists.

- This lack of accountability can potentially undermine stability in the country, especially considering the challenges of deepening poverty and poor service delivery at the local level.

The electoral systems debate has been taken up with renewed intensity by political parties, scholars and other civic organisations. Political parties' distaste of the floor-crossing legislation is an important reason behind their calls for reforms.

At the Independent Electoral Commission's (IEC) recent 10th anniversary function, University of South Africa vice chancellor Professor Barney Pityana in his keynote address demanded a new electoral system arguing that:

we need a system that elevates the elector more than the party, a democracy that trusts its people to express their own free will directly not via a party list South Africans must take a fresh look at their democratic options. We demand a new electoral system so that we can become masters of our own fates.³⁵

Whether Pityana echoes the sentiments of other South Africans and whether his call for a new political system will be heeded by the general citizenry is not yet clear.

While list PR has facilitated the transition to democracy, most scholars and politicians still find PR lacking when it comes to issues of democratic consolidation which centre on accountability. Under list PR, as mentioned, voter accountability is overridden by issues of party loyalty and accountability since it is the party that compiles the candidate lists.

There is no constituency campaigning and the party remains supreme even if after elections candidates are allocated to constituencies. There is no personal connection with a constituency or constituents.

Since South Africa is moving beyond a mere electoral democracy towards a more substantive democracy where matters of service delivery and poverty reduction are at the fore, it requires an electoral system that will facilitate voter accountability so that MPs can be taken to task by their constituencies if they fail to deliver.

There is a general feeling among political parties, civic organisations and academics that in a constituency system, voters will have the opportunity to reject specific candidates even if they represent their preferred party. Furthermore, in a constituency system the local party members will have a major say in deciding who their party candidate will be in that constituency.

The pertinent questions being raised in the debate are as follows:

- Is there a possibility of introducing direct accountability into an electoral system?
- What kind of accountability does a particular electoral system provide and how does it do so?
- Would a change in electoral system alone enhance accountability without other broader measures to enhance public involvement?
- How has the mixed system at the local government level fared in ensuring accountability and efficient service delivery?
- Has the present PR system fulfilled the core values of inclusiveness and transformation?
- Does South Africa need a new electoral system; what do the people say?

A public opinion survey carried out in 2002 by the Human Sciences Research Council (HSRC) showed that people were generally satisfied with the present PR system although they would want a connection with their MPs. Some of the survey results included the following:

- On issues of fairness and equality the voters expressed high levels of satisfaction:
 - 74% were satisfied with the way government was elected;
 - 72% said the system was fair to all the parties; and
 - 81% agreed that the system was inclusive of many voices.³⁶
- On the issue of accountability:

- 78% said the system gave voters the opportunity to change the party in power;
- 71% felt that voters can influence parliament;
- 68% agreed that the system helped voters to hold parties accountable; and
- 60% felt that the system helped voters to hold individual representatives accountable.³⁷

A new survey of people's attitudes towards the current electoral system may, however, reveal different results now in the light of the general outrage over floor crossing. Many voters believe that representatives cross the floor for personal reasons and without the voters' mandate. In fact the DA, which was the original supporter of floor-crossing legislation, is strongly opposed to floor crossing.

The DA originally thought that floor crossing would allow politicians to change parties on the basis of principle, but these noble goals have not materialised and floor crossing has become characterised by cheque book politics and is in many cases a betrayal of the mandate given to politicians by the electorate.

The ANC, Freedom Front Plus (FF+) and African Christian Democratic Party in 2002 favoured retaining the status quo and hold that position today, with the FF+ maintaining that the current PR system in use ensures that small parties are included in parliament. The DA, IFP, Pan Africanist Congress and United Democratic Front still favour moving towards a combination of the multi-member constituency and PR systems.

IMPACT OF ELECTORAL SYSTEM ON VOTERS

The different electoral systems impact on, among others, the degree of choice available to the voter, whether or not there is an identifiable local representative, and even on citizens' willingness to participate. A 2005 Afrobarometer study of 18 countries found that various electoral systems produce specific outcomes.³⁸

Mattes, Mozafar and Barkan state that an electoral system is a set of rules that affects both elite and mass rational calculations of cost benefit.³⁹ They argue on the one hand that in a PR system, the strong party

discipline enabled by list PR means that MPs have more reason to please party bosses and little reason to keep in contact with citizens. On the other hand citizens have little reason to learn about their MPs or to make contact with them.

Out of the countries studied that use a PR system, South Africa has the lowest percentage of citizens who know the identity of their MP, and citizens' contact with an MP is below 5%. South African citizens were also less likely to believe that they have an active role to play in criticising and holding leaders accountable.

LOW VOTER TURNOUT

Voter turnout has been dropping in numerous democracies throughout the world, including countries with PR systems such as the Netherlands, Ireland and Finland. There are claims that PR should provide added incentives for electoral participation since it eliminates wasted votes and makes elections more interesting and competitive.

In the SADC region this trend is obvious in PR and non-PR countries alike, such as in Botswana, Mozambique, and particularly in Zimbabwe which has experienced a steep decrease since 1980. In South Africa too, turnout is steadily decreasing.

The decline in voter turnout needs to be seen in the context of a complex set of shifts in citizen and government relations, which may include disaffection with government. Others argue that voter apathy in South Africa after three successive elections could be because the democracy is maturing and people are now content.

Whichever way one looks at it, since the 2004 elections many commentators have expressed concern about the downward trend in voter turnout in South Africa.

Generally there is evidence that turnout is higher in countries that use PR. Voter turnout for South Africa's first epoch-making democratic elections in 1994 was 85%. Following the euphoria of the first election, voter turnout declined to 63% in 1999, which was to be expected but still very high according to international standards in established democracies. The decline continued in 2004 with 61% turning out to vote. In fact, since only 75% of the 27 million eligible South Africans registered to vote, effectively only 58% of those who could vote actually did so.

Apathy was much more significant among the youth, with only 47% of those in the 18–25 year age group registering to vote. This group has high levels of discontent due to the prevailing rate of unemployment and lack of job opportunities. It should be noted, however, that voter apathy is very high among younger age groups even in established democracies.

The general decline in the number of registered voters between 1999 and 2004 could be as a result of numerous factors including lack of interest, disaffection with the ruling ANC, the inability to get to registration points and the lack of a proper identity document. It could be that the ANC's dominance weakens voters' resolve to turn out to vote as they feel that it will make no difference whether or not they cast their vote.

To argue that electoral system reforms are being discussed because of low voter turnout would be simplistic. Electoral reforms and debate around reforms usually have more to do with democratic tradition than focusing on a single reason, such as a drop in voter turnout. South Africa's low voter turnout rate cannot be placed entirely at the door of the electoral system. Other methods of ensuring good levels of voter registration need to be implemented.

FLOOR CROSSING AND ELECTORAL SYSTEMS

The term floor crossing is used when an MP or councillor leaves his/her political party in order to join another party or to become an independent candidate. Floor crossing was forbidden in South Africa by the existence of an anti-defection clause in the constitution. The clause was included because the South African electoral system is a purely proportional one, except at local government level where the system is a mixture of PR and directly elected ward councillors.

Floor crossing in South Africa came about because of political party realignments and also because the constitution did not provide for the formation of new parties without the representatives concerned losing their seats.

After the 2000 local government elections a number of parties formed an alliance but still retained separate identities – these were the New National Party, the Democratic Party/DA and the Federal Alliance. In order for the DA to constitute itself as a party at both local

and national levels some form of floor crossing had to be allowed so that members could abandon their old parties and assume their new identity. As such the DA began lobbying for the introduction of floor-crossing legislation.

Four acts were passed in parliament in June 2002 to facilitate floor crossing. The composite laws stated the following requirements for legal defection:

- The defector must be a member of the national, provincial or local government legislatures.
- The defection must represent not less than 10% of the total number of seats held by the party which the defector is leaving.
- The defector must defect within the first 15 days in the second year following the date of an election of the legislature.

There have been three floor-crossing periods in the national and provincial legislatures since the floor-crossing legislation came into effect in South Africa. Significantly, party defections have allowed the ANC to increase its representation from 279 seats in the 2004 elections to 297 after the floor-crossing periods.

The defections have far-reaching implications on smaller opposition parties. The coherency of the opposition has been undermined not only by declining representation due to floor crossing but by the further fragmentation of the opposition in the legislature. There is, however, ongoing debate about the efficacy of floor crossing, with some South Africans now seriously opposed to it. They argue that floor crossing has a negative impact on the nurturing and consolidation of democratic governance in this country.

Furthermore, it is uncommon for a country using a PR electoral system to allow floor crossing since PR is premised upon party lists rather than on individuals representing particular constituencies. It is exactly for this reason that floor crossing is more common in countries using FPTP, although floor-crossing legislation differs from country to country. Floor crossing is also allowed under MMP, although it usually pertains only to MPs elected through the constituency-based ballot and not through list PR.

Floor crossing is permissible in Germany, which uses an MMP (50% list PR and 50% FPTP) electoral system.

Interestingly, floor crossing has only occurred in Germany in 1960 and 1982 when parties did not agree on coalition partners. This is probably because public opinion in Germany regards floor crossing as democratically illegitimate. It is seen to distort the voting intentions of citizens and as something which is contradictory to the long-established rules of conduct for MPs in a developed parliamentary democracy.⁴⁰

Brazil uses a list PR electoral system that allows floor crossing. As such, floor crossing has become a common feature of Brazilian politics, with the result that Brazil's political system is infested with fragmentation and party name changes, persistent congressional party defections and an unstable representation of parties. Floor crossing in Brazil has created a negative image of parties, has distorted the meaning of political representation and has undermined political accountability.

Floor crossing is part of the electoral system in Lesotho which since 2001 has used an MMP electoral system (80 FPTP, 40 PR). MPs who occupy their parliamentary seats through the FPTP component are allowed to cross the floor while PR MPs are not. Floor crossing in Lesotho usually happens when a general election is looming (1997, 2001 and 2006) and has led to party breakaways and a change of government, reinforcing the fragility of Lesotho's democracy which is marked by a fragmented party system. Matlosa and Shale refer to floor crossing in Lesotho as 'political migration' because 'politicians move from one party to the other with the hope that prospects for accessing state power are greater with the new rather than with the old party'.⁴¹

In Zambia floor crossing is allowed under that country's FPTP system, but MPs who cross the floor lose their seats. In order to circumvent this caveat, MPs cross the floor as independents since the law stipulates that MPs will not lose their parliamentary seats as long as they do not join another party. The ruling party has resorted to giving opposition MPs cabinet posts so that they are essentially part of the ruling party without crossing the floor. The opposition parties have responded by dismissing members who accept such positions.

Some have termed floor crossing in South Africa's PR electoral system as 'crosstitution', which exemplifies how much it is loathed by the political parties that are affected by it. In fact, the ruling ANC has gained more from floor crossing than any of the other parties. After

Table 3: Arguments in favour and against floor crossing***In favour***

- Legislatures have a free mandate as the representatives of the people to ensure government by the people.
- Allowing MPs to floor cross and keep seats is consistent with the bill of rights with regard to freedom of opinion, expression, association and political choice.
- Floor-crossing reduces the power of the party.
- MPs can leave a party if they no longer agree with the party's position.

Against

- Floor crossing undermines the will of the electorate.
- Defection allows distance between voters and public representatives.
- Floor crossing undermines legislative stability.
- It allows for cheque-book politics as representatives may be given financial inducements to cross the floor.
- It fragments and destroys smaller parties that cannot offer inducements to maintain their MPs.

the 2004 elections the ANC increased its share of seats from 279 to 293, gaining 14 seats while the DA lost three seats. In the 2007 floor-crossing period the ANC gained another four seats, bringing it to a total of 297 seats.

Floor crossing in South Africa is believed to leave the electorate 'out in the cold' since MPs do not consult with the electorate before deciding to defect. According to Faull:

When an individual MP crosses the floor it distorts the balance of representation as determined by citizens through the ballot box. Representatives shuffle across the aisles of power without any imperative to consult, or be held accountable to citizens, or their opinions.⁴²

Faull argues that for each seat swapped, the voters' intentions and representation are nullified, thereby undermining the constitutional provision for the equality of all votes and the voter's right to representation.

Another consideration is that floor crossing has a substantive impact on the provision of public money to political parties through the Represented Political Parties Fund as administered by the IEC.

The equity share of the fund is allocated according to the proportion of seats, and the proportional share is allocated according to the total representation of each

party across all nine provincial legislatures and the National Assembly.

While representatives continue to cross the floor, public opinion has been against floor crossing. It disenfranchises voters by effectively allowing politicians to reallocate votes as they see fit and it lends itself to bribery and corruption. It further undermines participatory democracy as some parties will after a floor-crossing period constitute themselves in parliament without having been tested through the electoral process as a party.

Owing to the frustrations with floor crossing and the weaknesses of the list PR system in terms of fostering accountability it is vital that South Africans seriously consider electoral reforms.

PROPOSED OPTIONS

It is being argued by some that South Africa needs to reform its electoral system in order to foster accountability and to consolidate its fledgling democracy. There is consensus that the closed list PR system was ideal for the needs of transitional politics and ensured the existence of crucial aspects in South Africa's nascent democracy such as inclusiveness, simplicity, fairness, proportionality and minimal conflict in, for example, the demarcation of constituency boundaries.

Venter and Faure argue that:

democratic consolidation requires a higher degree of accountability by representatives, channels for the electorate to express a more sophisticated range of needs and choices, procedures for the voters to get rid of the non performers, a higher degree of responsiveness to the needs of the electorate and a symbolic sense of 'ownership' and 'empowerment'.⁴³

All the stated options deserve attention as part of a renewed dialogue on the means to enhance accountability in the South African electoral system.

Option A

Option A encapsulates the views of those who would like to maintain the PR system. This includes arguments from the ANC and other parties and individuals who support PR and who believe that it is still the best system for South Africa due to its high degree of proportionality, especially since there is no threshold. The ANC declared its position on the electoral system issue at its June 2007 national policy conference, recommending that:

the current system should be maintained and be strengthened further to enhance the links between the people and their public representatives. Further research into a mixed electoral system should be conducted for possible consideration in future.

The ETT minority report is also in favour of maintaining the status quo and contains the following aspects:

- Retain PR; if it isn't broken, don't fix it.
- There are no major signs of disaffection or protest against the present electoral system.
- The current electoral system has contributed to nation building, national reconciliation, and the representation of women and minorities.
- PR remains appropriate during South Africa's transformation period as a new democracy.
- PR has promoted political diversity, broad political representation and political parties.
- Accountability is not dependent solely on an electoral system.

- Collective accountability occurs at each general election when a party is subjected to the opinion of the electorate.
- Let's stick to the tried and tested electoral system.

The strongest arguments made for retaining the list PR system is that it continues to ensure political diversity and broad political representation. The electoral system worked extremely well in 1994, 1999 and 2004 and gave rise to a parliament that fairly represented the voters and was accessible and simple to understand, with the results being accepted by all parties, big and small.

It is argued that the high level of inclusivity fostered by list PR is still necessary since South Africa is not yet a fully integrated, peaceful and non-racial society. The challenges of nation building and of de-racialising South African society still exist, which means that PR is still relevant.

Option B

This electoral system, which was advocated by the majority in the ETT group, proposes having 69 multi-member constituencies (MMCs) from which 300–400 MPs could be elected into the three- to five-member list districts, and with an additional 100 MPs elected on a PR basis. The system is largely regarded as legitimate and fair although there has not been much discussion on it so far.

The system allows for overall proportionality while still providing a fair degree of geographical attachment and accountability, although the constituencies would be relatively large. MPs would share responsibility for representing their constituencies. Parties would be allocated seats in proportion to the votes they had won but the individuals who would fill those seats would be the most popular candidates as voters would have a choice to vote for a party or a candidate.

The system could be very inclusive as every party that gains the required number of votes would be assured of representation. South Africans would determine not only which party would represent them but also which individual would represent them. In addition 100 national top-up seats would be reserved to bring each party's share in the National Assembly close to its share of the national vote and to secure the representation of smaller parties. The move to small

MMCs, while retaining the benefits of proportionality, would provide much of the accountability now required.

However, since the lists are closed MPs are in the first instance still accountable to the party rather than directly to the electorate. The party must be in a position to account to the electorate for its general performance and that of its MPs at the next election. Furthermore some MPs might relegate their responsibilities to other MPs. Importantly, this model puts a face to a constituency, thereby significantly increasing accountability while the current PR system makes no contribution to this aspect.⁴⁴ This model is revelant; according to the 2002 HSRC public opinion survey, 71% expressed a wish to vote for a candidate who came from the area where they lived and 64% said MPs should live closer to those whom they represent.

Option C

This option, which has been proposed by the DA in its 'Putting the Voters First' document, endeavours to meet the objectives of an ideal electoral system by avoiding the inherent weaknesses in the FPTP and PR systems. The objective of the DA's proposed system, which is essentially a MMC system combined with party lists, is to maximise the number of constituency MPs who are directly accountable and responsive to their voters and who are identified by their voters. The model proposes to reduce the legislature from 400 to 360 MPs.

Other aspects of the model include the following:

- There would be 270 MPs elected from 90 constituencies, each with three MPs.
- An additional 90 MPs would come from party lists and would be allocated in such a way that the overall total number of MPs from each political party would be in direct proportion to that party's share of the votes cast.
- Numerous constituencies would be created so that voters do not feel alienated.
- Each voter would receive two ballot papers:
 - Constituency ballot paper: The names of one to three party candidates would be listed on the ballot paper under the name of each party, and voters would have to vote for a party.

- Party list ballot paper: Voters vote for the party of their choice.

The DA argues that such a system would encourage the voters to vote for the candidates they prefer on the constituency ballot without being denied the opportunity of also indicating their party preference on the party list ballot.

The DA believes that this electoral system would ensure that the vast majority of MPs are directly answerable and responsive to specific voters. It would be equitable in translating votes into seats, it would promote inclusiveness and it would be simple. Furthermore, MMCs would be an incentive for MPs to provide a better service to their constituencies.

Option D

Faure and Venter present an MMP model similar to the German model, which they regard as the best system to offer both proportionality and accountability in the South African context.⁴⁵ The model proposes the following:

- An MMP system with 50% list and 50% constituency seats.
- Two hundred single-member constituency seats, geographically delimited (directly elected MPs are in theory more accountable to voters).
- A compensatory closed national list (200 representatives) to restore complete proportionality.
- Voters will have two ballots: one for the party and one for the candidate.
- The droop quota will be used for allocating the national PR seats.
- No legal threshold is required in the allocation of the PR seats.
- Constituency seats will be allocated by way of a plurality (relative majority of votes).
- Members elected on the PR list system will be prohibited from crossing the floor.

Faure and Venter maintain that for this system to work well, political parties should be forced to nominate their

candidates in conformity with democratic procedures and principles. As such, section 19(1) of the constitution would need to be amended in order to allow internal party democracy to be constitutionally provided.

Furthermore, the right of recall should be introduced – with political parties deciding on the conditions thereof – in order to strengthen the accountability of constituency-based representatives and to create a bond between the electorate and representatives. The MMP electoral system would provide a sounder basis for floor crossing, with only those holding constituency seats being allowed to cross the floor.

Faure and Venter argue that this system, once implemented, will not threaten the existing strength of parties and will be the best system to deal with the trade-off between the requirements of proportionality and accountability.⁴⁶ There will be need for a voter's roll and the delimitation of constituencies averaging 100,000 voters each, and in this regard one would have to watch out for issues of gerrymandering. Parties will, however, be forced to put forward their best candidates, especially considering that issues of service delivery and the preferences of voters are interrelated.

While this system is appealing in that it combines accountability and proportionality, constituency seats are usually won by bigger parties with the smaller parties taking only the proportional seats. Although MMP is a legitimate and fair system, it can lead to voters perceiving the constituency representatives as being more important than the PR representatives who are likely to comprise more ethnic minorities and women. Some commentators consider this system complicated and one which requires comprehensive voter education.

WHICH OPTION FOR SOUTH AFRICA?

Most experts agree that there is no best electoral system. It is, however, important to be innovative in redesigning South Africa's electoral system in order to meet the country's present needs for accountability and democratic consolidation. No option has been offered which would consider a complete break with PR due to South Africa's fundamental need for inclusiveness and proportionality. There is also consensus on either amending or scrapping floor crossing.

Option A – list PR – remains attractive and popular as it translates votes cast into seats won in a fair way,

whereby the votes that a party gets is proportional to the number of seats secured. While the PR system has since 1994 contributed immensely to peace, harmony, reconciliation, political stability and nation building in South Africa, the results of the public opinion survey undertaken by the HSRC in 2002 show that respondents are eager for MPs to link much more closely to them. This sentiment speaks to the deficiency of horizontal accountability in the current political dispensation. The present party list PR system could, however, evolve into an open list system whereby voters express a preference both for a party and a candidate.

Options B and C are similar: they both offer MMCs but differ on the size and number of MMCs. Both systems are valid but MPs would still be directly accountable to the party rather than to the electorate. The party must then in the next election account to the electorate for its general performance.

Option D seems to be the best system for combining the positive attributes of proportionality and accountability. Under MMP the PR seats are awarded to compensate for any disproportionality produced by the constituency seats, and while MMP retains the proportionality benefits it also ensures that elected representatives are linked to geographical constituencies. However, MMP brings with it the costly disadvantages of by-elections and the problems of gerrymandering. This system would also require extensive voter education due to its complicated nature.

CONCLUSION

While electoral system reform is usually motivated by an awareness of some malfunctioning within a system, this is not the case in South Africa where the push is to reform the PR system and make it more accountable.

Of the options on offer, none advocates throwing the baby out with the bath water.⁴⁷ The present dissatisfaction with the PR list system seems to revolve more around the introduction of floor crossing than with the overall system. All four options retain PR to varying degrees. The debate is how to incorporate elements of accountability, which is giving rise to discussions about the benefits of MMC or MMP systems.

Another option, however, would be to introduce a single transferable vote, which means that instead of

casting a single vote for a single candidate, voters can list their preferences, even across parties, by marking off their first, second or third preferences. This system would provide the benefits of proportionality and would introduce the element of accountability that is lacking at present.

Electoral systems can never be a panacea for all the political ills of a country. Other variables such as political culture, the economy and the history have a much greater impact on a country's democratic prospects.

It is also important to bear in mind within these

debates that changing the electoral system alone might not enhance accountability. Furthermore, any changes must be motivated by broader national interests rather than narrow self-serving interests.

Political reforms require much political skill in order to reconcile contradictory interests in a peaceful manner. Most importantly, the final decision on whether to keep the present system or to change it must be left to the South African people to decide.

Whatever the prospects for reform, South Africans are being challenged to reflect on issues that will enhance the consolidation of their democracy.

ENDNOTES

- 1 Pityana B, 'The State of our Democracy in South Africa – Of Mice and Men: On Being a Citizen in a Democratic South Africa'. Speech delivered on the occasion of the IEC's 10th anniversary, 3 August 2007.
- 2 Reynolds A, Reilly B & Ellis A (eds), *Electoral System Design: The New International IDEA Handbook*. Stockholm: IDEA, 2005, p 5.
- 3 Lindberg S, Consequences of electoral systems in Africa: A preliminary Inquiry, *Electoral Studies* 24(1), March 2005, p 42.
- 4 Ibid, p 45.
- 5 Ibid, p 56.
- 6 Reynolds, Reilly & Ellis, op cit.
- 7 Kotze D, 'Accountability and the Consolidation of Democracy in South Africa'. Paper presented at the KAS/EISA conference on electoral system reform. Vineyard Hotel, Cape Town, 2007.
- 8 Ibid.
- 9 Bratton M, Second elections in Africa, *Journal of Democracy* 9(3), 1998, p 51.
- 10 Kotze, 'Accountability and the Consolidation of Democracy in South Africa', op cit.
- 11 Pityana, op cit.
- 12 Ibid.
- 13 Schedler A, Measuring democratic consolidation, *Studies in Comparative International Development* 36(1), Spring 2001, pp 66-92.
- 14 Ibid, p 66.
- 15 O'Donnell G & Schmitter P, *Tentative Conclusions about Uncertain Democracies in Transition from Authoritarian Rule*. Baltimore: John Hopkins Press, 1986.
- 16 Valenzuela SJ, *Democratic Consolidation in Post Transitional Settings: Notion Process and Facilitating Conditions*. Kellogg Institute Series Working Paper 150, University of Notre Dame, 1990.
- 17 Kotze D, The nature of democracy in South Africa, *Politeia* 23(3), 2004, p 24.
- 18 Huntington SP, *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press, 1991.
- 19 Bratton, op cit, p 52
- 20 Kotze, 'Accountability and the Consolidation of Democracy in South Africa', op cit.
- 21 Wilmot J & Hadland A, Shared aspirations: The imperative of accountability in South Africa's electoral system, *Electoral Models for South Africa: Reflections and Options, Electoral Task Team Review Roundtable*. KAS Seminar Report No 18, Johannesburg, 2003, p 35.
- 22 Sakamoto T, Explaining electoral reform: Japan versus New Zealand and Italy, *Party Politics* 5(4), 1999, pp 421.
- 23 Matlosa K, Chiroro B & Letsholo S, 'The Politics of Electoral Systems Reform and Democratization: Contemporary Trends in Southern Africa'. Paper presented at the KAS/EISA conference on electoral system reform. Vineyard Hotel, Cape Town, 2007.
- 24 Golder M, Democratic electoral systems around the world, 1946-2000, *Electoral Studies* 24, 2005, pp103-121.
- 25 Sakamoto, op cit, p 419.
- 26 Salih M & Hamdok A, A preface to an inclusive African electoral system reform agenda, *Journal of African Elections* 6(1), June 2007, p 6.
- 27 Reynolds, Reilly & Ellis, op cit.
- 28 Ibid, p 23.
- 29 Elklit J, What electoral systems are available? An international perspective on the current debate in South Africa, *Electoral Models for South Africa: Reflections and Options, Electoral Task Team Review Roundtable*. KAS Seminar Report No 18, Johannesburg, 2003, p 121.
- 30 Chirambo K, 'The Impact of HIV/AIDS on the Electoral Process in Africa: Implications for Electoral System Design'. Paper presented at the KAS/EISA conference on electoral system reform. Vineyard Hotel, Cape Town, 2007.
- 31 Ibid.
- 32 Reynolds A, *Electoral Systems and Democratization in Southern Africa*. Oxford: Oxford University Press, 1999.
- 33 Ibid, p 190.
- 34 Lijphart A, 'The South African Electoral System Unusual Features and Prospects for Reform', 1995. Available at <<http://www.fairvote.org/reports/1995/spot4/lijphart.html>>.
- 35 Pityana, op cit, p iv.
- 36 Southall R, 'The Electoral Task Team Report'. Paper presented at the KAS/EISA conference on electoral system reform. Vineyard Hotel, Cape Town, 2007.
- 37 Ibid.
- 38 Afrobarometer, 'Study of 18 countries on democracy, markets and civil society', 2005.
- 39 Mattes R, Mozaffar S, Barkan J, 'The Consequences of Electoral System Design for Democratic Citizenship'. Paper presented at the KAS/EISA conference on electoral system reform. Vineyard Hotel, Cape Town, 2007.
- 40 Veen H-J, 'Strong Party System as a Condition for Representative Democracy'. Paper presented at a seminar 'The Impact of Floor Crossing on Party Systems and Representative Democracy'. Cape Town, South Africa, 15 November 2006.
- 41 Matlosa K & Shale V, 'The Impact of Floor Crossing: The Case of Lesotho'. Paper presented at a seminar 'The Impact of Floor Crossing on Party Systems and Representative Democracy'. Cape Town, South Africa, 15 November 2006.
- 42 Faull J, 'Floor Crossing'. Submission to the Joint Constitutional Review Committee, Idasa, May 2006.

-
- 43 Venter A & Faure M, 'Recommendations to the Present Electoral System'. Paper presented at the KAS/EISA conference on electoral system reform. Vineyard Hotel, Cape Town, 2007.
 - 44 ETT, 'Report of the Electoral Task Team', January 2003.
 - 45 Venter & Faure, op cit.
 - 46 Ibid.
 - 47 Sall A, 'Politics, Representation and Participation: The Political Dimensions of Electoral System Design in Democracy Building'. Paper presented at a conference 'Sustaining Africa's Democratic Momentum'. Johannesburg, South Africa, 5-7 March 2007.

RECENT KAS PUBLICATIONS

Contact the Konrad-Adenauer-Stiftung for copies, photostats or PDFs of these and other publications:

Telephone: +27 +11 214 2900 Fax: +27 +11 214 2913/4 Email: info@kas.org.za

Selected publications are also available on www.kas.org.za/publications.asp

SEMINAR REPORTS

- Political Culture in the New South Africa, *7 September 2005*
- Challenges to Democracy by One-Party Dominance: A Comparative Assessment, *10 October 2005*
- Electoral Models for South Africa: Reflections and Options—Electoral Task Team Review Roundtable, *9–10 September 2002, second edition*
- The Impact of Floor Crossing on Party Systems and Representative Democracy, *15 November 2006, Vineyard*

POLICY PAPERS

- Financial Intergovernmental Relations in South Africa, *by Dirk Brank (2007)*
- The Future of Provinces in South Africa – The Debate Continues, *by Bertus de Villiers (2007)*

OCCASIONAL PAPERS

- The politics of state resources: Party funding in South Africa, *by Khabele Matlosa (ed) (2004)*
- Composers, conductors and players: Harmony and discord in South African foreign policy making, *by Tim Hughes (2004)*
- The place and role of local government in federal systems, *by Nico Steytler (ed) (2005)*
- Financial constitutional law: A comparison between Germany and South Africa, *by Dr Dirk Brand (2006)*

OTHER PUBLICATIONS

- The Politics of Party Coalitions in Africa, *edited by Denis Kadima (2006)*
- Land Reform: Trailblazers – Seven Successful Case Studies, *by Bertus de Villiers and Marlize Van den Berg (2006)*