

HELEN SUZMAN FOUNDATION FOCUS 52
ELECTORAL REFORM

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The Electoral Task team (ETT) appointed by Cabinet to explore alternative electoral systems for South Africa tabled its report to the South African Cabinet in March 2003 – this was after the ETT was constituted in early 2001. From all accounts the report was not read by the members of the Cabinet, with the exception of one or two members. A decision was taken that the new government/Cabinet could revisit the report after the 2004 election, if it so wished. So far there is no indication that there is any desire to do so.

And yet the current electoral system – which is a closed-list proportional system combined with floor crossing – disempowers the voter to the extent that he/she has no way of calling public representatives as individuals in parliament to account for their actions or lack of such. In fact, the process of the floor crossing deprived the voter of any guarantee that the public representatives who are on the list of the party that a voter votes for will remain on that list until the next election. A closed-list proportional representative (PR) system combined with the floor crossing almost guarantees non accountability of public representatives to the individual voter. Fortunately floor crossing has now been scrapped.

It is important to keep in mind that South Africa's constitution, which is a classic liberal democracy, is not there to celebrate the unrestrained power of the majority but to constrain the abuse of power by those who are elected to government. As such, institutions and procedures exist that are meant to constrain the abuse of power no matter how large the governing majority. These institutions and procedures are written up in Chapter 9 of the South African constitution and refer to the separation of powers, an independent judiciary, freedom of the press, individual civil liberties enshrined in a Bill of Rights, as well as a Constitutional Court to oversee these constraints, and how and when they may be abused.

However, the vote is a very important right that a citizen can use to constrain the abuse of power – that is if this right forms part of an electoral system which enables a voter to call public representatives to account for their actions (or lack of them) between and at elections.

When South Africa's current constitution was adopted in 1996, all negotiating parties decided that the finalisation of the electoral system should be postponed until the 1999 election. As it happened, the electoral system was not finalised even with the tabling of the ETT's report in March 2003. The upcoming 2009 general election will mark 13 years after the adoption of the current constitution and the electoral system has still not been finalised. Is it not time now, before the 2009 election, to finalise our electoral system?

In September 2002 the Konrad-Adenauer-Stiftung (KAS) hosted a two-day workshop to which experts and representatives of parties came to give their views on an appropriate electoral system for South Africa. The proceedings of this workshop have been published and widely distributed. In addition the ETT heard representations from all the parties in parliament.

The findings of the ETT consisted of a minority and a majority report. The minority report supported the current electoral system, finding that it was not undemocratic or unfair. This the majority report conceded: however, the major difference between the two reports concerned the involvement of voters in the process of electing public representatives and voters' ability to call public representatives to account during and at elections. It was therefore the view of the majority of the ETT that some form of constituency input and accountable representation was necessary. The system proposed was a multiple member closed-list proportional system spread over 69-70 constituencies where there would be, depending on the number of voters in the constituency, not less than three and not more than seven public representatives. Importantly, the voters in the constituency

must have a say as to who these representatives are and, if at all possible, the representatives should come from the constituency which they represent.

There is a clear need to revisit the ETT's report given the experience of elections since 2004. There are signs of growing voter apathy in South Africa. This is obvious when one considers the number of eligible voters who do not register to vote or the complaints of some local community leaders who say they are powerless in influencing the actions of public representatives in parliament. The most concerning form of apathy is when it turns into vigilantism vis-à-vis the maintenance of law and order and the provision of essential services such as electricity, water and housing.

There is awareness on the part of the governing African National Congress that constituency involvement is becoming a problem – hence the frequency of imbizo's and the appointing of members of parliament post elections to take responsibility for certain areas. This in itself is not a bad development but it is no substitute for an entrenched electoral system that makes provision for active voter participation and, in particular, calls to account those representatives who claim to represent these interests.

The lack of accountability to voters as a result of the current electoral system is increasingly beginning to assert itself in the form of aggressive anarchy, for example Khutsong, Orange Farm, the burning of 20 Putco buses etc. This is simply a way of voters to say: we have no way of calling public representatives to account in our area because there is no constituency representation: Members of Parliament are put on a list by Party bosses and voters can simply vote for a party. This leads to increasing voter apathy and even a groundswell of local anger.

It is perhaps too late to change the electoral system before the next election. For example if a constituency system is decided on, this would imply a great deal of organisation and drawing up of geographic boundaries. However, the time is now

long overdue for a restructuring of the current electoral system: The longer the delay, the more difficult it is going to become.