



UNITED DEMOCRATIC MOVEMENT

**COMMENTS BY MR BANTU HOLOMISA, MP, PRESIDENT OF THE UNITED
DEMOCRATIC MOVEMENT
ELECTORAL REFORM ROUNDTABLE: PANEL DISCUSSION
10 SEPTEMBER 2002**

INTRODUCTION

Allow me the opportunity to thank the Minister, the Task Team and the various researchers for the work that they have done thus far. If we want to produce a proper report, it will require a thorough introspection of how the current system is serving South Africa and how it is vulnerable to manipulation for political ends. How I wish that your consultation process will not come to end only here, but will also reach into the townships, suburbs and rural areas, so that you may get a firsthand experience of what South Africans need. To avoid accusations from those who did not have the opportunity, like us here today, to present their views, it is important that this electoral reform process culminates in as widely inclusive manner as possible. We would do well to follow the example of many countries, from New Zealand to Ireland, who confirmed electoral reforms by holding referendums. In this way every voter is consulted directly.

The South African Constitution requires that the country must have an electoral system that allows for universal adult suffrage, results in multi-party democracy and proportionality in general. Any discussion on a new electoral system must take these requirements into account. A new electoral system should, in my opinion, seek to enhance the participation of voters in democracy. To achieve this goal, the most direct measure would be the inclusion in our electoral system of public representatives that are directly elected from constituencies.

HISTORICAL POLITICAL BACKGROUND

We would like to note that there is a strong opinion that the transformation process cannot be confined to the economic sphere only and that in the political arena transformation is also needed. South Africa has a painful history in which racial divisions and social inequalities have coincided with party political formations. The resultant antagonisms and mutual suspicions will continue to mar our society for sometime yet, because they cannot be easily wished away by the constitution that highlights the non-racialism and unity in diversity. Today, South Africans are still voting along racial lines, e.g. Blacks vote for Black political parties and Whites vote for White political parties.

The UDM is committed to a society, including political parties and electoral system, which reflects the desire to break down the racial barriers of the past.

The spirit that drove the Codesa negotiation process and the resultant constitutional model which became the Supreme Law of the Country sought to achieve a political settlement that would enjoy not only maximum civil approbation, but would also last and enjoy legitimacy for a reasonable time in our dynamic society.

A great deal of inputs from diverse and often conflicting social, economic, political, linguistic and cultural communities and interests groups informed the decisions which were made and ultimately culminated in the Constitution we have today that has become an international benchmark.

It is clear therefore that the decision to adopt the Proportional Representation model is backed by a weighty historical mandate which verges on the sacrosanct and we should balk at attempts to tinker with the Constitution for spurious, expedient and esoteric political considerations. Our Bill of Rights enshrines the inviolability of basic universal freedoms such as the right of the citizenry to put in office public representatives of their own choice.

It follows from the above that changes to the Constitution in order to legislate any particular electoral model should be viewed with the greatest circumspection and caution. Such an approach demurs at opportunistic and maverick political gymnastics by political parties that attempt to manipulate the Constitution in order to achieve short-term political objectives for themselves.

The United Democratic Movement supports the view that any changes to our electoral system, if made, should be seen to serve not the short-term sectoral interests of a party but the long-term welfare of the Country and its people on an egalitarian basis.

The UDM expresses its deep appreciation for the initiative of the Honourable Minister of Home Affairs, Dr Buthelezi, who initiated the current process which I believe has made us a lot more wiser on the need to revere our Constitution. We believe the presentations made during these two days, and the discussion that ensued, put into clear perspective the concerns of many South Africans and opinion-makers about attempts by the ruling party to smuggle into our polity questionable legislative measures which undermine the integrity of our Supreme Law – the Constitution.

We submit, if the Task Team should identify a need for Constitutional change, amendment or modification of any kind, that the responsibility to do so must be located in the nation who must give their verdict by means of a referendum. The Executive and parliamentary processes on their own do not provide adequate legitimacy for such a decision.

POLITICAL AND SOCIETAL REASONS FOR RETAINING SOME FORM OF PROPORTIONAL REPRESENTATION

In a simple majoritarian electoral system the ANC or any future party which has a largely black constituency which is bound by one allegiance to a party that is perceived to champion the cause of a previously largely disadvantaged community, will dominate the political scene because it will draw support from this vast constituency. That would appear to reverse of the previous power position and establish a majoritarian domination by a largely black interest group, with all the inherent dangers of reverse racism and patronage. Such a situation is not desirable. There must be checks and balances to prevent this. One of these is proportional representation which ensures that minority parties which may well represent group interests that are inherited from a racially divided past are assured some representation in the legislature on the basis of the number of votes they have accumulated in one election and provided they meet the prescribed threshold. This will also be true of other minority groups that represent a variety of other interests such as material, as in the case of groups that draw their support from business community, religious interest groups, cultural groups and the like. The Proportional Representation Electoral System facilitates the representation of a larger range of political parties than a simple majoritarian electoral model.

I must, however, point out some of the disturbing aspects of the proportional representation electoral system as applied currently in South Africa. Decision-making is gradually being centralised in the Executive, and there is growing perception that the ANC National Executive Committee (NEC) decisions are unilaterally enforced, with Parliament being increasingly marginalised. (The handling of the 14th Report of Standing Committee on Public Accounts on the Arms Deal is a case in point) In the process the divisions between the Executive, Legislature and Judiciary are becoming more blurred by the day. This is an alarming development. Measures should be taken to arrest this tendency and allow our political institutions a chance to develop and mature.

These are some of the considerations that must be weighed when finally deciding on a suitable electoral system. If a constituency based electoral system has the danger of permitting a winner-takes-all situation, this must be weighed against the dangers of an authoritarian executive that tends to impose its party's will on a parliament which in turn has no control over it or is marginalised as is the case in our current proportional representation system.

The proliferation of parties, some of whom centre around group interests including class and ethnic ones and have a chance of representation in a proportional representation system has the danger of entrenching historical divisions that characterised the Apartheid era. This must be countered by conscious measures to foster integrated policies and easy opportunities for crossing traditional racial barriers and the ultimate erosion of these divisions.

It is however conceded that the proportional representation Electoral System as argued by Andrew Reynolds in his thesis, called Electoral System choices for South Africa beyond 1999:

- "faithfully translate votes into seats won"
- there are few wasted votes
- permits the presentation of more inclusive and socially diverse lists of candidates.
- offers better chances for women representation in the legislature.
- creates a better chance for representation of minority cultures.

These features all have their merit and any new system should seek to accommodate these, while incorporating the mechanisms that make public representatives directly accountable to their voters.

CRITERIA FOR EVALUATING ELECTORAL SYSTEMS

Aside from the primary requirements set out above for a South African electoral system, there are also general criteria that should be applied. For example, Nigel Roberts – Associate Professor of Political Science and Intercultural Relations of Victoria University, Wellington, New Zealand – puts forward as acceptable criteria for evaluating voting systems among others:

1. Fairness between political parties
2. Effective representation of minority and special interest groups
3. Political integration
4. Effective representation of Constituents
5. Effective voter participation

To demonstrate the complexity and intricacy of the issues involved I will dwell on the last criterion: Effective voter participation. It is also apt to consider this given that my stated goal at the beginning of this paper is to enhance voter participation.

Effective voter participation means that voting procedures are simple and readily understood by our relatively illiterate voters and that they are empowered to make informed choices and change government when they no longer support it. We still have a long way to go in South Africa to familiarise our communities, especially from the previously disadvantaged sectors, with the complexities of electoral systems and make them fully understand their responsibilities and their power over elected government.

COST OF A NEW ELECTORAL SYSTEM

Aside from all the above requirements and criteria we cannot discuss a new electoral system without considering the financial implications. Professor Tom Lodge has argued that South African Electoral expenses are too high "for a lower middle income country". This he argues, would make electioneering at a local level unsustainable. This does not count in favour of a multi-member constituency electoral system. If it is agreed that aspects of constituency representation are to be incorporated in our electoral system to ensure direct accountability and more effective delivery of services to the voting constituencies, the financial implications will have to be considered responsibly and thoroughly. (Though I would be the last to say that you can put a price tag on the proper realisation of the right of every adult to vote)

In addition, the criteria for funding parties inside and outside Parliament must be clearly defined and structured in a manner that will guarantee the development of multi-party democracy as a permanent feature of our political system.

SIZE OF CONSTITUENCIES

As with financial implications, demarcation of possible constituencies bring into play a wide variety of factors. UDM research on the topic, as well as work done by others, indicate that constituencies will in all likelihood represent in excess of 70 000 voters. On the positive side it means that public representatives elected directly from wards would require the direct support of a considerable amount of voters. On the negative side it may mean, among others, that public representatives will not necessarily be able to attend to all the needs of their constituents (greater funding for constituency offices would appear to be a solution to this problem).

POSSIBLE NEW ELECTORAL SYSTEM

To accommodate all of the complexities that I have expounded on above will be a difficult task (I wish Mr Van Zyl Slabbert and his Commission the best of luck!) I have noted that Mr Norman du Plessis has done a considerable amount of work on the subject, and his suggestions appear to be – on the whole – well developed. Without going into the details – because they are complex and will require vigorous debate – I will concur that his scenario of a multi-member constituency system, similar to the type used in Denmark, seems at this stage to satisfy most of complexities inherent in South African electoral reform.

SEPARATELY ELECTED PRESIDENT

At this point in time, while we are engaged in debate about electoral systems, I believe that we should also place on the agenda the possibility of a separately elected President. Though I am not expressing myself in favour or against such a mechanism it might address certain fundamental democratic issues.

Firstly it would encourage greater separation of power between the Executive and Legislative spheres of government. Secondly, since it means that the President is directly elected, it may well increase accountability of the Executive. Lastly, it can be argued that such a mechanism would get people excited about, and more involved in, democratic governance.

The question remains whether it doesn't open up all sorts of issues that we should perhaps not be investigating only 8 years into democracy, especially since it affects aspects of a long and sensitive negotiation process that culminated in a peaceful transition from Apartheid. It should, however, still be considered, since consolidation of democracy cannot occur if we intend to look into major reform issues such as this every seven or eight years.

CROSSING THE FLOOR LEGISLATION

The UDM cannot support the current process because it ignores the choice of voters as expressed in the previous elections. Allowing public representatives to cross the floor outside, or before, an electoral system with constituency elements has been implemented, is irresponsible and undemocratic. In such a system where voters directly elect a number of their public representatives it can be honestly claimed, and proven, that a public representative crossing the floor has the support of his/her voters.

The UDM would support floor-crossing in an electoral system with constituencies provided that floor-crossing triggers by-elections, where the wishes of the electorate can be tested directly.

ROLE OF THE INDEPENDENT ELECTORAL COMMISSION

South Africa was dominated by the Apartheid regime for over forty years, which was confronted by an equally hegemonic national resistance dominated by the ANC. The ANC saw themselves as the authentic opposition to Nationalist rule and did not look kindly at those who competed for that space. Political conflict between ANC and IFP is a classical example of this. It is unfortunate that this attitude has been carried over to the new dispensation. The UDM and other political parties can attest to this, and now the DA is also experiencing this. The IEC and the public will also attest to the fact that the UDM was not allowed to campaign in 1999 at certain universities and in certain areas. It will be very difficult to speak of free and fair elections in South Africa should the culture of political intolerance continue.

No matter what electoral system is agreed upon, it is vital that we also look at the structures that must implement it. The IEC has on numerous occasions called for more funding to upgrade its systems and infrastructure. The lack of such systems and infrastructure could very well play into the hands of those who may seek to manipulate the voting process. It is critical that these systems and infrastructure be expanded down to each polling station, until we reach a point where the transport of ballots for counting at other venues is minimised and other insecure practises are eliminated. The need for pensioners and certain other groups to vote on a separate day could also be avoided

with better infrastructure. Measures such as these will go a long way towards improving the credibility and efficiency of the IEC.

It is time for the IEC to be made a completely independent body by untying it from the Department of Home Affairs, and providing it with a separate budget to be appropriated by Parliament.

The composition of the IEC Commissioners must be revised. In 1993 the ANC, NNP and IFP forwarded nominations for IEC Commissioners. But now many other political parties have established themselves in Parliament, and should be given an opportunity to nominate people to these important positions. This must be done to strengthen the credibility, transparency, representivity and accountability of the IEC. A system must be developed that allows for all political parties, and all sectors of society to have influence in the appointment of the IEC's highest body.

A newly enlarged group of IEC Commissioners should attend to the problems and necessary reforms within national, provincial and regional structures of the IEC, as has been suggested by the public during the IEC's recent tour to all parts of South Africa.

ACCESS TO STATE-CONTROLLED MEDIA

The question of political party coverage in state-controlled media remains problematic. We have observed the live broadcast of an ANC National Congresses in recent years, and can expect similar coverage being given to their National Congress in December this year. This type of media coverage disadvantages other political parties, who also wish to inform the public of their policy programmes.

If we are aiming to create an informed society that makes mature political choices, based on party policy and performance it is vital that equitable access to state-controlled media for all political parties is guaranteed. Especially during election campaigns greater attention should be given to broadcasting public debates between various political parties, to provide the electorate with a substantial basis upon which to make their electoral choices.

MOTIVATION FOR ELECTORAL REFORM

In conclusion, allow me to return to the issue of motivation for electoral reform. The UDM is committed to any system that will enhance the ability of voters participate in democracy.

The UDM is concerned that some parties are not motivated only by noble goals, but also by a desire to abuse reform for their own gain. The Apartheid government abused "reform" regularly for their own gain; for example the Tri-cameral Parliamentary system that was introduced in the 1980's. It was not a sincere attempt at reform. Similarly, the current the current frozen legislation on floor-crossing appears to have been designed to address political expediency and not the needs of voters.

We cannot allow this vital reform of the electoral system, which affects the very core of democracy, to be abused in a similar manner.

If we are to retain the current Proportional Representation system, we need to look at the funding of constituency offices and the staff at these offices should be competent

enough to interact with government departments and other institutions. Government departments should also give greater attention to queries and requests from such offices. In this way we will enhance the accountability of public representatives to the electorate.

Thank you.