

ELECTORAL SYSTEMS AND ACCOUNTABILITY: A proposal for electoral reform in South Africa

Murray Faure*, Department of Political Sciences , University of South Africa
Albert Venter**, Department of Political Studies, Rand Afrikaans University

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INTRODUCTION

South Africa had used the British first-past-the-post (FPTP) system of electing representatives for parliament for more than eighty years. It remained essentially unchanged since its implementation at unification in 1910 until its replacement by a new electoral system with the 1993 Interim Constitution and the subsequent election of April 1994. Variations of the FPTP system were also used for the election of the old provincial councils in South Africa, as well as the provincial legislature of South West Africa, now Namibia. It also "served" the former system of homelands with its various legislatures, and it was adapted to suit the needs of the three-chamber parliament brought about by the 1983 Constitution.

Towards the end of the 1980s it became clear that South Africa was irrevocably moving towards some major form of political transition and also a new electoral dispensation. President de Klerk's speech in parliament on 2 February 1990 marked a watershed and an acceleration in the negotiation and transition process. Timetables for constitutional reform were set, and a new urgency characterized the negotiation process. The five years that preceded the adoption of the Interim Constitution in 1993 also witnessed an intensification in the debate on electoral options for the new South Africa.

While many of the proposals for electoral reform in this period differed with respect to technical detail, a remarkable degree of consensus characterized the debate in at least two aspects. The first was that the old FPTP system was patently unfair since it over-represented large parties, and especially the ruling party in the system. The second agreement among those who participated in the debate at that time was that some form of proportional representation was highly desirable.

After the adoption of a proportional representation (PR) list system in 1993 and putting it to its first test in the election of April 1994, the electoral reform debate was once again sparked off. On the one hand there was some experience-in-use of the new system that needed to be assessed, and on the other hand, the country still had to move towards its Final Constitution which, in principle, left the door open for some adjustments to, inter alia, the electoral system. To this end the Constitutional Assembly convened its Theme Committee Two to debate electoral options for consideration by the law-makers.

When it became evident after the *Arniston Bosberaad* in 1996 that the 1994 PR list system would be retained for the 1999 general election, speculation as to what type of electoral system South Africa should change to for the 2004 election gained momentum once again. This phase in the debate resulted in the Eisa Roundtable on electoral reform held in 1998 and a number of positions again being taken by political parties and scholars subsequently. This phase of the debate has carried over into the present time.

This chapter argues for electoral reform. It commences with a brief overview of the features of the present system. This is followed by an account of the electoral systems debate during the last five years in order to provide a context for the argument that follows. The three options which have dominated the debate are then reviewed to provide justification for choosing whether to retain the present system or to propose reform. An argument is presented for changing the present electoral system to a mixed-member proportional system (MMP) with single-member constituencies (SMCs). The basis of the argument is that such a system will significantly increase the responsibility of members of the legislature towards their constituents. The argument is made in full awareness of the remarkable successes which the present system has registered. The South African electorate will be even better served by introducing an element of geographical representation into the present electoral system. Such a change will facilitate the arduous task of consolidating our young democracy. The longer the present electoral system is retained, the more its shortcomings will become institutionalised, and this will have negative implications for democracy in South Africa. While the present electoral system was probably an optimal choice for South Africa's transition to democracy, the timing of electoral reform is now an important consideration. The paper argues that change should be effected now so that the general election of 2004 can be conducted in terms of a new and improved electoral system.

The overriding consideration is that South Africa should do what is in the best interests of democracy, and that the interests of all political parties should be subject to this.

SOUTH AFRICA'S PRESENT ELECTORAL SYSTEM

Constitutional arrangements provide for a Parliament composed of a 90-member indirectly elected **National Council of Provinces** (NCOP) which replaces the former Senate elected in 1994 and a 400-member **National Assembly**. Each of the nine provinces has a delegation consisting of ten members which represents that province in the NCOP. In general, provincial delegations to the NCOP are in accordance with the relative strength of political parties represented in the respective provincial legislatures. 200 Members of the National Assembly are elected using national party lists, while the remaining 200 members are elected on the basis of regional party lists; each region or province is entitled to a fraction of the 200 members in accordance with its relative population size. Nine **provincial legislatures** are elected, the size of each being about double the number of regional representatives a province has in the National Assembly. The size of each provincial legislature also reflects the relative population size of the province, with the proviso that provincial legislatures shall have a minimum of 30 and a maximum of 80 members.

Table 1

Members of the National Assembly and the provincial legislatures (a total of 830 members) are elected in terms of a Continental-like system of proportional representation using closed ordered party lists. Though not as complex as some systems of PR, the "average voter" does not really understand its technical functioning, especially the calculation and allocation procedure of seats in terms of the Droop quota. There are indications, however, that voters generally understand that percentages of the vote translate into percentages of seats for the contesting parties. In terms of the criteria that normally differentiate PR systems from each other, the current system displays the following features (cf. Faure, 1994a:115-121 & 1994b:31-50):

The ballot. Each voter is accorded two ballots, one to be used for the election of members of the National Assembly, and one to be used for electing members of provincial legislatures. Whereas the ballot in some proportional electoral systems allows voters to choose between the various candidates (even across parties if there is more than one ballot), franchise provisions do not provide for this in South Africa. Voters are only accorded the opportunity to choose between competing party lists. The voter is bound to the order of candidates as decided by the parties. No candidate preference is provided for, and the only differentiation that voters can exercise is to vote for different parties that contest the National Assembly and the provincial legislatures respectively. In spite of high levels of illiteracy there is evidence to suggest that voters generally understand the purpose of the double ballot, and that ballot differentiation was used as a conscious voting strategy by many supporters of especially the smaller parties, who voted for these parties on the provincial level. In the 1994 election, for example, the DP (Democratic Party) registered a total of 338426 votes on the national level as against 538655 votes on the provincial level – a difference of 200229, which is quite significant. Similarly, the FF (Freedom Front) in the same election attracted 424555 votes on the national level with 639643 votes on the provincial level – a difference of 215088 votes. The converse tendency is reflected by the support for the larger parties (cf. Faure, 1999:19).

Party lists. The system uses both national and sub-national (regional, provincial) party lists. In a sense, the election of 200 National Assembly members according to regional party lists makes the nine regions/provinces extremely large multi-member constituencies (MMCs). The election of 200 National Assembly members according to national party lists, like the method used in the Netherlands and Israel, uses the whole country as one very large MMC.

Allocation. The system allocates seats proportionally at both a regional and a national level in terms of the Droop quota. While the regional allocation is not the conventional allocation in terms of small MMCs (but in terms of larger regions/provinces), the national allocation has to take account of regional allocation. Smaller parties with regional support are not disadvantaged by this method, while smaller parties with a country-wide level of support (i.e. not regionally based support) can benefit from this method of national allocation.

The threshold. The threshold (the minimum votes required to win a seat) is extremely low; in fact, some thresholds in the system are among the lowest in the world. The threshold (which is, of course, mathematical and not legal in nature) varies for the regional and national lists respectively, and those of the provincial legislatures are about half the size of those for the regional allocation for the National Assembly. In the case of the Gauteng region/province, for example, the threshold for the National Assembly is approximately 2,12%, while the threshold for this region's provincial legislature is approximately 1,35%. In contrast, the threshold for the Northern Cape province in the National Assembly is approximately 20%, while that for the provincial legislature of that province is approximately 3,22%. For both the National Assembly and the regional/provincial legislatures the respective thresholds of the various regions/provinces differ, unless they have the same number of seats in comparative cases. Approximately 1/400th of the votes cast for the national party lists of the National Assembly (i.e. about 0,25%) constitutes the threshold, but the number of seats already allocated regionally is subtracted from the seats won in this way, effectively making this threshold about 0,50%. The threshold for the National Assembly as a whole is 0,24938%.

THE ELECTORAL SYSTEMS DEBATE - 1994-1999

The debate and thinking on electoral reform during these years cannot be fully recorded here.⁽¹⁾ By offering the outcomes of a number of chapters in the debate, however, a representative picture of what options and issues constitute the debate can be formed. These chapters are the following:

- The views of political parties on electoral reform registered by way of a survey shortly after the 1994 election and their subsequent submissions on electoral change to the Constitutional Assembly;
- The main arguments for electoral reform tabled at the Workshop of Theme
- Committee Two of the Constitutional Assembly which was held in May 1995;
- The main arguments tabled at the Eisa Roundtable on electoral reform held in August 1998; and
- Views on electoral reform pronounced during the course of 1999.

The views of political parties on electoral reform shortly after the 1994 election and their submissions to the Constitutional Assembly

Shortly after the 1994 election there was a general unanimity among political parties that the introduction of an element of constituency representation was highly desirable, or at least deserved serious consideration.

It is significant to note that a survey carried out by the Parliamentary Information and Monitoring Service in 1994 found that there was overwhelming support among two-thirds of all the parties for a mixed electoral system that included an element of constituency representation. Only the ACDP (African Christian Democratic Party) and the NP (National Party) registered less than 50% support for such a mixed system (Calland & Merton 1996:3). With regard to the submissions of the various political parties to the Constitutional Assembly, the same sentiment is evident. The submissions of the ANC (African National Congress), the NP, the DP and the PAC (Pan Africanist Congress) hinted at the strengthening of accountability to the electorate while suggesting that proportionality should be retained as well. The ANC was, however, cautious about the introduction of an MMP system and suggested that it warranted further careful consideration (cf. Krennerich & de Ville, 1997a:84 and Theme Committee Two's Report..., 1995). The DP's submission embodied a concrete proposal - an MMP system where 80% of the members of the National Assembly would be elected from MMC lists and 20% from national party lists. There should be two votes: one for constituency lists, and one for the national lists. The latter vote should determine the overall proportionality of parties, while an increase in the size of the National Assembly would accommodate any overhang of parties, if necessary. The NP's submission to the Constitutional Assembly proposed the retention of the present system and the assigning of MPs to magisterial districts after an election. The IFP (Inkatha Freedom Party) and the PAC expressed themselves in favour of an MMP system, but no detailed outline was submitted. The ACDP's submission indicated no clear preference for a particular electoral system, while the FF made no submission in this respect, and it is reported that among the public submissions there was an overwhelming support for some form of constituency representation (cf. Krennerich & de Ville, 1997a:84 and Theme Committee Two's Report..., 1995).

The workshop of Theme Committee Two of the Constitutional Assembly held in May 1995

This workshop represents an important milestone in the South African electoral and constitutional debate. Apart from the fact that it provided a rare opportunity for scholars

and political representatives to exchange ideas about electoral options and choices (at times rather heated), it also accentuated the fact that the new PR electoral system - in spite of all the positive features that it embodied - was not without shortcomings and that improvements ought to be considered. A number of important considerations formed the background to this workshop.

The first is the fact that scholars at that stage, even prior to the election of 1994, had already thoroughly analysed the new electoral system and had pointed out its strong and weak features. Considerable consensus existed that the system was legitimate, all-inclusive, highly proportional (in allowing very small parties representation), that it was fair, that the system did not waste votes, that it eliminated the problems of gerrymandering associated with constituency delimitation, and that the double ballot provided some measure of vote differentiation with regard to national and provincial matters. Similarly, consensus also existed on the shortcomings of the system in that it was impersonal, that it strengthened the hands of party bosses and their party bureaucracies, and that the system did not provide for sufficient voter-accountability. The latter shortcoming was seen as the most serious in that it suppressed communication between voters and representatives; the MPs were responsible to parties and not responsive to the needs of voters. The second factor was that at the time of the workshop, scholars and representatives already had some experience-in-use of the working of the system. The third factor that fed into the workshop was the requirement that the final constitution of the country had to be negotiated within a fixed time limit which, at that stage, created a sense of urgency in deciding correctly with regard to electoral matters. The last factor which structured the deliberations of the workshop was the set of legal and political principles contained in the Interim Constitution which was intended to structure the nature and spirit of South Africa's Final Constitution.

The proceedings of the workshop are recorded in the book by de Ville & Steytler (1996), as well as two subsequent publications by Krennerich & de Ville (1997a; 1997b). Papers presented at the workshop can be divided into two categories: papers that conceptualized South Africa's electoral arrangements, and ones that contained actual proposals for reform. All the scholars who made proposals for the improvement of the electoral system addressed the problem of voter-accountability as their most serious concern. It is equally significant to note that the majority of scholars recommended a change of the country's electoral system to that of a mixed-member proportional (MMP) system – generally defined as a system in which a number of seats are filled through plurality/majority geographical constituencies, while the remainder is filled from PR lists which serve to rectify any disproportionality reflected in the allocation of the district seats. One scholar (Venter, 1996:78-80) argued for the **retention of the status quo - i.e. party list proportional representation, but** with an arrangement that all parties represented in parliament formally accredit their members of parliament to magisterial districts. After an election, therefore, parties would decide in which magisterial districts they would prefer to accredit their MPs, in order to bring a type of constituency arrangement and, consequently, greater accountability into the electoral system. Formal accrediting was suggested to enable MPs to have some *locus standi* with governmental and administrative agencies. As a second preference, however, Venter also opted for an MMP system to address the problem of voter-accountability.

Within this broad category of consensus, the basic difference between the proposals was whether parliamentary constituencies should be SMCs or MMCs in a revised electoral dispensation to make the system more personal, responsive and

accountable. Smaller differences, such as the ratio between list and constituency seats, as well as the nature of the ballot, can also be distinguished.

An MMP system with SMCs. Faure (1996:71-76) and Venter's second preference (1996:80-81) is fundamentally the same proposal. Faure argued for a reduction in the size of the legislature and suggested an MMP system with a 100/200 ratio between SMCs and list seats, as well as two ballots: one for lists and one for SMCs (based on plurality of votes). He also proposed that the closed ordered national lists be substituted for flexible lists which would allow for candidate preference in both the ballots taking effect. SMCs would be allocated first, after which the Droop quota could be used to allocate list seats in a compensatory manner in order to ensure proportionality for the assembly as a whole. Venter suggested a 200/200 ratio between list seats and SMCs. Both these recommendations advised against the use of a legal threshold, using only the inherently low mathematical thresholds that the size of the legislature would suggest. Both these proposals resemble in broad outline the electoral arrangements of Germany and New Zealand.

An MMP system with MMCs; and PR in MMCs. De Ville (1996:83-99) argued for a 300/100 ratio between small (2-5) MMCs and list seats. Voters would have two ballots: one for national party lists, and one for constituency party lists. MMCs would be allocated first, while the national allocation would ensure overall proportionality, using additional seats for parties in the event of an overhang of other parties. Kotzé (1996:101-113) also suggested the use of small MMCs with either 3 or 5 members. Voters would have only one vote: the first count of the vote would elect 300 members from constituencies, while the second count of the same vote would determine the overall relative strength of parties in the assembly. An additional 100 members would be allocated, not from party lists, but from the best "losers" in the constituencies. This system also favoured preferential voting and the retention of excess seats in the case of an overhang.

It was felt by some scholars at that stage that if the political process would indeed move in the direction of an MMP system, the electoral debate could be narrowed down to the nature and extent of constituency representation that would best suit the country's needs. As explained earlier, the Constitutional Assembly rather unexpectedly decided shortly after the workshop to defer the decision about an electoral system until after the 1999 general election.

The EISA roundtable on electoral systems reform held in August 1998

The Electoral Institute of South Africa (EISA) took the initiative to re-open the electoral systems debate by arranging a roundtable on the future of South Africa's national electoral system during August 1998. The roundtable devoted two days to deliberations, while an additional day was used to report the findings of the roundtable to representatives of various political parties and other organizations. The proposals for electoral reform were preceded by papers that explored the aims of electoral reform, the general and specific criteria that should be considered in the choice of an appropriate electoral system, the available options, as well as gender considerations in electoral reform. With regard to the proposals for electoral reform after 1999, the roundtable quite remarkably came to the same basic conclusions as the Theme Committee Two workshop three years earlier. What should be borne in mind is that at the 1995 workshop local scholars submitted proposals for reform, while the keynote speakers that submitted proposals at the Eisa roundtable were scholars from abroad. It signifies an interesting corroboration of the earlier thinking, and it represents an

astonishing degree of consensus among scholars on electoral reform in South Africa. In brief, the roundtable concluded that the options available to South Africa were either the retention of the status quo, or a move to an MMP system. With regard to the latter option, two alternatives were suggested: either an MMP system with MMCs or an MMP system with SMCs.

Retention of the present system. Lodge suggested that there are persuasive arguments that could be made against any radical departure from the present electoral system and attempts to incorporate a constituency element into the system. In this, cost is an important consideration. He argued that the cost of electioneering, which was already excessively high in South Africa, would be considerably escalated by imposing a highly complex system that uses MMCs. The imposition of complex tasks on political organizations that MMCs would bring about are outweighed by keeping arrangements simple and cheap, which would probably facilitate the progress of party electoral organization (1998:2). Lodge also suggested that the use of a constituency element in the electoral system could easily and rapidly become organised on the basis of patron/client relations which could further political corruption without enhancing accountability. Majority/plurality systems, moreover, are not favourably disposed towards women in politics. Lodge also suggested that the discipline that the executive authority could impose on party lists in the present system was probably beneficial to the major socio-economic reform programs of the government. Finally, Lodge hinted at the possible benefits that preferential voting might bring to the present system as a measure to prevent "redeployment" of representatives to diplomatic and other positions (1998:2-3).

An MMP system with MMCs. Elklit considered four criteria to be of particular importance in deciding about the country's future electoral system. These are: (1) maintaining high proportionality and its concomitant benefits; (2) providing a structure which would facilitate the development of cross-cutting linkages between parties with a resultant decrease in the intensity of politics and the development of a spirit of consociational co-operation between parties; (3) promoting a strong and meaningful opposition in parliament; and (4) the very important issue of accountability, both for individual politicians as well as for political parties (1998:1-3).

Elklit stressed the importance of accountability and suggested that an open party list ballot was one way in which voters could express their preferences. This, however, requires a high degree of literacy and education among voters as well as a willingness among parties to allow voters to express their sentiments and preferences in this manner (1998:4). He expressed strong reservations about the desirability of South Africa changing to an MMP system with SMCs as a way of introducing voter-accountability into the system. He argued that such a system would bring accountability to only half the members of parliament; that it normally requires two ballots with a high degree of literacy; that the size of constituencies would be excessively large - approximately 120,000 voters in South Africa's case if a total of 180 constituencies would be geographical seats in a 360-member parliament; and that such a system would run the risk of changing the work of MPs to "looking at ... their own chances of re-election" (1998:8).

Elklit suggested that the problems associated with an MMP system using SMCs could be avoided by introducing a class of small MMCs at the lowest level and by using one of the available PR methods to determine their outcomes. The average size of these constituencies should be around 4 seats, but 3, 4 or 5 could be used. With a degree of

PR already attained at this level, 300 of the present 400 seats could be elected in this manner while the remaining 100 national list seats would serve as compensatory seats that would rectify any disproportionality in the former category. Experience demonstrates that approximately 25% list seats could serve this purpose (1998:8). The MMCs should first be allocated to the various provinces on the same basis as the present system (i.e. relative population size) and for this purpose municipal entities could combine, or in the case of big cities, divide to form MMCs with roughly 500,000 to 600,000 inhabitants in each. Voters would vote for party candidates (or independents) on a list basis and any of the various allocation methods (Hare + largest remainder, Saintë League or d'Hondt) could be used since the slight deviations in PR outcome that each method would respect respectively yield would be rectified when the national list outcomes are allocated in a compensatory manner to achieve overall proportionality for parliament as a whole (1998:8-10). Elklit does not favour two ballots for such a system; only one ballot should be used. With one ballot a measure of preference for both parties and candidates can be accomplished if voters are required to vote in their constituencies. In addition, it will also secure a measure of accountability since support is expressed at the very lowest level (1998:8-10-11).

Elklit includes candidate preference at both the national and the local level since he believes that voters will be quite aware of who the top candidates in the MMCs are. A vote for Party A carries the expectation that that party's top candidates will go to parliament, and the same holds true for a vote cast for Party B, and so on. In this way, both parties and their elected candidates can be held accountable at the constituency level, while the national level is not excluded since the country-wide sum of constituency votes determines the pattern of the national allocation. Compensatory seats could be taken from the national lists (which would provide parties with a way of securing their chosen candidates a safe seat high on the list), or from so-called "best losers" in the constituencies which would ensure that non-elected members would be ranked nationally (or provincially) according to a quota to fill unfilled seats (1998:8-10-11).

An MMP system with SMCs. Reilly's proposal for electoral reform in South Africa does not proceed from the desirability of particular electoral values such as proportionality and accountability. He suggests that democratic consolidation in the country was the single most important outcome that any electoral reform could serve, and that any possible changes to the electoral system should serve this outcome. This outcome, he argues, is especially significant in view of the poor record of so-called dominant mass party democracies, the weak democratic performance of poor countries in general and African countries in particular, and the excessive level of inequality in South Africa. To find meaningful patterns in electoral types that could serve such an outcome, Reilly uses comparative data rather than devising an intrinsic South Africa-specific needs analysis (1998:1).

According to Reilly, of the 36 "established democracies" (i.e. states with populations larger than 250,000 with uninterrupted democratic rule for at least 20 years), 59% use some form of PR, but in terms of population totals more people live in states that use FPTP systems than in all the various systems combined. In these "established democracies", more people live under MMP systems that use SMCs than under pure list PR systems. The only two "established democracies" in Africa, Botswana and Mauritius, both use versions of FPTP systems. Because it is unrealistic to compare South Africa with the homogeneous industrialised states of Europe (Denmark, Sweden and the Netherlands), Reilly seeks instead to compare South Africa with states that share a large geographical and population size, diversity, and a significant rural and agrarian-based population. In terms

of geographical size, and in descending order, these states are Canada, the USA, Australia, India, Colombia, Venezuela, Botswana, France, Spain and Papua New-Guinea. With the exception of Spain and Colombia all these states use SMCs for representation at the national level in FPTP, alternative vote or two-round mixed systems of voting. Spain and Colombia themselves have a closer degree of regional representation than South Africa, albeit in different format than the other 8 large states mentioned previously. In fact, at present no geographically large "established democracy" uses South Africa's pure national PR list system (1998:2-3). Reilly also pointed out that while list PR was the most popular electoral system for new democracies, it was significant that in this category of new democracies geographically large countries such as Indonesia, Russia, Ukraine, Kazakstan and Mongolia have all chosen electoral systems which contain elements of SMC representation. The very same pattern becomes manifest when geographical size is substituted for population size. While the majority of the 36 "established democracies" have populations under 10 million, 8 of the 10 most populous "established democracies" (India, the USA, Japan, Germany, the United Kingdom, Italy, France and Canada) have district-based electoral systems and, in addition, Italy and Japan have recently deliberately created a majority of SMCs in their electoral systems (1998-4-5).

This preponderance of SMCs in large and populous countries could be accounted for in a number of ways. According to Reilly, SMCs are simply better suited to cater for local issues and needs in a personalised and accountable manner - a style of politics which pure list PR by its very nature cannot do. In this respect, and especially with regard to societies with a significant agrarian element, Reilly used Barkan's (cf. 1995:107-108) analysis to suggest that list PR was not at all suited for the purpose of democratic consolidation in South Africa (1998:5-6). Reilly also used the landmark comparative study of Cain, Ferejohn and Firorina which analysed the service of politicians to constituencies in Canada, Australia, the United Kingdom and the USA to draw attention to the direct relation between quality of service rendered to constituencies and the re-election ratio of MPs. The study also conclusively underlined the real nature of accountability in the absence of such service rendered through the retrospective element of "punishment" by way of no re-election in such cases (cf. Cain, Ferejohn & Firorina, 1987).

Reilly also drew attention to the very different electoral requirements of transitional and consolidated democracies respectively. The former usually requires inclusiveness, simplicity, fairness and proportionality, a minimization of conflict such as demarcation of constituency boundaries, simplicity to administer, transparency and often the need for "grand" or "oversized" coalitions (compare South Africa's former Government of National Unity). In contrast, the latter usually requires a higher degree of accountability, a need for the electorate to express a more sophisticated range of needs and choices, an ability to "get rid of the rascals", a higher degree of responsiveness to the needs of the electorate, the promotion of a sense of "ownership" by the electorate and a more frequent need for minimal winning coalitions or single-party governments. In this respect Reilly suggested that South Africa may indeed have made the optimal choice with its 1994 electoral system, but that the priority of consolidating the country's democracy clearly pointed to the need for a district-based element in the system of which SMCs seemed to be the most appropriate (1998:6-7). As corroboration of his views, Reilly used the findings of two important studies (1998:7-8). The first is Blais and Dion's survey of transitions to democracy of 19 states between 1900-1985. This study concluded that SMCs are to be preferred to proportional systems with respect to the consolidation of fragile democracies and that national list PR should be avoided at all costs (cf. 1990:262-263). The second is Bohrer's finding that less proportional electoral laws are more

successful at maintaining democracy than PR systems; proportionality in itself not necessarily the culprit, but it is more often associated with democratic failure than less proportional systems (cf. 1997:223).

Against the background of this set of comparative data, Reilly proposed that a German or New Zealand type of MMP system using SMCs on the basis of a 200/200 division of list and electoral seats would be a great improvement to South Africa's electoral requirements. If simplicity was an overriding requirement, a single ballot could be used for the election of both categories of seats. Proportionality would be ensured by using the 200 list seats in a compensatory manner, thus conforming to the constitutional requirements in all respects (1998:9).

Views on electoral reform pronounced during the course of 1999

In the run-up to and the aftermath of the general election held in June of 1999, the need to effect changes to the country's electoral arrangements was addressed on a number of occasions. At the beginning of the year the governance programme newsletter of the Centre for Policy Studies published the views of Mackay on electoral reform options (1999:1-3). Like the earlier participants in the debate, he echoed the sentiment that list PR had ensured minority representation in the country's legislatures, but that it had loosened the crucially important ties between the constituents and parliamentarians. After briefly reviewing the features and desirability of the single transferable vote system (STV) in MMCs, the use of a straightforward MMC system, and the possibility of introducing preferential voting in the present system, he concluded that the introduction of an MMP system using SMCs would best suit the country's needs. According to Mackay, STV (in spite of some advantages) is simply too complex and too difficult to administer. An MMC system would not ensure the representation of small minority parties and it would tend to enlarge the size of legislatures, while preferential voting in a straight PR system such as the present one in use would do little to empower voters and constituencies. An MMP system with SMCs (along the lines of that used in the Federal Republic of Germany) would overcome most of the present system's shortcomings, and, in addition, would provide for a "'crossing of the floor' by elected representatives from constituencies which would make for more fluidity and compromise in the political system" (Mackay, 1999:3).

During May 1999 the then deputy secretary general of Cosatu (the South African Council of Trade Unions), Zwelinzima Vavi, registered the trade union's strong support for an MMP system of representation. No preference for either a MMC or SMC configuration was expressed. The basic shortcoming of the present electoral system is the absence of accountability of representatives to constituencies and voters. Vavi hinted at the fact that Cosatu (and workers) represented a constituency (Beeld, 14 May 1999). This must be understood in terms of the tripartite alliance between the ANC, Cosatu and the SACP (South African Communist Party). In July the NNP (New National Party) also came out in support of an MMP system which would use MMCs. The party declared its intention to prepare a discussion document on the matter and to submit it to parliament's portfolio committee on constitutional matters.

During October IDASA's (Institute for Democratic Alternatives for South Africa) Political Information and Monitoring Service revived the debate by hosting a discussion on electoral reform attended by representatives of political parties. The DP's leader Tony Leon expressed support for an MMP system with MMCs (three representatives per constituency) and a 80%/20% ratio between constituency and list seats. It was also

suggested that parliament's size could be reduced to 300 members which would effectively save more than R26 million annually. Martinus van Schalkwyk, leader of the NNP, suggested that the German MMP system could serve as a model for local electoral reform, especially in the use of a legal threshold which would contain the proliferation of parties represented in parliament (the number of parties rose from 7 in 1994 to 13 in 1999). Bantu Holomisa, leader of the UDM (United Democratic Movement), stated that the party had not yet finalised its position on electoral reform, but defended the merits of proportionality since it guaranteed diversity and the representation of small parties. He emphasised that any change in the electoral system should not reinforce the country's multifarious divisions. Johnny de Lange from the ANC came out in strong support of retaining the present system and argued that it guaranteed diversity better than any other system. He suggested that it is a myth that constituency MPs are more accountable to the electorate than in the present system and that such MPs could not acquire a mandate from their electorate for all that has to be done in parliament. Suzanne Vos from the IFP (Inkhata Freedom Party) concurred with de Lange and stated that a constituency system would reduce the representation of women in parliament (Mackenzie, 1999:8).

With opposition parties planning to request parliament's Constitutional Review Committee to further investigate the issue of electoral reform, the debate about the country's electoral arrangements was set to continue in 2000.

ASSESSING THE DEBATE AND THE OPTIONS

The electoral reform debate in South Africa has come through a remarkable period of activity during the past decade. During the late 1980s and the early 1990s it opened up and a variety of reform options were put forward. Prior to the adoption of the Interim Constitution these options converged into a broad consensus about the desirability of proportional representation for South Africa's transition to democracy. Similarly, the last five years witnessed the development of a broad consensus around the strong and weak points of the present electoral system, and the set of appropriate reform options available to the country. Those involved in the reform debate (scholars, commentators, political parties, etc) have also experienced a remarkable degree of interaction between participants in the form of consultancy work for parties by academics, workshops and roundtables and the like. In many countries the debates between scholars, on the one hand, and politicians and political parties, on the other hand, are often conducted quite independently of each other without much communication between the two categories. In this respect, the recent experience in South Africa has been encouraging and quite unlike the period that preceded it.

It should be noted that the three electoral options identified by the Theme Committee Two workshop and the Eisa roundtable are not all that different from each other in an analytical sense. All three of the categories are typical national PR systems that use compensatory seats to achieve an overall degree of proportionality. All three types allocate a portion of the seats to constituencies, albeit constituencies of a differing nature (provinces, large, small, SMCs or MMCs). In fact, it is exactly on the score of constituencies that the different categories distinguish themselves from each other. The option that proposes the retention of the present system uses provinces at the lowest level: the MMP system with SMCs will have geographically "smaller" constituencies than provinces at the lowest level, while an MMP system with MMCs prefers geographically "larger" constituencies than the system that uses SMCs - somewhere between the former two categories. The first category comes in at a higher level of proportionality for the

geographical component of the system than the other two options, with the option using SMCs scoring the lowest on this scale. All three options, however, share the similarity of high overall proportionality due to the fact that they all make use of national party lists to determine the overall proportionality of the three systems in a compensatory manner.

In spite of these similarities, however, it should be stated that each of these options will have rather different political consequences empirically – notably with regard to the element of voter-accountability, voter-representative relations and service delivery in constituencies – while overall proportionality will not be affected to the same extent as the former elements. What will influence these empirical differences is therefore the nature and degree of geographical representation and the degree of personal or party choices/preferences that voters will be able to exercise.

Quite apart from other considerations, an argument for (or a decision) **to retain the present system** will have to take thorough cognisance of the fact that the present practice of using party constituencies (the post hoc allocation of constituencies to party members after an election) does not function satisfactorily at all. It is mainly a problem of ignorance and legitimacy in that constituency members mostly do not know who such representatives are – having not voted for them specifically or got to know them in campaigns before the election. Apart from ignorance about these constituencies and their representatives, there is also the feeling that these representatives have not been mandated by the voters themselves. The success of this practice is rather limited, and it is worth noting that such experiments have also failed elsewhere in other countries that use pure list PR systems. The Netherlands, for example, has also experimented with such a practice, but for socio-political and geographical reasons quite different from those that obtain in South Africa, it also failed in its objectives. Another serious problem associated with the post hoc allocation of representatives to constituencies is that the number, size and boundaries of each party's constituencies differ from those of other parties. It is not inconceivable that with 13 parties represented in parliament, a voter anywhere in the country may find him/herself living within the virtual boundaries of half a dozen or more overlapping and cross-cutting constituencies (each with a different size) serviced by different party representatives. MPs assigned to such party constituencies are often not intimately acquainted with the voters of these constituencies and their needs, and this contributes to the failure of the practice.

An MMP system with MMCs or SMCs

The arguments for an MMP system with either MMCs or SMCs, on the other hand, will have to incorporate a number of considerations not thus far sufficiently explored by its respective proponents. The first consideration **pertains to the MMP-MMC option**, and is basically a political consideration. Quite separate from its intrinsic merits, it should be realized that the unsuccessful attempt to institute such a system by the then NP- (now NNP) controlled Western Cape provincial government will hamper this option's chances of being accepted by the ruling party, the ANC. Agreeing to and accepting the electoral model of an opposition party could possibly be perceived by some party members as "politically unacceptable", unless the model's intrinsic merits are such that they surmount this kind of objection. As regards increased accountability towards the electorate, there is the conviction among some electoral specialists as well as voters that MMCs with, say, 3 to 5 MPs per district, will "share the spoils" and that MPs from different parties in such constituencies could "pass the buck" from one to another, "disperse responsibility" and not take accountability seriously. Finally, the MMP-MMC model is also more complicated in its design than a straightforward MMP-SMC model.

Similarly, **arguments for the MMP-SMC model** should also account for a number of additional considerations not hitherto addressed by their proponents. The first is the question whether any value should be attached to the fact that the present practice of post hoc allocation of representatives to party constituencies uses SMCs rather than MMCs. This is, of course, the case per individual party, but since most large parties do this, individual voters in fact find themselves in a confusing array of what could be called a hybrid form of MMCs. A second factor, and difficult to assess, is what positive or negative associations or images there may exist with regard to the country's previous electoral system that used the SMC-FPTP plurality model. Finally, the MMP-SMC model has the possibility of capitalising on the success of the German model (and to a lesser degree the experience of New Zealand) not because MMP-MMC models have not been successful elsewhere, but simply by virtue of the quite remarkable influence that the German constitutional model has had on South Africa's recent political and constitutional history. Of course, arguments for either the MMP-MMC or the MMP-SMC models will also have to account for the fact that change to either of these electoral systems will reduce control by party bosses and party bureaucracies over their members. The experience elsewhere is that constituency candidates generally tend to be somewhat more independent from party control than list candidates.

ARGUMENTS FOR CHANGES TO THE PRESENT ELECTORAL SYSTEM

Having considered the country's experience with the present PR list system over a period covering two general elections, the various options put forward in the debate (as well as their supporting arguments), and South Africa's daunting challenge to consolidate its young and fledgling democracy, this paper argues that an MMP-SMC electoral system (50% list seats/50% constituency seats) should be introduced as soon as possible.

The electoral arrangements that are proposed comply fully with the 1996 constitutional requirement that, in general, electoral results shall be proportional. The present system was ideally suited for the needs of transitional politics that South Africa has come through during the past few years. With regard to electoral arrangements, these include aspects such as inclusiveness, simplicity, fairness and proportionality, a minimization of conflict such as demarcation of constituency boundaries, simplicity to administer, transparency and the need for "grand" or "oversized" coalitions (compare South Africa's former Government of National Unity). With regard to electoral matters, however, 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, the promotion of a symbolic sense of "ownership" and "empowerment" of the electorate and a more frequent need for minimal winning coalitions (cf. Reilly's proposal above).

More-or-less similar electoral systems as the one that is proposed for South Africa are used in the Federal Republic of Germany, Hungary, New Zealand, and the Welsh and Scottish assemblies. However, more changes to the electoral system are proposed than simply the method of electing and allocating candidates to the National Assembly. The details of the proposal are as follows:

INTRODUCE THE PRINCIPLE OF PARTIAL GEOGRAPHIC REPRESENTATION

The electoral system that is proposed here is similar to the German model in a number of ways. The dual FPTP and PR list system (followed in Germany and a number of other

countries) should be seen as **a proportional system of representation with a geographic element**. It is not a parallel electoral system since the one category of the system (the list component) compensates fully for any disproportionality yielded by the outcome of the geographical or constituency category. The outcome of the electoral arrangements that are proposed comply fully with section 46 (1) (d) of the 1996 South African Constitution which requires an electoral system which in "**general, results in proportional representation**". A parallel system of PR list and FPTP in which the two systems are managed independently, would, in our judgement, be unconstitutional since such system would not, in general, result in proportional representation of the electorate.(3) It is proposed that:

- 200 of the 400 seats of the National Assembly be allocated to single-member (geographically delimited) constituencies;
- the remaining 200 seats be allocated according to national closed ordered party lists;
- that two ballots be used; one for the national PR lists and one for constituency candidates;
- the Droop quota be used for allocating seats for the national PR lists; and
- seats in constituencies be allocated by way of a plurality (relative majority) of votes.

It stands to reason that these changes require, among other things, that the present system will have to do away with the principle that the provinces form nine large multi-member constituencies that collectively elect 200 members of the National Assembly.

The effects of a partial geographic allocation of National Assembly seats

Each voter will have two ballots, one for a candidate in a constituency and one for the closed ordered national party lists. Both votes are cast on the same day on the same ballot. Voters are allowed to split their votes: they may vote for one party's candidate in their constituency and another party for the PR lists. Candidates should be allowed to run in both parts of the election. Therefore, a candidate who loses in a constituency can still win a seat in the National Assembly via the PR list vote if his/her rank-ordering is high enough and if his/her party draws sufficient votes. Constituency elections are based on a simple relative majority winner-takes-all basis (similar to the previous provisions for election to the House of Assembly). Proportionality of outcome is guaranteed by using only votes cast for the national party lists to determine the proportion of overall party support in the National Assembly. No legal threshold (like the 5% *Sperklausel* in Germany) is required. Only the natural mathematical threshold implicit in the Droop quota as applied to the number of seats is used. After an election, the constituency results are declared immediately and the parties know at the outset how many constituency seats have been captured. Thereafter, the results of the list PR vote are used to (1) determine overall proportionality, and (2) to function in a compensatory manner correcting the disproportionality in outcome of the 200 constituency results.

Illustration

Assume that an election has been held and that the constituency results, based on FPTP principles, are as follows:

Party A	130 seats
Party B	25 seats
Party C	45 seats
Total seats	200 seats

These results are declared immediately and allocated without any alteration.

Assume that 15 million votes have been cast for the national PR lists. These results are used to allocate the remaining 200 seats for the National Assembly. The following results are yielded:

Note: For the purposes of this example and in order to simplify matters, the allocation is not done in terms of the Droop quota, descending fractions, etc. We use strict mathematical extrapolation, but the use of the Droop quota (the allocation formula used in the present electoral system) will yield exactly (or almost exactly) the same results.

Party A	7,5 million votes (50%)
Party B	5,25 million votes (35%)
Party C	2,25 million votes (15%)
Total votes	15 million votes

These results are now extrapolated mathematically to the total of 400 seats in the National Assembly, but are, in effect, only used to fill the 200 list PR seats in a compensatory manner. In order to ensure overall proportionality, however, it is necessary to first establish the seat allocation for the entire assembly in terms of national support. The overall allocation is as follows:

Party A is allocated	200 seats	(50%)
Party B is allocated	140 seats	(35%)
Party C is allocated	60 seats	(15%)
Total seats	400 seats	(100%)

To determine the final compensatory allocation of seats per party according to the list PR results, the geographic (constituency) seats are now deducted from the above extrapolation.

Thus final results are:

Party A already has 130 constituency seats, but is proportionally entitled to a total of 200 seats and will therefore be allocated an additional 70 PR list seats.

Party B already has 25 constituency seats, but is proportionally entitled to a total of 130 seats and will therefore be allocated an additional 115 PR list seats.

Party C already has 45 constituency seats, but is proportionally entitled to a total of 60 seats and will therefore be allocated an additional 15 PR list seats.

	<i>Constituency seats</i>	<i>List seats</i>	<i>Total seats</i>
Party A	30	70	200
Part B	25	115	140
Party C	45	15	60
Total seats	200	200	400

ALLOW A FREE MANDATE

The principle of the free mandate for members of the National Assembly should be introduced for those MPs elected from constituencies. The legal requirement of bound, party mandate is not in line with the rights (freedom of belief, opinion, etc.) guaranteed by Chapter 2 of the Constitution. The free mandate is more democratic and more compatible with the general tone of a free and open society. It is an important

consequence of guaranteeing individual rights to citizens. If it is introduced, it will loosen the grip of party bosses on the conscience of representatives and it could lead to a more realistic articulation of issues and opinions in constituencies by candidates/representatives. Internationally France, Germany and the Netherlands are well-known examples of states which prohibit an imperative mandate.⁽²⁾ Preferably all members of the National Assembly should have a free mandate to vote according to their conscience, but a case can be made that members elected on the PR list category (the "party ticket") should be prohibited from "crossing the floor" in the National Assembly. Therefore, as a minimum, it is proposed that National Assembly members elected from constituencies should have a free mandate, i.e. that they can resign their party but still retain their seats in the National Assembly. Unlike members elected under the "party ticket", who are subject to stricter party caucus control, these constituency MPs should also be allowed to vote on sensitive moral issues (e.g. euthanasia, abortion, etc.) according to their conscience. Humankind can and has erred collectively (parties, governments, etc) on moral matters, and the introduction of a free mandate would be a sound corrective and input for moral reasoning within the complex of party political ideology.

INTRODUCE INTERNAL PARTY DEMOCRACY

Section 42 (3) of the Constitution states that "The National Assembly is elected to represent the people to ensure government by the people through the Constitution". Present electoral arrangements, however, do not place any obligation on political parties to select candidates for their lists by way of democratic procedures. Practices for doing this differ from party to party, and in some instances party leaderships have more discretion in this regard than others. Parties should be required to conform to internal democratic practices. This will strengthen the bond between ordinary party members and candidates. Democracy certainly entails that people should select their representatives and leaders competitively in order to restrain, control, empower and influence them. If power is to flow from the people, we suggest that section 19 (1) of the Constitution be amended to foster internal party democracy by requiring in section 19 1 (d) that the internal organization and nomination procedure of candidates of political parties must conform to democratic principles. Parties should also be required to publicly account for the sources and use of their funds and assets. If not stated in the Constitution, at a minimum, this should be a requirement in the Electoral Act.

INTRODUCE THE PRINCIPLE OF THE RIGHT OF RECALL

To further strengthen accountability of constituency-based representatives the introduction of the right of recall of such representatives by the electorate in the constituency should be considered. To eliminate frivolous recall initiatives, the conditions for such a recall should be stringent. This is not the place to make specific recommendations, however. Political parties can decide among themselves what the conditions of a recall initiative in a constituency should be. Conditions that could be considered are the number of signatures required to validate a recall initiative, the number of times in the term of MPs/parliament that such a recall can be undertaken, the grounds for a recall, appeals to the courts to check the validity of a recall, and so on.⁽⁴⁾ If sound and reasonable procedures for recall can be introduced, the practice will have a wholesome effect on the quality of representatives that are put up as constituency candidates, the service delivery in constituencies, and accountability in general.

CONSEQUENCES AND CAVEATS OF THE PROPOSALS

Our recommendations for changing the electoral arrangements have important implications; the following are the more important of these:

The overall size of parliament

The Constitution prescribes that the National Assembly shall have no fewer than 350 and no more than 400 members. The idea that the overall size of parliament should be reduced is strongly supported. Should a future decision in this regard be taken, our proposal for the composition of the National Assembly can simply be adapted accordingly to effect a 50%/50% ratio between list PR seats and SMC seats.

No threat to the existing strength of parties

In general, the proposals for changes to the electoral system will give each party currently represented in parliament the same number of seats, including the small parties.

First and second class representatives

The introduction of two categories of MPs will not necessarily lead to so-called first and second class representatives. It is not generally acknowledged that this has been the case in the German experience. Such a differentiation is the best possible trade-off between the requirements of proportionality and accountability that can be accomplished.

Voter's roll and voting inside and outside of constituencies

A proper voter's roll for each constituency will have to be administered. A national voter's roll must be compiled on the basis of these rolls. As proposed previously, voters will have two ballots. Voters outside of their constituencies will only be allowed to vote for the PR party lists, while voters who vote in their constituencies will be allowed to cast both their ballots.

The average size of constituencies

The number of voters per geographical constituency will be approximately 100,000, i.e. 20 million voters represented by 200 constituency seats which is not out of the ordinary in democracies. In large democracies such as the United States of America and India the representative/voter ratio is less favourable. Arguments which suggest that this is too "impersonal" a ratio are unfounded since even a 1/10,000 ratio cannot be "personal" in any realistic or meaningful way.

Administration, cost and gerrymandering

Geographic constituencies will have to be delimited or reapportioned from time to time. In the previous political order, the Constitution of South Africa required the delimitation of constituencies every ten years. This is expensive and time-consuming. It could also lead to "gerrymandering", or manipulation of borders in order to promote specific party interests or lobby groups. The advantages of introducing constituency representation far outweigh the problem of gerrymandering.

The effects of strategic vote splitting

The strategic splitting of votes as provided for in the proposal is an extremely effective method of reconciling national and local issues. The present system also allows for a differentiation in the double ballot, but candidates on the provincial lists of the present system are often just as "far removed" from local matters as those candidates on the national party lists. In the proposal voters could vote for a candidate on the basis of

his/her knowledge and undertakings for the constituency, while still participating in a nation-wide “opinion poll” to determine how many overall seats each party should have in the National Assembly. No pure majoritarian or pure PR list electoral system can accomplish such a trade-off. The past two general elections have also amply demonstrated that voters understand the double ballot system of voting, and in this sense our voting procedure is not more complicated than that of the present system, yet it will yield much better results.

Justifying the constituency element of an MMP-SMC system

In our judgement the single-member district could, but does not necessarily, create a bond/relationship between the electorate and the representative in the presence of the de facto party mandate of candidates. In practice, in both the pure PR list system and the constituency FPTP system, the ordinary MP is strongly bound to the party and its policies. It is somewhat less so in the case of FPTP systems, while independent candidacies in FPTP systems are rare and of little consequence in terms of democratic accountability. The defence for the FPTP geographic system and its partial incorporation in our proposals should be understood in pragmatic terms. The following are some of the advantages of the FPTP system:

First, in the proposal the selection/re-election of constituency candidates/representatives by both the party and the voters in the constituency cannot be seen as unrelated processes. The party's choice of candidate, service delivery and the preferences of voters are all related to one another and party leaderships will have to put up “best” candidates for each and every constituency that they contest. This could ameliorate the power of party bosses and prevent practices such as nominating candidates by virtue of their loyalty to the party, which is not necessarily equivalent to being a good representative in a constituency. Second, the MP faces the problems of all his/her electors in the five years of his/her term of office and this, generally, has a moderating influence on extremist party political views. Third, the MP is a conduit between the various interest group lobbies in civil society and the government. Business associations, professional associations, municipalities, in short the whole of the civil society lobby, could use the MP as their formal representative to gain access to governmental structures and decision makers. Fourth, the MP can act as ombudsman to his/her constituents and government structures – primarily to party supporters, but also to non-party constituents. Fifth, the MP will have a vested interest in canvassing support from subscribing, card-carrying members of his/her party in order to secure re-selection to the party candidacy for the next general election. Sixth, the constituency-based MP has the advantage of receiving the symbolic approval and mandate of his/her constituency at election times, even if all constituents did not give their support in the election.

Legitimizing MPs in their dealings with government agencies

If the German experience is any guide, only large parties would capture constituency seats. Smaller parties would still be left with the problem of finding some form of bond between their PR list representatives and their supporters. As mentioned earlier, the informal designation of MPs to geographic areas since 1994 has not been a success. One insurmountable problem, according to MPs, is the lack of a formal locus standi in dealing with governmental agencies. Some sort of solution to this problem will therefore have to be found. The Constitution/ordinary legislation could be adapted to read that MPs are the bond between the electorate and government agencies and that agencies are obliged to be helpful in facilitating this bond. Alternatively, it could be a

provision in the Public Service Act – the aim being to facilitate closer co-operation between the legislative and executive branches of government.

What about elections for provincial legislatures?

In our judgement provincial legislatures should also be elected on the same basis as the National Assembly: i.e. half the seats for each provincial legislature being elected on an FPTP constituency basis and half from closed ordered PR lists (i.e. according to an MMP-SMC model). Since the constitutional status of provinces is in flux at present, no suggestions on electoral reform in provinces are made. If they continue to exist in their present constitutional form, careful consideration of their electoral reform will be required. An important aspect is that elections for parliament and elections for provinces, as well as local governments, will most likely have to be conducted at different times. The constituencies/wards of the three levels of government do not coincide, which implies that voters will have to vote at different polling stations if concurrent elections are held. This is not practical or desirable.

The proliferation of political parties

It is true that a pure PR list system without a legal threshold increases the probability of a proliferation of political parties represented in parliament. The number of parties represented in South Africa's parliament has increased from 7 to 13 in the period 1994 to 1999 owing to, amongst other factors, a mathematical threshold of less than 0,25%. Yet, it is not necessarily true that the use of FPTP in constituency-based systems in ethnically divided societies will necessarily lead to a two-party system. A number of electoral specialists have argued that an electoral system cannot dramatically influence the characteristics of the party system. Contrary to the received opinion that FPTP leads to two-party systems, evidence from, for example, Papua New Guinea shows that in ethnically divided societies it could also have the consequence of a proliferation of parties and candidates winning with as little as 6,3% of the aggregate vote in constituencies (Reilly, 1997:12).(5) The proposals will not significantly affect the landscape of political parties in South Africa – neither reducing nor increasing their number.

Complexity

An MMP-SMC electoral system is not necessarily more complex than the current list PR system. The allocation formula (the Droop quota) is the same as the one currently used, and there is only one category that needs to be allocated - not ten categories as represented by the nine provinces and the national category that presently make up the representation in the National Assembly. Moreover, the FPTP relative majority principle of the constituency component in the proposal is conceptually simple to comprehend, unlike the more complex methods suggested in the various MMP-MMC proposals.

Accountability

The model proposed goes a long way to address voter accountability – the most serious shortcoming in the present system. Making 50% of representatives accountable to constituency approval along with party approval is infinitely preferable to having party bosses and party leaderships decide exclusively on the matter. Arguments that such arrangements only make half the representatives accountable are simply misplaced and do not grasp the comparative advantages if compared to the status quo. In fact, an MMP-SMC dispensation will have a wholesome effect on accountability for all

representatives, not only those elected from constituencies. Unlike the MMP-MMC model, the MMP-SMC model also focusses accountability on one representative – he/she is responsible for constituency matters whether such a representative is from the governing or opposition party. With MMCs the geographical area of constituencies is much larger and the argument that constituency work can be shared is a weak one; a 5-member MMC will have approximately 5 times as many voters as an SMC, all things being equal. Collective responsibility for the well-being of constituents by a “coalition” of representatives which belong to different parties holds all the potential for ducking responsibilities.

The MMP-SMC model will best promote the core value espoused in section 1 (d) of the Constitution: "The Republic of South Africa ... is founded on the following values: universal adult suffrage, a national common voter's roll, regular elections and a multiparty system of democratic government to ensure accountability, responsiveness and openness".

Fairness, inclusiveness and representativeness

The electoral arrangements that are proposed comply with all these features. The proposal embodies electoral rules followed in established democracies; it will not exclude minorities and it will ensure an extremely high degree of proportionality on the one hand, while its very low threshold on the other hand ensures accessibility of representation to minorities.

CONCLUSION

The changes that are recommended are not new - they have been mooted before, albeit in a somewhat different format by a number of scholars and electoral specialists. They are the most appropriate for South Africa's present political needs. After the Theme Committee Two workshop in 1995 there was a general sense of expectation that South Africa would effect constitutional changes to, among other things, its electoral system in the Final Constitution. The opportunity slipped away when the rather unexpected Arniston decision in 1996 retained the present system at least until the 1999 general election. The Eisa roundtable once again opened up expectations for electoral reform, and the debate was carried through during the course of 1999 with political parties recently coming out in support of a re-assessment of the matter.

Electoral reform, if it is to take place, should happen soon so that the necessary changes can be implemented for the 2004 general election. Stalling and postponing will once again let a window of opportunity slip by since much work and preparation will go along with any significant change to our electoral system.

It is now the time to seriously consider electoral change. All scholars interested in this matter along with commentators and politicians involved with constitutional and electoral matters should attempt to give South Africa an even better electoral dispensation that the fine one it already has. It can be done.

ENDNOTES

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(1) For a more detailed overview of the electoral systems debate see Faure (1999). We would like to thank Mr Robert Purcell of the Konrad Adenauer Foundation for granting permission on behalf of the Foundation to selectively reproduce sections of Faure's (1999) overview of the electoral systems debate in this publication.

(2) Germany - see section 38 paragraph 1 sentence 2 of the Constitution. Netherlands - see section 8 of the Constitution. France - see article 27 of the Constitution. The Netherlands uses a PR list system while Germany uses an MMP-SMC system. France uses a run-off constituency-based electoral system.

(3) For a brief discussion of parallel PR-FPTP systems in Japan, Russia and Senegal, cf. Reynolds (1999:203).

(4) For a discussion of the recall principle, see Cronin (1989).

(5) Cf. Reilly (1997:12) for a discussion of this issue in Papua New Guinea. One seat had a record of 48 candidates and the winner required only 6,3% of the vote.

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Table 1.

National lists: 200	National Assembly	Provincial legislatures
Eastern Cape	27	63
Free State	14	30
Gauteng	46	73
KwaZulu-Natal	38	80
Mpumalanga	14	30
Northern Cape	4	30
Northern Province	20	49
North-West	17	33
Western Cape	20	42
Total	400	430

Table 2.

Party	Constituency seats	Votes (million)	List seats	Total seats
Party A	130	7,5 (50%)	70	200
Party B	25	5,25 (35%)	115	140
Party C	45	2,25 (15%)	15	60
Total seats	200	15	200	400