

# WOMEN'S REPRESENTATION

## *The South African Electoral System and the 2004 Election*

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### ABSTRACT

*This paper discusses the impact of the electoral system on women's representation and critically reviews the debate about women's representation in government. It shows that a shift has occurred from a concern with numbers (descriptive representation) to participatory representation where quantitative must be matched with qualitative representation. This means that more important than the numbers of women in government is the fact that their interests, experiences and perspectives should be voiced there. This shift has also altered the definition of 'critical mass' from one referring to a numerical value to one that notes the changes in institutional cultures and power shifts that are brought about by women. The significance of the results of the 2004 election is evaluated with these arguments in mind.*

### INTRODUCTION

The electoral system of any country is the mechanism that translates support for parties and individuals into seats in government. It determines who will govern and who will not. It can be viewed as the 'mechanic [sic] heartbeat' of the political process (Faure, in Wessels 1994, p 143). The electoral system is the constitutional and institutional process by which government by consent and fair representation are put into practice in democratic systems (Wessels 1994, p 143). It is also a key determinant of the nature of the relationship between elected representatives, political parties and constituencies (Hassim 2004, p 340). Lijphart (1991, p 91) argues that the electoral system is probably the most powerful instrument for shaping the political system. Following Sartori he calls it 'the most manipulative instrument of politics'.

In societies in transition the electoral system can play an important role in 'engineering' the results of democratic voting and, along with other institutional choices, can, to a certain extent, determine the nature of political parties and the general character of democracy (Sisk 1993, p 79). Electoral design creates strategic

opportunities for party political manoeuvring that can have a significant impact on the consolidation of democracy (Munro 2001, p 297).

The nature of the democratic society needs to be taken into consideration when designing an electoral system. Plurality and majority methods will work less successfully in divided or plural societies than in homogeneous ones. A plurality decision rule can, for example, lead to the permanent exclusion of certain parties or groups such as women. This will encourage conflict in deeply divided societies, especially if the division is along ethnic lines (Sisk 1993, p 81).

As Sisk (1993, p 82) argues, the proportional representation (PR) list system provides the 'truest' proportionality of votes to seats, is immune to gerrymandering, allows for delimitation of constituencies when desirable and offers some degree of intra-party competition (through open or free lists). It also leads to Cabinet durability. List PR systems are viewed as conducive to broad-based coalitions and consensus government.

List PR has been shown to be the most advantageous to women in terms of getting them elected when they are placed high on the list, but the system also privileges power brokerage within parties rather than constituency formation and representation (Hassim 2004, p 340). Representatives are accountable to party leaders not to voters and intra-party politics has an impact on policy making. As Hassim (2004, p 340) argues, the ability of women to mobilise and to challenge the power structures within parties will, to a large extent, determine whether they are effectively represented. Fixed lists very often lead to accountability and voter choice problems where the parties rather than the voters decide which candidates have the best chance of reaching Parliament. They can also limit the ability of the electorate to affect intra-party debates (Sisk 1993, p 83).

An electoral system should not be viewed in isolation from its political consequences. The type of system and the constitutional framework in which it operates have very definite consequences – the system may encourage or discourage coalition building and ethnic conflict and include or exclude minorities and women. (De Villiers 1991, p 44).

## GENDER AND THE CHOICE OF THE ELECTORAL SYSTEM

The period between the start of the transition process and the first election evinced a growing consensus about the desirability of proportional representation (PR). This broad consensus became apparent in the 1991 Declaration of Intent of the first Convention for a Democratic South Africa (Codesa), which was signed by all the major participants in the negotiation process. Very few women were included in the Codesa process, a fact that led to objections from the African National Congress Women's League (ANCWL). To address the under representation of women in Codesa women from the African National Congress (ANC), the Democratic Party (DP) and the National Party (NP) called for the establishment of a gender advisory committee (GAC) (Albertyn, Hassim and Meintjes 2002, p 33).

The establishment of the Women's National Coalition in 1992, with the intention of drawing up a Women's Charter for Effective Equality, served to stimulate debate about women's participation and representation in politics. It was through debates at the national level and the efforts of women in the ANCWL who requested the ANC National Executive Committee (NEC) to accept a 30 per cent quota that it was finally agreed (after initially being rejected by the NEC) that such a quota would be used in the 1994 election (Ballington 2002, p 76). The politicisation of women's rights and the presence of women during the negotiation process contributed to an awareness of the importance of having women representatives in the National Assembly and at provincial and local level.

While there was consensus about PR it did not bind the negotiating parties to any specific system of PR (Sisk 1993, p 84). In the 1992 Policy Guidelines for a Democratic South Africa the ANC committed itself to 'an inclusive, accountable, and participatory multi-party democracy, with periodic elections, and an electoral system based on proportional representation' (Albertyn et al 2002, p 27). Codesa's Working Group 2 accepted the consensus about PR (Asmal and de Ville 1994, p 1). One of the main arguments was that it would benefit all parties, especially smaller ones, such as the NP (the now defunct New National Party (NNP)) and the DP (now the Democratic Alliance (DA)). A PR list system would also prevent ethnic mobilisation. But, as Albertyn et al (2002, p 28) point out, the different parties did not all interpret PR in the same way. The DP understood PR in the context of liberal democracy, with few limitations on individual freedom, while the ANC saw it within the context of greater participatory, inclusive and accountable democracy. The issue of gender was not a national concern but was debated at party political level.

The choice of an electoral system was also debated in the Technical Committee on Constitutional Issues of the Multi-party Negotiations Council (Faure 1996, p 90). Before 1994 proposals were put forward by political parties as well as by academics and consultants. One of the most important inputs was the Report of the Committee for Constitutional Affairs of the President's Council of the previous government on 'A Proportional Polling System for South African in a New Constitutional Dispensation'. This report was released in 1992 and recommended PR for the following reasons:

- An almost complete consensus that a majoritarian electoral system is unsuited for deeply divided societies.
- The fragmented nature of South African society, as shown by its party system, indicated that PR would be a solution (the necessity to include fringe parties).
- PR includes smaller parties and thus protects minority rights.
- That it would establish participatory democracy in South Africa

Report of the Committee for Constitutional Affairs 1992, pp 60-64

These recommendations were taken very seriously by the President's Council, although their implications for women did not come into the council's considerations. While PR plays an important role in giving smaller parties and previously excluded groups representation in government, it does not mean automatic entry for women into Parliament. The number of women who gain representation in Parliament is related to their position on the party lists. The use of a quota as a special mechanism to enhance women's representation was made possible by the ANC's acceptance of a voluntary quota. Quotas can be viewed as structural mechanisms to address the barriers of the past that prevent competition (Dahlerup 2003, p 2). Quotas indicate a shift from the classical notion of equality of opportunity to equality of result, based on the argument that equality of opportunity cannot exist if all barriers for women have not been removed (Dahlerup 1998, p 95).

The ANC is the only party in South Africa to have accepted a voluntary quota of women (one-third) and the number of women representing the ruling party compared with the limited number of women representing opposition parties in the South African Parliament is evidence of the importance of a quota in increasing women's representation.<sup>1</sup> It is clear that the spill over effect of the ANC quota to other parties has not occurred.

Parties such as the (now defunct) NNP and the DA claim that no special mechanism is needed to include women since they believe that the under-representation of women cannot be blamed on the electoral system or on political institutions but on socio-economic disadvantages and that only once these conditions change will there be an improvement in women's representation (Albertyn et al 2002, p 36). Quotas, in this context, are viewed as discriminatory and a violation of the principle of fairness (Dahlerup 2003, p 2).

The danger of voluntary quotas is that if a party's support declines the number of women representatives also declines, or if the electoral system changes women may lose out. A legislated quota would be more effective in ensuring that women remain in government. It would also force opposition parties to accept a quota. Such legislation might become even more necessary should the recommendations of the Van Zyl Slabbert Task Team (discussed below) that South Africa adopt a mixed PR and constituency system to counteract current problems of absence of accountability be adopted. In such a case the number of women in Parliament is likely to decline further. Evidence of this already exists at the local level, where more women are elected from PR lists than in ward elections.

There is no doubt that PR, combined with a quota, delivers the best results for women's representation. The issue of the impact of the electoral system needs to be understood in the broader context of the debate about women's representation.

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1 In fact, most of the opposition parties are now so small and hold so few seats that it would be difficult for them even to consider a women's quota.

### THE FEMINIST DEBATE ABOUT WOMEN'S REPRESENTATION

Prior to the 1994 election the main strategy of women and women's groups concerned with the representation of women in government was to 'get women in' and to get the 'women's vote out'. The focus was therefore more on the numerical representation of women than on the contribution women could make once they were in power. While these two issues cannot be separated there has been a shift in the past ten years away from descriptive representation and towards substantive or participatory democracy.

Chaney and Fevre (2002) argue that there is a demand for descriptive representation in democracies because democracy is about the self-interest of participants and problems arise when participants represent the interest of groups that are very different from themselves. If women are not included in decision-making their views and interests are overlooked and if women are not represented in proportion to their presence in the population the principle of parity is violated.

Descriptive representation is an issue of parity with men that also gives women greater access to policy making. (See also Albertyn, Hassim and Meintjes 2002, pp 38-39; Goetz and Hassim 2003 and Voet 1998, pp 100-112). Others argue that representation on grounds of identity is undemocratic and could lead to manipulation by political leaders to the detriment of accountability (Albertyn et al 2002, p 36). The PR closed list system as used in South Africa is, however, open to manipulation by political leaders because it is they who put the final lists together, regardless of a quota.

Lowe Morna (2004, pp 27-33) in a comparative study of the representation of women in politics in the Southern African Development Community (SADC) countries (the 'Gender Links' study) refers to quantitative versus qualitative representation. She argues that representative democracy focuses on the quantitative representation of all groups, while participatory democracy is concerned with efficacy and focuses on the ways in which women's interests, perspectives and experiences enrich government. While women are not a homogeneous group they share certain life experiences and interests. The outcome of this shift in focus is a more responsive and accountable government.

This change in thinking about women's representation has also led to a change in the definition of 'critical mass'. With the focus on numerical representation critical mass was conceived as a numerical percentage of about 30 per cent women leading to a spontaneous change in organisational culture. With participatory democracy in mind critical mass is now viewed 'less as a fixed number and more as the point at which women, through a combination of numerical strength, enabling political environments, empowerment and conviction, feel able to raise critical questions in mainstream environments' Lowe Morna (2004, p 33). What research has shown is that merely increasing the number of women in governments does not necessarily contribute to a fundamental change in the sex/gender system in Parliament, nor does it necessarily have a lasting impact on legislation or its implementation. Often

women's contributions are hampered by the cultural norms of society, partisan constraints or a lack of interest in gender discrimination per se. There should be a quantitative presence of women who also have a qualitative significance such as an impact on legislation, policy making and holding political leaders accountable (Lowe Morna 2004, pp 27-28).

Once women are taken seriously in decision-making positions the concept, content and form of politics and governance start to change and power relations shift. A consequence of this is that the outcomes begin to be informed by the new paradigm (Lowe Morna 2004, p 34).

The arguments about the qualitative impact of women link representation to citizenship as those requirements referred to above are the core ingredients of citizenship. Women need more than the vote, they need a voice in government.

Hassim (2004, pp 338-339) translates this shift into the notion of a 'virtuous political circle' in which participation, representation and equality outcomes are interlinked. The conceptual elements include effective participation as a notion of shifting the patriarchal institutional cultures of political institutions. Included in the dual notion of representation is representation of self to others – or identity formation and interest representation through parties that entails consideration of both formal and substantive equality.

In the South African context identity formation and interest articulation have been contested because women have had to construct identities and interests across racial lines, a process often fraught with difficulties (because of the struggle between recognition and redistribution) (Hassim 2004, p 338). When equality is only constructed as formal equality the substantive interpretations needed for policy formation suffer. The 'virtuous circle' can only be completed when all these elements are linked in a way that ensures gender equality.

When we start to think about representation in this way the significance of the arguments for and against quotas diminishes and attention is concentrated on other factors that are important to women's successful representation such as the nature of the political system, the organisation of political competition, the nature of civil society and the way in which political strategies are formulated. Strategies cannot only concentrate on the acceptance or rejection of a quota (Hassim 2004, p 340).

In those countries that have already reached the numerical critical mass of 30 per cent a demand for parity (50% women's representation) has developed. An example of this is the 50/50 campaign spearheaded by the Gender Advocacy Programme (GAP) in South Africa.

The comparative study, done by 'Gender Links', has shown that women constituted only 19,4 per cent of political representatives in national assemblies in the SADC region in 2004. The PR electoral system in South Africa combined with the voluntary quota used by the ANC means that South Africa has one of the highest numbers of representatives. Women in constituency systems fared the worst. It is clear that the 30 per cent target has important cascading effects because it leads to a culture of zero tolerance of the absence of women in decision-making positions.



In the African context it led to the inclusion of five women commissioners in the New Partnership for Africa's Development (Nepad) (Lowe Morna 2004, p 19).

Another comparative study of electoral systems within SADC done by Molokomme (2000) has also shown that countries using a PR electoral system elect more women than those using constituency-based systems. In single member districts women have to compete directly against men and far fewer women are elected. Women do better in multi-member districts but do the best in PR systems combined with a quota policy. There is also the hope that with PR there will be a spill over effect where parties adopt policies (such as a quota policy) from other parties (see Gouws 2000).

In South Africa women's effectiveness as representatives is hampered by the rules and procedures of institutional engagement and by one-party dominance, even though the party is gender sensitive (Hassim, in Goetz and Hassim 2003, p 83), as well as by the dual view that women have of representation – that of both representing and building a constituency (Hassim 2002). This means that women have to work to establish a common interest among themselves (which seems quite difficult if we look at the difficulties and immobilisation of the women's caucus in the South African Parliament). Women also have to be accountable to a 'women's constituency' and it is not always clear who comprises this constituency.

## WOMEN'S REPRESENTATION AND THE 2004 ELECTION<sup>2</sup>

Since the 2004 election South Africa has had 131 women in Parliament – the eleventh highest total in the world. Women form quite a significant constituency, with 1 982 876 more women than men having registered to vote, so it is likely that the women's vote in the election exceeded that of the men.

The results of research, however, showed no significant gender gap when it came to voting behaviour (see, eg, Gouws 2002). A gender gap exists when, for a particular set of reasons, a significantly larger number of women than men vote for a certain party or for certain candidates. Many issues can contribute to a gender gap, among them the fact that larger numbers of women than of men die of HIV / AIDS; the impact of unemployment on women as primary caregivers; basic needs issues such as housing, water, electricity and education; and violence against women. The absence of a gender gap can probably be attributed to a lack of options among the different parties. During the 2004 election most parties dealt with the same issues and did so in a gender blind fashion. The exception was the ANC, which, in its manifesto, identified women as a constituency with particular interests (see [www.womensnet.org.za/Elections2004/index](http://www.womensnet.org.za/Elections2004/index) downloaded 6 September 2004).

While the ANC has the best track record of delivery on gender issues, no party really attempted to mobilise the women's vote, even though women have the power

2 Some of the information reported below appeared in Gouws, Amanda. 2004. 'Women and the 2004 Election'. *EISA Election Update*, 9 May.

to swing an election. Voters are not mobilised by their gender identities. Racial and class identities and their intersection with gender and party loyalty play a more important role when it comes to voting behaviour in South Africa.

After the 1994 election women comprised 25 per cent of the South African Parliament. Of the 111 women members, 90 represented the ANC, 1 the DP, 10 the Inkatha Freedom Party (IFP), 9 the NP and 1 the Pan Africanist Congress (PAC). Women did not, by and large, feature at the top of lists in 1994. This changed during the 1999 election when women were put in positions on the list which made them more likely to be elected. In the 2004 election nearly every second name at the top of the list was that of a woman.

In the 1999 election the ANC increased the proportion of women on its national list to 39 per cent. After the 1999 election the percentage of women elected increased to just under 33 per cent (119 seats – 96 of them held by the ANC and 23 by all the opposition parties combined (Ballington 2002, p 93; see also Gouws 1999).

**Table 1**  
**Representation of Women in the South African Parliament 1994 to 2004**

1994				1999			2004		
Party	Total	Women	%	Total	Women	%	Total	Women	%
ANC	252	90	35,7	266	95	35,7	279	104	37
DP/DA	7	1	14	38	6	15,7	50	13	26
IFP	43	10	23	34	9	27,2	28	6	18,5
NP/NNP	82	9	10	28	4	14,2	7	0	0
UDM	–	–	–	14	1	7	9	4	44,4
ACDP	2	0	0	6	2	33	6	2	33
FF	9	0	0	3	0	0	4	0	0
UCDP	–	–	–	3	1	33	3	0	0
PAC	5	1	20	3	0	0	3	0	0
ID	–	–	–	–	–	–	7	2	28
Other	0	0	0	5	2	40	4	0	0
Total	400	111	27,7	400	120	30	400	131	32,75



In 2004, 69,68 per cent of the vote went to the ANC, which won 279 of the seats, 104 of them now filled by women. This is 82 per cent of the total number of seats held by women. In total there are 131 women in Parliament in contrast to the 119 elected in 1999. Women, therefore, constitute 32,75 per cent of the National Assembly, mostly thanks to the increase in the ANC's share of the vote and its commitment to a one-third quota of women. In this election nearly every second name on the ANC's national candidate list was that of a woman.

The opposition parties, with no quota system in place, succeeded in putting a few more women into Parliament. Of the DA's fifty MPs ten are women, the IFP has six out of twenty-eight, the United Democratic Movement (UDM) three out of nine, the Independent Democrats (ID) two out of seven, the NNP one out of seven, the African Christian Democratic Party (ACDP) one out of six, the United Christian Democratic Party (UCDP) one out of three, the Minority Front (MF) one out of two and the Freedom Front (FF)+, Azanian People's Organisation (Azapo) and the PAC none. In the bigger opposition parties women may not be placed strategically on the list.

The proportion of women in Cabinet is approaching the 50 per cent mark with 41,2 per cent ministers and deputy ministers. Of the nine provincial premiers four (44,5%) are women. The ANC has shown its commitment to gender equality by appointing ten women ministers and twelve deputy ministers. Women now occupy some of the most powerful ministerial posts in government such as Justice (Bridgette Mabandla), Foreign Affairs (Nkosazana Dlamini-Zuma) and Education (Naledi Pandor). These portfolios are not the 'soft ministries' usually assigned to women. Other ministries headed by women are Agriculture and Land (Thoko Didiza), Housing (Lindiwe Sisulu), Home Affairs (Nosivivwe Mapisa-Nqakula), Health (Manto Tshabalala-Msimang), Minerals and Energy (Phumzile Mlambo-Ngcuka), Public Service (Geraldine Fraser-Moleketi), Water and Forestry (Buyi Sonjica), and Communications (Ivy Matsepe-Cassaburri). While the social portfolios such as health and housing are also run by women, all these portfolios together form the key to social transformation in South Africa.

President Thabo Mbeki has made it clear that he needs ministers who can deliver on policies that will form the cornerstone of the ANC's 'contract with the people'. The fact that he has placed women in these important portfolios expresses his faith in their ability to deliver. Many of the women ministers are strongly gender conscious and may contribute to monitoring the gender sensitivity of the policies they are called on to implement. A relationship between women in Parliament and the National Machinery for Women is very important if gender issues are to be monitored effectively. In this regard the Joint Standing Committee on the Quality of Life and the Status of Women (JSQLSW) will be central to the monitoring process.

At provincial level the representation of women increased from 24 per cent in 1994 to 27,7 per cent in 1999 and 32,3 per cent in 2004 (see Table 2). Gauteng has the highest representation of women (42,2%) and the Free State and KwaZulu-Natal the lowest (26% each). The Western Cape has 28 per cent female representation. If

we discount the Free State, KwaZulu-Natal and the Western Cape, the two provinces where ANC support is weakest, have the lowest representation ([www.genderlinks.org.za/gelections/pressrelease](http://www.genderlinks.org.za/gelections/pressrelease) downloaded on 6 September 2004). These figures make it clear that the ANC's quota contributes to the number of women in both the national and the provincial legislatures.

The 2004 election has increased the numerical critical mass of women in Parliament and at provincial level, but mainly because the ANC has increased its share of the vote. Limited research exists into whether the 'virtuous circle' of participation, representation and equity policy outcomes is complete in the South African context, but, as Hassim's (2004, p 356) research on women's impact on policy-making has shown, there is a cost attached to being the party with the strongest track record on gender equality. Where the women's constituency is poorly mobilised the party may rest on its track record while the women in Parliament place considerable emphasis on intra-party debates in order to survive in the party. As she argues, without strong interest from the different constituencies, the 'virtuous circle' is reduced to its thinnest form – increasing the numerical presence of women without the necessary interest representation of a constituency of women.

Only two opposition parties, the DA and the IFP, got more than 2 per cent of the vote, leaving the opposition more fragmented than ever, with many parties

**Table 2**  
**Women in Provincial Legislatures in SA 1994 to 2004**

	1994			1999			2004			
	Total	Women	%	Total	Women	%	Total	Women	%	+/-
Eastern Cape	56	14	25	63	15	23,8	63	20	31,7	7,9
Gauteng	86	25	29	73	25	34,2	73	31	42,4	8,2
KZN	81	11	13,6	80	21	26,2	80	21	26,2	0
Free State	30	7	23,3	30	7	23,3	30	8	26	-2,7
Limpopo	40	11	27,5	49	15	30,6	49	16	33	2,4
Mpumalanga	30	6	20	30	8	26,6	30	9	30	3,4
North West	30	11	37	33	10	30	33	11	33	3
Northern Cape	30	7	24	30	8	26,6	30	11	37	10,4
Western Cape	42	10	23,8	42	10	23,8	42	12	28,5	4,7
<b>Total</b>	<b>425</b>	<b>102</b>	<b>24</b>	<b>430</b>	<b>119</b>	<b>27,7</b>	<b>430</b>	<b>139</b>	<b>32,3</b>	<b>4,6</b>

fighting for survival. With few members left in Parliament the opposition will not prioritise women's representation. This means that the ANC is the only party really to drive gender equality in Parliament. The fragmented opposition is further disadvantaged by the legalisation of floor crossing.

### THE IMPACT OF FLOOR CROSSING

The Constitution of the Republic of South Africa Fourth Amendment Bill was approved by a two-thirds majority in the National Assembly on 25 February 2003. This Bill allows party representatives in the national and provincial legislatures to defect to other political parties without losing their seats. The court argued that 'the fact that political representatives act inconsistently with their mandates is a risk of all electoral systems...' (*Sunday Times*, 6 October 2002). It also rejected the argument that floor crossing will affect the PR system. Floor crossing was therefore judged to be neither undemocratic nor an essential component of multi-party democracy. Legislation to permit floor crossing was found not to be unconstitutional. The Constitutional Court made it clear that it could only rule on the constitutionality of the provisions not on their appropriateness.

Thiven Reddy has argued (*Sunday Independent* 8 December 2002) that floor crossing does not necessarily undermine proportional representation. The choice of PR as part of the transition was aimed at creating strong parties over time. As he states '[T]he power to choose candidates and "lock" them within the party organisation [the result of the anti-defection clause] creates for party elites an enormous source of disciplinary power. Over time the strength of the party's organisational and bureaucratic aspects grows.'

He argues that conditional floor crossing (at least 10% of members should want to cross during two window periods of fifteen days each) retains the basic intention of the original PR system because it does not change the procedure by which candidates are selected or the procedure by which seats are allocated proportionally to political parties. However, it reduces the control of party elites over representatives and this may democratise internal party debates and make internal party democracy more robust.

Another argument was that elected representatives should have the right to cross to other parties between elections to indicate a shift in party support. The question remains to what extent the representatives who have crossed the floor still represent the voters who have elected them, further enhancing fears about a lack of accountability.

A dominant view was that floor crossing is not necessarily undemocratic but is incompatible with a closed list system. The likelihood that floor crossing under the current system will distort proportionality is real and it deprives parties of their right to replace defectors from their own party lists. It increases the distance between voter and representative. If the argument is that it reflects a shift in public opinion then it should be tested with an election (Report of the ETT 2003, p 25).

During the first 15-day window period for floor crossing (in March 2003) many members defected, to the benefit of the ANC. The UDM, for instance, lost ten of its fourteen seats. Another negative aspect of floor crossing is that the gender balance in smaller parties can be severely affected when they have few women members and these members defect.

After this first window period seven new parties were formed. One, the ID, formed by a woman – Patricia de Lille, was created specifically with the aim of breaking out of the racial mould and attracting wide support from all voters. The ID gained 2,8% support in the 2004 election – a good start for a party that could not claim any voter loyalty, yet its leader did little to mobilise the women's vote.

The first floor-crossing period for local councillors in 2004 began on 1 September 2004. During this period about 50 per cent of the NNP's 353 councillors joined the ANC. In Cape Town twenty-three NNP councillors defected to the ANC. The DA gained twenty-eight councillors but lost twelve in the first two days and the ID gained eighteen (*Mail & Guardian* 3 September 2004). These results show how proportionality can be distorted by floor crossing. In local government, where the mixed ward and list system means there are already fewer women, some parties may end up with no women in local government at all. In an attempt to accommodate criticism of the electoral system and problems created by floor crossing electoral reform has been suggested.

### THE POLITICS OF ELECTORAL REFORM

The electoral system should be transformed with the gender dimension in mind or the gains South Africa has made in the representation of women in government could be lost.

Taagepera and Shugart (1989, p 51) make the following important point about electoral reform: 'Electoral reform might be desirable, from a democratic viewpoint, when the existing rules seriously dampen or overamplify<sup>3</sup> or distort changes in popular opinion, or if they are confusingly complex.' But electoral reform should not be taken lightly. Taagepera and Shugart advocate stability, arguing that stability induced by a familiar system may be more advantageous than an unfamiliar system, even if the latter might appear to be inherently more advantageous (Taagepera and Shugart 1989, p 49). Those who are disadvantaged by the existing rules learn strategies to minimise the disadvantages. Taagepera and Shugart argue that a problem with, for example, representativeness may often lie elsewhere and not with the electoral system. One would also be able to make this argument with regard to accountability – for instance that the problem does not lie in the electoral system but in the attitudes of representatives toward their constituencies.

An electoral system, like a party system, is part of developing democracy rather than something established in the early stage of democratisation (Taagepera 1998,

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3 Amplification means that larger parties tend to get more seats than is justified by their vote shares.

p 69). The electoral system only becomes established once the rules are embedded in the political culture and when political actors have learned to handle the rules. When a serious crisis starts to build up it is because certain groups feel that the electoral rules operate permanently against them (Taagepera 1998, p 83).

As he argues:

Don't think the first election outcomes are characteristic of the properties of the given electoral rules. Parties and voters need time to learn how to use them to their best advantage. An electoral system consists of rules and skills in using these rules. If the rules are continuously altered, no stable electoral *system* can emerge [his emphasis].

1998, p 85

The need for electoral reform has been debated since shortly after the 1994 election and even more seriously since a meeting (*bosberaad*) in 1996 in Arniston in the Southern Cape where it seemed certain that the PR closed list system would be used again for the 1999 election. The most serious problem with the present electoral system is the lack of accountability of representatives.

### ELECTORAL REFORM IN SOUTH AFRICA

Although the main criteria by which the electoral system has been measured are: fairness, representativeness, legitimacy and accountability the only problem singled out is accountability. Feminist scholars, however, have argued that the system is neither fair nor representative because it under represents women.

The issue of the lack of accountability of representatives to voters and constituencies arose shortly after the 1994 election because of the nature of the closed party list system where voters are elected from a list and not from a constituency. Even though constituencies are awarded on a post-hoc basis voters often don't know their MP or feel that he or she is an outsider to the constituency. The problems of accountability and constituency building experienced by women members of Parliament have already been alluded to and are supported by the above arguments.

In March 2002 the Cabinet appointed an Electoral Task Team (ETT), headed by Dr Frederik van Zyl Slabbert, to draft legislation for an electoral system for the 2004 national and provincial elections. The recommendations made by the ETT need to be contextualised within the broader debate about electoral reform in South Africa.

Shortly after the 1994 election political parties agreed that the lack of constituency representation was a problem and that the possibility of moving toward some form of constituency representation should be considered. In the past five years consensus has developed about both the strong and the weak points of the

present electoral system and the appropriate reform options available to the country (Faure and Venter 2003, p 16).

The present system, with its inclusiveness, simplicity, fairness and proportionality, transparency and its minimisation of conflict, was indeed appropriate for a transitional period. But, as Faure and Venter (2003, p 20) point out, '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 voters to "get rid of non-performers" and a higher degree of responsiveness to the needs of the electorate...'

### *The Recommendations of the Electoral Task Team*

The ETT operated under severe time constraints. When it was appointed only two-and-a-half years remained before the 2004 elections. Any new electoral system that might be introduced would require extensive re-demarcation and voter education, which would not be possible in such a short time. The ETT's terms of reference did not imply that the current electoral system had to be abandoned or replaced, but the disadvantages and advantages of present system were to be thoroughly investigated.

The ETT found the current system generally acceptable with regard to fairness and inclusiveness but not with regard to accountability. It repeatedly stressed that the distinction between an electoral system that produces representatives and the subsequent behaviour of such representatives often does not lie with the system but is to be found in other factors. Nobody can force elected representatives to be accountable to the people who elect them (Report of the ETT 2003, p 18).

Consultation with the parties revealed that the ANC, the ACDP, the NNP, the Afrikaner Eenheids Beweging, the FF and the UDM favoured proportional representation. The DP, Federal Alliance (FA), IFP and PAC favoured multi-member constituencies, while Azapo preferred a 'first-past-the-post' (FPTP) system where 50 per cent of representatives are elected from a party list and 50 per cent from constituencies (Report of the ETT 2003, p 10). The ETT felt strongly that the preoccupation with accountability should not jeopardise the values of fairness, inclusiveness and simplicity. It was therefore not in favour of radically altering the present system. Giving primacy to fairness, inclusiveness and simplicity, the ETT produced both a majority and a minority report.

The majority supported single-member constituencies with a compensatory closed national list on the basis of the argument that the current electoral system is already a mixed proportional system where at least half the representatives are elected from nine regions, which are clearly defined geographic areas. The provinces can be viewed as multi-member constituencies with representatives elected from separate regional lists, with a separate quota applying in each case. The remaining 200 representatives are allocated from a compensatory national list to restore overall proportionality (Report of the ETT 2003, p 21).



The majority recommendation proposes that multi-member constituencies together elect 300 members and that 100 are elected from a national closed list, expanding the nine multi-member constituencies to sixty-nine. The number of representatives elected in such a constituency would vary between three and seven, depending on the number of voters.

It was argued that an open list where voters could rank candidates would improve accountability, but that the system would be too complicated for many voters. The majority suggested that the current system be retained for the 2004 election but that new legislation be passed thereafter. The minority proposed that the electoral system used in 1994 and 1999 be retained.

The ETT finalised its report in January 2003 and thus far there has been no official decision on the recommendations, with Van Zyl Slabbert accusing the government of lacking the political will to change the electoral system.

A mixed member system (electing some representatives on a closed list and some from constituencies) may go some way towards addressing the problem of accountability but it may also bring new problems, creating two categories of MPs – those who are accountable to the voters and doing the hard work in the constituencies and those who are elected on the closed list and feel they are accountable only to their parties. This may be a new source of conflict and instability.

Another problem that hampers the responsiveness of representatives to voters and may lie at the heart of the lack of accountability is one-party dominance. When representatives do not face the threat of losing their seats in a subsequent election why should they be responsive? The problem of accountability may not be a direct consequence of the electoral system but of MPs' perceptions of being accountable to parties rather than to their constituencies. The solution then lies in changing attitudes.

Neither the majority nor the minority report was concerned with the impact of the changes on the representation of women. A mixed system may help foster constituency building for women but it may also have a detrimental effect on women's representation. At local government level, where a mixed system of wards and lists is already employed, only 10 per cent of ward councillors are women compared to 27 per cent of list candidates (GETNET Report 2002, p 17). In the wards women compete directly against men and there is definitely a voter bias against them. Women will face the same bias if a mixed system is implemented at the national level.

## CONCLUSION

Women are currently employing a two-pronged strategy – keeping the pressure on political leaders and not letting them off the hook even though numbers are no longer the issue (Lowe Morna 2004, p 18). What is effectively keeping women out of decision-making positions is the weak link between empowerment and decision-making. The Gender Links study shows that there is no correlation between

women's education, and class status and levels of representation in politics and decision-making (Lowe Morna 2004, p 46). It seems as though partisan loyalties play a far more important role in getting women into Parliament and this characteristic of women's representation is reinforced by the PR system, where accountability is to party leaders.

The politicisation of the electoral system in South Africa relates to one-party dominance and the 'politics of race' (how party politics has been shaped by race in the past and whether so-called 'white' parties (such as the DA) are able to attract the African vote. Gender politics and the impact of the electoral system on gender equality are subordinate to these concerns. These problems would not be solved by electoral reform ushering in a different electoral system. As Reynolds (1999, p 202) has demonstrated, a FPTP system would increase the one-party dominance of the ANC. In 1994 seven parties were elected to Parliament by the PR system; in 1999 thirteen parties and in 2004 twelve, with only four of them winning more than 2 per cent of the vote. An FPTP system would halve the number of parties in Parliament, giving the ANC a large bonus. Based on his calculations after the 1999 elections, Reynolds argued that the ANC would have won more than 300 seats. The DP, the NNP and the UDM would have lost seats and all other parties would have been excluded.

One-party dominance creates the danger of state and party interests becoming merged. With the lack of voter uncertainty and a sizeable floating vote party elites may become very complacent about entrenched interests over which there is little contestation. Because contestation around women's interests most often destabilises existing patterns of redistribution and resource allocation women representatives may find it very hard to articulate interests in this political climate. One consequence is merely paying lip service to gender equality. Another is that committed women might lose interest in politics and leave government.

One-party dominance is not a consequence of the electoral system in South Africa but a consequence of voter loyalty to the ANC, partly because the ANC is good on service delivery and partly because, in the eyes of ANC supporters, there is really no alternative party to vote for. With such strong voter loyalty in the face of the absence of service delivery in relation to HIV/Aids (which affects more women than men), a steadily increasing gap between rich and poor, and spiralling unemployment women representatives will have to concentrate on constituency building and forge much closer links with civil society if women representatives are to shift from merely constituting a large number in Parliament to the participatory democracy necessary for the equality that citizenship offers.

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