

Constituency system not a panacea to PR limitations

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Over the past few months we have witnessed a resurgence of debate and discussion around the appropriateness of the electoral system in South Africa. Some commentators, academics and politicians have raised the question of whether the proportional representation (PR) system remains relevant, effective and appropriate 20 years into our democracy.

Those questioning the effectiveness of the system provided for in our Constitution primarily argue that the weakness of the PR system is in holding politicians to account to the electorate. They suggest that Members of Parliament are appointed not directly by voters but rather by their party based on candidate lists submitted to the Electoral Commission ahead of the elections. This, they maintain, makes them beholden to the party and its leadership rather than voters and places party politics and loyalties ahead of effectiveness and delivery.

In response, some commentators have been advocating a return to the constituency system which South Africa inherited from Britain and used under Apartheid. Such a system, they say, will hold politicians more directly accountable to the voters and will better ensure that election promises are kept for fear of being voted out. They argue too that such a system will serve to limit the power of individual party leaders and encourage MPs to vote in accordance with the needs and desires of their constituencies rather than only following party lines.

Rather paradoxically, half a world away a similar debate is currently underway – albeit opposite in nature.

In the recent United Kingdom parliamentary elections the Conservative Party under leader David Cameron swept to an outright majority in Parliament, winning 331 of the 650 seats (or 50.9 percent) in the House of Commons. Surprisingly, however, the party only received 36.9 percent of the popular vote and, even more incongruously, some fairly large parties – notably the UK Independence Party – won just a single seat after securing 12.6 percent of the popular vote or nearly 4 million votes.

Within days of the result over 100 000 people had signed a petition launched by the Electoral Reform Society that states: “The 2015 general election has shown once and for all that our voting system is broken and beyond repair.”

Will Brett, head of campaigns for the Electoral Reform Society, noted that “the fact that over 5 million people between them have voted UKIP (the UK Independence Party which received 3.88 million votes) and Green (the Green Party which received 1.15 million votes) and they have two MPs strikes us as utterly absurd and a tragic denial of people’s democratic wishes”.

At the heart of this apparent discrepancy between the popular vote and the election result is the “winner takes all” approach in a first-past-the-post electoral system. Taken to the extreme, such a system can result in a political party receiving nearly half the total votes but not a single seat in Parliament. It can also result in representatives being elected who the majority of voters didn’t vote for.

To illustrate the problem: if you have three candidates and Candidate A obtains 40% of the vote and B gets 35% and C gets 25%, that would make Candidate A as the person that received most votes (a simple majority) the winner. At issue is the fact that, notwithstanding the majority vote, the winning candidate was not the first choice of the majority (60%) of the voters.

The biggest losers in a “winner takes all” system tend to be the smaller, minority parties which if they are unable to win constituencies outright (and therefore seats) face the prospect of little or no representation in parliament as their losing votes count for nothing.

It was exactly this concern which led the multi-party drafters of our Constitution to reflect on a system which would better align with the founding tenants of the birth of democracy in South Africa – principles of fairness, inclusivity and multi-party democracy.

In a South African context the concept of “one person one vote” is deeply ingrained in the struggle for freedom and democracy. This means that a universal franchise is the cornerstone of our democracy: that all votes should count equally, and that the composition of the legislature should fairly represent the views and aspirations of the people as far as possible.

There is also no doubt that the history of South Africa, the political climate of 1994, the desire of inclusivity and the nature of the multi-party negotiations which led to the 1994 elections contributed significantly to the decision to adopt a PR system in 1994. It should be noted that simplicity too was a likely consideration for the inaugural 1994 election – with a PR system the only one which would enable an election to take place within a short space of time.

This is not to say that the PR system was cast in stone for all time. Recognising the value of review, Cabinet in 2002 appointed Dr Frederick van Zyl Slabbert to lead an Electoral Task Team to review the electoral system and make recommendations. The task team's final report was presented in 2003 and contained a majority view (to adopt a mixed system combining elements of the PR and constituency systems) and a minority view (to adopt a more traditional constituency system). The recommendations of the task team were not implemented and the PR system was retained for the 2004 national and provincial elections – and those that followed in 2009 and 2014.

No electoral system is perfect and each has strengths and weaknesses.

There is no doubt the PR system has ensured significant representation for minority parties in Parliament. Since 1999 at least 12 political parties have been represented in the National Assembly – a scenario highly unlikely under a constituency system. Interestingly, while the composition of political parties in the National Assembly has changed substantially, the number of political parties represented has remained fairly constant for the past 15 years (13 in 1999; 12 in 2004, 13 in 2009; 12 in 2014). This is despite significant increases in the number of political parties contesting elections (from 16 in 1999 to a record 29 on the ballot paper in 2014).

But critics of this system of multi-party democracy argue that single seat or very small parties have little real power in Parliament and serve more to dilute more effective opposition and hand even more power to the majority party than to advance minority or dissenting views. And they say that while inclusivity benefits, it is at the expense of accountability.

But the constituency system is not without its detractors and challenges too – as is seen in Britain currently.

There is also a questionable link between accountability and a constituency system. The reality of experience in South Africa's municipal elections and by-elections over the past 15 years shows that the theoretical link between directly voting for a candidate and accountability and performance is tenuous at best. Statistics of by-elections in South Africa show that in over 85 percent of by-elections to date the party has retained its seat calling into question any real consequence for non-performance.

On the other side of the coin, it is also unfair to label the PR system as lacking in accountability. The holding of regular elections, whatever the system used, leads to accountability and parties and their candidates answering to the electorate on their past performance and future promises. That is the ultimate accountability.

The final test for any democracy and electoral system is the ability of the electorate to express its will freely and to bring about a change in government or a legislature if that is desired, without the will of the people being distorted by the workings of an electoral system.

In South Africa the majority party has changed in the case of two provincial legislatures and in a number of municipalities since 1994. In all these cases our present electoral system promoted an acceptance of the outcome as an accurate reflection of the preferences of voters on the day of the elections and the transitions were generally smooth and peaceful.

I believe that this, together with the inclusivity, simplicity and transparency of our current system make it the most appropriate for South Africa in the current context of our still young democracy.

Mr Moepya is writing in his personal capacity and this view may not necessarily reflect the position of the Electoral Commission.