Reflections on the State of Electoral Democracy in South Africa
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A Report of the Proceedings of the Multi-Stakeholder Conference of the Electoral Commission of South Africa, held at The Forum, Bryanston, Johannesburg
8 to 10 October 2007

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<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<tr>
<td>APC</td>
<td>African Peoples Convention</td>
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<td>ANC</td>
<td>African National Congress</td>
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<tr>
<td>CODESA</td>
<td>Convention for a Democratic South Africa</td>
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<td>COSATU</td>
<td>Congress of South African Trade Unions</td>
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<td>CPS</td>
<td>Centre for Policy Studies</td>
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<td>DA</td>
<td>Democratic Alliance</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>EISA</td>
<td>Electoral Institute of Southern Africa</td>
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<td>FPTP</td>
<td>First Pass The Post</td>
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<td>HSRC</td>
<td>Human Sciences Research Council</td>
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<td>IDESA</td>
<td>Institute for Democracy in South Africa</td>
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<td>IDEA</td>
<td>International Institute for Democracy and Electoral Assistance</td>
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<td>IEC</td>
<td>Electoral Commission of South Africa (commonly known by its acronym IEC)</td>
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<td>IFP</td>
<td>Inkatha Freedom Party</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>NNP</td>
<td>New National Party</td>
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<td>PAC</td>
<td>Pan-Africanist Congress</td>
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<td>PR</td>
<td>Proportional Representation</td>
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<td>DBSA</td>
<td>Development Bank of Southern Africa</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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<td>SADTU</td>
<td>South African Democratic Teachers’ Union</td>
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<td>SANGOCO</td>
<td>South African National NGO Coalition</td>
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<td>United Democratic Movement</td>
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This report presents a record of the discussions that took place at the Multi-Stakeholders Conference of the Electoral Commission (IEC), held in Bryanston, Johannesburg, from 8 to 10 October 2007.

This conference was organised as part of the celebrations of the IEC's tenth anniversary. As a multi-stakeholders’ conference, participants represented South Africa in all its forms of diversity. Participants included representatives of political parties, traditional leaders, and government structures including Parliament, Chapter 9 Institutions, the Municipal Demarcation Board, non-governmental organisations, academics, policy makers, civil society and individual members of the community. It was attended by over 200 delegates.

The conference aimed to provide a platform for stakeholders to reflect on the state of electoral democracy in South Africa. Delegates enjoyed three days of dialogue on a number of issues including, but not limited to, the following: electoral systems, democratic concepts and theories, floor crossing, knowledge management, democracy and development, party funding, the role of the media in a democracy, inter- and intra-party politics, as well as approaches to stimulating participation in democratic processes.

a) Keynote Address

The keynote address by Dr Brigalia Bam, Chairperson of the IEC, highlighted some of the major achievements of the IEC over the past 10 years, as well as the challenges confronting South Africa’s democracy, with some of the identified challenges being peculiar to the IEC.

The hosting of the successful national and provincial elections after 1994, the involvement of the IEC in international assignments (for example, the Democratic Republic of Congo and The Federal Islamic Republic of the Comoros), and the establishment of a national voters’ roll are amongst the major achievements of the organisation over the ten years of its existence.

Some of the challenges highlighted in the keynote address include: low voter turnout during national and local government elections, the impact of floor crossing on the democratic system, the regulation of private party funding, and the extent to which democracy is facilitating (or not) development in communities.

b) Democracy and the Appropriateness of the Electoral System

Discussions on the theories, concepts, and practices of democracy, and the development of electoral systems highlighted that although democracy as a system of governance has been in existence for over 200 years, questions about the appropriateness of various electoral systems and the desire to change them have always featured in democracies. The conference emphasised that while South Africa is implementing a system of proportional representation
for national elections and a mixed system for local elections, both systems have their advantages and disadvantages; as such, South Africans should resist trying to find a perfect system.

Two of the highlighted advantages of the PR system are that i) it affords voters an opportunity to choose from a wide range of parties and this creates room for smaller parties to get representation in the legislative structures, and ii) it has the potential to promote gender and special group representation in structures of governance. This promotes the inclusion of groups that would otherwise not be elected in a constituency-based system. However, its limitation is that it cannot ensure the accountability of public representatives to their constituencies. Changes in political and electoral systems ought to be motivated by substantive changes in the lives of the people, prioritising service delivery, poverty alleviation and development.

c) Floor Crossing

The experience of floor crossing in democratic South Africa has been a difficult one. The conference noted that while floor crossing has led to the emergence of new parties in the legislatures without those parties having tested their support amongst the electorate, it has actually become a ‘shortcut’ to Parliament. It has sheared off and reduced parties’ legitimate representation in legislatures and its impact on party funding has been negative. A strong majority of the delegates found it to be a counter-productive practice and urged for it to be abolished.

d) Party Funding

The section on party funding highlights concerns enunciated by Conference. The conference heard arguments that public funding benefits larger parties in both the equitable and proportional allocations. While Conference welcomed the notion of the funding of political parties by private organisations and the business sector, it called for private funding to be regulated and for the public disclosure of such funding by both the donor and the recipient. There was also a suggestion for the establishment of a National Democracy Fund to which private funding could be directed, and then redirected to all parties instead of being directed to a specific party.

e) Approaches to Stimulate Public Participation

In this section the report points to key issues that were considered germane in stimulating participation in democratic processes. Similarly, the need to strengthen the participatory mode of our democracy has been emphasised. Participation of youth and women in the democratic process as well as the need to strengthen civic education was also highlighted. However, the role of the political parties in stimulating public participation was also noted as a critical issue.
f) Nexus between Democracy and Development

This section speaks to the symbiotic relationship between democracy and development. Conference underscored that stakeholders should strive to ensure that this relationship exists to the extent that people can see, feel and experience it. Accordingly, it was argued that “democracy should actually deliver development”. The need to nurture a democratic developmental state was also emphasised.

g) The Role of the Media

In this section the report highlights the important role of the media, not only during elections, but in the democratisation process as a whole. The conference noted the role of the media as the communication channel and “lifeblood of the democratic process”. This section also highlighted the significance of developing a media that is free of influence from political parties or governments and free from bias. It was stressed that a lack of media freedom was dangerous to the democratisation process. While the conference called for the regulation of the media during elections, it also urged political parties to develop their own media strategies to attract the interest of the media in their programmes.

h) Inter- and Intra-Party Democracy

The section on inter- and intra-party democracy highlighted the significant role of political parties in a democracy. Political parties are acknowledged as agents of democracy, while democracy is considered an unthinkable concept without the existence of political parties. The discussion highlighted the emergence of multi-party politics as well as participation of women in politics in Southern Africa. While the adoption of the PR system in most SADC states is seen to have contributed to the rise of women in political leadership, the conference recommended the adoption of quotas within political parties and government structures as a viable strategy to encourage women’s participation in politics.

i) The Role of the IEC

The conference highlighted several roles that the IEC should play in addition to its current mandate. These roles have been discussed in different sections of the report, and include the need for the IEC to regulate the media as well as develop a profile for itself in the public through the media; an expanded role for the IEC in civic and democracy education; and exploring the role in intra-party politics especially party listing processes and election of party leaders.

j) Taking the Process Forward

The conference urged political parties to continue the debates within their relevant structures. MPs at the conference were also urged to take the debates and recommendations forward at relevant forums.
SECTION 1

1.1. INTRODUCTION AND BACKGROUND TO THE CONFERENCE

During the transition to a democratic South Africa, negotiations at the Convention for a Democratic South Africa (CODESA) in 1993 culminated in the establishment of an interim independent electoral commission to oversee the first democratic elections in 1994. With the international community observing these elections with anxiety and fears of potential instability, the interim independent electoral commission had seven months in which to prepare for the first democratic elections in the country. The interim commission conducted the founding elections under difficult circumstances, with most rural areas not having electricity, no common voters’ roll, and the majority of the electorate not having participated in elections before.

Subsequent to the democratic dispensation, the country engaged in a robust process to draft what has become one of the best constitutions in the world. This constitution made provision for the establishment of instruments to guard and protect constitutional democracy in the country. The Electoral Commission (IEC) as is known today was established in terms of Chapter 9 of the Constitution of the Republic of South Africa as adopted in 1996, alongside the South African Human Rights Commission, the Commission for Gender Equality, the Public Protector, the Auditor-General, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. All these institutions, including the IEC, have been charged with a common mandate to support and strengthen constitutional democracy in South Africa.

Concomitant to the adoption of the Constitution, the IEC was established in July 1997 and celebrates its tenth anniversary in 2007. Its specific mandate, as articulated in the Constitution, is to, inter alia:

- Manage the elections of national, provincial and municipal legislative bodies in accordance with national legislation;
- Ensure that those elections are free and fair; and
- Declare the results of those elections within a period that must be prescribed by national legislation and that is as short as reasonably possible.

As part of its tenth anniversary celebrations, the IEC sought to engage with its stakeholders to assess and reflect on the state of electoral democracy in South Africa. The Multi-Stakeholders Conference, whose proceedings are captured in this report, was organised as part of the tenth anniversary celebration activities, and was held in Bryanston, Johannesburg, from 8 to 10 October 2007.
Conference participants represented South Africa in all its forms of diversity. Participants included representatives of political parties, traditional leaders, government structures including Parliament, the Municipal Demarcation Board, Chapter 9 institutions, non-governmental organisations, academics, policy makers, civil society and individual members of the community. It was attended by over 200 delegates.

1.1.1. **The Aims and Purposes of the Conference**

The tenth anniversary was perceived as an opportunity for the IEC to profile itself and the unique mandate it performs. The IEC sought to organise this conference as part of its stakeholder management processes, on the understanding that the participation of role-players is critical in deepening the principles of democracy, and promoting transparency and accountability.

The conference’s overall aims were to:
- Provide a platform for stakeholders to reflect on the state of electoral democracy in South Africa,
- Contribute to the promotion and creation of an enabling environment for enhancing democracy,
- Provide a platform for exploring partnerships and collaborations for the implementation of electoral democracy development programmes, and
- Celebrate the Commission’s achievements of the past ten years.

1.1.2. **The Conference Theme**

Although the conference was convened under the broad theme of celebration of the tenth anniversary of the IEC, it focused on the following thematic areas:
- Theories, concepts and practices of democracy and the development of electoral systems
- South Africa’s implementation of floor crossing, and the use of coalitions and alliances, for entrenching electoral democracy
- The practice of knowledge management for enhancing the involvement of all stakeholders in democracy development
- The nexus of democracy and development in South Africa
- New approaches in creating an enabling environment for participating in electoral democracy
- Political party funding models for the development of electoral democracy
- Media and elections
- Inter- and intra-party democracy
In addition to the above themes, a session was dedicated to all political parties to enable their representatives to respond to issues raised at the conference, share their views on the state of democracy in South Africa and reflect on the tenth anniversary of the IEC.

1.2. OPENING REMARKS

The conference’s opening remarks were delivered by Commissioner Thoko Mpumlwana, Deputy Chairperson of the IEC. She welcomed all delegates and explained that a cross section of delegates had been invited to participate in this conference in order to enrich dialogue as part of the celebrations and to reflect on the past ten years of electoral democracy in South Africa.

In her remarks, Commissioner Mpumlwana indicated that the idea of hosting this conference was born after the March 2007 International Convention hosted jointly with the International Institute for Democracy and Electoral Assistance (IDEA). The Multi-Stakeholders Conference was to showcase the state of electoral democracy in South Africa, through celebrations and reflections on the successes, challenges, strengths and weaknesses and the current state of electoral democracy in South Africa. She asserted that the conference presented an opportunity for stakeholders to also reflect on the performance of the IEC over the years of its existence; whether or not the IEC has served the needs of South Africa well, the state of civil society and its participation in electoral democracy, legal and constitutional matters that impact on South Africa’s democracy, and to seek ways for effective collaboration among stakeholders.

1.3. KEYNOTE ADDRESS

The keynote address to the conference was delivered by Dr Brigalia Bam, the Chairperson of the Electoral Commission of South Africa. Presenting on the theme “The state of electoral democracy in South Africa: some reflections and lessons”, Dr Bam began her speech by thanking the various stakeholders for their unwavering support, trust and confidence in the IEC. She accentuated that this support was the raison d’etre for the IEC’s achievements in executing its mandate.

1.3.1. History of the IEC

In her presentation, Dr Bam gave an account of the historical evolution of the IEC in South Africa. She explained how the CODESA negotiations culminated in the formation of the IEC and the subsequent provision for the establishment of the IEC in the interim constitution and later the revised and now constitution
de facto. In providing this history, Dr Bam reminded delegates of where the country comes from, the predicaments it has confronted and the successes it has achieved as a constitutional democracy. She acknowledged the good work done by the 1994 electoral team who only had seven months to prepare and conduct the most crucial elections in the country’s history. In her words, these elections produced “the beacon of hope, the African miraculous transition” that South Africa has come to be known as. As a result of the transition into a democracy, strong institutions were developed to safeguard the democracy that was hard won and these institutions include the IEC and other chapter 9 institutions (see Introduction).

Dr Bam also stressed that for a democracy to flourish, institutions that hold the mandate to safeguard and protect that democracy need to be independent. She emphasised that ‘judicial independence’ was the cornerstone of democracy and this needed to be observed in dealing with chapter 9 institutions, including the IEC. In relation to this, she particularly appreciated the role that the constitutional and electoral courts have played in dealing with disputes and disagreements that arose during elections. She mentioned in particular the well known case of the enfranchisement of prisoners where the Constitutional Court ruled in favour of the registration and voting of prisoners.

1.3.2. Electoral System

The IEC was commended on its commitment to accountability and transparency without which there would be distrust and a lack of confidence among the various stakeholders. Dr Bam pointed out that South Africa adopted the Proportional Representation (PR) Electoral System based on a closed party list for the National and Provincial Assemblies and a mixed system for local elections in order to promote electoral inclusiveness, participation and representation of various stakeholders. Dr Bam acknowledged that there was a public debate taking place regarding the appropriateness of the electoral system implemented in South Africa. She indicated that this conference was also providing a platform for such debate. She challenged the conference to critically reflect on the implementation of the PR system with its benefits and shortcomings, in the hope of finding common ground in the debate on a suitable electoral system within the South African context.

1.3.3. The IEC and the International Community

One of the strengths of the IEC was attributed to its exposure to international benchmarks based on the experiences and good practices of several countries.
Undertaking international assignments also turned out to be learning experiences with increasing recognition for the IEC. Examples quoted were those of work done in the Democratic Republic of Congo (DRC) and the Comoros. It was highlighted that through these joint ventures and partnerships, the IEC was able to contribute to the consolidation of the South African democracy and to the process of democracy in other countries on the continent.

1.3.4 Challenges Faced by the IEC

Notwithstanding the above achievements of the IEC, Dr Bam also highlighted some of the major challenges facing the IEC and urged the conference to reflect on them critically.

**Voter Turnout**

One of the major challenges facing the IEC and the country was the lower voter turnout during local elections as opposed to the good turnout during national elections. The trend was more noticeable among younger voters. Dr Bam observed the paradox of the declining trend in voter turnout despite the rise in the number of political parties. She urged the conference to reflect on possible reasons for this and asked delegates to reflect on whether apathy, lethargy and disillusionment with political parties could explain these trends. Furthermore, she noted that South Africa does not have a compulsory voter system as people democratically make their choices on whether or not to vote. She raised the question whether a compulsory system could help with voter apathy.

In addition to voter turnout was the challenge of special voting processes. While special voting provision was not necessarily an issue for the national and provincial elections, its implementation in the municipal and ward elections remained an arduous task. This has led to allegations of disenfranchisement of people in the elections of local representatives. Dr Bam asked the conference to discuss this issue as well.

**Party Funding**

The keynote address noted this issue as a challenge that mainly affected smaller parties. The formula used in the funding of political parties was identified as allegedly “limiting the capacity of smaller parties to mobilise membership and to sustain themselves”. Dr Bam highlighted that there could be a link between party funding and parties' access to media and this could largely benefit the
bigger parties. Dr Bam then asked the conference to deliberate on this issue in a robust and constructive way.

**Floor Crossing**

Dr Bam indicated that although floor crossing was a feature of some established democracies in the world, its implementation in South Africa has raised serious concerns and challenges for our democracy. According to Dr Bam, floor crossing has over the years generated negative public opinion as it is seen as “negating the choices made by the people, and did not seem to promote democracy as it negated the results of the elections”. Dr Bam indicated that the IEC had made a submission against floor crossing to Parliament in 2001. Dr Bam further indicated that the IEC would share the findings of its case study on its application of floor crossing with the delegates, and she hoped that a robust discussion would ensue on the relevance and application of floor crossing in South Africa. She also challenged political parties to make their voices heard on this issue and to take the deliberations further in Parliamentary structures. She hoped that an agreement to amend this law could be reached before the next window period in September 2009.

**Democracy and Development**

The nexus between democracy and development was also to be debated at the conference. In her address Dr. Bam raised questions about what democracy should mean to the electorate. She stressed that when people go to the polls, they are voting for development, especially essential needs such as housing, education, water, roads, electricity, etc. She argued that there must be a connection between democracy and development in society and that democracy should bring justice to the people. She challenged the conference to reflect on the meaning of democracy for the majority of poor people. She concluded on this issue by raising a question: “What does the power of the X mean when you are in poverty?” The conference therefore needed to deliberate on the ways and programmes through which democracy could bring development and social justice to the people.
2.1. THEORY, CONCEPTS, PRACTICE OF DEMOCRACY AND THE DEVELOPMENT OF AN ELECTORAL SYSTEM

Discussions on this topic were led by Dr Mcebisi Ndletyana, a Chief Researcher at the Human Sciences Research Council (HSRC), with Dr Frederick Van Zyl Slabbert, a former Member of Parliament, and the Chief Electoral Officer of the IEC, Adv Pansy Tlakula, as panellists. Dr Ndletyana’s presentation focused on an overview of democracy theory, the value systems advanced by particular democratic systems and, lastly, what he considered to be possible recommendations for South Africa in the light of ongoing discussions on the appropriateness of the electoral system currently in place.

2.1.1. An Overview of Democracy Theories and Practice

Dr Ndletyana started his presentation by indicating that South Africa was not “alone in probing the appropriateness of electoral systems”. Although democracy as a system of governance has been in existence for over 200 years, questions about the appropriateness of the electoral systems and the desire to change them were traceable to the nineteenth and early twentieth centuries, “prompted by the rise of working-class oriented parties who demanded representation in structures of governance”. In the 1930s and 1940s, this was due to the demand from minority groups seeking representation in the wake of fascist regimes, while in the 1990s it has been sparked by a democratic wave that rose in Eastern Europe and in Africa. South Africa was not immune from these debates, hence its prominence in the public discourse and at this conference.

In what could be considered as a definition of democracy in relation to electoral systems, Dr Ndletyana indicated that democracy should be underpinned by the principles of political equality, representation of different views including minority views, accountability and regular elections that would constitute a legitimate authority and improve the human condition. In this regard, ‘legitimate authority’ would “regulate public affairs, not only materially, but also intellectually and morally”. However, Dr Ndletyana indicated that democratic theory had, over the years, cherished the values of ‘liberty and equality’. 
2.1.2. Electoral Systems and their Values

During his presentation, Dr Ndletyana highlighted the various electoral systems used in different democracies and the values they seek to advance. These included the majoritarian system, proportional representation (PR) and mixed systems.

While discussing representation in governance structures, he made reference to Jean Jacques Rousseau’s proposal of direct participation of citizens in the national assembly, in which he (Rousseau) was opposed to representation by associations or political parties. Accordingly, Rousseau had argued against party representation as representation would be dependent on the strength of associations. Dr Ndletyana stated that, according to Rousseau, if associations were to be formed, they needed to be as many as possible and of equal strength. To provoke the debate, Dr Ndletyana raised a question about its applicability in the South African context.

Dr Ndletyana then proceeded to define the different systems:

Majority system: This was described as the oldest electoral system dating back to the twelfth century. He indicated that through this system, the country is divided into a single-member constituency and the “winner takes all”. It was noted that this system could give rise to a strong single party government. However, it appeared to promote accountability.

Proportional representation system: This was described as a system that takes the form of a party list, in which the country may be divided into multi-member constituencies. The number of seats a party gets depends on the percentage of electoral support. Small parties could be included in Parliament as the system allows for a multiplicity of parties in the legislatures. However, it can also promote coalitions which were likely to pose a challenge to accountability.

Mixed System: This system was described as a combination of the single-member and party list systems. In terms of this system lines of accountability are clear as each chosen electorate serves a certain constituency. According to Adv Tlakula, the implementation of this system at national level would bring a myriad of administrative and logistical challenges as it would affect the simplicity of the vast number of parties that would want to participate. She also argued that monitoring elections at this level would become very difficult and that costs to run elections would be exorbitant.
Dr Ndletyana warned that while these different systems have advantages and disadvantages, there is no perfect system and the choice of an electoral system is largely dependent on the context of each country, with countries tending to choose a system that reflects the particular country’s values. It was highlighted that, until now, South Africa has used the PR system through a closed party list for the national assembly and a mixed system for local elections. According to Dr Ndletyana the PR system afforded voters an opportunity to choose from a wide range of parties and this created room for the smaller parties to get representation in the legislatures. Dr Ndletyana added that, although not a panacea for gender inequality, the PR system had the potential to promote gender representation in the structures of governance and it promoted inclusion of groups that would otherwise not be elected in a constituency-based system. He further argued that “women stand a slim chance of being elected in countries that are hostile to female leadership”. However, Dr Van Zyl Slabbert argued that it is not necessarily the system that has promoted women’s representation, as the capacity of women to mobilise did not depend on the electoral system but rather on the pressure exerted by women through pressure groups which had brought about the changes.

2.1.3. The Appropriateness of the Electoral System in South Africa

To start the debate on the appropriateness of the electoral system, Dr Ndletyana raised a question: Is our electoral system motivated by the public good or by power-mongering? His response to this question indicated that while the choice of the current system is primarily motivated by the public good, it also reflected the political culture of the ruling party. He made reference to the concept of ‘democratic centralism’ as practised by the African National Congress (ANC) to advance this point. According to Dr Ndletyana, “political parties adopt systems that best suit their interests” and the PR system as practised allowed for a strong central leadership. Furthermore, the PR system was seen as key to the ideals of the ANC, such as non-racialism, multi-ethnic representation and gender representation; making it the obvious choice for the ruling party.

In what appeared to be a tacit agreement with Dr Ndletyana, Adv Tlakula emphasised that the choice of an electoral system was shaped by the historical context at the time of its conception. She indicated that the South African system was born against the backdrop of a divided, fragmented and hurt society. The chosen system was to reflect nation building, reconciliation and the promotion of stability. Adv Tlakula indicated that as the debate on whether the electoral system needed to change was raging, Parliament appointed a Task Team, later known as the Electoral Task Team (ETT), to evaluate the current electoral
system against four values that were seen to be essential. These values were: fairness, inclusivity, simplicity and accountability. While the committee found that the electoral system satisfied the first three principles, it remained dubious whether the PR system satisfied the principle of accountability.

Dr Ndletyana posed the question whether South Africa has a need to review the existing electoral system and if so, what the guiding principle for such a review should be? What should inform the review? While he cautioned that the country should resist from trying to create a perfect system, he argued that contemporary priorities (such as issues of service delivery, poverty alleviation, development, etc) should guide the change in the system whilst maintaining the positive elements of the existing system.

2.1.4 Ensuring Accountability through the Electoral System

According to Adv Tlakula, the bone of contention was the issue of accountability. She observed that there was general agreement that no system could force the elected representatives to be accountable to the electorate, but those who advocated a change in the system thought that it would bring about increased accountability. Those who preferred the status quo believed this system included smaller parties and facilitated the representation of women. In her presentation, Adv Tlakula provided a gender breakdown to demonstrate the extent to which the number of women in structures of governance has increased where PR was implemented, as well as the extent to which women’s representation had been slower where a mixed system was implemented.

Dr Van Zyl Slabbert argued for a mixed system on the basis that it would increase accountability. He referred to the notion of accountability as the ability of the voter to feel involved in the process of political development. He referred to the Scandinavian countries that are not bound by any particular party’s rules, yet there is democratic participation within all parties. According to him a mixed system would therefore more effectively ensure accountability.

Adv Tlakula concluded by saying that South Africans, and the conference in particular, should probe the following questions in the quest to develop a thriving democracy:

- As a young democracy, have we reached the stage where we could change our electoral system without causing instability?
- Have we achieved political diversity and representation in our legislature?
- Would a change not compromise our efforts at nation building?
• If the main reason for wanting change was greater accountability, would there be no other means of ensuring this happened at political party levels?

• We should review whether there was more accountability at local government level where the mixed system was practised. Has research been conducted to prove this?

• Should we promote national political contestation on a regional basis, especially in view of the fact that Parliament deals with national issues and policies and not regional ones?

The conference noted that there was no proof that either the constituency-based system or the mixed system would bring about greater accountability, highlighting the need to explore, through empirical research, the extent to which any of the systems would advance accountability and promote gender equality.

On the issue of democracy and development, the conference noted that the question of service delivery was predominantly a capacity issue. It was suggested that questions about how policies were translated into action, how administrative procedures were put in place, and the mechanisms employed to mobilise the majority who are allegedly marginalised in development issues, should be examined. Delegates also indicated that there was a need to develop awareness and inculcate a democratic culture in our country. The conference also highlighted the need to create a consciousness about the constitution among young people through the school curricula. On the issue of accountability, the conference highlighted the need for Parliament to exercise its oversight role in this regard.
SECTION 3

3.1. SOUTH AFRICA’S USE OF FLOOR CROSSING, COALITIONS AND ALLIANCES FOR ENTRENCHING ELECTORAL DEMOCRACY

Discussions on this theme were led by Mr Jonathan Faull, a Researcher at the Institute for Democracy in South Africa (IDASA), whose presentation was a critique of the implementation of floor crossing in the country. Mr Michael Hendrickse, a Senior Manager of Electoral Affairs at the IEC, presented the IEC’s case study on floor crossing, while Professor Sipho Seepe, the Director of the Graduate Institute of Technology, delivered a response to the presentations.

3.1.1. The Origins and Legislative Frameworks Governing Floor Crossing in SA

In his presentation, Mr Jonathan Faull drew the attention of the conference to the evolution of floor crossing in South Africa. While floor crossing was a feature of some established democracies, it was not originally a “feature of post-apartheid democratic politics as defection was explicitly forbidden through a clause which was imbedded in both the interim and the final Constitution” during the transition period. This was based on the view that permitting representatives to change parties would disturb the electoral balance chosen by the electorate.

However, it was first mooted through a proposal from the Democratic Party in mid-2000 amidst the discussions on the merger between the Democratic Party, the New National Party (NNP) and the Federal Alliance to form the Democratic Alliance (DA). As the Constitution did not allow for defection and parties could not merge between elections, the DA sought to find a way through which the merging parties could contest the December 2000 elections as one organisation. Mr Faull noted that subsequent to the elections, the DA existed legally at local level, whilst the three parties remained independent at national and provincial level. In order for the DA to constitute itself as one party in the provincial and national legislatures, “some form of floor crossing would be necessary for the respective members to abandon their old incarnations and embrace their new identity” - the DA. At this time the ANC rejected the submission on the grounds that the envisaged merger was perceived to be, according to Faull, “a congealing of race- and class-based right-wing political opposition”. However, following the NNP’s withdrawal from the DA in 2001,
the potential gain from the system started to become more apparent, not only for the parties involved, but for everyone, including the ANC as ruling party. After a series of discussions in various structures, June 2002 marked the promulgation of floor crossing in legislation by Parliament and was passed by 86% of the Members of Parliament at the assembly on that day. As a result thereof, floor crossing has been regulated in South Africa with amendments made to the Constitution and related national legislation.

3.1.2. Experiences and Impact of Floor Crossing

According to Faull, floor crossing has resulted in strengthening the ruling party’s representation to the detriment of the smaller parties. In addition, this legislation has given birth to 17 new parties and this raised questions about the legality of elections as it distorted the political will of the electorate. Mr Faull observed that since the inception of floor crossing, 1396 public representatives have crossed the floor, 55 of whom were Members of Parliament, 60 were Members of Provincial Legislatures, and 1291 were councillors.

At local level the mixed electoral system is used and ward councillors are directly elected by communities. In the event where a ward councillor resigns before the end of term, a by-election is held so that voters still decide on their choice of leadership. However, with floor crossing in place, it brings contradictions into the system as it allows councillors to change their representation without consultation.

Although Mr Michael Hendrickse’s case study highlighted, in the main, the experiences of the IEC in managing floor crossing, his presentation raised other dimensions of the challenges as posed by this legislation. He noted that until this year (2007), 78 parties were involved in floor crossing, and 61 of these were not in parliament. This may have both positive and negative implications for democracy.

3.1.3. Floor Crossing and its Impact on Party Funding

Mr Faull noted that floor crossing has had a noticeable impact on the provision of public funds to political parties. He argued that the current formula used in the disbursement of funds favoured larger parties in the allocation of both the equitable and proportional components of the allocation. He averred that floor crossing allowed for the allocation of funds even to the new parties that emerged in the legislatures, and therefore could have contributed to their presence in structures of governance without these parties having tested
their strength with the electorate. The views of the conference delegates corroborated this point as they saw no justification for funds being disbursed to parties that have never participated in elections, particularly when considering that some of these are, in the words of one delegate, “fly by night” as they cease to exist within a short period of time. Each new party receives funds to support their legislative activities and leaders of these new parties receive higher salaries as a result of their new positions.

Since its implementation, floor crossing has led to:

- An increase in court cases from those who crossed and their parties who stood to lose membership.
- Potential opportunism that has led to double-crossing where two notices were presented by the councillor to the original party but with different destinations.
- Internal disputes within parties, attempts at withdrawal of notices and allegations of fraud, etc.
- A number of representations made to the IEC on the undesirability and/or difficulties posed by this practice, amongst others, the financial ruin faced by losing parties, the impact on voters, the lack of discipline during floor crossing, etc.

### 3.1.4. The Impact of Floor Crossing on Party Politics

The conference noted that floor crossing is not good for internal party politics as it stifles internal debate rather than strengthening the party. Mr Faull argued that, because of this, members who disagree within the party tend to find their solution in the floor crossing legislation. They break away and start their own organisations to the detriment of a diversity of views and robust debate within the organisations they have left. According to Mr Faull, floor crossing militates against the organic process of party formation, which requires the organisation to be built from grassroots support. Currently floor crossing promotes a top-down approach to party formation as, at its birth, the organisation is already represented in the legislature “with no membership or grassroots infrastructure” at all.

### 3.1.5 The Future of Floor Crossing

The future of floor crossing in South Africa appeared to be bleak, with political parties in attendance motivating for its abolishment. It was noted that even parties formed from the most recent floor crossing did not appear to support this practice into the future.
While Professor Sipho Seepe argued for the principles of inclusiveness, fairness, accountability and simplicity to be used to measure the strength and relevance of floor crossing, he observed that if it was measured against these principles, floor crossing would not satisfy any of the principles. According to Prof Seepe, this was enough evidence to call for its abolishment as it took away the integrity of our democracy. “It was questionable at the start and it is still questionable now and it should be done away with,” he concluded.

Mr Hendrickse alerted the conference that Gauteng province was already starting to put mechanisms in place to deal with this challenge in the form of a Bill. In the light of the challenges presented by floor crossing, the IEC case study suggested a few points for consideration by the conference. These suggestions were:

• Do away with floor crossing or limit it only to wards
• Floor crossing should only be allowed for parties that are already represented
• Political parties should have the right to recall and substitute their members from legislatures
• Give legislative power to the IEC so that it can make regulations.
SECTION 4

4.1. KNOWLEDGE MANAGEMENT FOR DEMOCRACY DEVELOPMENT

Dr Ola Bu Sari of the Development Bank of Southern Africa (DBSA) presented a paper on this topic on behalf of his colleague, Dr Snowy Khoza, who could not attend the conference. The paper explored mechanisms for enhancing the interests of citizens on the subject of democracy. It reviewed the fundamental principles of knowledge management and how knowledge could empower citizens in choosing their representatives in government.

4.1.1. Knowledge and Empowerment

The central theme of the paper was that “the capacity and the underlying knowledge of all the stakeholders should be augmented if they are to play a meaningful role in democracy development”. According to Dr Bu Sari, “an informed and vigorous civil society could direct the state’s focus to areas of greatest public interest and prevent authoritarian tendencies”. He argued that through knowledge, people could be assisted to realise and understand their rights and responsibilities. Drawing from Gantsho’s (2005) argument that “the cornerstone of development is about empowering people to take control of their destinies”, Dr Bu Sari elaborated that if this was the case, then knowledge would be pivotal to meeting the challenges of community development.

The Thin Line between Knowledge and Information

The conference discussed the distinction between knowledge and information. Delegates noted that while information could be passed from one person to the next, it only became knowledge if it was understood. However, there was agreement that both could be shared. The concern was raised that citizens were not always aware that they could access information. Even if there was legislation, there was a need to first disseminate information that such a law existed, and then to undertake educational drives that would facilitate knowledge of the legislation.
Presidential Imbizos as Platforms for Information Sharing

The role of Presidential Imbizos was also considered. The conference noted that such imbizos offered platforms for sharing information. While delegates commended the idea of imbizos, the conference highlighted the need for a feedback loop from these important gatherings to ensure that information and knowledge gathered did not fall through the cracks.

Empowerment through Reading

The conference noted the need to develop a reading society. As one delegate noted: “We need to promote a culture of reading and our values should be entrenched in what is put out to read, in particular for the youth. Schooling and learning for youth should impart knowledge on skills of democracy”. Whereas the conference realised the need to develop a culture of reading as a means through which to empower society, it highlighted the need for resources, such as libraries, information centres, and youth centres to be made accessible to rural communities.

4.1.2. Towards a Knowledge Society for Deepening Democracy

It was noted that South Africa is an emerging knowledge society and this presented new imperatives, challenges and opportunities. The transformation to a knowledge economy required new institutions and organisations, and new political will, policies and approaches. The conference highlighted that civil society participation was the cornerstone of democracy as it ensured good governance and accountability, but that only an engaged, informed and active civil society was capable of that. In becoming a knowledge society, it was necessary that our knowledge management strategies encompass the following characteristics as described by Dr Bu Sari:

- the adoption of a holistic approach,
- ensuring a climate for knowledge sharing and creativity in the community underpinned by willingness and a drive to improve knowledge sharing between government and its citizens, and
- a deliberate investment in information and communication technologies.

Dr Bu Sari further highlighted the following issues as important in the development of such strategies.
Facilitating the Flow of Knowledge

How information is made available and accessible to the community is important. Dr Bu Sari indicated that access to information had potential to create the political space for the voters to engage with the government on an ongoing basis and not only during elections. People’s right to accurate official information was deemed very important as it promoted constructive dialogue at various stakeholder forums, and citizens could then provide relevant feedback to government.

Sustaining Public Interest in Democracy

Dr Bu Sari noted that while there were arguments for active participation, there were also concerns regarding citizens’ interest in politics and the subject of democracy. While it was important that mechanisms to sustain public interest in democracy were sought, it was equally important that obstacles to public interest were dealt with.

Managing Knowledge Collaboratively to Create Value

Collaboration was presented as one of the key aspects of knowledge management strategies. For knowledge management these collaborative networks could take many forms, including strategic alliances, communities of practice, stakeholder groups, information networks and formal networks. While all these could facilitate meaningful participation in democratic processes, Dr Bu Sari stressed that key principles for effective collaboration and networking, such as participation, equity, transparency and integration, could be the guiding force of such strategies. He warned that “networks required continuity, commitment and organisational memory to sustain collective interest in democratic processes”.

The conference noted that, in practice, political organisations tend not to want to collaborate, but rather appeared to be bent on outshining each other at the expense of knowledge management and information sharing. Conference, therefore, appeared to be in agreement that such thinking was potentially a threat to the sustainability of public engagement.
4.1.3. Civil Society Organisations as Knowledge Networks

The role of the civil society organisations in democracy was highlighted as important. Civil society organisations form a crucial link between society and governments. Dr Bu Sari noted that engaged civil society organisations could “channel citizen participation into the political process, providing government with information on what it should be doing”. They could serve to monitor government and channel information for accountability purposes. Dr Bu Sari noted that there were several roles that civil society organisations could play as facilitators of knowledge in the democratic process:

*Bringing Official Knowledge to Public Attention*

This strategy informs the public of matters of importance to them. Examples are farmers’ unions, trade unions and labour advocates.

*Storing, Sharing and Processing Information*

It was agreed that civil society organisations have greater capacity to store information and to interpret it for the benefit of the masses. This enables the public to participate more meaningfully.

*Advocating for Legislation Promoting Access to Information*

Civil society could champion for legislation to put in place a simple, speedy and effective means of enforcing the right to information.

4.1.4. The Role of the IEC

Conference raised questions about the role of the IEC in information and knowledge management. There was agreement that the IEC had done a good job in terms of voter education; however, there was a need to move beyond the obvious and to start addressing issues of democracy and citizenship with ordinary people on the ground. The need to develop a broader civic education campaign and strategies was emphasised.
SECTION 5

5.1. THE NEXUS BETWEEN DEMOCRACY AND DEVELOPMENT

Mr Ebrahim Fakir, a Senior Researcher at the Centre for Policy Studies (CPS), led the discussion on this theme. He discussed the link between democracy and development and argued for what he called ‘a democratic developmental state’.

5.1.1. Is there a Link between Democracy and Development?

Mr Fakir raised the question whether a link between democracy and development existed. According to him the idea that development led to democracy, and vice versa, was just an assumption. He indicated that the literature was also not conclusive on the correlation between the two. He pointed out that establishing the link or the causal relationship between the two requires clear definitions of what is meant by democracy and development.

Defining Development

According to Mr Fakir, the concept of development incorporated basic civil and political freedoms and related to economic, educational, social, and cultural opportunities and their contributions to the wellbeing of the population. It was therefore inherently implied that some kind of democracy would be necessary to ensure that this was attainable.

Defining Democracy

Mr Fakir pointed out that there were three broad aspects of democracy which would be useful in understanding how it was practised. There was what he referred to as basic civil and political rights, the procedural accountability of the day-to-day administration and the periodic exercise of electoral representativeness. He argued that it was possible, though, that some of these elements could also be found in countries that are not run democratically. For instance, “a few authoritarian countries may have displayed some degree of accountability and may also have held periodic renewals through referendum-style elections”. However, this did not mean that such countries were democratic. Fakir indicated that democracy could not be just about periodic exercises in electoral processes, neither could it just be about civil rights and
freedoms; it had to be vibrant and had to do with accountability of public representatives to their constituencies. Mr Fakir argued that South Africa required more participatory democracy in which people will be involved in decision-making processes, in order to have ownership of the democracy itself. However, he warned that in the context of public participation, “not all public pressure that democracy facilitated helped development”.

5.1.2. The Nature of a Democratic Developmental State

In light of the public debate on the nature and character of South Africa as a developmental state, Mr Fakir argued that the debate needed to move from merely defining and describing the nature of the developmental state that we sought to build, to defining it as a democratic developmental state. According to Mr Fakir, a democratic developmental state could be characterised by ethos of representation and participation. He qualified participation as not being limited to electoral processes, procedures and platforms (Imbizos), but rather as extending to participation in decision-making processes, driven by the desire to acquire majority consensus from the populace.

However, the conference noted that while there were platforms and channels for communication between the government and the people, this is not enough. Communities’ participation in these forums were largely based on their expectations of government as relating to service delivery (such as water, education, shelter, sanitation, etc.). The process of making submissions to these forums was also perceived as being problematic, as not all people had the access and the capacity to do so. However, these forums seemed to have provided an opportunity for people to articulate their plight and complain about issues at the level of delivery in local government. The challenge remained to ensure that follow-ups were undertaken and feedback on the issues be received and considered.

Mr Fakir highlighted that the nature of the democratic developmental state could be measured not only against the principles of fairness, inclusiveness and accountability, but also by the extent to which they responded to the needs of the people. By bringing the concept of democracy and the developmental state together, the synergy and the nexus between the two are brought closer. While a developmental state deals with issues of service delivery, capacity of the state and its management, a democratic state deals with issues of participation, rights and ‘voice’ and it promotes inclusivity. A combination of the two will do well for the wellbeing of the society.
Mr Fakir held the view that we needed to strive to ensure that the relationship between democracy and development was evident and that people could see, feel and experience it. The conference corroborated this view as it insisted that “democracy should actually deliver development” as people voted for change during elections, and that alone meant that they wanted development. When people could not see things changing for the better, then democracy could not be working for them and the result was likely to be protests and subsequent voter apathy and alienation.

Elements of a Democratic Developmental State

Democracy and representation
It was clarified that representation suggested a system where citizens were actively involved in the decision-making processes of government at various levels. Participation, it was argued, was broader, and assumed that there were platforms, processes and procedures that were followed, and that the public would have been there to represent issues that were meaningful to them.

Elections
With respect to elections, it was argued that elections are important because they bring people together. They represented a political moment that brought together the personal and the political aspirations of voters. Elections were deemed significant if they were process driven, deliberative, and decisive and offered a systematic and mediated contestation, conflict resolution and a cooperative process.

Electoral system design
Mr Fakir suggested that the electoral system should provide for inclusivity, diversity, representivity, accountability and responsiveness. He pointed out that the adoption of a mixed party system tries in some way to fulfil the above requirements. However, floor crossing seems to undermine these principles.

Pursuing a development path
According to Mr Fakir, the developmental state is mandated to grow the economy of the country, modernise productive forces and redefine the relations of production and consumption in society. An effective human resource strategy would be required for a state to transform into a developmental state. The following requirements were articulated:

i. A strong commitment to transformation by South African political leaders
ii. A private–public sector partnership
iii. A proactive policy of bridging the divide between the “first” and “second” economies
iv. Preconditions for success (capacity and ability, transparency, accountability and oversight, management and supervision)

The specific areas that were highlighted as needing attention in our country were:

i. Regulatory - the state’s ability to manage and enforce laws and contracts to protect property rights

ii. Technical - the ability of the state to handle technical issues effectively

iii. Administrative - the ability of the state to manage its human and other resources effectively

iv. Extractive - the capacity of the state to generate revenue

5.1.3. Accountability of a Democratic Developmental State

While delegates agreed largely with the concept of a democratic developmental state, there were concerns over issues of accountability. Mr Fakir pointed out that there should be a synergy between accountability and responsiveness of the democratic processes. He accentuated that accountability should be about the ability of democratic institutions to exercise their oversight role. He highlighted that Parliament’s failure to exercise its oversight on issues like the Growth, Employment and Redistribution Programme (GEAR), Human Immunodeficiency Virus (HIV) and Acquired Immuno Deficiency Syndrome (AIDS) and the arms deal was, in his opinion, a serious challenge to accountability. However, he was quick to warn that changing the electoral system would not necessarily improve accountability.

To deal with issues of accountability, the conference highlighted the need for political parties to deploy people that they could access and trust. Elected representatives also needed to know that once they were elected into power, they represented even those who may not have voted for them. Being in these positions means that they are the custodians of the people and that they are, therefore, accountable to them. The role of the media as a watchdog was also noted as being important in ensuring accountability.

A major question that needed further debate was raised, namely: “What role should government play, and should state institutions be concerned with the efficiency and cost effectiveness of service delivery? Or should government give weight to building social capital, establishing trust, cooperation and coordination among people and institutions for the good of the community?” The debates around these two views may correctly identify the need for better management and greater efficiency and effectiveness, while failing to pay sufficient attention to the need for better governance.
SECTION 6

6.1. NEW APPROACHES IN CREATING AN ENABLING ENVIRONMENT FOR PARTICIPATING IN ELECTORAL DEMOCRACY

Discussions on this theme were led by Ms Yasmin Sooka, the Executive Director of the Foundation for Human Rights. The respondent was Mr Martinho Chachiua, Manager of Electoral Political Process at the Electoral Institute of Southern Africa (EISA). To stimulate the debate, Ms Sooka started by indicating that while there are various forms of democracy, there is a distinction between what she refers to as “Ballot Box democracy” and “Participatory democracy”.

6.1.1. Ballot Box or Participatory Democracy for South Africa?

According to Ms Sooka, a ballot box democracy is confined to voting and is occasional or seasonal with the public using the power of the vote to decide on the leadership of the country. She warned, however, that this kind of democracy was limited in the sense that there was no ownership by the public of that democracy. In ballot box democracy, all the public was allowed to do was to exercise their right to vote every now and then.

Participatory democracy, on the other hand, went beyond the act of voting and included constant engagement by the citizenry in decision-making processes. There was a sense of ownership and it relied heavily on the strength of civic education. Ms Sooka argued that for South Africa's democracy to thrive, it needed to strengthen its participatory mode of decision-making. She noted that participation currently took the form of consultation, where there is not necessarily meaningful dialogue or action, and therefore there is a need to change to meaningful participation.

Can Democratic Elections Bring Change?

Elections, she argued, were a means to an end and not an end in itself. In other words, “elections are a step on the road towards democracy”. Ms Sooka pointed out that electoral democracy should be about the participation of all stakeholders, and decisions should be made on the basis of a majority consensus. While she concurred that to some extent elections have brought changes in the lives of many South Africans, she pointed out that there was
still a lot to be done on the economic front, as “ownership of the economy was still in the hands of the few”.

**What are the principles of a vibrant democracy?**

According to Ms Sooka, a democracy should be guided by the principles of participation, consent of government and accountability. She elaborated that “the will of the people should be seen as the base for authority of the government as it would be public voting that would keep leaders on track based on a written constitution”.

She further noted that “democracy does not just happen; it is grounded in a set of values and beliefs that a government adhered to”. For democracy to be participatory in a country there was a need to teach it to the citizens through civic education and formalised school curricula. This type of education, she averred, needed to deal with issues about the definition and meanings of democracy, the roles and responsibilities of stakeholders, the meaning of participation, good governance, etc.

However, delegates highlighted that it is not always the case that civic education would empower the citizenry to participate effectively in democratic processes. One delegate pointed out that “sometimes civic education was done to preserve the status quo by promoting passive participation where voters just accepted the dominant culture”. Ms Sooka indicated that where democratic participation existed, voters needed to learn that democracy was about ethics, accountability, oversight and enforcement and required transparency all the time.

### 6.1.2. The Dilemma of Service Delivery in a Democracy

Mr Chachiua indicated that participation would be the first casualty if democracy was not seen to be delivering. He indicated, however, that there was a need for consensus to be reached on what was meant by ‘delivery’:

- Is it about the delivery of social services like schools, roads, housing and infrastructure?
- Is it the delivery of participation platforms like Parliament, political parties and chapter 9 institutions?
- Are we communicating well with each other?
- Is the problem not between the institutions that are meant to implement the needs of the people they serve?
• Are there platforms that can be used by people so that their problems and needs are taken up by those in power?

Conference noted the need to create a vibrant civil society. It was highlighted that the direct participation and pressure of civil society could bring about developmental change in our democracy. Mr Chachiua highlighted that there was a need for protests to be channelled in a creative way such that the voices of the people are heard in actual policy dialogue.

6.1.3. Youth Participation

The conference highlighted the need for increased and constant youth participation in democratic processes. It was noted that the youth forms part of the marginalised groups in society - they faced bleak job prospects at times, and their participation in the economy was minimal. Added to that were the related issues of crime and HIV/AIDS. It was therefore suggested that strategies to mobilise the youth to participate in civic education activities, economic development and so on, should be sought.

6.1.4. The Role of Political Parties

Conference noted that the role of political parties in democratic processes, especially in a participatory democracy, remained a crucial one. Conference highlighted the need for political parties to play a central role in mobilising participation from their constituencies, not only in electoral processes, but also in shaping policy discourse.
7.1. FUNDING OF POLITICAL PARTIES

Mr Jonathan Faull of IDASA was the lead presenter on this topic, with Ms Geraldine Chaplog-Louw, the IEC’s Financial Manager, presenting an IEC case study. Mr Hassen Lorgat, Acting Director of the South African National NGO Coalition (SANGOCO), was the respondent. Mr Faull’s presentation was based on a research study conducted by the Institute for Democracy in South Africa (IDASA). Deliberations on this issue were premised on the understanding that there is a direct relationship between the strength of a political party and the extent to which it has financial resources. Currently, there are two streams from which political parties receive financial support. One is funding from public/state resources and the other is funding from private sources. While public funding of political parties is regulated, it was highlighted in both presentations that this is not the case with private funding.

7.1.1. The Nature of Public Party Funding

In her presentation of the IEC’s case study on party funding, Ms Chaplog-Louw highlighted that Section 236 of the Constitution makes provision for proportional and equitable funding by the state of those political parties that participated in the national and provincial legislatures. Mr Faull indicated that the public funding formula allowed for 90% of proportional allocation, while 10% was allocated equitably. According to Ms Chaplog-Louw, these funds are administered by the IEC, and a total of R669 million has been disbursed between 1999 and September 2007.

Mr Faull’s analysis of the public funding suggested some shortfalls in the application of the formula. He argued that the formula benefited larger parties in both the equitable and proportional allocations. Parties with representation in a range of provinces received larger portions of the equitable share than parties with only regional representation. Parties with representation in the National Assembly but without representation in the provinces received no money from the equitable share, he said.

7.1.2. Public Funding and Floor Crossing

Mr Faull’s analysis suggested that floor crossing had an impact on party funding as some political parties lost their seats in the legislatures and that such losses had translated into a loss of public funding. The conference noted that the
existence of floor crossing allowed new parties to receive funding and this was considered unfortunate. Delegates called for the possible review of the funding formula, as well as the abolition of floor crossing as it has become counter-productive.

7.1.3. Regulation of Private Funding

The conference noted that the increased costs of elections fuelled the need for private funding. It was further noted that while private funding is necessary, the way in which it was practised in South Africa could potentially have negative effects. Mr Lorgat asked delegates not to “underestimate the power of the private sector, as it was powerful enough to influence political decisions and policies in the country”. If not regulated, private funding could lead to corruption and inappropriate influences on the parties that are funded, he argued. Those who made calls for the regulation of private funding saw it as a potential panacea for corruption, irregularities, political inequality and unfairness in access to the media.

Responding on whether private funding should be banned, the panellists agreed that instead, private funding should be regulated and mechanisms found to encourage the disclosure of private funding. They warned that the complete ban on private funding would increase the burden on the state funding of political parties and elections could become too “costly for the tax payer”. It was also brought to the attention of the conference that the Johannesburg Securities Exchange had released its revised Social Responsibility Index in 2006. While this index is a voluntary one, it encourages listed companies to be transparent about their political donations. It was also noted that before the 2004 national elections, sixteen major corporations voluntarily disclosed the amount of their political donations and also made public who their recipients were. This was welcomed by IDASA as a first step towards accountability.

7.1.4. A National Democracy Fund?

A delegate recommended the establishment of a National Democracy Fund which could be administered by an independent organisation. In terms of this recommendation, corporate organisations that donated funds as part of their social responsibilities would pledge their financial support to this fund without directly funding a particular political party. It was further suggested that this fund should also be able to cater for political parties that may not be represented in the legislatures. The establishment of such a fund, however, could also lead to the abolishment of direct private funding to political parties.
The conference pleaded with the MPs present to table this suggestion in appropriate structures of Parliament.

Despite the above concerns and suggested strategies, Mr Lorgat attested that in the midst of high levels of poverty, underdevelopment, the scourge of HIV and AIDS, etc., our democracy was supposed to be working towards the eradication of these social ills. He believed that it will not make a difference whether private funding is regulated or not.
8.1. MEDIA AND ELECTIONS

The discussions on this theme were led by Professor Tawana Kupe, Dean of the Faculty of Humanities at the University of the Witwatersrand, with Mr JJ Tabane, Chief Executive Officer of Tshirundu Communications, as respondent. Prof. Kupe’s presentation began with an analysis of the challenges facing South Africa in relation to the media and politics, the role of the media in elections and the role of the IEC in regulating the media during elections. He based his deliberations on the premise that there was a link between party funding and parties’ access to the media.

8.1.1. The Challenges Facing South Africa: The role of the Media

According Prof. Kupe, South Africa faces a challenge of consolidating its democratisation processes by making free and fair elections an irreversible feature of its political culture and by making elections meaningful to processes of choosing representatives. He highlighted the need to create political systems that would be participatory in nature and those that would encourage participation in decision-making processes. According to him, it is through this consolidation that we will realise democracy as an ‘irreversible’ feature of our country’s political and value system. He further acknowledged that regular elections were a key feature of a vibrant democracy and key to sustaining democracy. Accordingly, he argued that elections embody the defining moments and processes of a democratising dispensation.

8.1.2. Media and Democracy

With regard to the relationship between the media and democracy, Prof. Kupe indicated that the media should present itself as a communication channel and “the lifeblood of the democratic process”. He noted a few roles that the media could and should play in the democratising process: dissemination of information, analysis of trends, being a watchdog for the public, and providing a forum for debate. Whether the media was indeed playing these roles remained dubious as delegates discussed its role over the past years. However, Prof. Kupe emphasised that for the media to optimally play such a role it needed to be free from the influence of political organisations and governments. According to him, “a free media sustains democracy”.
8.1.3. Media and Elections

The media can play a pivotal role in the process of elections. According to Prof. Kupe the role of the media in the dissemination of information during elections, analysis of the process and providing a platform for debate becomes even more crucial. In this role the media could become an aid and guide to the electorate in making their choices, and could thus be a catalyst to the democratic process. It is during the time of elections that the media can also be highly visible as a watchdog against fraudulent activities. However, while Mr Tabane agreed with the role of the media as a watchdog, he emphasised that this “dog must not only watch but should go out and hunt”. This point was used to emphasise the need for the media to uphold the principles of investigative journalism in order to provide reliable and accurate information to the public. Borrowing from Noam Chomsky’s ‘manufacturing consent’, Mr Tabane highlighted that the media also construct reality and can be used to “manufacture consent”. Thus, it is necessary that organisations also play their role in critiquing what is reported in the media. He further observed that there is a poor perception of the performance of the media by the public and more needs to be done.

According to Mr Tabane, the observation that the media limits elections to an event and not a process was also of concern and this was problematic. Delegates appealed to the media to cover stories and issues related to elections in advance.

8.1.4. Is the South African Media Free?

The conference noted that media and academic freedom are enshrined in the Bill of Rights. However, the extent to which the media is free in South Africa was fiercely debated at the conference. According to Prof. Kupe, the media has to be free from all powerful forces and vested interests such as ownership, government and party control. He stressed that such a lack of freedom is dangerous to the democratic process. Delegates raised questions about the ownership of the media and the agenda of those who fund the media. It was noted that if the media was to be ethical and professional and serve the public interest, it needed to be free and its ownership diversified.

Delegates were equally concerned that the extent to which elections are declared free and fair was debatable especially in the event where media was controlled by one organisation, be it corporate or government or even a political organisation. On this issue, Prof. Kupe indicated that it would be
unethical for media to cover manifestoes of some political parties rather than others, but he noted that access to the media was also influenced by the financial strength of the organisation. Thus, a relationship between access to the media and party funding exists.

It was acknowledged that there is biased coverage of political parties by the media, especially the public broadcaster. Time allocated is based on equity and the strength of organisations. One delegate even suggested that “perhaps the allocated time should be in a reverse way” with smaller parties getting more coverage to raise their profiles. While registration of political parties with the IEC to participate in the elections was dealt with equally, media coverage remained skewed. However, Mr Tabane challenged parties to reflect on their own media strategies and advised them to position themselves so that the media could have an interest in their programmes. As Prof. Kupe noted, some political parties had manufactured strategies to avoid the media, while others ran away from media after having committed to a regular feature on particular programmes. Mr Tabane warned that while getting space in the media was one thing, utilising that space was another. Regulation of the media would not produce a programme for political parties, according to him. He warned that “political organisations should do their piece and media would do its part”.

Prof. Kupe noted that apart from challenges of ownership, there were a myriad of other challenges that confronted the South African media. These include the manner in which some media institutions position themselves as surrogate opposition to the ruling party. Although not conclusively, Prof. Kupe noted that to some extent, this was likely to be a result of the dilemmas of weak opposition on the one hand and a strong ruling party on the other.

8.1.5. Regulation of the Media

The conference noted the need for some authority to regulate the media during election times. According to Prof. Kupe, this could include the regulation of access to broadcast media, radio and television advertising and the monitoring of bias. For Mr Tabane, such a regulatory authority needed to strike a balance between gaining credibility as an institution through the media on the one hand, and regulating the media on the other. A media and communication strategy to create such a balance needed to be crafted. There was also a need for the IEC to maintain a prominent media profile during elections and to ensure that media covers the IEC accurately, Mr Tabane argued.
In terms of taking the process forward, the conference urged MPs present to take the debate further in terms of regulation of the media. The conference highlighted the need for Parliament to exercise its oversight over the public broadcaster in order to monitor bias. Mr Tabane emphasised that the challenges facing the media in relation to democracy and elections will not be solved by an election or a news bulletin, but by constant engagement. These problems needed to be resolved in the long term and the deliberations could go beyond the conference.

8.1.6. The Role of the IEC and the Media on Civic Education

The conference stressed the roles of the IEC and the media in educating the citizenry on democracy and election processes. Given the growing concerns about voter apathy, institutions such as the IEC and media were urged to dedicate programmes to electoral education, democracy education, and human rights education not only during elections but throughout the year. It was suggested that a dedicated programme could be established through the public broadcaster to cover these issues. Mr Tabane accentuated that civic education could be made more interesting and engaging for people to develop an interest. The conference noted that the IEC was already taking this issue seriously as it was establishing a stream on civic education and research to cover some of these issues.
SECTION 9

9.1. INTER- AND INTRA-PARTY DEMOCRACY

The leading speaker on this theme was Dr Khabele Matlosa, a Research Director at the Electoral Institute of Southern Africa (EISA). Ms Ayesha Kajee, a Director for the International Human Rights Exchange programme at the University of Witwatersrand, responded. Dr Matlosa’s presentation was entitled “External and internal challenges facing political parties as agents of democratisation in Southern Africa”.

9.1.1. Political Parties as Agents of Democracy in Southern Africa

The premise of Dr Matlosa’s presentation was that “Democracy is unthinkable without political parties”. He highlighted that while democracy as a concept had proved to be a “nebulous term to grasp, there is consensus in the literature in respect of the role of political parties in a democratic system”. Dr Matlosa underlined three dimensions that defined democracy. The first dimension is that it embraces the values of political competition and participation referred to as electoralist. The second is the liberal notion that transcends procedural democracy to include the protection and promotion of political rights and civil liberties referred to as institutionalist. Lastly is the social-structuralist dimension which extends beyond electoralist/proceduralist and institutionalist dimensions, and introduces socio-economic and structural configuration of power.

While he described the social-structuralist dimension as ‘developmental’ democracy, Dr Matlosa stressed that it would be useful for the understanding of democracy in Southern Africa to embrace these “epistemological ideations”. He further remarked that the hallmark of democracy should be underpinned by ‘political pluralism’, as the degree of pluralism in a democratic system is measured by the existence and operations of political parties. Accordingly, he elaborated that the existence of political parties in a democratic system is a manifestation of a representative democracy. What then is the definition of a political party? Drawing from Bratton et al’s (2005) work on democracy, Dr Matlosa defined a political party as “an organised group of people with at least similar aims and opinions that seek to influence public policy by getting its candidates elected to public office”. He further described the role of political parties in a democratic system as: articulation of the needs, problems and plight of the people; socialising and educating voters in the functioning of politics; balancing opposing views and turning them into policies; activating
and mobilising masses to participate in decision making; channelling public opinion; and recruiting and training candidates for public office.

While the conference agreed that these were indeed the functions of political parties, the depth and breadth, let alone the extent to which political parties were carrying out these functions, was debatable. The conditions under which many political parties operated, such as the scarcity of funding, limited access to the media, the challenges of floor crossing, etc, were perceived to be militating against the strength of parties to optimally perform these functions.

Dr Matlosa observed that there is a growing global phenomenon of political parties becoming unpopular and experiencing declining public trust. He remarked that this is also noticeable in Southern Africa. Of concern is that “the more a party became unpopular, the more its mandate as agent of democracy is likely to diminish”, which is not good for a democracy. According to him, the unpopularity of parties in Southern Africa is largely due to the seemingly inevitable and inherent ‘oligarchical’ tendencies within them. Dr Matlosa underscored that while political parties in Southern Africa are confronted with a myriad of challenges, opposition parties face even greater challenges, partly due to their internal weakness and the pressures placed upon them by ruling parties.

9.1.2. The Evolution of Party Systems in Southern Africa

The majority of countries in Africa and the Southern African Development Community (SADC) only attained their independence from colonial rule in the 1960s. Post colonial rule, the SADC experienced three shifts in political systems. There was a brief existence of the multi party system in the early 1960s. Dr Matlosa notes that “all elections were contested by more than one party in each country” during the elections preceding independence. The existence of the multiparty system was, however, short-lived and replaced by a ‘pervasive’ one party system with the exception of Botswana and Mauritius in the mid 1960s to early 1990s. With the democratisation wave of the 1990s, there has been a shift back to the multiparty system in the SADC region from the early 1990s to date. The shift back to a multiparty system has been marked by the re-introduction of multiparty politics, the proliferation of political parties and the holding of regular elections contested by independent candidates and multiple parties in other countries.
9.1.3. The State of Political Parties and the Challenges for Democratisation

The state of political parties in the SADC region varies from one country to another. Dr Matlosa indicated that, “with the exception of about three (Angola, Swaziland and Zimbabwe) all SADC countries have functioning multiparty systems”. Countries have developed constitutional and legal frameworks that allow for the existence of multiple political parties. However, Dr Matlosa warned that while the existence of these frameworks should be appreciated, the challenge to ensure the effectiveness of parties and the institutionalisation of robust party systems remains. In addition, parties are confronted with challenges that are posed by the external and internal environments within which they operate and this has, to a large extent, impacted on their effectiveness.

The external factors impacting on party effectiveness include issues of party systems, whether the political system allows or hinders the existence of multiparty democracy, the nature of electoral systems adopted in the country, the nature and role of Parliament in exercising its oversight role, party funding, party alliances and election pacts, the relationship between the ruling party and opposition parties, etc.

Internal issues relate to the strength and dynamism of party leadership, ideological clarity and distinctiveness, how the party handles its primary elections and nominations for leadership and candidates for government elections, management of internal party affairs, the policies and programmes it adopts and its approach to development. On the issue of internal party elections, there was a view that the IEC should have a role in the monitoring of elections within the parties as happens in other African countries, although the conference left it as an option to be explored in the future.

9.1.4. Women’s Political Participation and the Role of Political Parties

Dr Matlosa emphasised that gender equality is an imperative principle for democracy. He noted that in taking this imperative seriously, the SADC signed the Gender and Development Declaration in Blantyre, Malawi. Through this declaration, SADC member states committed themselves individually and collectively to achieving gender parity in key governing structures. However, Conference was sceptical of the signing of declarations, however good the intentions thereof, as the translation of these into action remains questionable in many respects.
On whether there is a correlation between the electoral system and gender representation in structures of governance, Dr Matlosa indicated that there is research evidence to suggest that it exists. According to him, the PR system seems to facilitate greater women’s participation, while the contrary is the case with the ‘First-Past-The-Post’ (FPTP) system. However, he further substantiated that although the PR system seems to promote women’s participation, it often needs to be complemented by deliberate quota systems. Dr Matlosa also indicated that there is a relationship between women’s participation in party politics and their representation in legislatures. Where women participate actively in party politics, their participation in legislatures tends to be higher.

There was also a discussion around what measures can be taken to fast track women’s participation. Some suggested legislation that sets deliberate quotas to be used, while others opted for voluntary quotas. There was a view that more training and development programmes should be developed to enhance the capacity of women.

9.1.5. Political Systems and the Analogy of the Bridge, Roads and Vehicles

In her contribution to the debate, Ms Kajee used the analogy of a Parliament as a bridge between the government and the public, the political parties as vehicles through which people cross the bridge, and the masses as passengers in these vehicles. According to her analogy, the options provided by the existence of multiparticle equates to the multiple lanes that we have on the roads and that these lanes allow parties to pass each other towards the bridge (Parliament). Ms Kajee went further to apply her analogy to the electoral system. Here she perceived the PR system as akin to the notion of the public who depend on chauffeurs to take them to their desired destinations. The constituency system is therefore to be seen as “driving your own party across the bridge”. This issue also touched on the extent to which the two systems advanced accountability. According to Ms Kajee, floor crossing presents a situation in which the passengers who are being driven are suddenly left on the road with no driver to take them across. Party funding also determines the status of the cars, so those who have more money will drive better cars. She regarded party ideology as the road map with which to cross the bridge and those who presented a better map to the passengers were likely to arrive at their destinations safely and in time. It was noted that people will continue to look for a better map if the ones they have do not seem to take them to their destinations. So it is the responsibility of parties to craft maps that will be interesting and appealing to the passengers and inspire confidence that they will arrive at their destination.
However, during the deliberations some delegates argued by using the vehicle analogy that it would appear that opposition parties are driving cars with no air bags and no power steering, and that, in case of accidents, their chances of survival was slim. Others argued that the lanes for opposition parties are narrow and bumpy. On the question of gender, continuing her analogy, Ms Kajee suggested that specific lanes should be dedicated to women and the youth.

9.1.6. Civic Education

The question of whose responsibility it should be to provide civic, democracy and political education was also mooted. Although it was not viewed as the responsibility of any individual stakeholder, but as the collective responsibility of all political parties, civil society structures and the IEC, delegates highlighted the need for political parties to take more responsibility. To emphasise this point a delegate said that “democracy requires democrats and political parties to be political schools for democrats”, although the challenge remains as to whether parties are opening up space for that to happen.
10.1. RESPONSE BY POLITICAL ORGANISATIONS

The conference organising team thought it appropriate to create a space for political organisations to present their reflections of and views on the state of democracy in South Africa, and to respond to some of the issues deliberated upon at the conference. At least 15 political parties represented in national and provincial legislatures were given the platform to make their remarks. Due to the large numbers of political parties, this section does not attribute consensus views to specific political organisations.

10.1.1. Tenth Anniversary of the IEC

Political parties unanimously congratulated the IEC on its tenth anniversary celebrations. They hailed the IEC for hosting a conference of this magnitude. Although there is still room for improvement, political parties congratulated the IEC for facilitating successful elections over the years. Delegates were complimentary about the hosting of three national and provincial elections that had been held up to now.

10.1.2. Floor Crossing

All parties were opposed to floor crossing. Dr Somadoka Fikeni could not have been more accurate in summarising the views of political parties on this issue. He observed that the pioneers of floor crossing “disowned it, its products deserted it, while its beneficiaries rejected it”. The time appears to have come to abandon this practise. Delegates described it as a mockery and a threat to democracy and some argued that it could be contributing to the declining voter turnout during elections. A religiously inclined political party described it as “satanic” and called for it to be abolished.

10.1.3. Electoral Systems

On this issue, parties held divergent views. Some called for the retention of the PR system, while others called for the review of the electoral system suggesting the FPTP system could be applied in national elections. It was noted that the ruling party, the ANC, was in support of the PR system. According to the ANC, the PR system allows for a multi party democratic system. The Inkatha Freedom Party’s (IFP) position was that the country is still divided and no other system could promote social cohesion better than the PR system and called for the
use of coalitions and alliances. While the African Peoples Convention (APC) called for the preservation of the PR system, it emphasised the need for intense monitoring to be introduced into the system.

Calling for the revision of the electoral system, the Pan-Africanist Congress (PAC) indicated that the PR system has not brought about public representation but rather party loyalty. The party argued that the PR system underscores the importance of political parties over the constituency in terms of accountability. However, the IFP warned that the mixed system is not the answer to accountability as some people still do not know their representatives at the level where it is practised. The IFP suggested the introduction of a ‘call back’ system to cover this shortfall.

10.1.4. Party Funding

The majority of parties, if not all, expressed a common view on the regulation of private funding. They called for the regulation of private funding, with some adding that such regulation should also be imposed on the amount of money that can be used for election campaigns. A call was also made for the review of the fees paid to the IEC for participation in elections. It was suggested that this fee should be made affordable to allow emerging parties a chance to participate in elections.

In terms of public funding, there was a suggestion that public funding should be made accessible even to those parties that are not necessarily in the legislatures. The PAC called for the establishment of a National Democratic Fund to which private funding could be channelled and from which parties can be funded.

10.1.5. The Role of the Media

Questions about the role of the media were raised, with smaller parties complaining that the state funded media is biased towards the ruling party. Parties called for balanced coverage of all political parties during and between elections.

10.1.6. Gender Empowerment

While responses from political parties on this issue were generally in support of women’s participation in the structures of governance, there was a strong view that such empowerment was dependent on party politics. The policies adopted
by political parties either facilitated or hindered the rise of women to positions of power. The ANC highlighted that its deliberate quotas were as a result of its commitment to the principle of non-sexism and this was also to be translated into deployment to government structures.

10.1.7. The Role of the IEC

Comments on the role of the IEC varied between criticism levelled against it and calls for its mandate to be extended. The major criticism related to the IEC’s decision to employ South African Democratic Teachers Union (SADTU) members to facilitate elections, in a context in which the Congress of South African Trade Unions (COSATU), to which SADTU is affiliated, has called for its affiliates to vote for the ANC. According to the political parties, this compromises the fairness and freeness of the elections and thus they called for the review of this decision and for the use of unemployed people instead.

Calls for the extension of the IEC’s mandate related to suggestions for it to be involved in the management of election processes within political parties and the regulation of party lists during national elections, especially on issues like gender balances and youth participation. Political parties also shared a common view that the IEC should intensify its voter education programme and extend its focus to broader issues of democracy education. This should include the creation of platforms for public discussion, of which this conference is an example.

10.1.8. The Role of Parliament

Some political parties took advantage of the platform to express their dissatisfaction with some of the processes followed in Parliament. There were concerns that the time allocated for political parties to speak during assembly was too limited. Other concerns related to Parliament’s failure to exercise its oversight role on serious issues such as the arms deal and GEAR. There was also a view from political parties that some of the issues discussed at this conference should be tabled for discussion at various meetings of parliamentary structures.

10.1.9. Taking the Debate Forward

Political parties urged the IEC to adopt a programme of action to ensure that the recommendations from this conference are implemented. However, it became clear that it is only through the support of the stakeholders and their
initiatives that such recommendations can be taken to the relevant structures. The UDM urged political parties to organise their own meetings in which to adopt a programme of action.

10.2. CONCLUDING REMARKS

The conference closing remarks and the vote of thanks were delivered by Commissioner Terry Tselane of the IEC. He thanked the organising team and the delegates for making the conference a success.

While political parties were pressurising the IEC to commit on specific action points, Commissioner Tselane remarked that it is the collective responsibility of the stakeholders at this conference to ensure that debates continue within their individual and relevant spheres of influence. He emphasised that a platform for debate has been created, but should not end there. Referring to this report, Commissioner Tselane promised delegates that an account of the proceedings of the conference was to be produced and shared with all the stakeholders. As for discussions that have a direct implication for the workings of the IEC, such as the concern regarding the employment of electoral staff, Mr Tselane assured delegates that the IEC will continue its engagement on these matters and seek solutions to safeguard its impartiality. He remarked that the IEC will always strive for excellence in its work and will ensure that its independence is not compromised. He alerted delegates that similar forums to this conference were being organised at provincial level and urged delegates to participate.
Ladies and Gentlemen:

Allow me to thank you all for your participation in this august event that forms part of the 10th Anniversary of the Independent Electoral Commission of South Africa. My gratitude goes to my colleagues and staff at the IEC who have put so much effort, since the commencement of the celebrations way back in July, to ensure that all goes well; this equally applies to Commissioners and the Head Office as well as our Provincial staff.

It will be remiss of me not to thank our partners, i.e. the business community, our government, including parliament, our sister Chapter 9 Institutions, the Municipal Demarcation Board, Traditional Leaders and also the political parties, for their tested support and unwavering goodwill towards various IEC programmes and activities in general and our anniversary celebration in its various shades and shapes in particular. Your support has been overwhelming and indeed humbling to all of us in the IEC. Clearly as an organisation our success would have amounted to naught had we not been able to rally the support of the majority of

1. **State of Electoral Democracy in South Africa: Some Reflections and Lessons**

By Dr Brigalia Bam
Chairperson of the Electoral Commission (IEC) of South Africa
our citizens in whose democratic interest we exist in the first place. Through various channels and forums like this one, the IEC has been strengthened and encouraged to fulfil its mandate to the best its ability. We owe you a huge debt of gratitude for that. We do not take this support, trust, confidence and goodwill for granted. We hope that, indeed in years and decades to come, we will continue to guard our independence and hence its dedicated service, so that our democracy thrives for the future.

As many of you are aware, the IEC as we know it today (now celebrating 10 years) is a metamorphosis of an earlier institution which came into existence way back in 1994. The establishment of that IEC came as a sequel to key political negotiations for a peaceful settlement of the protracted civil conflict in our country which came about because of the discriminatory and dehumanising policies of several white minority regimes, including those which institutionalised the Apartheid system.

Such political negotiations include those which saw the unbanning of key political organisations and the release of Mr Nelson Mandela after 27 years in prison in 1991; the 1991 National Peace Accord which set the framework for peaceful political negotiations; and the Convention for Democratic South Africa (CODESA) I and II which paved the way for the drafting of an interim constitution for a post-Apartheid South Africa and the holding of the first non-racial and multi-party democratic elections in April 1994.

Among the key highlights of the CODESA negotiations was the agreement to set an independent electoral commission to oversee and manage elections during 1994. Although the body which was set up then had a different configuration to the current IEC, it was indeed a robust and autonomous institution with good structures and infrastructure including competent men and women who achieved much despite so many odds and challenges.

We owe the 1994 electoral team a great deal of gratitude for having navigated our country to where we are today. They were given notice of only 4 months to prepare and conduct those elections and it was not easy to run elections in this country in those years. There was a high level of political violence, distrust among various belligerent groupings, and the level of isolation experienced by South Africans had deprived them of the requisite skills and experiences necessary to effectively manage elections.

No wonder those who observed the pre-1994 political negotiations and the 1994 elections and its aftermath refer to all these as South Africa’s miraculous transition: from
the Apartheid era characterised by endless violence, strife, and virtual collapse of state institutions, to a new era of reconciliation, peace, nation building, and a much stronger constitutional democracy.

As a patriotic South African, I wish to join many other South Africans, to extend our gratitude to those men and women who were ‘midwives’ to the processes that delivered the South African “miracle”: here we remember political actors, religious leaders, trade unionists, academics, and members of the international community. Without their efforts, South Africa’s transition would still be a distant mirage today.

Today South Africa is another place. Today she continues her flight into a better world. South Africa has taught me that this land belongs to all who live in it and that this democracy we have today is a heritage of countless treasures. We have made so many strides since 1994, so much that we are often inclined to behave as if what we have is going to be here irrespective of whether we work hard to protect and strengthen it. As the fruits of liberation, democracy, human rights and non racialism become common in our lives and no longer subjects of distant yearning and dreams as was the case in our dark recent past, sometimes we do not sit back and take full cognisance of the meaning of it all.

When April 27 happened in 1994, South Africa became a beacon of hope that the world had never imagined. I actually doubt that we too as South Africans had ever imagined a world without apartheid, a world without the Group Areas Act, the Immorality Act, the Separate Development Act and so on. Yet we too emerged from the nightmare and the madness to embrace the peaceful dream and live the normal life of decent citizens in most parts of the modern world. But as we all have come to appreciate, April 27 was just the beginning of our collective journey. In 2007 this journey continues, and a gathering such as this in a sense is part of the journey and must therefore attempt to be sincere in its review of our times and its litany of bliss and woes.

We remain grateful that this transition process has inter alia engendered the development of stronger institutions to safeguard our hard won democracy. It has provided for separation of powers, the rule of law, and specifically the strengthening of the independence of the judiciary in our country.

To those of us running elections, judicial independence remains sine qua non for democratic consolidation and for promoting good and accountable governance.
We specifically welcome and appreciate the key role played by the constitutional court and also electoral courts in dealing decisively and effectively with disputes arising from electoral processes: these include the right to vote, such as the famous case handled by the Constitutional court on the franchise of prisoners in 1999 which compelled the IEC to make logistical arrangements to register prisoners wherever they were; the same goes for the IEC right to autonomy from the spheres of the government and also the right to adequate funding, issues on which the Constitutional Court has pronounced itself in no uncertain terms over the last few years.

Surely this experience in my view attests to the independence of our courts and also to the strength of the kind of electoral democracy our country is.

Because of the institutional framework provided for under the 1996 Constitution, the IEC is an independent organ of the state and enjoys maximum autonomy and freedom from any interference from any quarters, be it the executive or even political parties. Although we account to the legislature on our performance and sometimes are required to update the executive on our programmes and activities, the IEC remains an independent institution which carries out its mandate without fear and favour. This philosophy and value system runs very deep in our structural and operational frameworks and our electoral staff are constantly reminded to uphold political neutrality and independence in whatever they do.

A further strength of our electoral democracy is our commitment to accountability and transparency. We firmly believe that unless the IEC is committed to accountability and transparency, there could be distrust and lack of confidence among electoral stakeholders, either in the manner we count votes or the manner we expend public resources. We therefore keep our books, as it were, open for public scrutiny. We always involve stakeholders, like political parties and even civil society, in the planning and implementation of key electoral activities. Through facilities such as the election result verification and announcement centres, and the party liaison committees, we have introduced unprecedented openness and accountability in the way we manage elections – South Africa is one of the few pioneer countries in the world to embark on this route of transparent and accountable management of elections.

In order to promote electoral inclusiveness and participation, South Africa has adopted a proportional representation electoral system based on a closed party list for national assembly elections, and a mixed system for local elections. There is broad consensus that this hybrid system serves our country well given our high level of socio-
cultural fragmentation and also political and ideological polarisation which require an electoral system that fosters rather than frustrates inclusiveness, participation, and the representation of diverse interests and aspirations in governance structures. Having said this, we are mindful of the concern being expressed against the PR system, namely the centralisation of state power into the hands of parties and the concomitant increasing divide between the elected and electors leading to marginalisation of the latter. This is a valid concern. The dialogue and exchange of ideas in this conference will give direction to South Africa for changes to be made. We must find a system that will give opportunity and participation for all.

Despite these strengths, we in the IEC believe the post-1994 era has presented South Africa with unprecedented opportunities to become an integral part of the international community or the global village and to learn from others’ experiences. There are several countries in Africa, both near and far afield which offer positive democratic experiences and good practices for younger democracies, such as ours, to emulate. Countries like our neighbours Mauritius and Botswana, both of which were recently rated by the Ibrahim Index as best managed countries on the African continent, and others like Ghana and Senegal, all present useful lessons for us to learn, and we welcome the opportunities we have had to be exposed to on how such countries function in general and specifically how they manage their elections.

Being keen to learn and improve our systems in terms of election management, the IEC has participated actively in a myriad of international assignments. Our international learning and cooperation opportunities include working closely with the United Nations agencies to help with the organisation of electoral processes in countries such as the DRC and Comoros, to mention but two. We went to support the electoral management bodies with their elections, but it all turned out to be a learning experience as well as providing an opportunity for cross-fertilisation both to us and to the host countries. We have just received a wonderful report from a high-powered team that observed the elections in East Timor.

We are equally proud of the many joint activities and exchange of information our young institution has undertaken with partners such as the African Union (i.e. the 2003 African Conference on Elections, Democracy, and Governance; the 2007 International Conference on Sustaining Africa’s Democratic Momentum, which also included a third partner, International IDEA); and also a host of other partners, including the SADC Electoral Commissions’ Forum (SADC-ECF), EISA and IDASA, to mention but a few. The challenge is to strengthen the local and community-based groups.
We believe that through these joint ventures and smart partnerships the IEC and our partners have been able to contribute to democracy consolidation not only in South Africa but in Africa as a whole. We have been able to showcase democracy in Africa, and – like my Foreign Minister said the other day - to tell the story of Africa from the perspective of the hunted instead of the hunters who for a long time have been glorifying themselves. Our work has not been limited to sharing African democratic experiences only, but to learn from others through south-south cooperation, as the 2007 Conference on Sustaining Africa’s Democratic Momentum aimed to achieve.

Despite the said achievements which surely are not our own but jointly shared with our partners and friends mentioned above, electoral democracy in South Africa faces several challenges: these include the following:

a. The voter turnout for National elections has been very good. In 1999 we had 83.30% and in 2004 a 76.73% voter turnout. By world standards this turnout is excellent, but there is a disturbing phenomenon when it comes to local government. For both the local government elections, i.e. 2000 and 2006, we had a 48% voter turnout. South Africa does not have a compulsory voter system. Of course, in a democratic society, people make decisions on their choice of vote. We are fully aware that many reasons account for this development, and these include, for example, public disillusion with party politics, apathy, and lethargy. Others have abstained from voting because they argue that elections have not delivered desired results when it comes to public service delivery and addressing underdevelopment, poverty, and inequality. This view is particularly held by younger voters who constitute a bulk of those who abstain from participating in elections. We have at present over 151 registered political parties. We should be able to mobilise more voters for local government.

i. To address all these challenges, in my view, we need to have a holistic view of the challenges facing our nation. For example, we need more accountable, trusted and representative political parties operating within a multi-party democratic system.

ii. We must also strengthen other institutions, such as the parliament and other constitutional bodies, to play a more effective oversight role.

iii. Similarly, civil society and the media should become more robust to hold political representatives accountable to the public. They should also inform the public about governance issues, and those holding oversight functions tend to see their role as absolute and without limits. They too should exercise accountability.
even in the manner they demand accountability from others, because as they say, there are no sacred cows, and what is sauce for the goose must be sauce to the gander!

b. For logistical planning and for the prevention of fraudulent voting, our electoral laws require people to vote on voting day at the voting station where they are registered. Unless effective special voting arrangements are in place, these requirements may in fact, if not in law, disfranchise voters. We can be reasonably satisfied, although not complacent, with special vote arrangements for national and provincial elections in place. Thus for instance, it is possible for a voter who cannot vote at his or her voting station, to vote anywhere else in the country in a national election, and anywhere else in a province in a provincial election. The challenge lies in the municipal elections. Here the smallest geographical electoral unit is a ward. For every ward there are different ballot papers. Up to today, we have not been able to come up with viable options for special votes in municipal elections. I ask conference delegates to spend time on exchanging views on this challenge

c. A further challenge to our electoral democracy is intra party tensions. Such weaknesses take the form of poor organisational and leadership capacity due to lack of commitment to internal democracy and regular renewal of party leadership. We need to do more in this area to strengthen political parties through development and training programmes. Towards this end, the IEC will be focusing on and giving political parties priority. Furthermore the intergovernmental organisation, IDEA, to which South Africa belongs, has embarked on a programme, working with the AU and others, to undertake research and dialogue addressing challenges facing political parties in Africa. I hope this will culminate in tangible capacity enhancement programmes for parties on the continent and particularly in my own country, South Africa.

d. A further related challenge is the existing deficiency in the financial and organisational capacity of our political parties. We know that apart from state funding - which unfortunately applies to parliamentary parties only - the majority of South African parties, especially the smaller ones, do not have a broad
based membership which can serve as a source of funding. Such lack of access to adequate funding for smaller parties causes unequal access to the media, for example, and this in turn engenders a situation of an unlevelled playing field for political players during elections. I am aware that there is no easy solution for this problem, which is not unique to South Africa. We hope that the dialogue on this issue of party funding will pave the way for the creation of a fair and levelled playing field for all players during elections.

e. More worrying to me is the problem of parliamentary floor crossing. There is a lot of negative public opinion against this practice, and floor crossing is seen to negate the results of the elections and choices made by people. It has not added any value to enhancing participation in the democratic and electoral processes. The institutions of government that have been negatively impacted especially are the National Assembly, local councils and municipalities. The IEC had been invited to make a submission to Parliament in 2001. Our views were against the Floor Crossing legislation, and we hope that Parliament will reach an agreement to amend the Constitution before the next “window” period in September 2009. The time to act is now, in order to address this problem which in so many ways seems to undermine our collective efforts to build and strengthen electoral democracy in our country.

f. To recapitulate on an earlier statement that the IEC has made with regard to the nexus between democracy and development, I wish to say that we must find a way to move our democracy from being an electoral democracy to one that is more robust and capable of addressing, in a holistic manner, the challenges of development. Without development, we cannot sustain democracy. In fact, people out there continue to say ‘democracy cannot be eaten’. Put differently, unless democracy is able to put food on the table of the majority of our South Africans who continue to languish in poverty, the credibility and legitimacy of our elections will always be questioned. Hence, our political parties and candidates must develop sound policy frameworks and translate their policies and also their election promises into touchable programmes which deliver on what we wish to call the dividends of democracy: jobs, investment, health and education in particular.

Allow me in conclusion to thank all of you, in your various capacities, for your tireless contributions to the democracy building project in South Africa. We believe democracy is always work-in-progress and never a
finished perfect product. Let me conclude by reiterating that a great majority of our people believe in the right to free expression in a democratic society. At the same time, democracy is not achieved or upheld without sacrifice, setbacks, and navigation of ethically gray waters. Such is the characteristic of any universal value. As Amartya Sen puts it, “A country does not have to be deemed fit for democracy; rather, it has to become fit through democracy.”

I thank you all for your attention!
South Africa’s Electoral System: Public Good or Power Mongery?

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South Africa is not alone in probing the appropriateness of the current electoral system for our democratic arrangement. Interestingly, though democracy, in its varying forms, had been established for more than 200 years, this is a question that has rarely been asked. Frankly, this has been a cyclical question that has both emerged and disappeared at certain points in the history of this democratic experiment. It first arose at the turn of the 19th century to early 20th century, prompted by the rise of working-class oriented parties who demanded representation; then it emerged again during the inter-war period between the 1930s and the 1940s to increase representation of minorities that had been targeted by former fascist regimes; and it has re-emerged just recently in the 1990s – sparked by the democratic wave that has swept throughout Eastern Europe and Africa – this wave has obviously drawn South Africa into the midst of this age-old debate.

This recurring preoccupation with the electoral system mirrored the evolution not only of the democratic theory itself, but also of societal development. Each cycle of reforms marked an expansion of the meaning of democracy and introduced a group of participants into the political system. Evolution and adaptability, therefore, have been the hallmark of democracy, and the electoral system, its product and determinant.

To be sure, an electoral system is a set of rules that determines how votes are translated into seats. Such rules not only have to reflect the democratic ethos, of which they are a product, but also add to the vibrancy and popular acceptance of the democratic system.

Electoral systems and democracy, therefore, are dialectically linked. Democratic values are expressed and lived-out through an electoral system, whilst the latter confers legitimacy on
the political system. Yet, no form of elections can yield an outcome that advances democratic values in their entirety. One form of electoral system advances a certain set of democratic values, whilst leaving out others. Ultimately, the system of elections that a country adopts is pre-figured largely by the national context and objectives as occasioned by that moment.²

This paper explores whether the current national context occasions a re-examination of South Africa’s electoral system. It begins with an outline of key arguments in democratic theory, especially in relation to representation, the constitution of a legitimate authority and procedures for arriving at just decisions. Thereafter, the paper compares the various electoral systems with the view to determine how each expresses the democratic values. The paper then concludes by examining whether South Africa’s current electoral system, close to 13 years in place, requires changing. Here I probe the set of considerations that predisposed the drafters of the South African constitution towards the current system of proportional representation. The idea is to determine whether those initial considerations still hold any currency in our contemporary society or perhaps they have been preceded by new challenges. If the latter is so, I argue, therefore, that South Africa may need to reorder its priorities by order of importance in relation to the urgency of the context.

Democratic Theory and Practice

Democracy is a composite of several ideas, formulated over a considerable period of time as societies evolved. Its preoccupation is two-fold: how to constitute a legitimate authority and improve the human condition. This authority would regulate public affairs for the benefit of its constituent citizens not only materially, but also intellectually and morally. That progress was one its defining features underpinned democracy as a product of the age of enlightenment. This twin-rationale (meeting the interests of its individual components and attaining human progress) were key determinants of the rights of the individuals, in and of themselves, and in relation to the state.

Democratic theory has been unanimous on the foundational values of democracy. These are liberty and equality. All men are born free and equal to one another. None should be confined to a life of servitude. Individuals can only be subject to an authority constituted by consent, and in which they participate. The 18th century philosopher, Jean-Jacques Rousseau – a civic Republican - even proposed direct participation of each citizen in the national assembly. He opposed representation through associations (or political parties), as this would pose the danger of unequal representation arising...
from unequal strengths of the associations. Stronger parties would represent their sectional interests as the expression of the collective will. If associations were formed, Rousseau reasoned, they should be as many as possible and be of equal strength. This would guarantee equal representation and that no citizen is left out of public affairs. The advantage afforded by direct participation, according to Rousseau, was that it ensured that all laws reflected the individual wills of each of the citizens within the state.³

For John Stuart Mill – a liberal theorist - political participation improved the human condition both intellectually and morally. The involvement of persons in formulating solutions to issues beyond their individual and family concerns, demands intellectual application and stimulates the mind. One’s intellect grows as it is pitted against others in the course of public deliberations. And individuals develop values that transcend their own, and come to empathise with others.⁴

Popular participation, according to Mill, is also a guarantor of national progress. It draws on the collective genius of the public and generates public activism, both of which are ingredients for constant progress. That government must be representative of all sectors of society, regions and shades of thinking, also ensures that every view is heard, and one that wins does so because of its superior reasoning, and not because a contrasting view was either suppressed or undermined. In this way society is assured to benefit from the best decisions, but not suffer (mediocre) decisions thrust upon society by hegemonic powers.⁵

It was on the procedures of decision-making within parliament that opinion - especially liberal and civic republican - splintered. Civic republicans advocated a majoritarian principle. That is, legislation would be passed by majority support, but, as Rousseau explained, the dissenting voices would not be disadvantaged by such decisions. Majority decisions are intended to advance the public good, which benefits all citizens equally within the state. Obviously this contention presupposed homogeneity of interests or collective adherence to creating an egalitarian society.

Though supportive of representative democracy, liberal theorists, however, qualified the principle of equality. Franchise was subject to merit and property. They demanded that voters be literate and able to “perform the common operations of arithmetic”. Thus Mill promotes the slogan: “Universal teaching must precede universal enfranchisement ...”⁶ Education will assure the public that such elected individuals are able to perform the complex matters of government. Giving everyone a voice, Mill believed, is different to having an equal voice. Which voice is heard, concluded Mill, should
be determined by intellect and reasoning. Moreover, only tax-payers should vote so that they decide what happens with public funds. Those who do not pay tax would not be as prudent in the use of that money as tax-payers would, since they did not earn it. Allowing non-payers a say on public expenditure would amount “to allowing them to put their hands into other people’s pockets, for any purpose which they think fit to call a public one”.7

To Mill, therefore, the state was not composed of homogenous interests. Rather, it was made up different social groups or classes with varying interests. Implicit in the Mill preposition is a concern that, if the property-less assumed power, they would utilise it to their advantage, whilst marginalising the interests of the propertied class. Hence he propagated limited franchise to ensure that only members of the elite assumed power, and used it to protect their common elitist interests.

But, and notwithstanding his reservations, Mill asserted that equality was the hallmark of democracy, and that representation should be proportional:

A majority of electors would always have a majority of representatives, but a minority of the electors would always have a minority of the representatives. Man for man they would be as fully represented as the majority. Unless they are, there is not equal government, but a government of inequality and privilege: one part of the people rule over the rest.8

The contestation over the real content of democracy was of course not purely theoretical. It had practical implications. Early democracies limited franchise to the propertied class, males and white folk for the most part of the 18th and 19th century. Franchise was only extended to the working class in the late 19th to early 20th century, to white women in the early 20th century and lastly to the minorities, including people of African descent, in the mid-20th century.

Democracy, therefore, as we know it now, especially in relation to electoral systems, implies the following three fundamental principles:

- **Political Equality:**
  Voters should be represented equally throughout the country. Some regions or communities should be over-represented and others under-represented. Votes must have equal value in determining the composition of parliament. No vote should be discarded, and therefore parliamentary representation should reflect the actual votes cast.

- **Representation of Different Viewpoints:**
  All viewpoints should be represented in the legislature, including those of minorities and there shouldn’t be any
obstacles preventing their election. Social groupings should stand on equal footing to be elected, without any one being disadvantaged. All the various social groupings, classes, regions and gender must be represented in the legislature.

• Accountability:
Local knowledge of the representative and a mechanism to ensure accountability – single-member constituency allows for this.

• Elections:
Composition of government should be determined by elections, not re-arrangements engineered by politicians without the influence of voters, especially in coalition governments facing a withdrawal of a minority party.9

Democratic Values and Electoral Systems

Most scholars contend that whether or not an electoral system expresses the afore-mentioned values (or any values related thereto), depends on the interests of the political elite. Political elites adopt a particular electoral system only if it retains them in, or expands their own, power. That an electoral system should be commensurate with democratic values is secondary. The primary consideration is remaining or ascending to political office.

But, how does an electoral system protect established interests? Answering this question requires a brief look at the various electoral systems. They fall into three main categories: Majoritarian System, Proportional Representation and a Mixed-System.10

• Majoritarian Systems:
This is the oldest electoral system, and the most common even at present.

The country is divided into single-member or multi-member constituencies, and the candidate with either the largest number (plurality principle) of votes or absolute majority of votes, wins the seat. The party with an overall majority of seats gets to form a government. Under a plurality principle it is not necessary therefore to win the majority of the popular vote, but to simply secure the largest number of seats. Yet, this guarantees the party the majority of seats in parliament and the right to form government. The majority of seats, therefore, is not based on the majority of popular vote. In other words, it is a “manufactured majority”.

• Proportional Representation
This is the second oldest electoral system.

The country may be divided into multi-member constituencies, or just one big constituency (as in SA) and the number of seats a party gets depends on the percentage of electoral support. Parties
draw up a list and this may either be open or closed. In a closed party list, voters simply vote for the party, which has ordered the names of its party officials according to its own preferences. In an open-list, voters vote for the candidates in the order of preference.

- **Mixed Systems:**
  This is a recent form of electoral system, which has developed as a compromise between the two extreme systems. The idea is to get the best out of the two contrasting systems. It therefore combines constituency elections and proportional representation based on party lists. Voters have two votes, one for the constituency and another for the party list.

**Electoral Systems: Comparative Analysis**

Each electoral system has its own advantages both in terms of governance and promoting democratic values. Distinctions are even clearer when one compares the main two systems along the following principles: stable governance, stability, accountability, responsiveness and representativeness.

A majoritarian principle produces a stable government, since it is constituted of just one party. It has a clear set of policies and a programme, which it is able to see through because of its parliamentary support. It is not constrained by bargaining or trade-offs that is characteristic of a coalition government. Government becomes responsive and the line of accountability is clear, and not made murky by multiple government partners. It is not easy to pass the buck.

By contrast, proportional representation tends to produce a less stable government. This is because they tend to be a coalition government, made up of small and multiple parties that, individually, are not able to constitute a majority. Coalition governments are prone to breakdowns due to disagreements among the several parties in government. It only takes one partner to pull out for the entire government to collapse. In such governments, lines of accountability are also not clear. Parties within government are able to shrug off responsibility for government failure, since they are part of coalition. They apportion blame to others for failure to honour their electoral promises, citing compromises and trade-offs they had made as part of a coalition.

But, a government or parliament based on proportional representation rates high on representivity. Parliament is not only representative of major parties, but also includes small parties. However small a party, depending on the threshold of course, it is guaranteed a parliamentary seat. And, representivity goes beyond the multiplicity
of parties, but also entails inclusion of the vulnerable groups in society, such as women. In societies with a hostile culture to female leadership, women stand a slim chance of being elected in a constituency-based system. Through control of the party list, parties can determine the number of women that get elected, especially in a close-list situation.11

Proportional representation, therefore, tends to encourage multipartyism. And voters are provided with a wide choice of political parties to choose, and turn-out tends to be large as each voter can find a party that appeals to her. Conversely, votes cast for minority parties in a majoritarian system do not count, as such parties lack sufficient support to win a seat. In other words, a majoritarian-based legislature represents a section of society to the exclusion of others. This may even discourage supporter of minority parties because their votes do not count. The number of parties may even be reduced to either one- or a dual-party system, with even minimal electoral choice offered to voters.

Yet, politicians elected by proportional representation are less responsive to voters, nor are they easily accessible. They do not have a constituency for which they are directly responsible. Voters do not have a dedicated person to whom they can report their concerns or grievances. Nor are elected representatives encouraged to be responsive to voters, since their re-election does not hinge on voter satisfaction per se, but on the approval of the party leadership. The advantages and disadvantages of the main electoral systems can be summarised as follows:

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Democratic & Governance Criteria
The many advantages offered by the various electoral systems have led to parties favouring one system over another. Dominant parties favour a plurality system and resist a move towards proportional representation, but may support if they foresee a reduced number of votes in future. Similarly, minority parties may be open to a plurality system if they think their electoral fortunes are likely to expand in future. Or they may be open to increasing the threshold within a PR system in order to get rid of extreme parties that polarise the political landscape.

Generally, though, electoral reforms have entailed a shift away from a majoritarian system to proportional representation, or a mix of both. Electoral reforms were initially prompted by extension of franchise at the close of the 19th to early 20th century to working-class people. The latter, led by socialist parties, posed a threat to the established economic system, as their political take-over, especially in a majoritarian system, would have led to a change of the economic system in favour of the working class. The shift to a PR system, therefore, was intended to thwart a socialist ascension to political office, especially to preclude them from gaining absolute majority. But the contrasting advantages of the two main electoral systems have led to an increasing demand for a mixed system.

Choice of Electoral System in SA: Public Good or Power Mongery?

Most literature asserts that the electoral system is based purely on either retaining or maximising one’s grip on political power. It is done purely for selfish reasons. Does this observation also apply to South Africa? Is South Africa’s electoral system motivated by the public good or power mongery? My answer is that it is primarily motivated by the public good, but does also reflect the political culture, especially that of the ruling African National Congress (ANC).

The current PR system fosters inclusivity and representation of a wide spectrum of political views, racial communities, and historically marginalised groups such as women and the disabled. In the light of South Africa’s ghastly past and anxiety over post-apartheid reprisals under black power, all the aforementioned qualities were crucial for South Africa to attain political stability. They aided South Africa’s founding of racial reconciliation. The current PR threshold of about 0.25% support that parties have to achieve in an election is so low that it enables as many parties as possible to be included in the legislature and parliament. This even includes the most marginal and extremist parties on both sides of the racial divide. Thus no community or political voice can complain of exclusion.
This minimised the propensity to resort to violence to make a political statement. Rather, parties can articulate their interests within parliament.\textsuperscript{14}

Political parties’ control over who gets elected, especially the ANC, enables them to advance noble goals, such as gender representation, non-racialism and multi-ethnic representation. Though predominantly supported by an African community, the ANC has a significant number of non-Africans representing it in parliament. Women representation in the legislature and parliament has increased considerably since 1994 and now stands roughly at 30\%. This is due primarily to the ANC’s decision to have one-third of its electoral lists made up of women.\textsuperscript{15}

That said, the ANC’s initial and persistent support for the PR system was not entirely based on altruistic reasons. This system is commensurate with the party’s political culture, especially strong central control and compliance leadership decisions. The party puts a strong premium on organisational cohesion or party discipline, whilst individual dissent is frowned upon. The PR system, therefore, makes it even easier for the ANC to impose central control and compliance with leadership decisions. The party decides who goes to parliament and a record of dissent with party leadership is unlikely to stand in good stead. Conversely, a constituency-based system would give individual representatives relative autonomy from the central leadership, as their election (or re-election) hinges on their constituency work and voters ultimately decide their fate.

But, the question still remains: Has South Africa reached a point where the initial considerations, which necessitated the adoption of the PR system, no longer hold sway? My answer is a definite no. South African society is still racially polarised. White voters support historically white parties and vice versa. There still is a marked distrust of the other, and the white community especially feels emasculated. A shift towards a majoritarian system, therefore, would be completely inappropriate.

The transitional period, however, has thrown up new challenges that demand some re-configuration of the electoral system. One such challenge is a popular feeling of disempowerment among voters. This is because voters lack both a mechanism that enables them direct access and leverage over MPs to ensure they are reachable and responsive to their needs. As a result, a survey conducted by the 2002 Electoral Task Team (ETT), headed by Dr Van Zyl Slabbert, found that approximately 70 South Africans want
to elect MPs directly. Based on this finding, most members of the ETT recommended a mixed electoral system. MPs would be elected to parliament both by their designated constituencies and through PR, with the former constituting a large majority.  

Constituency-based elections would go some length in addressing the feeling of alienation among voters, as elected representatives become attentive and responsive to their needs. The closed party lists would still be used to advance gender representivity. The latter remains a primary concern, but no more paramount than the accountability of elected leaders to the electorate. A mixed-electoral system affords South Africa an opportunity to address both national imperatives.

2. Dunleavy, P and Helen Margetts, “Undestanding the Dynamics of Electoral Reform” International Political Science Review, 16, 1, 1995, pp.9-29
5. Mill, J, S, op cit
6. Ibid, p.37
7. Ibid, p.38
8. Mill, J, S, op cit, p.34
9. Dunleavy, P and Helen Margetts, op cit
13. Dunleavy, P and Helen Margetts, op cit
Let me begin by thanking the Independent Electoral Commission for inviting me to speak at this conference, and to participate in this important debate on the relative strengths and weaknesses of electoral democracy in South Africa. Indeed, the privilege is more deeply appreciated because were it not for the credibility that the IEC brings to the electoral processes and institutions under discussion, we might not have a debate at all.

Specifically, I have been asked to reflect on the effects of three arrangements: namely floor crossing, alliance politics, and the politics of coalitions in relation to entrenching electoral democracy in South Africa.

For the purposes of this presentation, I will approach these conceptual issues in turn, because each has substantively different effects for the South African body politic.

In the first instance, let us approach the issue of floor crossing.

Floor crossing, unlike alliance and coalition politics, was not, initially, a feature of post-apartheid democratic politics. In fact, floor crossing was explicitly forbidden through a clause imbedded in both the interim and final constitutions.

The clause was included because the South African electoral system is a purely proportional one, except in local government where the system is a mix – proportional representation and directly elected ward councillors. It was felt at the time that permitting representatives to change parties would disturb the electoral balance chosen by the electorate.

The debate around floor crossing is an important one, but one that has largely been framed in official discourse by political imperatives. It is an interesting fact, that none of the original protagonists of the legislation is currently willing to defend the regime on principle.
However, the political point-scoring that characterises official debate, obscures the very real consequences the introduction of defection has had for representative democracy in South Africa.

Floor crossing as a phenomenon connects to a number of broader, equally complex issues and debates relating to the principles of “representative”, “accountable” and “participatory” democracy, as prescribed by the South African Constitution; the merits of electoral systems (proportional representation, first-past-the-post, and mixed systems); their application in a transitional South Africa; and the accountability of public representatives to their constituents, the voting public – to name just some of the intersections.

Subsequent to the election the DA existed legally at the local level. However at the provincial and national level the three partners, the Democratic Party (DP), Federal Alliance (FA) and New National Party (NNP), remained legally separate – sitting separately in the legislatures; receiving separate allocations of public money, etc. – but operated as one entity – caucusing together; voting as one, and so forth. In order for the DA to constitute itself as one party in these two spheres of government some form of floor crossing would be necessary for the respective members to abandon their old incarnations and embrace their new identity. Alternatively the founding parties would have to wait for the next national and provincial poll in 2004 to formalise the relationship through the ballot box.

Political Context

The issue of floor crossing came to a head with the original incarnation of the Democratic Alliance (Democratic Party + New National Party + Federal Alliance = DA) thrashed out in mid-2000, under the pressure of the looming local government elections. Due to the Constitutional anti-defection clause, parties could not legally merge between elections, and as such the DA negotiations were pushed through in order for the three parental parties to be able to contest the December elections as one organisation.
In 2001 the DA submitted proposals to then Deputy President Jacob Zuma and the Speaker’s Office on how best to lift the anti-defection clause.

At this stage the measure did not find favour with the ANC, as the DA political initiative was perceived within Alliance circles as the congealing of a race and class-based, right-wing political opposition. In the aftermath of the NNP’s withdrawal from the Democratic Alliance in 2001, the political gains potentially accruing to parties changed, and the ANC, together with the NNP, DA and FA, commonly foresaw potential gains to be accrued through the promulgation of floor crossing legislation. ANC chairman Mosiuoa Lekota said that the ANC had been discussing the defection as a means “for some political realignment…and the break-up of racial power blocs”.

The DP, NNP and FA’s initial proposal to circumvent the anti-defection clause, now championed by the ANC, DP/DA, NNP and FA, instead of formalising the DA at the Provincial and National level, now had the potential to unravel the DA at the local level as NNP councillors elected on the DA ballot jumped ship to a reconstituted NNP. However, the DP continued to support the legislation due to the short term gains to be accrued at the Provincial and National levels where some disillusioned NNP representatives continued to promise alignment with the new DA.

However, the constitutional requirement of proportionality meant that the scrapping of the anti-defection clause at this tier of government would require a constitutional amendment. This raised the stakes of the whole issue, and brought into sharp focus the alleged political motivation behind the proposed amendment.

In June 2002 legislation to formalise floor crossing was promulgated in Parliament. In the final analysis the legislation was supported by the ANC, DP, FA and the UCDP, and was passed by 86% of the MPs present in the National Assembly that day.

The purpose and effect of the floor crossing legislation is to permit the defection of members from the party under whose aegis they were elected, as well as the merger and subdivision of political parties at all levels of government.

The composite laws stated the following requirements for legal defection:

- The defector must be a member of the national or provincial or local government legislature
- The defection must represent not less that 10% of the total number of seats held by the party which the defector is leaving
- The defector must defect within the prescribed 15 day windows in the second and fourth year following the date of an election.
**Trends and Consequences**

In total 1396 public representatives have crossed the floor in the five “windows of opportunity” since the inception of floor crossing in 2002.³

- 55 Members of Parliament
- 60 Members of Provincial Legislatures
- 1291 Councillors

This has resulted in changes of administration in two provinces and in a plethora of municipalities.

The pattern of floor crossing over the total period has generally resulted in the strengthening of the ruling party’s representation to the detriment of the opposition. The coherency of opposition has not only been undermined by declining representation but by the further fragmentation of the opposition in legislatures. In total 17 new parties have been established at the National and Provincial level.⁴ Only one of these parties, the Independent Democrats has been returned to either of these spheres of representation by citizens through the ballot box, calling into question the legitimacy of the other sixteen nascent political entities.

The South African system of representative democracy is premised on proportional representation (PR). Glenda Fick, of Wits University’s Law School, has observed that “The South African electoral system is valued for its simplicity... its inclusivity (all votes count, there are no votes that are excluded) and its representivity (the electoral system is capable of accommodating a wide range of political parties and issues in a legislative body, thereby giving effect to multi-party democracy)”.⁵ In national and provincial elections the total number of valid votes cast, constitutes 100% of the vote. Subsequent to elections, the votes accruing to each party are tallied proportionately, and seats are assigned accordingly in line with a formula for representation.⁶

When an individual MP crosses the floor it distorts the balance of representation as determined by citizens through the ballot box. Fick observed that “One difficulty presented by... South Africa’s floor crossing provisions [is to] permit the outcome of an election to be changed by the subsequent actions of individual members of the legislature between closed-list [proportional representation] elections. Such a system translates the electorate’s preference for a particular party during the election into a number of seats. If politicians are subsequently able to change this number by crossing the floor, the political will of voters is flouted”⁷

In the National Assembly each of the 400 seats represents approximately 0.25% of the vote. In the 2004 elections 15,612,667 valid
votes were cast in the National component of the election. Each seat thus accounted for the representation of 39,032 voters. Consequently it can be argued that the 25 MPs who crossed the floor in 2005, nullified the voter intention of 979,792 voters. These voters represented 6.25% of the valid votes cast in the 2004 election.

It should also be borne in mind that the MPs who crossed the floor this year did so in the context of the second window of opportunity for the current Parliament, compounding the effects of the 2005 defection period. The 7 MPs who crossed the floor this year thus defied an additional 273,224 voters. The cumulative number of votes cast in the 2004 election that have been effectively torn up through defection now stands at 1,253,016 or 8% of the 2004 electorate. That is every 12th person in line at polling stations in 2004. It is a stunning and telling statistic. Many hundreds of thousands of other votes cast at the provincial and local level have been similarly violated.

At the local level, South African utilizes a mixed proportional representation and first past the post system. Ward councillors are directly elected by communities and are accountable to their communities at election time. If a ward councillor resigns mid-term, a by-election is held, retaining the electoral balance as dictated by voters. Absurdly, floor crossing allows ward councillors to unilaterally change the representation accorded to their constituents without recourse to the will of the community through a by-election.

Opinion polls have shown consistently that the effects of floor crossing do not channel public opinion. In other words, a 2% shift toward a party through floor crossing does not necessarily reflect a concurrent shift in voter intention towards that party.

Electoral performance can make a case for serious distortions in representation relative to the will of the electorate: the New National Party (NNP) effectively came off a base of zero in the 2002 local government floor crossing window, and finished with representation of over 340 councillors. Yet this “increase” in representation coincided with the party’s most precipitous decline in support, as evidenced in the 2004 election results when the NNP lost 76.5% of the vote that had accrued to it in 1999.

The 2006 Local Government election results for Cape Town highlight further distortions in representation (the details of which are contained in the draft paper in your packs), but suffice to say that when held up to public scrutiny through the ballot box, the representative correction was significant. Equivalent distortions in representation are evidenced through elections data for other legislatures in all three spheres of government.
Public Money

Floor crossing also has a substantive impact on the provision of public money to political parties through the Represented Political Parties fund as administered by the IEC.

The IEC formula for allocating funds (90% proportional, 10% equitable) is applied below. For the purpose of the exercise below a hypothetical sum of R10 million is dispersed through the fund according to the applicable formula in line with party affiliation in the National Assembly after the 2004 elections:

Equity: The equity allocation is divided among the provinces according to the proportion of seats that province has in relation to the total number of provincial seats. There are 430 seats in all nine legislatures; the Western Cape legislature which has 42 seats thus receives 9.767% (42/430) of the equity component of the fund to be disaggregated equitably between the parties represented in that legislature. In other words if R1 million is to be distributed through the equity component of the formula, the Western Cape will receive R97, 674.42 which is then divided equitably among the parties represented in that chamber. This scenario is repeated across the other eight provinces. The equity component of the allocation formula does not take into account representation in the National Assembly.

Proportional: The proportional allocation is applied according to the total representation of each party across all nine provincial legislatures (430 seats) and the National Assembly (400 seats). For example the African Christian Democratic Party (ACDP) prior to floor crossing in 2005 had 15 seats across the ten legislatures. The formula would assign the ACDP R18, 072.29 if R9m were allocated through the proportional component of the formula (15/830 x R9, 000, 000).

In practice the current formula favours larger parties in the application of both the equitable and proportional components of the allocation. Parties with representation across a range of provinces receive a larger sum of the equitable component of the fund than parties with regional representation. It is in this way that the ACDP receives 30% more of the equity transfer than the Independent Democrats (ID), despite the fact that the ID won more votes than the ACDP in the National component of the election. Similarly, the ACDP which had 8 MPLs in 6 legislatures prior to the floor crossing window received a larger share of the equity transfer than the IFP who had 32 MPLs, but only in 2 legislatures. Parties with representation in the National Assembly but without any representation in the provinces (e.g. Azanian Peoples’ Organisation - AZAPO) receive no money through the equity transfer. Given that the proportional
transfer weighs provincial and national seats equally, a party like AZAPO which received sufficient votes in the National component of the general election to garner a seat in the house (0.25% of representation, or 1/400, in the NA) receives 0.12% (1/830) of the proportional transfer, and none of the equity transfer.

Floor crossing has further distorting effects on allocations under the current formula. The 2005 defection period resulted in a number of single member parties in both the national and provincial legislatures. The application of the equity component of the formula at provincial level means that single member parties in provincial legislatures receive larger shares of the total fund than single member parties in the National Assembly who, if they have no provincial representation, receive nothing from the equity transfer. The provincial bias of the equity component also means that a party like the United Independent Front which had 2 MPs in the National Assembly, but six MPLs across 4 provincial legislatures received a larger share of the total fund than the United Democratic Movement who have 6 MPs and 5 MPLs, but importantly only in two provinces.

The application of the formula shows significant distortions. One example is the fact that the Christian Party, a one person party in Mpumalanga (formed through the defection of the single representative of the Freedom Front Plus) that has never contested or won representation through an election, accrues more than three times the amount of money allocated to AZAPO, a party that won sufficient votes in the 2004 elections to win representation in the National Legislature.

Public money, in this way, is afforded to new parties formed through floor crossing although these parties have not tested their ideas with the electorate. If citizens do not approve of new parties receiving public money, they must wait until the following election to vote them out their positions. In the interim millions of rands of public money is arguably dispersed in a problematic and unaccountable manner.9

Floor crossing also exacts punitive costs to the public purse through the fragmentation and contingent proliferation of parties. Each new party formed through floor crossing at National and Provincial level receives funds to support their legislative activity (administration, research, etc). The leaders of the new parties also receive higher salaries accorded to the status of “party leader”.

The table in Appendix 1 disaggregates the hypothetical dispersal of R10m through the fund as it would apply after the 2005 National and Provincial floor crossing period.
Public Opinion, Public Trust, Political Culture and Participation

10.3 Do you approve or disapprove of Parliamentary representatives leaving their political party and joining another party, also known as “floor crossing?”

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<td>41</td>
<td>27</td>
<td>58</td>
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For all the reasons highlighted above, it is not surprising that many citizens feel aggrieved by the system of floor crossing as it is currently legislated in South Africa. A survey released by the Washington Post, Kaiser Family Foundation and Harvard University in 2004, asked citizens “Do you approve or disapprove of Parliamentary representatives leaving their political party and joining another party, also known as ‘floor crossing’?” Results indicated high levels of antipathy towards defection: 32% of respondents indicated “some” or a “strong” level of approval for floor crossing. In contrast a total of 63% of respondents indicated “some” or “strong” disapproval of the regime. The largest group of respondents, 42% of the sample, disapproved “strongly”.

Data also suggests that floor crossing reinforces perceptions of alienation among sections of the South African voting public. In 2004, turnout of voters in KwaZulu-Natal and the Western Cape, the two provinces most affected by the 2003 national and provincial defection period, registered the lowest levels of voter turnout for polls across the country, 73.51% and 73.05% respectively.

When weighing up the advantages of exercising democratic citizenship with spending the morning in bed on Election Day, it must be tempting for supporters of smaller parties to veer for the latter when the net beneficiary of floor crossing at all levels has been the ruling party at the expense, and fragmentation, of opposition in toto.
The ANC, effectively protected by the clause requiring 10% of a caucus to cross before any individual may move, is yet to lose a national or provincial seat in any legislature through floor crossing. Unsurprisingly, the system is perceived as unfair specifically, but not limited to, opposition constituencies.

Voter apathy in the context of a PR system has a substantive effect on electoral outcomes. Voters impact on the result whether they vote or stay at home. If 2 people vote or if 20 million people vote, the sum of the votes is formulated into a 100% figure and divided up proportionately. When people stay at home they thus increase the proportional and representational “power” of every vote that is cast.

**Party Politics**

There is also an argument to be made that floor crossing is bad for internal party politics in a number of ways. Political parties are generally formed by collectives of citizens who share common grievances and aspirations. These citizens band together and form a party to represent their interests, and elect leadership to advance their cause. These leaders are, in turn, accountable to their members, whom they represent and who can be removed or rewarded according to the membership’s assessment of their performance. Parties then test their ideas and practices with the broader electorate to compete for representative office through democratic elections.

In the case of floor crossing, the organic process of party formation is turned on its head. At the moment of the party’s birth it has representation in a legislature or council, but no membership or grass-roots infrastructure. These structures and membership are then sought out and established through a top-down inversion of established political practice.

The lack of leadership’s accountability to existing structures can lead to petty squabbles and the entrenchment of factionalism very soon after the establishment of a party. Access to state resources, through representation in office, can then lead to patronage politics asserting itself through the nascent structures in order to further the political cause and longevity of particular personalities and personality cults. The fractures and protracted court cases relating to formation of the National Democratic Convention (NADECO), the United Independent Movement (UIF), and, to a lesser extent, the Independent Democrats, are all a function of the perversion of party formation affected through floor crossing.

The defection of disillusioned representatives through floor crossing also affects existing and established political parties. The 2005
floor crossing window saw, for example, the IFP, a party already in electoral decline, haemorrhage representation to a new political entity, NADECO. Representatives who have left the IFP for NADECO have cited various reasons for their departure: from clashes with the leader, to a lack of vision on the part of the organisation.

The defection of these members from the IFP robbed that organisation of an important internal debate, and one with the potential to change or renew the organisation. Floor crossing encourages disaffected members to withdraw from party disagreements, sucking the lifeblood from the internal debates that drive political parties to remain relevant to the concerns, grievances and aspirations of citizens more generally.

The temptation to jump ship rather than engage one’s colleagues in substantive debate appears to be an increasing reality in South African politics. This is unhealthy in the context of a developing political culture.

It is worth dwelling on the proliferation of smaller parties through floor crossing for a moment in a more abstract manner: Every seat, in every representative forum represents the valid votes of citizens cast in the elections that underpin the entire edifice of democratic politics in this country. The representatives who occupy these seats constitute a community elected by South Africans, for South Africans, to realise the collective dreams and aspirations of our nation. Yet among them sit a small (but growing) group of people whose parties have never received a vote, or a mandate to represent anyone.

In another context and another time one might be tempted to term them petty dictators: self-appointed, unelected, beneficiaries of the public purse, masquerading under the guise of democracy, claiming the people’s voice without a mandate, and representing citizens’ interests as they see fit. Unfortunately this abstraction exists in our legislatures, with very real consequences.

**Floor Crossing Conclusion**

For democracy to sustain itself, it has to win the trust of its citizens. In the context of the transition from an anti-democratic, authoritarian government to democracy, in which new democratic structures must assert their relevance and representivity in opposition to lived memories and experiences of institutional impunity, floor crossing has the potential to undermine the integrity of aspects of the transition and the consolidation of our democracy.

Current data suggests that Parliament’s long haul towards establishing legitimacy in the eyes of the public has been largely successful,
but it remains work in progress. The 2005 Afrobarometer survey found that 23% of citizens trusted the institution of Parliament “a very great deal” while a further 29% trusted it “a lot”. The 2004 Washington Post/Kaiser Foundation survey reported that 45% of respondents had a “great deal” or “quite a lot” of confidence in Parliament. The largest single segment, 30%, remained ambivalent, indicating “some” confidence in the institution; a further 23% indicated “not much” confidence or “none at all”.

Proposals to amend or scrap floor crossing are currently before Parliament, and have been referred to the ANC’s branch structures in order to prepare a resolution for the National Conference in December 2007. Parliament and the ruling party should reflect on the unintended consequences of the legislation, and use the opportunities available to them to scrap the practice in lieu of a more comprehensive review of our electoral system which can be implemented in the medium term.

It is our view that perceptions of expedience driving the defection of representatives, public antipathy towards the regime, the distorting effects of floor crossing on representation and participation, the apparent relationship between rising levels of voter apathy and floor crossing, and the negative effect of defection on the development of political parties, collectively mitigate the intended benefits of the legislation. The contradictions arising at the intersection of a proportional representation, party list electoral system and floor crossing, as currently legislated, indicate the need for either electoral reform, or the reform or scrapping of floor crossing.

Some reflections on Coalitions

The post-apartheid milieu has been characterized by the increasing dominance of the ANC and collective failure of the opposition to mount a significant challenge to the ANC, or its alliance. The ANC currently rules in all nine provinces and in five of the six metro municipalities. Of all the opposition parties, only the DA is represented in all of the provincial legislatures and metros. Moreover all opposition parties are characterized by regional biases, and, to a lesser extent, issue orientated or ethnically limited constituencies.

For observers of the South African political landscape, not one of the current political parties represented in Parliament constitute a serious threat to the incumbency of the ruling party in the contemporary period. The observation is not without some grounds.

Represented opposition is characterised by fragmentation along ideological and racial grounds; opposition voices often drown each other out in petty intra-party squabbles,
and those that focus on the ANC often only address the niche concerns of existing opposition constituents and are articulated in a school of discourse that washes over voters in the ANC fold. The electoral performance of opposition bears this out:

In 1994, 7,295,843, valid votes accrued to parties other than the ANC. In 1999 the net opposition vote shrank by 1,920,031 votes to 5,375,812. The ANC itself won 1,636,325 fewer votes in the 1999 election, but still managed to increase its parliamentary representation as a consequence of the lower poll.

In 2004 opposition voters, weather beaten by floor crossing losses, perceptions of political expedience on the part of their representatives and the final acrobatic flip-flop on the part of the NNP turned out in even lower numbers: the total opposition vote shrank by a further 641,396 votes or 11.93% of the votes that accrued to the opposition in 1999. In contrast, in the context of a lower poll, the relatively small real increase in ANC votes (276,921) translated into a large proportional gain, taking the ANC over the two thirds mark and on the verge of 70%.

We can conclude that in general, electoral outcomes in the post-apartheid period have been characterised by two relatively constant trends: One is that few voters have crossed the ideological line between the ruling party and the opposition in the years 1994-2004. Compounding this failure is the fall away in net opposition turnout. This is a crucial issue in the context of South Africa’s electoral system which has resulted in net opposition representation steadily decreasing as a result of the comparatively higher turnout among the ANC’s base.

A useful thought experiment to illustrate the importance of turnout in the SA system is to think of a birthday cake. It is my birthday, I buy a cake and invite ten people to attend the party. If all of my friends attend, each will receive one tenth of the cake. However if only five attend, they receive one fifth. The effect of the five friends who stayed away from my party was to increase the relative size of the slice of cake of each of those who did attend. In the same way all voters who vote in an election contribute to a 100% representational tally to be divided proportionately among parties. The effect of voters who stay away in elections is to increase the power of those votes that are cast. If opposition voters stay away in higher numbers than ANC supporters, the effect is to increase the proportional power of the ANC vote, as illustrated through our elections.

Where substantive change has occurred, it has manifested in a shuffling of representation among parties on the centre right of the ANC, whose vote is concentrated among minority groups.
Thirteen years into our democratic adventure, South Africa has witnessed a number of coalitions, some successful, but most unsuccessful in terms of delivering change to the representational edifice. The GNU at a national level, and in KZN, as well as coalition governments in the Western Cape involving both the opposition and the ANC (with the NNP) have formed executives at all levels of government. We have also seen coalitions formed for electoral purposes, specifically the initial DA project, which sought to circumvent an election cycle and unify aspects of the opposition to face down the ANC juggernaut, and the so-called Coalition for Change comprising the new DA, IFP and UCDP that contested the 2004 elections.

As our politics has matured, so too have the politics of coalition forming. Initial projects did not benefit smaller partners (perhaps with the exception of the DP’s coalition with the then NNP in the Western Cape). Through the GNU both the NNP and the IFP saw their national fortunes decline relative to the senior partner, the ANC, as did the IFP in KZN. The initial DA project failed as a consequence of a lack of shared vision, and the expedience of certain politicians. The Coalition for Change sought to secure executive power in KZN and consolidate the official opposition’s position in the North West, but failed on both counts due to the conflicting nature of the net constituencies, convoluted strategies and opposing political traditions (notably traditional authority and liberalism’s antagonism to the institution).

Since the 2006 Local Government elections a number of sustainable coalitions have emerged at the local level. Most of these formations are dominated by either the DA or the ANC, and it remains to be seen if the junior partners will benefit from the relationship in the medium to long term. Sustainability and success depend on the relative balance of forces in the region concerned, the ability of coalitions to withstand floor crossing, and careful political management that guarantees both short and medium term benefits for all the parties concerned.

While coalitions have added a new component to representation and executive government in SA, it should be remembered that in many instances the coalitions themselves were necessitated by declining opposition returns. Beneath the surface of these seemingly cohesive partnerships, the dynamics of post-apartheid opposition politics and its challenges remain, and there is not visible evidence that coalition building is working to overcome these challenges.

3 In 2002 555 local government councillors crossed the floor; in 2003 23 Members of Parliament (MP) and 21 Members of Provincial Legislatures (MPL) crossed the floor; in the 2004 municipal floor crossing 486 councillors defected; in 2005 25 MPs and 26 MPLs used the window of opportunity to defect to new or existing parties; and in 2007 7 MPs, 13 MPLs and 250 councillors crossed the floor.

4 In 2003 the Independent Democrats, National Action (Nasionale Aksie), African Independent Movement, Alliance for Democracy and Prosperity, and the Peace and Justice Congress were formed in the National Assembly. The Peace and Development Party, Independent Democrats and New Labour were formed at the provincial level in 2003. In 2005 the Federal Democrats, Progressive Independent Movement, United Party of South Africa, United Independent Front, and the National Democratic Convention were formed in the National Assembly. The United Independent Front, National Democratic Convention, the Christian Party, Alliance of Free Democrats, and the Federal Alliance were formed at a provincial level.


6 In the local sphere, a mixed PR and first past the post system is utilised.

7 Fick, G. Op Cit.

8 See the Mail & Guardian article South Africans are Disillusioned with Politics at http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=415

9 See http://www.businessday.co.za/Articles/TarkArticle.aspx?ID=1681174 for additional opinion on this matter.

10 The ANC had hoped that structures would give leadership a mandate through the debates at the National Policy Conference in June 2007. However, the two Legislature and Governance Commissions convened at the Conference returned to plenary with contradictory recommendations: one commission advocated the scrapping of floor crossing, while the other remained partial to the status quo
4. The Nexus between Democracy and Development

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1. Introduction

Is there a link between democracy and development? We have often assumed this to be the case that development leads to democracy, or conversely that democracy necessarily leads to development. There are two inherent problems here. Well, actually three. One is that the link between the two is assumed, and whatever evidence there is to support such a link, in fact proves to be inconclusive. The other is that even when this link between democracy and development is posited, the evidence notwithstanding, we are not entirely sure what we mean by the terms “development”, and “democracy”. The third problem – a product of the first two – is that by logical extension, if we are not sure what precisely we mean when we refer to either ‘democracy’ or ‘development’, how is it possible to establish the link between them, when the reference points with regard to terminological use is unclear. Quite simply – we posit or establish a link and relationship of one to the other - without specifying what the linkages, relationships and causality between one and the other actually are, and between which and what elements of them there is a causal or other sort of relationship with.

This concept note then, will attempt to first give some meaning to what precisely is meant by the terms democracy and development. We then attempt to review aspects of the existing research and literature related to this and lastly unpack some of the issues, such as questions of state building and state capacity at local level, decentralisation and poverty reduction - that emerges from the literature.

The broadest concept of development incorporates basic civil and political freedoms and would relate to economic, educational, social, and cultural opportunities and their availability and access, so that they contribute to the general wellbeing of the population at large. This would include some basic civil and political freedoms. Inherent in this idea would be the fact that some kind of democracy would be necessary - and indeed required if the kind of access to opportunity would
lead to increasing the general wellbeing of a population at large.

On the question of democracy, it would be useful to bear in mind a distinction between three broad aspects of democracy: one relates to some basic minimum civil and political rights enjoyed by citizens, another to some procedures of accountability in day-to-day administration under some overarching constitutional rules of the game, and another to periodic exercises in electoral representativeness. These aspects are of varying strength in different democracies, particularly in the few developing countries where democracy has been sustained over some period. On the other hand, a few authoritarian countries may display some degree of administrative accountability at certain levels of government, and may also have periodic renewals through acclamatory or referendum-style elections.

The empirical evidence in the literature looking at the link between democracy and development is unpersuasive. However, Parnab Bardhan in a piece entitled: “Democracy and Development: A complex relationship” cites the following: “the empirical literature is rather unhelpful and unpersuasive. It is unhelpful because usually it does not confirm a causal process and the results often go every which way.” Three surveys of the empirical literature come out with three different conclusions: One by Sirowy and Inkeles is supportive of a negative relationship between democracy and development; one by Campos is of a generally positive relationship; and the one by Przeworski and Limongi is agnostic (“we do not know whether democracy fosters or hinders economic growth”). The empirical literature is generally unpersuasive because many of the studies are beset with serious methodological problems (like endogeneity of political regimes to economic performance, selection bias, etc.) as Przeworski and Limongi carefully point out, and problems of data quality.”

It is a staple of the new institutional economics and the law and economics literature that a basic precondition of development is a minimum legal and contractual structure and a set of well-defined and enforced property rights; the general presumption in this literature is that democracy is better suited in providing this environment. However, “the idea that democracy protects property rights is a recent invention, and we think a far-fetched one.” If the majority is poor, and the democratic processes work, the property rights of the rich minority may always be under a threat. Of course, democracy may be ideologically more hospitable to a rule of law, but it is the predictability rather than legal accountability that is really at stake here, and it is not always clear that an authoritarian regime cannot provide a framework for a predictable set of contracts. “Over the last three decades, for example, the first family
in Indonesia or the KMT leadership in Taiwan has provided a reasonably predictable and durable (even though corrupt) contractual environment for private business to thrive, without the procedural formalities of a democracy. On the other hand, in some democratic regimes in spite of the existence of an admirable legal/contractual structure on paper, the courts (and the administrative arbitration machinery) are hopelessly clogged and, under the circumstances, the businessman values his connection with a durable politician much more than the legal niceties. The durability of a politician may vary widely from one democracy to another (in one the incumbent legislator may have the edge, as in the U.S., in another the electorate may be more inclined to ‘throw the rascals out’ with regular frequency (as in India), and also from an authoritarian regime to another (one may be more coup prone than another).”

It should also be pointed out that the rule of law that a democracy is supposed to uphold does not by itself preclude that the laws themselves may not be conducive to development. Even in some of the richest democracies of the world while the enforcement of laws may be better and subject to less corruption and arbitrariness than in developing countries, the process of enactment of those laws is subject to an enormous amount of influence peddling for contributions to campaign finance and other perquisites for legislators. Over time this problem has become worse in most democracies, as elections have become frightfully expensive. When policies to be legislated are up for sale to the highest contributor to the campaign fund, development projects may not win out (the policy decision in the budget may go in favor of buying one more military aircraft rather than 100 rural health clinics), and it is not much consolation to be told that the policies thus legislated will be implemented well by the bureaucracy and the court system under a democracy. In an open polity there may be more avenues for mobilising public pressure against covert (but not always illegal) sales of public policy.

Not all cases of public pressure that democracy facilitates help development either. Democracies may be particularly susceptible to populist pressures for immediate consumption, unproductive subsidies, autarchic trade policies, and other particularistic demands that may hamper long-run investment and growth. On the other hand, authoritarian rulers who may have the capacity to resist such pressures may instead be self-aggrandising, plundering the surplus of the economy. In fact, historically, authoritarian regimes come in different kinds, some deriving their legitimacy from providing order and stability (like that of Franco in Spain, some from rapid growth (like South Korea).
2. **Effecting a conceptual separation between the State, Government and Society**

2a. **The Nature and Character of the State**

Particular configurations of the State, its orientation, nature and character can either give effect to or undermine the interests of citizens in countries that are faced with the challenge of fighting underdevelopment. Debates about what constitutes a developmental agenda are in part about different and even contending conceptions of the state. The state as a concept and political reality has assumed different meanings ranging from a “collection of institutions, a territorial unit, a philosophical idea, an instrument of coercion or oppression” to a set of relationships between state and non-state actors. For the purposes of this paper the state must be understood to be: a political association that establishes sovereign jurisdiction within defined territorial borders, and exercises authority through a set of permanent institutions. These institutions are those that are recognisably ‘public’ in that they are responsible for the collective organisation of communal life, and are funded at the public’s expense. Furthermore, the state embraces the various institutions of government, and can be identified with the entire body politic. The following arise from this definition:

- The state is sovereign.
- The state is an exercise in legitimisation. Unlike the private institutions of civil society, the state occupies a ‘public’ space.
- The state is an instrument of domination/coercion.
- The state is a territorial association.

But the state should not be conceptually confused with government because:

- Government is an institutional sub-set of the state.
- Unlike government, the state is a continuing or permanent entity.

Government is the instrument through which the policy orientation and content of the state find effect and are given expression.

The state is ‘impersonal’.

The state represents the ‘permanent’ interests of society.

Since society represents heterogeneous interests and the state as a ‘public’ space presupposes, in the absence of a stalemate, competition for the emergence of dominant interests, some of the issues that arise from the definition above are either wholly or partially unsustainable. The emergence of a hegemonic set of interests in society is to a certain extent dependent on the nature and character of a particular state in a given society. This determines the orientation of the state towards the unique challenges facing a particular society and these in turn inform the nature of contests within that society and, therefore, how that society as
represented by different interests within it engages the state. For the purposes of the current discussion on decentralising decision-making in local government and deepening participative democracy in this sphere of government/governance, it is our contention that the state must be both democratic and developmental. To us this means conceiving of the state in terms of a hybrid that combines elements of the developmental state as exemplified by the post-war German and Japanese models, and the social democratic state as exemplified by the post-apartheid South African state. Understood in this way, the state should therefore be interventionist with the aim of promoting ‘industrial growth’, ‘economic development’ and “social restructuring” with the objective of achieving ‘social justice’. In short, for effective decentralisation of decision-making processes to take root at local level as a localised expression of the state, the state must be democratic and developmental to achieve the kind of results described.

3. Revisiting the tensions between democracy and development – as they pertain to the discourse in the current conjuncture

The debate on democracy, decentralisation, delivery, politics and performance seems to be caught in a mutually exclusive binary, with proponents of one or the other seemingly emphasising one aspect (or set of aspects) over another, privileging one (or some) to the exclusion of others.

The binary seems to arise from a consideration of the State in two broad conceptual terms: the Developmental State on the one hand and the Democratic State on the other. The debate on these two terms has been cast in largely mutually exclusive terms, with a tendency to confuse managerialism, public sector performance and delivery as synonymous with the developmental state. Of course the developmental state is this, but it is much more. On the other hand, there is the tendency to conflate and confuse the idea of the democratic state with the classic notions of democratic indicators – in all their guises, from the liberal to the radical. But as radical as the conceptualisation of the democratic state may be, its exclusive focus on rights, responsiveness, representation, consultation, accountability, oversight, participation and voice is perhaps its weakness, as the democratic state is all of these things, but also much more.

Crudely put, the debate can be characterised as follows. Those deliberating on the Democratic State seem to suggest that giving voice, expediting, crafting and streamlining participatory processes, promoting greater inclusiveness of the poor and marginalised and the deepening and consolidating of democracy in all its facets (diversity, protection and promotion of rights, representation and
representativeness, institutional separation of powers and functions, transparent decision making, accountability and oversight) themselves become panaceas for effective governance. By implication, effective democratic governance means better service delivery, as the theory suggests that the government then really knows what the people want. But knowing what the people want, without really having either the infrastructure, capacity, managerial ability and process of delivering the elements of democracy themselves will ring hollow in the absence of a change in the material conditions by which people symbolise and internalise the world.

On the other side of the divide, those deliberating on the Developmental State seem to propose that developmentalism and the developmental state are somehow synonymous with the delivery state. Because there will be effective delivery, the state by its nature will then be democratic. Taking its cue, but somewhat crudely caricaturing the discourse emerging in the public service and from the locus of political power and office, the proposition is that managerial effectiveness, technocratic efficiency, and streamlined procedures and processes for the delivery of public goods and services alone will give concrete expression to a developmental or delivery-oriented state. My characterisation obviously misses important nuances that either side proposes. But after a spate of social movement and civic protest activity in protest against the slow or perceptibly ineffective delivery of services, especially at local level, the polarisation between state – more specifically, the local state – and society has served largely to crudify much of the policy and politics debate, casting it in terms which in essence become incomprehensible if one were to think about democracy and delivery in tandem.

The question that can then be teased out, given that the role of government has highlighted differing views about how state institutions should relate to their constituencies and communities, is whether local institutions specifically should be predominantly concerned with efficient, cost-effective service delivery and raising as much revenue as possible, or whether local government should give more weight to building social capital – establishing trust, cooperation and coordination amongst people and institutions so that community life can flourish. Should councils, at local government level, treat their constituents primarily as customers for the services they provide, or as citizens – with much broader needs and expectations (rights) than just efficient and effective services?

The danger attendant with the polarisation of the debate between democracy and delivery and democratisation and developmentalism may lead to tendencies
that lead to an uneven balance between one and the other. Thus, it might correctly identify a need for better management – greater efficiency and effectiveness – but may fail to give sufficient attention to the need for better governance. One of the consequences of this ‘lop-sided’ approach to governance is that we could potentially see a shift in the balance of power within councils from elected members to appointed officials (managers) – a trend that is already evident. What exactly have been the effects of this? Mainly inappropriate and ineffective modes and models of service delivery being used and implemented; inefficient administration and implementation of service delivery processes, of registering indigents and the poor for the free services that accrue to them as a part of their social wage; a lack of oversight by elected representatives over their officials and administrators, and therefore a corresponding lack of accountability of the appointed officials to elected representatives; and, in turn politicians’ lack of accountability to their parties, and moreover their constituents.

It is increasingly clear that much of the social protest activity in evidence around the country can be split into four broad categories. The one is social movement/civic activity/civic activism/direct action in civil society – displaying characteristics of being increasingly uncivil, which itself is disparate, in often distinct but also interrelated ways. On the one hand, there are social movements that have a strategy (however inadequate) and an alternative policy and political project – signalled by organised political activity, a distinct ideological and political position, a political identity, organised structures and branches, regular meetings, and the like. On the other hand, there is also more spontaneous, unorganised activity that happens through social movements which may or may not have organised structures, branches, meetings, and a fixed identity or policy and political project, seeking simply alternatives to what they consider to be the current neo-liberal state trajectory.

This cohort will be unhappy (in colloquial terms) even if service delivery and the availability and accessibility of public goods and services improve.

Spontaneous eruptions are grounded in basic need. These emerge from perceptions of the slow pace of ‘service delivery’ and the government’s perceived lack of capacity at the local level. But this is too popular and easy an explanation.

A creeping sense that there is a democratic deficit that is underpinned by an emerging crisis of representation

This is where citizens feel that their elected representatives and the executive government at all levels is out of sync with the community concerned, that the depth and rate at which
their problems are adopted and addressed are shallow and that the government in general is unaccountable and unresponsive. In short that they are not adequately represented as citizens and that government conceives of them as passive recipients of services rather than as active participants in the policy making and policy execution and implementation process. In any event a large number of goods and services are not produced by government in any event, and so the idea that the protests are about service delivery only is a misnomer.

A definite alternative policy and political trajectory opposed to the current dispensation.

Some of the protests are instigated by local “opposition party” or small party/social movement type organisations. Some of them emerge from the ANC alliance itself – among them those that may not have been on party lists, or were replaced by other candidates or that were kicked out of the party for corruption, ill discipline or apparent non-performance.

In summary, my contention is that politics and policy, democracy and delivery, transition and transformation, are essentially complementary rather than conflictual. Casting them on conflictual and mutually exclusive grounds serves only to stultify debate, at best, and hold the rollout of public goods and services to ransom. The need for a developmental state that emphasises performance, managerialism, technical and bureaucratic efficiency and effectiveness, and institutional rationalisation and transformation must coexist with the idea of a democratic state that creates a voice for the poor and marginalised, that promotes, enhances and protects the rights that accrue but pursues the obligations owed to it by citizens, and which inculcates diversity, responsiveness and representation and representativity, the institutional separation of powers and functions, transparent decision making, accountability and effective oversight. We are at an opportune moment to interrogate the idea and explore the contours of what an ‘embedded’, democratic developmental state may be.

4. What then are/should the elements of the democratic developmental state be?

Getting back to basics - Democracy and Representation

4.1 Democracy

The South African Constitution offers to the people of South Africa a commitment to an open and democratic form of governance
“with due regard to representative and participatory democracy, accountability, transparency and public involvement."

The nodal point of this vision is that people should participate in shaping their destiny, rather than restrict the extent of their participation to the episodic vote. This idea was captured in the RDP (Reconstruction and Development Programme) document:

“Democracy requires that all South Africans have access to power and the right to exercise that power.”

At the level of local municipal structures, the Municipal Structures Act makes provision for the establishment of ward committees to facilitate public participation in local developmental processes at the base level of Government.

The South African Constitution presents an interesting and exciting challenge: it declares that the new, hard-won democracy is both a representative and a participatory one.

Any consideration of representative or participatory democracy must begin with the foundational notion of direct democracy. This model of democracy is premised on the notion of “the people” coming together in assembly (termed a people’s assembly). In other words, that every citizen would be directly involved in every decision of government. This ideal is severely challenged by the known realities that existed in those states where amidst the assembly only a few orators were seriously able to debate issues in the mass assembly. Of necessity also existed a circumscribed notion of the concept of ‘people’ when specifically related to participation – circumscribed conceptually to exclude women, slaves, and other ‘social undesirables’ which were in the ultimate instance denied citizenship and consequently denied the right to participate.

This ideal as a myth that through the ages forms the basis for most consensus-based political practices supports the contention that the majority has the right to decide. Underlying it is that the free development of all can only be achieved by the free development of each. Whilst the maxim is expressive of a general political will, which in isolation from the contemporary realities of societies and their dynamics may be efficacious [excluding the application of negative exclusionary categories], given the sheer size, complexity and diversity of postmodern society, this primitive form of democracy is rendered impractical and impracticable. This type of democracy, given the evolving condition of society would lead to ineffective administration, inefficiency and the constant probability of political instability.

Plainly, beyond the days of the Athenian state, it has become both impractical and
inappropriate to involve every citizen in every decision of government. However, the evolution of traditional direct democracy has seen the transformation of the ideal to suit modern conditions and find manifestation in universal suffrage, referenda and other forms of direct engagement in decision making, specifically at local and regional government levels.

From classical antiquity to the 17th century, democracy was largely associated with the gathering of citizens in assemblies and public meeting places. By the late 18th century it was beginning to be thought of as the right of citizens to participate in the determination of the collective will through the medium of elected representatives.

Hence, the functioning of representative democracy eventually crystallised into its contemporary theoretical paradigm as a cluster of the rules and institutions promoting the broadest participation of the majority of citizens in the selection of representatives who then have the responsibility to make decisions on behalf of others.

Government by men and women elected in free and fair elections in which each citizen’s vote is equally weighted (universal suffrage) has become the standard form of government.

The consolidation of representative democracy, thus understood, has been a late 20th century phenomenon, for it is really only lately that liberal representative democracy has been securely established.

Compared to direct democracy, the emergence of representative democracy largely resolved the issue of scale and efficiency, but the central problem persists concerning the depth and rate of representation.

The underlying notion is that the elected representatives must directly represent the views of their constituents – the electorate. This defines representation as a limited mandate in which the representative is empowered to speak or decide in particular ways, especially when representing and reflecting the view of the constituency.

Semantically, what is at issue then is perhaps that of ‘delegate’ and ‘representative’: ‘delegate’ being one with a specific mandate while representative being free to consolidate personal opinions together with those of the constituency being represented, or independently thereof.

In this regard the “mandate theory” posits clearly that representatives must only reflect the views of their supporters in various legislatures or public forums.

In terms of the independence theory the representative must be able to initiate perspectives and reflect views and opinions
that need not necessarily only reflect those of the constituency.

The issue is further complicated given the political context in which South Africa currently operates. In the South African local government electoral system of proportional representation mixed with direct ward elections in the PR component, political parties bear the responsibility of mandates from their constituencies. The party is considered to have the people’s mandate to represent and mediate the public’s view. The PR system bears several advantages in a complex multirace, multiclass society – the purity of its form, belies the inability of the local Constituent office to function as an effective site of political participation.

It is assumed that the direct ward election will provide a more direct link in defined constituencies. Evidence that this is so is scant. The only firm evidence is that direct ward elections provide the potential for greater accountability and independence from party hierarchies, not that it necessarily occurs. For that it requires penetration of the representative into the constituency and political commitment and conscience.

What does participatory democracy mean? By definition, it is neither direct nor representative democracy. It is something else. It does not mean, therefore, that every citizen must be involved, to the extent that everyone is asked to vote, in every decision. But nor does it mean that the opportunity to be involved in governmental decision-making is obviated by virtue of the fact that authority has been passed to a collective of free and fairly elected representatives. Participatory democracy, it is suggested, is a form of democracy in which citizens are actively involved in the decision-making processes of government at different levels – on issues that interest or affect them, and on the basis that mechanisms and platforms will be in place to facilitate this.

In truth, however – we do not have an adequately theorised notion of participatory democracy. What we have are models of institutionalising platforms, modes and systems of participation. Propositions in this regard are preliminary and tenuous. Regarding both representative democracy and direct democracy – both focus ultimately on both deliberative as well as decisive functions. Our notions of – and theorisation of participatory democracy focus on deliberation solely – in the absence of any decisive function that it may be imbued with.

4.2 Elections

Elections are important because they bring people together. In our current understanding, limited as it is – elections are one defining instant of participation. It is a political moment that becomes an intersection of the
personal and the political, the public and the private, the citizen and state, individual and the system. It is significant as it is:

A. Process driven – process creates opportunity and the equality of opportunity to exercise choice. It is a marker of citizenship.

B. Deliberative – implies the ability to exercise discretion in exercising choice.

C. Decisive – the outcome is important. It determines the tenor and trajectory of politics and policy.

D. Contestation, Conflict and Co-operation is systematised and mediated in part through electoral systems as they have the potential to provide the base for legitimacy and credibility provided that the elections themselves are credible and legitimate.

Voting in an election is the moment at which the responsibility for decision making is passed on to a freely and fairly elected body of representatives.

It is the pivot on which hinges the systemic notions of accountability and responsiveness and the expectation that oversight will be conducted by those people that are elected over the appointed officials. Depending on levels of voter participation (turnout), elections make participation possible.

As may be expected from a society in which historically only whites participated in regular elections, elections from which blacks have been excluded, voting in an election therefore comes to be associated with access to rights and dignity. A strong desire to vote was a key feature of the first decade of democracy, despite the lower levels of voter turnout at local government elections which in itself, despite lower comparable turnouts than at national and provincial elections, is amongst the highest voter turnout levels in the world in comparable societies in which it is not mandatory to vote in a local government election. Voter turnout in the 2000 local government Elections was 48%. This compares very poorly with the turnout in the 1994 national elections (87%), but is similar to turnout in the 1995/96 local elections. It is an unfortunate fact that in most countries the electorate does not regard municipal or local government elections with the same sense of importance as a national election. Voter turnout in the 2000 local government elections was only 48% overall. But this fact should not mislead one into believing that ‘the vote’ is not considered important by citizens [48% in 2006].

In successive elections, citizens endured considerable inconveniences to vote in a context in which the results were a forgone conclusion, and in which there was therefore no instrumental rationale for voting. It can then be safely assumed that citizens voted because they wished to express themselves, not purely to serve an instrumental purpose.
Voting then assumes a symbolic purpose, beyond that of its instrumental utility to achieve some electoral outcome or to procure access to certain goods and services. It is important in that it allows citizens to express themselves and is a significant indicator of the extent to which citizens view themselves as a part of the political process. It is, as is ordinarily understood, to be a mechanism for representation for citizens, and an opportunity for political parties to gain and fulfil the representative function in democratic institutions by winning seats in order to articulate the aspirations and interests of its constituents. The fact, and oft-contested view that emerges from some social actors that the vote is meaningless, when it does not bring a material reward, seems equally out of place in this context. The view that “I cannot feed myself or my family with the vote” becomes a rationale argument, only in the absence of a range of other democratic indicators, such as “voice” and accountability, amongst other things. The vote, or an election, amongst other things, is the first and most fundamental premise in any conceptualisation of a democracy.

If this is so it is an instant of participation, but lays the basis for creating social cohesion, and social capital creating the stronger possibility for the construction of a civic culture underlie by social reciprocity and social solidarity and co-operation, which in turn builds non-racialism and promotes economic development. It may also in part contribute to stemming the tide of the co-existence of parallel markets on which citizens procure goods and services – even in the instance in which only the State has the credible legitimacy in which to exercise force in society [that is security, intelligence and policing. This occurs though, in health and education too]. The relatively wealthy procure on the private market, the poor on the public market - which enforces separation rather than integration – cohesion, reciprocity and social solidarity.

Elections are critical for promoting both legitimacy and credibility which in turn promotes citizen consent for governance.

Through consent, compliance is promoted, making it easier for enforcement without coercion.

4.3 Electoral System Design

The electoral system design should in an unequal, brutalised and fractured society provide for:

a. Inclusivity
b. Diversity
c. Representativity, but also accountability and responsiveness.

The adoption of a mixed system tries to go some way in doing this.
An aberration in the system:
Floor crossing is one such major thing. In one sense it promotes the freedom and liberty entitled to individuals who find themselves in representative institutions to promote the ideals of a free and open society by promoting institutional reflection of the fluidity and dynamism of shifting political opinions and attitudes in the period between elections.

It can encourage greater contact between Representative and Constituent and therefore provides incentives for greater contact and responsiveness. This has to be consistent with the overall conceptual logic of the architecture of the electoral system.

At Local Government, it does this only in part, i.e. with the direct ward candidate. Citizens think it is inappropriate. It has the effect of undermining legitimacy and credibility – alienating voters – which leads to less participation. In short the public thinks it stinks – and I daresay many parties – especially those that lost members and seats, will tend to agree.

5. Pursuing a Development Path

We have as yet not answered the question of what constitutes development. I can however more cogently posit what ability and capacity is required to give effect to a developmental state:

Public Service – modernisation and realignment. Larger numbers in the public service attracting the right skills. This may imply greater amounts of public expenditure in the future.

The discourse on a developmental state – that is growth oriented, interventionist, activist, embedded and redistributive. Will focus on areas of regulatory capacity, administrative capacity, technical ability, extractive – resource raising capacity and coercion and enforcement.

The development state sees its mandate as one which aims to grow the economy, modernise productive forces and redefine the relations of production and consumption in society. To do so the State embarks on a more activist interventionist role and tries to effect a narrowing of the inequality gap, and also substantially reduce poverty by engaging in distributive governance. Its interventionist activist role in the economy is not only restricted to distributory governance, but aims through managing the economy and facilitating wider participation in the economy to redefine the relations of production and consumption. In order to do so, it has to effect a legislative, policy and regulatory regime, which in the complex and sometimes contradictory area of the economy, needs substantial intellectual, technical, executive and management capacity.
This is a relatively new departure for Government. I focus here, on the area of distributory governance through delivering public services that all governments are meant to provide. In addition - in this area of distributory governance there is at least some record over the last twelve years and some experience, no matter how patchy.

As a case in point - National Treasury statistics illustrate that a consistently expansionary budget over the last four years, has resulted in government spending of almost R60 billion or about a fifth of the budget on direct transfers to households. If indirect transfers to households such as free basic water and electricity, bus and train subsidies and land transfers are added, then spending amounts to almost 70% of the budget. This is a remarkable achievement. Yet, there are questions about why high levels of poverty persist in the context of such high levels of government expenditure, or even why there are perceptions of high levels of government inefficiency or that there is serious dissatisfaction with service delivery as witnessed by the estimated 700 social protests over the last ten years? In fact all this statistic conveys, is that there are particularly high levels of expenditure by government in terms of its distributory governance agenda in which expenditure of in excess of 60% of the budget is allocated to the social services sector [health, education, welfare, social services]. This tells us nothing about the effectiveness of the distributory governance agenda. In considering the public service and service delivery in this context, it should be borne in mind that Government’s successes occur more often in areas where it has significant control and its lack of immediate success occurs more often in those areas where it may have only indirect influence. The dichotomy between power and influence in respect of the public service applies in the sense that the areas over which government has control/power (the institutions, processes, procedures) there has been significant progress, while the areas where government has less direct influence (such as the behaviour of public servants in their interaction with the public and civil society, have shown much slower progress pointing in effect to the need for improving internal institutional and organisational supervision, management, oversight and accountability. The manner in which service delivery is planned, monitored and reported also requires major improvement.

The focus here will be on:
Identifying state institutions whose transformation would be required to establish an effective developmental apparatus;
Reconstitution and modernisation of traditional institutions and governance structures as part of the process of improving grassroots and local government capacity to mobilise and engage the people in
the transformation of South Africa into a developmental state; Economically and technically empowering people with the requisite capacity and skills to be in the drivers’ seat in the transformation process. (In other words, an effective human resource development strategy is an imperative for transformation into a developmental state); A strong commitment by South Africa’s political leaders to the transformation process, without which state coherence and autonomy will be lacking; A private-public sector partnership (PPP) is essential, requiring all stakeholders to be prepared to make the inevitable initial sacrifices to achieve important developmental goals; and A proactive policy of bridging the divide between South Africa’s “first” and “second” economies which must encompass land and agrarian reform accommodating the mass of the people in productive and income-generating activities, and reducing and eventually eliminating dualism from the South African political economy.

Preconditions for success are capacity and ability, transparency accountability and oversight, management and supervision.

The specific areas requiring focus:

**Regulatory**: in which the state is able to manage and enforce the laws and contracts to protect property rights. The presence of a well-functioning effective judiciary whose functions and decisions are respected and enforced. While this is largely the domain of the National State, with the expanded powers, functions and roles on local government in areas of regulating local economies, licensing land use, aiming for environmental protection, investing in infrastructure and so forth, it is critical that effective regulatory capacity exists, either in local government itself, or in a department of state, parastatal or other public body that would do so on behalf of local government. In the absence of regulatory function, predatory interests begin to take root.

**Technical**: in which the state has the ability to handle technical issues effectively. Increasingly this is needed at a fairly complex level in engineering and public works, the delivery of basic services, like water, sanitation and electricity/power, public health [in the primary care sector], education, economic policy. States that lack the capacity to address this face an erosion of legitimacy and authority.

**Administrative**: where the state requires capacity to manage its human and other resources effectively. Besides the need for managerial capacity, corruption has to be fought, mismanagement minimised and indiscipline countered.

**Extractive**: The capacity to generate revenue. The absence of this capacity fuels a loss of
revenue, and the growth of a culture in which meeting obligations to legitimate authorities is not considered a norm. Local Government’s role in this area is critical, despite the fact that it relies largely on national government transfers, either of a prescriptive or discretionary kind. While the revenue base in many local governments or municipalities is weak, the fact that a revenue base does exist and that user fees are legitimate demands made by local authorities on citizens [water, electricity, property tax, vehicle licensing and so forth], means that in raising some of its own revenue – an obvious challenge for local government – this is a critical area.

**Coercion and enforcement**: The legitimate use of state power, like the judicial system and the police and defence forces to extract compliance to obligations, to enforce the rules, laws and regulations in a society, the predictability, that while rules will be equally and fairly enforced there is sufficient predictability, that wrongdoing will be caught and indeed appropriately punished. While this is largely also a national government function, the expanded role of local government in licensing, land use authorisation, by law enforcement and with the inception of city and metro or municipal policing, this aspect has come to take on new significance at local government level.

The pressing question for the present then is what ability is there for the state to exercise its capacity and what does it depend on? This is a critical issue, especially in local government. Given the challenges at the level of local government it can be argued then that both state scope and strength matter equally in all of the five areas outlined above. It is true that consigning extensive scope to the state in the absence of state strength allows for and creates the situation of an over-ambitious state with a range of legal competencies and an extensive range of activities and responsibilities that it, in reality cannot perform well. In a developing country context like South Africa it is clear that given the nature of the challenges faced, it would be optimal to have both state strength and state scope. However, the performance of most municipalities seems to suggest that state strength in many sectors, for a variety of historical and some contemporary contingent reasons, is in most cases actually weak at the local level. The obvious apparent solution then would be to reduce state scope, and consign them either to a different area of state, which then risks burdening or overburdening that area of state. The other option would be to cede scope outside of the state, most usually to the private domain, which risks abrogating fundamental political and socio-economic rights and turns citizens into consumers.

There is yet, the more difficult but most viable option, which would enhance both state scope and state strength and therefore,
state size. This however, would require not only the political will to do so in the face of a rapidly globalising world, but also the commitment to improve governance, deepen the penetration of the state and build the capacity and infrastructure of the local state.

Each of these broad areas is under-girded by a series of requirements of their own. Improving governance would have to deal with better accountability, transparency, oversight and responsiveness to citizens. Deepening the penetration of the state would require an understanding of the cultures, history and social dynamics of communities, the instrumentality of more effective regulation, good leadership, and the effective representation of citizens that is inclusive and sensitive to diversity. In addition, fostering citizen participation will together with all these, and not in isolation, bring a greater amount of citizens into contact with the state and provide a stake in governance for citizens. Building the capacity of the local state would require accountable bureaucracies, skilled technocrats, better instruments of management and administration and infrastructure investment. Each of these areas is interdependent and interrelated. At the moment the ensuing debate on this seems intent on revisiting the vexing question of whether it is democracy that is required [and indeed what this might entail], as opposed to whether better delivery by government would be the solution to redressing the deficits left by decades of Apartheid and which would then be the solution to current developmental challenges in building the democratic developmental state.

1. Democracy and Development: A Complex Relationship by Pranab Bardhan; University of California at Berkeley
6. Democracy and Development: A Complex Relationship by Pranab Bardhan; University of California at Berkeley
Political parties have increasingly become a prominent feature of political systems in Africa, particularly since the onset of democratisation in the early 1990s (see Salih, 2003; Matlosa, 2005; Kadima, 2006; Salih, 2006; Chege, 2006). Prior to the 1990s, the political systems in the region were marked predominantly by either mono-party, one-person or military regimes which did not create a political climate conducive to multiparty democracy. Today, all the fourteen member states of the Southern African Development Community (SADC), bar one (namely Swaziland) have embraced multiparty democracy in which a plethora of parties exist and participate in the political process including regular elections to contest state power, a function that, by definition, distinguishes parties from other organisations such as interest or pressure groups.

The International IDEA handbook on Funding of Political Parties and Election Campaign, aptly notes that “since the end of the cold war, combined internal and external pressures for democratisation and good governance in Africa resulted in the reinstatement of multiparty politics and competitive elections in country after country” (2003:21). In essence, therefore, political parties have become, in a majority of SADC countries, a critical linchpin for the institutionalisation, nurturing, deepening and consolidation of democracy.

This article investigates the key roles and functions of political parties in Southern Africa with a particular focus on whether parties are agents of democratisation in the region or whether they retard the democracy-building process. The discussion, therefore, explores the state of political parties and their role in the democratisation process confining its scope to the fourteen countries comprising the Southern African Development Community (SADC) namely Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South
Africa, Swaziland, Tanzania, Zambia and Zimbabwe. We do not intend to provide a blow-by-blow account of parties in each one of these countries, but we will make relevant broad strokes of the state of parties across the region with appropriate examples where need be.

The paper is structured into six main parts. Following this introductory section, the next section of the paper introduces some conceptual issues to deepen understanding on political parties and democracy. This is followed by the third section which sketches out the evolution of party systems in Southern Africa and their shifting shades and shapes over time, probing into implications thereof for democratisation. The fourth section grapples with the contemporary trends of party politics in the region, highlighting challenges. This section is divided into two sub-sections (i) external environment for political parties and (ii) internal functioning and governance of political parties. The fifth section discusses women’s political participation through parties and parliaments. The last section wraps up the discussion, highlighting the main observations in the paper and drawing the main conclusions.

**The Essence of Political Parties to Democracy: A Conceptual Framework**

Political parties have to be understood within the overall theory and practice of democracy. While democracy has proved a fairly nebulous term to grasp, there is a fair amount of consensus in the literature in respect of what political parties are and their role in a democratic system. Following in the footsteps of Todd Landman’s analysis (see Landman, 2005; Landman, 2006), I propose to define (or should I say explain) democracy in three different ways. Firstly a minimalist definition (explanation) of democracy locates the theory and practice of democracy around two principles or values, namely political competition or contestation and participation. The notion of contestation “captures the uncertain peaceful competition necessary for democratic rule, a principle which presumes the legitimacy of some opposition, the right to challenge the incumbents... the existence of free and fair elections and a consolidated party system” (Landman, 2005:20). Participation presupposes political control of the citizens over the people who govern on their behalf. This notion “captures the idea of popular sovereignty which presumes the protection of the right to vote as well as the existence of universal suffrage” (Landman, 2005:20). This is what is often referred to as procedural democracy or electoral democracy. Secondly, the liberal notion of democracy transcends procedural democracy and extends its essence beyond just contestation and participation to include the protection and promotion of political rights and civil liberties. It includes other
institutional dimensions (guarantees) such as accountability, transparency, constraint over law, property and minority rights. It places the pride of place to institutional dimensions of democracy. This is what liberal democracy is all about. Thirdly, the social-structuralist definition of democracy extends the theory and praxis of democracy beyond both the proceduralist/electoralist and institutionalist dimensions found in the earlier two definitions (explanations) and introduces the socio-economic dimensions and structural configuration of power. While maintaining the proceduralist and institutionalist dimensions of democracy, it pays more premium to social and economic rights and social power relations in society. This is the defining feature of social democracy or what others would equally term developmental democracy. In a nutshell, a useful approach to our understanding of democracy in Southern Africa is to have in mind these three epistemological ideations namely that (a) at the very minimum democracy is simply just procedural and limited to elections; (b) at a slightly higher level, the institutional dimensions of democracy have emphasised its liberal form with emphasis on civil and political rights (à la Freedom House) and (c) at another relatively higher ideational level, social-structuralist perspectives of democracy conceive of the system in its socio-economic characteristics and the concomitant social configuration of power.

In all the above definitions (explanations) of democracy, it is evident that a democratic system has, of necessity, to be marked, at the very minimum, by political pluralism. One of the measures of the degree of pluralism in a political system is the existence and operations of political parties. This is so, because political parties compete for ideas and political power and promote citizen participation in the political process; they play a crucial role in ensuring that the institutional foundations of democracy are firmly grounded; and they espouse the promotion of a better socio-economic dispensation for the electorate. In essence, therefore, political parties are the hallmark of representative democracy (be it a procedural democracy, liberal democracy or social democracy).

It is worth reiterating that political parties play a crucial role in democracies. Democracy is unthinkable without political parties (see Bratton et al, 2005). According to the ACE Encyclopaedia, a political party is defined as “an organised group of people with at least roughly similar political aims and opinions, that seek to influence public policy by getting its candidates elected to public office” (http://aceproject.org). The main functions of parties in any democratic system are to:

- Aggregate and articulate needs and problems of members and supporters;
- Socialise and educate voters and citizens in the functioning of the political and
electoral system and generating general political values;
• Balance opposing demands and convert them into general policies;
• Activate and mobilise citizens into participating in political decisions and transforming their opinions into viable policy options;
• Channel public opinion from citizens to government; and
• Recruit and train candidates for public office (http://aceproject.org).

It is evident from the above remarks that political parties constitute the most critical institutional foundation or expression of a working democracy. A recent publication by the United Nations Development Programme (UNDP) notes that “political parties play a vital role in democratic governance. No democratic system can function without alternative parties and candidates. Political parties are crucial in aggregating interests, presenting political alternatives to citizens, nominating candidates and linking voters with elected public officials. Moreover, political parties can play a central role in generating cadres of leaders who promote democratic governance principles and monitor elected representatives” (2006:92).

Hague et. al, remind us that “party competition is the hallmark of liberal democracy. It is the device which makes governments responsive to the electorate, providing voters with some choice while also restricting that choice to a few broad alternatives” (Hague et al, 1992:236). Corroborating the UNDP (2006) and Hague et al (1992) above, Webb argues aptly that “political parties are universally regarded as essential components of democratic regimes and key vehicles in the process of securing effective political representation, mobilising voters, organising government and shaping public policy” (2005:631).

While recognising the significance of political parties to democracy and democratisation, it is important to note that political parties everywhere, including Southern Africa are becoming unpopular and increasingly experiencing declining public trust as reflected by Afrobarometer data (see Matlosa, 2005). The more parties become unpopular in the eyes of the public, the more their mandate as agents of democracies is likely to diminish. Part of the explanatory argument why parties tend to fail to become drivers of the democratic process and also fail to democratise within themselves is precisely because, as Kellman rightly points out, they tend to have inevitable and inherent “oligarchic tendencies and are thus inherently undemocratic” (2004:14).

It will become clear in the subsequent discussion that party systems in Southern Africa have been in a state of flux over the past four decades since political independence – experiencing a brief period of multipartyism,
abandoning multipartyism and adopting a one-party system until recent efforts towards multiparty democratic systems as part of the global wave of democratisation that began in the early 1990s. It needs to be emphasised right from the onset that while political parties are confronted with a myriad of challenges, opposition parties face even greater challenges partly due to political pressures placed upon them by ruling parties and partly due to their own internal weaknesses (see Olukoshi, 1998; Matlosa, 2006; Chiroro, 2006). In the next section, we will provide some sign-posts of shifting party systems which in themselves marked part of paradigmic shifts of governance regimes and democratic trajectories in the region.

The evolution of party systems in Southern Africa

The SADC region has witnessed political shifts that have influenced party systems and the way political parties operate with implications for democracy. After a majority of the countries attained independence in the 1960s, there was a brief existence of a multiparty system and, indeed, all the elections preceding political independence were contested by more than one party in each country. In all these elections, parties chose candidates to contest state power on their behalf in an open competitive system. However, the brief spell of multipartyism was soon replaced by the adoption, in many countries, of the one-party system. The two main exceptions to this pervasive trend were Botswana and Mauritius. Many other states adopted the one-party system of either de jure (Tanzania, Zambia, Mozambique, Angola, Malawi, etc.) or de facto (Lesotho, 1970-1986 etc.) varieties. The implication of the one-party system was that it closed the political space for democratic politics in that multiparty contestation for state power was denied. Not only that, even the elections would be contested by only one party (namely the ruling party). Thus, the democratic space was severely restricted. In other countries, such as Lesotho under the military rule (1986-1993), politics were banned, political parties outlawed and elections banished. Since the 1990s, the SADC region has made yet another shift back to the multipartyism of the early 1960s. This has been marked by the re-introduction of multiparty politics, proliferation of political parties and the holding of regular multiparty elections contested by candidates representing their political parties and independent candidates depending on each country’s electoral system. Thus, in a nutshell, the SADC region has experienced three shifts in terms of parties and elections since independence. These are the multiparty system (early 1960s-mid-60s), the one-party system (mid-1960s-early 1990s) and multiparty system (early 1990s-to date). Each of these political epochs has had their own distinctive imprint on the
democratic nature of the political systems over time. In this article we focus specifically on the current epoch of multiparty system in the SADC region. What is the current state of parties? It is to this question that the next section now turns.

The Current State of Political Parties and the Challenges for Democratisation

To be sure, the state of political parties in Southern Africa today varies from one country to the other. However, we will raise key issues around this subject highlighting common trends throughout the region and variations between and among countries through a comparative perspective. With about three exceptions, (Angola, Swaziland and Zimbabwe), all SADC countries today have functioning multiparty systems. All the countries have constitutional and legal frameworks in place that allow for the existence and operation of political parties and to all intents and purposes, this is a positive development, even if in many instances it has amounted to mere proceduralist/electoralist forms of democracy. Be that as it may, having multiparty systems in place, together with constitutional and institutional frameworks, is one thing, while ensuring the effectiveness of parties and institutionalising robust party systems is quite another. Although laws governing political parties exist, studies undertaken jointly by International IDEA and the Electoral Institute of Southern Africa (EISA) between 2003 and 2006 provide compelling evidence suggesting that the functioning of parties is governed primarily by their constitutions and internal regulations, themselves limited by lack of internal democracy in most parties. The two major challenges facing political parties in Southern Africa relate to (a) the external environment within which parties operate and (b) the internal functioning of political parties.

(a) External Environment for Political Parties

The first major external factor that influences the effectiveness of political parties as agents of democratisation relates to the varying party systems in the SADC member states. In terms of party systems, the experience of Southern Africa is mixed. One country, namely Swaziland, operates a no-party system in part due to its authoritarian monarchical regime. Zimbabwe operated a multiparty system upon independence in 1980, but changed to a mono-party system in 1987. However, since independence, the political hegemony of the ruling ZANU-PF has been profoundly entrenched, but was subjected to a serious challenge by the emergence of opposition parties since the latter part of the 1990s. Be that as it may, the opposition parties in Zimbabwe, including the major opposition
(Movement for Democratic Change-MDC) remain paper tigers without a serious threat to the tight grip that ZANU-PF still has over the control of state power. Angola is still dominated overwhelmingly by the ruling Popular Movement for the Liberation of Angola (MPLA) with the Union for the Total Independence of Angola (UNITA) as the main opposition. But Angola’s party system remains fluid and unstable because the country has not yet undergone a democratic transition since the abortive 1992 general election. Planned elections for 2008 and 2009 could lay foundations for a transition that would allow political parties to be firmly established and play their role in the democratisation process. Only recently has the Democratic Republic of Congo (DRC) undergone a democratic transition with its transitional elections of July (parliamentary and first-round presidential) and October 2006 (second round presidential and provincial). This historic development has allowed parties to be formed, exist and contest state power. The DRC has the largest number of political parties in the SADC region estimated at around 270. This means that the party system in the DRC is extremely fragmented and borders on political anarchy. How do parties get sufficiently institutionalised under these circumstances becomes a major challenge, and how a truly competitive multiparty system emerges remains one of the big challenges for the post-conflict DRC. Part of the reasons why Angola and the DRC have not yet established robust and well-functioning party systems has a lot to do with their history of protracted violent conflict which has also adversely affected their political systems in terms of the postponement of the democracy project, as priority has tended to be given to the peace project.

New democratic transitions have happened in a majority of other SADC countries which have allowed for the political liberalisation and ushering in of the multiparty system. These include Zambia (1991); Lesotho (1993); Malawi (1994); and Tanzania (1995). In all these countries, multipartyism is rather frail and fragile given not only the lack of robustness of the party systems, but also the yet evolving process of institutionalisation of democratic governance which is intermittently punctuated by different types of conflict. In three other countries, interesting democratic transformations with implications for parties and party systems have been underway too. Namibia (1989), South Africa (1994) and Mozambique (1994) have undergone a double transition: transition from war to peace and transition from autocracy to democracy. This dual transition has allowed for multipartyism to germinate and has allowed these countries to inculcate a culture of competitive politics where parties contest state power no longer through bullets, but through ballots.

Only two countries in SADC boast a long-enduring political tradition of stable
liberal democracy wherein multipartyism is entrenched. These are Botswana and Mauritius. While Botswana’s political system has evolved largely within the framework of the dominant party syndrome, whereby the ruling BDP has never experienced electoral defeat since 1965 to date, Mauritius presents a different case whereby alternation of state power is a regular occurrence. Mauritius is the only country in the SADC region where power alternation has become an embedded aspect of the country’s political culture, thereby adding value to the consolidation of the country’s democracy. It is no exaggeration to argue that although stable, the critical test of Botswana’s liberal democracy will come when the ruling party is removed from power by an opposition and that situation is then followed by political stability.

The variations of party systems, elaborated on above, notwithstanding, virtually all the countries in Southern Africa operate dominant party systems cloaked behind the façade of multipartyism. What do we mean? SADC countries, including Botswana, the most celebrated stable liberal democracy in the region, are dominated by one party (often ruling parties) over a long duration of time under conditions of weak, fragmented and disjointed opposition parties. The main exception to this general regional trend is Mauritius where all parties have chances of alternating in controlling state power. Under conditions of a dominant party syndrome, uncertainty of election results tends to be compromised. However, on its own, dominant party syndrome is not a serious threat to the institutionalisation of democracy; it simply places limits to it. The first challenge facing political parties in the SADC region, therefore, rotates around the effectiveness of parties and the robustness of party systems.

The second external factor that has a direct impact on how parties operate is surely the nature of an electoral system in place in each SADC member state. SADC countries operate various types of electoral models ranging from the single-member plurality, the single-member majoritarian system, mixed member proportional system to party-list proportional representation system. The type of electoral model used has a significant impact on political parties. It affects the manner in which parties contest elections. In plurality-majority systems (e.g. Botswana, Malawi, Mauritius, Tanzania, Zambia, Zimbabwe) parties endorse individual candidates who stand for elections in designated electoral zones known as constituencies. In this situation, the extent to which representatives in parliament are accountable to the parties and the constituencies that they represent still remains a serious policy challenge for democratisation. In countries that operate the party-list PR system (Angola, DRC, Mozambique, Namibia, South Africa) parties contest elections on the basis of a pre-
determined list of candidates that is made public and submitted to the EMB in advance. The electorate vote primarily for political parties and not individual candidates. Upon completion of the poll, the EMB computes elections results and translates votes cast into parliamentary seats. Each party gets the number of parliamentary seats that is proportional to its electoral strength. While the positive attribute of the party-list PR system in terms of broadening party political representation in the National Assembly is acknowledged, serious issues have been raised regarding the extent to which the PR model is amenable to ensuring accountability of MPs to the electorate who vote them into parliament. This issue has gained more urgency in South Africa in particular given the legislation that allows for floor crossing of MPs. In a party-based electoral system, floor crossing distorts party political representation in the National Assembly. It is therefore in the interest of South Africa’s democracy that the legislation on floor crossing is reviewed and scrapped. Given the outcry that has been triggered by this practice, there is a high likelihood that it may be scrapped before the end of this year following the ANC policy conference in December 2007. In countries operating the mixed member proportional (MMP) system (e.g. Lesotho), parties contest elections using two methods namely (a) through party-endorsed constituency candidates and (b) through a pre-determined party list. The constituency candidates win elections simply on the basis of the plurality of votes and not necessarily an absolute majority of votes. Party-list candidates gain access to the National Assembly on the basis of a formula used to determine the number of seats each party is entitled to, premised upon a compensation mechanism. Smaller parties gain through this compensatory mechanism and larger parties may not gain as they would most probably gain beyond their threshold through the constituency-based elections. However, recent experience following the Lesotho general elections of 17 February 2007 suggests that parties may find ways of manipulating this model through informal alliances (such as the LCD/NIP alliance and the ABC/LWP alliance) which may lead to bigger parties overcompensating themselves and the electoral strength of smaller parties being artificially inflated. Not only that, this development has led to the distortion of what is essentially a de jure MMP model being turned into a de facto parallel system which in turn has triggered a post-election conflict relating primarily to the allocation of seats in the National Assembly.

The third factor influencing operations of political parties in Southern Africa relates to the nature of parliaments and how parliaments function. SADC countries use either unicameral or a bicameral type of legislature. However, irrespective of the nature of the legislative form, what seems to be the important issues are the
nature of representation (how inclusive parliaments are) and the functioning of parties (how effectively parties perform) in the legislatures.

The practice of a certain number of representatives being appointed (by the head of state or head of government) has raised concerns in many countries. While the practice is justified on grounds of broadening representation especially of marginalised and disadvantaged groups, it is often manipulated by ruling parties to gain political mileage and have an edge over opposition parties. Numerous questions still surrounds the democratic nature of this practice. SADC countries need to investigate this issue and determine the extent to which this practice, as it stands, strengthens or weakens democracy.

Another problematic issue relates to the interrelationships between the ruling party and opposition parties in the National Assembly. In situations where inter-party relations between ruling and opposition parties are not cordial, the functioning of parliament may be undermined and multiparty democratisation stifled. In situations where inter-party relations between ruling party and opposition parties are cordial, this creates an environment conducive to effective functioning of parliaments and the deepening of multiparty democracy is bound to be created. The problem of interrelationships between the ruling party and opposition parties further raises the question around the role of opposition and the official leader of opposition in parliament. In some countries, this issue is straightforward and not contested while in others (such as Lesotho) it is currently a bone of contention given the nature of relations between the ruling LCD and some opposition parties (especially the ABC and its alliance partners).

The fourth factor with enormous impact on how parties operate is surely the sources and methods of funding of political parties. Funding is crucial for parties to play their rightful role as key agents of democracy. Membership subscriptions play an insignificant role as a source of funds. Therefore parties tend to rely on funding from elsewhere. In some instance, such funding comes from the party patron. In others, the state provides public funding for parties. In some, private sources provide funding. Few countries in the SADC region provide public funding for political parties. But even in these countries party funding remains controversial given that distribution formulas are contested. How fair is the distribution formula? Should this be done according to the percentage of representation? Should parties outside parliament be granted access to public funding? A more difficult aspect of political funding is that of private funding to parties, and how to regulate it. Many of these issues remain unresolved.
Fifthly and finally, evidence abounds suggesting that political parties exhibit serious weaknesses in terms of forming alliances and coalitions at the national level with the exception of a few countries in the region including Mauritius, Malawi, South Africa and Mozambique (see Kadima, 2006). In other SADC countries, experiences with party alliances or coalitions at the national level has tended to be poor, often attempted only during elections and after the election the alliances or coalitions tend to die. Only recently, have we witnessed some efforts in this direction of forming more sustainable party coalitions in countries such as Lesotho, Botswana and Zambia. But these new efforts will have to be tested during general elections in these three countries scheduled for 2007, 2009 and 2006 respectively in order to gauge their sustainability in the long run. The ephemeral and highly opportunistic nature of party coalitions and election pacts is vividly demonstrated by the short-lived political marriage between the ruling Lesotho Congress for Democracy (LCD) and the minute and malleable National Independence Party (NIP) primarily meant to exploit the virtues of the new electoral model (the Mixed Member Proportional system) during the 2007 general election. After the election, in which it emerged a victor, the LCD divorced the NIP, arguing that the latter was part of the opposition in parliament thereby throwing the pre-election alliance into disarray. This type of Machiavellian politics of intrigue mark party coalitions in many countries (see Kadima, 2006). The fact of the matter is that political parties have a weakness in relating to each other and developing mutually beneficial pacts at the national level premised upon common ideology and policy frameworks.

At the national level, while often the relationships between the ruling party and opposition parties tend to be marked by mutual suspicion at best and outright hatred at worst, opposition parties themselves hardly ever relate to each other in a harmonious way. An interesting episode occurred in the recent second round of the DRC presidential poll whereby the main contestants namely Joseph Kabila and Jean-Pierre Bemba could not campaign themselves ahead of the highly charged poll, but delegated this responsibility to their wives who criss-crossed the width and breadth of that big country. The reason was simply that the political atmosphere was tense and the two candidates cited security reasons for this ‘innovative’ campaigning approach. We hardly ever hear of regular national dialogue between ruling parties and opposition parties both during and in between elections. Leaders of ruling parties are known for refusing to engage opposition party leaders in national policy issues. More glaringly, some leaders of ruling parties would even refuse to hold national debates with opposition leaders during the election campaign.
In sum, we have isolated five major challenges emanating from the external environment facing political parties in terms of their role in democracy and democratisation namely (a) the nature of the party system in place; (b) the nature of the electoral system in place; (c) the nature and role of parliament; (d) party funding; and (e) election pacts and party alliances. It is to the challenges of internal functioning and governance structures within political parties that the next subsection now turns.

(b) Internal Functioning & Governance Structure of Political Parties

The challenges that confront political parties in terms of entrenching intra-party democracy are many and varied. Camay and Gordon persuasively argue that “political competition is also severely limited when internal democracy is constrained. Many African political parties – especially dominant ones – engage in internal ‘dissent management’ leading to autocracy. They restrict voices within the party and discipline MPs and other members who disagree with leadership positions. They exercise strict control over the selection of party officials and candidates for public office” (2004:6). We focus the spotlight on major internal functioning challenges for political parties rotating mainly around (a) party leadership, (b) ideological clarity; (c) party primary elections, (d) management and administration of the internal affairs of the party; and (e) policy/programme development within political parties. We elaborate on each of these challenges below.

Firstly, a general challenge facing political parties in the SADC region revolves around leadership. Every organisation is as good as its leadership. This principle applies to political parties too. Undoubtedly, therefore, the effectiveness and sustainability of these institutions are heavily dependent upon the calibre of their leadership. The main raison d’être of parties is to (a) contest state power, (b) control the levers of the state, (c) retain power as long as it is constitutionally permissible and (d) contain opposition within the limits of the established constitutional and institutional framework. Therefore, how badly or how well each party (both ruling and opposition) performs this primary task is overwhelmingly dependent upon how dynamic; how democratic and how visionary its leadership is. In a word, the leadership of the political parties influences greatly the dynamism of these organisations as key drivers of the democracy project. Even during election, the party leadership can either be a political asset or a liability. Parties are supposed to be a political school for the development of democratic leadership; a leadership that is groomed to make these institutions effective, but again a leadership that is groomed to lead the country. Thus, if political parties are unable to produce democratic leadership, this comes not only at
a political cost to them, but at a huge cost to the country, because it means the country is likely to be led by undemocratic leaders without vision and the requisite dynamism. In other words, democracy both at the macro level of the nation and the micro level of the parties requires democrats and it is thus imperative upon party leadership to embrace democratic culture and practice. In the recent past, two major issues that have generated debate around party leadership revolve around (a) the nature of party-state relationships (ideally, there needs to be a distinction between these two and this requires prudent leadership) and (b) the idea of having one person leading the ruling party and another leading the government/nation, a problem that leads to two (often contradictory, competing and conflicting) centres of power leading to bifurcation of state authority as the Zambian and Malawian examples demonstrate (see Matlosa, 2005). While in the case of Zambia, President Levy Mwanawasa seems to have stamped his authority firmly after sidelining the former president Frederick Chiluba, in Malawi, the battle of the two centres of power still rages. President Bingu wa Mutharika has been involved in a running battle to stamp his authority in Malawi following the 2004 election as the former president Bakili Muluzi could not let go the reins of power completely aiming to exercise remote control as the leader of the ruling party. Mutharika had to resign from the ruling United Democratic Front (UDF) and establish his own party, the Democratic Progressive Party (DPP), which was able to get many MPs through floor crossing in parliament. There are media reports that Muluzi, after serving his constitutional two terms in office, intends to make a comeback and contest the presidency again during the up-coming 2009 Elections (Mail and Guardian, 2-8 March 2007). This development is likely to worsen the conflict between Mutharika and Muluzi. It is also likely to further divide the UDF. As further reported in the Mail and Guardian, “the UDF would be divided should Muluzi stand again because there are many senior members of the party who want to run for the presidency. As a result, Muluzi would be unlikely to win the elections despite endorsement from UDF supporters” (Mail and Guardian, 2-8 March 2007).

It is evident that contestation around leadership within parties may also lead to intra-party conflicts. Undoubtedly, intra-party conflicts are a generalised trend in the SADC region. These conflicts may be covert or overt; violent or non-violent; prolonged or short-lived depending on the specific political context of each country. Intra-party conflicts, especially violent ones, are a result of a lack of intra-party democracy. If dissent is prohibited within parties, members may find themselves resorting to unconstitutional means of expressing their dissatisfaction about the way parties are governed. Conflict within parties may be prolonged and protracted or
APPENDICES
electoral commission

may become more intensified only around
election time in relation to selection of
party leaders and nomination of election
candidates. For instance, Lesotho’s 2007
general election was preceded by enormous
intra-party tension, fragmentation, splits and
floor crossing in parliament. Almost all the
major political parties in Lesotho namely the
Basutoland Congress Party (BCP), Basotho
National Party (BNP), Marema-Tlou Freedom
Party (MFP) and the ruling Lesotho Congress
for Democracy (LCD) entered the general
election of 17 February 2007 having suffered
internal faction-fighting and splits. The ruling
party split had come by way of floor crossing
(see Matlosa and Shale, 2006) leading to
the emergence of the new opposition party –
All Basotho Convention (ABC). Some of
the adverse effects of the in-fighting within
parties are the all-pervasive phenomenon
of party splits, party proliferation and the
prevalent trend of independent election
candidates in many countries today. In its
general election of May 2004, Malawi had
a large number of independent candidates
and in fact these candidates, taken together,
polled more votes than parties and captured
more parliamentary seats than parties (see
Matlosa and Patel, 2006).

Secondly, besides the challenge of leadership,
evidence suggests that political parties in
Southern Africa face another challenge
relating to lack of clearly elaborated
ideological clarity that easily distinguishes
them from each other. As a result, they look
much the same to each other and they tend to
raise similar campaign issues which often lack
policy substance and are generally a shopping
list of promises which hardly get fulfilled
after elections. In a recent study undertaken
by EISA on public outreach programmes
of political parties, we have observed that
often parties develop four instruments
of outreach namely (a) policy or political
programme; (b) party manifestos; (c) voter
education and (d) civic education (Kadima,
Matlosa & Shale, 2006). It was observed that
often these instruments are hardly used
systematically given that in many instances
individual leaders tend to loom larger than
parties and as a result, the personality cult
tends to take over the institutional life of
political parties. Election campaigns tend
to revolve more around individuals rather
than being predicated upon well-defined
and ideologically delineated policy positions/proposals. Consequently even voters choose
parties and candidates not so much on the
basis of their policy proposals, but rather on
the basis of personalities involved, patronage
politics and ethnic/tribal/racial affinities. The
first ever democratic multiparty election after
40 years held in the Democratic Republic of
the Congo (DRC) is the most recent illustration
of this stark reality. We observed during the
election campaign in the DRC ahead of the
presidential and parliamentary election
of 30 July 2006 that vote-buying was a
generalised trend. This was exacerbated by
the entrenched poverty and an entrenched culture of patronage or pork-barrel politics. This trend further fuels political corruption within political parties that becomes even more rampant during elections. The challenge here is for parties in the SADC region to become ideologically differentiated and be in a position to present clearly differentiated policy proposals as they campaign for elections so that the electorate choose their candidates on the basis of policies and not individuals and other considerations such as patronage and identity politics etc.

Thirdly, primary Elections form another important litmus test of the extent and degree of the intra-party democracy within political parties. Often, the process of nomination of party candidates for purposes of contestation of state power during elections tends to be fraught with controversy and conflict due to the manner in which it is executed by the party leadership. The following issues become crucial in terms of the legitimacy of the outcome of primary elections: eligibility criteria for party candidacy; election process and procedure for party candidacy; and the type of electoral system used to select party candidates. Problems around primary elections rotate, inter alia, whether the process emphasises centralised leadership control or it allows for the party rank and file to influence the selection process. These problems, to be sure, are rife in almost all the SADC countries irrespective of the electoral model each one of them operates. However, it is much more glaring in those countries that operated the British-style First-Past-the-Post (FPTP) which easily allows candidates to contest elections in their independent capacity. The challenge revolves around the degree of openness when nominations for candidates are made. Parties need to open up to their rank and file membership for the collective ownership of nominations and party lists. In fact, it is desirable that an independent and impartial body is engaged and involved during party nominations and drawing up of party lists. This ensures that the process is monitored and observed by an external impartial body as in the case of the party list development process in South Africa which is facilitated and observed by EISA for various political parties.

Fourthly, the management of the internal affairs of the party is an important yardstick for the extent to which intra-party democracy is deepening in most of the SADC states. This issue is inextricably linked to the one around party leadership in some sense, but it is also dependent upon the ideological clarity and distinctiveness of each party as well as the relevance of its manifesto and programme. The management of party affairs involves the day-to-day running of party affairs, building of national, provincial, district, community and village branches of parties and the management of party resources, both moveable and immovable. This also
includes the development of manifestos and programmes as well as the organisation of regular meetings and conferences for parties. In those countries where the leadership of parties is rather autocratic then obviously the management of parties tends to be less transparent and accountable to the party rank and file. In those countries where the leadership is more open and fairly democratic the management of parties tends to be more transparent and accountable. It is imperative, therefore, that parties strive for an efficient, transparent and accountable management of party affairs if intra-party democracy is to be established and institutionalised. Further more, effective and efficient management systems have to be put in place from the village/community branches up to the national structures of parties if their management is to be adequately improved.

Fifthly, policy and programme development determines the extent of effectiveness of parties especially when it comes to mobilisation of support base and contestation for state power. In this regard, what is crucial is how parties develop their policy positions by way of programmes and manifestos. By and large, political parties experience difficulties developing policies and programmes. Parties hardly ever develop clear-cut ideological positions on a variety of issues. Consequently, political parties within each one of the SADC countries exhibit commonalities in ideological outlook and this situation presents the electorate with little political menu from which to make their choice during elections.

In a recent study that we undertook covering Botswana, Lesotho, Namibia and Zambia in 2005, we found that in all the four countries both the ruling and the opposition parties had public outreach programmes. We investigated whether or not parties have an outreach programme with specific reference to four main tools namely

1. Policy formulation
2. Manifesto
3. Voter education and;
4. Civic education

We observed, however, that “while political parties may have policy documents, manifestos, voter education and civic education initiatives, these tools tend to be used, in some instances, in a less coherent and systematic fashion, thereby reducing the optimal utility and effectiveness of their public outreach programmes. We further observed that there is no clear or systematic consultative process between the parties and their members between the election periods. Some parties were able to say how the consultative process unfolds but were unable to prove definitively that it actually happens as it appeared that to most parties this was more in theory than in practice “(Kadima, et al, 2005: 10).
Women’s Political Participation & the Role of Political Parties

Gender equality is an imperative principle for the entrenchment and institutionalisation of intra-party democracy, in both quantitative and qualitative terms, the Southern African experience in respect of women empowerment is a mixed bag (Molokomme, 2000; Lowe-Morna, 2004; Ballington and Karam, 2005). The SADC member states took a positive step in 1997 when they signed The Gender and Development Declaration in Blantyre, Malawi. The member states committed themselves individually and collectively to the following policy measures, among others:

- The achievement of equal gender representation in all key organs of the state and at least 30% target of women in key political and decision-making structures by 2005;
- Promoting women’s full access to and control over productive resources to reduce the level of poverty among women;
- Repealing and reforming all laws, amending constitutions and changing social practices which still subject women to discrimination; and
- Taking urgent measures to prevent and deal with the increasing levels of violence against women and children (Molokomme, 2002:42).

Currently, SADC member states have committed themselves to achieving full gender parity in key governance structures within the framework of the 1997 Declaration and the commitment to the 2003 African Union Protocol on Gender Equality. The table below illustrates the extent of women’s representation in legislatures in the SADC region. One of our findings is that in countries where women participate actively in party politics, their participation in legislatures tends to be higher. The reverse is also true: in countries where women’s participation in party politics is low, their participation in legislatures tends to be correspondingly lower. It must also be emphasised that in those countries where women’s representation is high, there is a correspondingly high participation of women in party politics and vice-versa. Political parties, therefore, play a key role in influencing the level of women’s participation in politics and key organs of the state including the legislature.
Table 1: Gender Representation in SADC Parliaments

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country</th>
<th>Lower or Single House</th>
<th>seats</th>
<th>Women</th>
<th>% Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mozambique</td>
<td>PR</td>
<td>250</td>
<td>90</td>
<td>34.8</td>
</tr>
<tr>
<td>2</td>
<td>South Africa</td>
<td>PR</td>
<td>400</td>
<td>131</td>
<td>32.8</td>
</tr>
<tr>
<td>3</td>
<td>Tanzania</td>
<td>FPTP</td>
<td>307</td>
<td>97</td>
<td>30.0</td>
</tr>
<tr>
<td>4</td>
<td>Namibia</td>
<td>PR</td>
<td>104</td>
<td>19</td>
<td>26.4</td>
</tr>
<tr>
<td>5</td>
<td>Mauritius</td>
<td>FPTP-Block</td>
<td>70</td>
<td>12</td>
<td>17.0</td>
</tr>
<tr>
<td>6</td>
<td>Angola</td>
<td>PR</td>
<td>220</td>
<td>34</td>
<td>15.5</td>
</tr>
<tr>
<td>7</td>
<td>Malawi</td>
<td>FPTP</td>
<td>193</td>
<td>27</td>
<td>14.4</td>
</tr>
<tr>
<td>8</td>
<td>Lesotho</td>
<td>MMP</td>
<td>120</td>
<td>16</td>
<td>13.3</td>
</tr>
<tr>
<td>9</td>
<td>Botswana</td>
<td>FPTP</td>
<td>57</td>
<td>7</td>
<td>12.3</td>
</tr>
<tr>
<td>10</td>
<td>Zambia</td>
<td>FPTP</td>
<td>158</td>
<td>19</td>
<td>12.0</td>
</tr>
<tr>
<td>11</td>
<td>DRC</td>
<td>FPTP</td>
<td>500</td>
<td>57</td>
<td>11.4</td>
</tr>
<tr>
<td>12</td>
<td>Zimbabwe</td>
<td>FPTP</td>
<td>150</td>
<td>15</td>
<td>10.0</td>
</tr>
<tr>
<td>13</td>
<td>Swaziland</td>
<td>FPTP</td>
<td>65</td>
<td>5</td>
<td>3.1</td>
</tr>
</tbody>
</table>

Source: Matlosa, 2005

On the basis of the data above, a plausible argument can be made that an electoral system can either facilitate or inhibit greater women’s participation in governance. Evidently the PR system seems more amenable to and conducive to enhancing gender equality in politics and increased participation of women. The converse is true for the FPTP system. Although PR, in and of itself, is not a sufficient guarantor for increased women’s participation in the legislature, it is surely a catalyst for gender equality in the political governance arena. Table 3 above depicts women’s participation in national assemblies in the SADC region and from this table evidently those countries using the PR electoral system are doing much better than those using the FPTP. It is clear from this table that the top two countries in terms of high women representation in Parliament are Mozambique (35%) and South Africa (33%) both of which operate the List-PR system. The bottom two countries on the list are Zimbabwe (10.0%) and Swaziland (3.1%).
both of which operate the FPTP (plurality) system. A plausible argument can, therefore, be made that the PR is more conducive for the enhancement of gender equality in the legislature. In contrast, the FPTP is less amenable to gender equality and increased women’s participation in the legislature. However, even though the PR system tends to be more conducive to gender equality, it often requires to be complimented by deliberate gender quota systems as the South African and Mozambican experiences demonstrate. This in part explains why Tanzania is now ranked number two in SADC in terms of gender representation (with 30% representation of women in the legislature) despite its FPTP electoral model. This is due mainly to its high quota for women (around 35%)

One of the major factors that help us explain the picture above, is that although political culture embedded in the ideology of patriarchy is responsible for bad performance in a number of SADC countries, equally important is the nature of the electoral system in place in each of these states. It is abundantly clear that the best performers operate the PR system reputable for its tendency to enhance participation of various stakeholders in the political system. Thus, it could be argued that there is clearly a positive correlation between the adoption and implementation of the PR electoral system and the enhancement of women’s participation in the legislature, although other creative measures (such as the quota system, the Zebra-list of candidates etc.) are still called for to supplement this system and achieve desirable results in the final analysis. The challenge therefore is that parties must ensure broader inclusiveness at the higher echelons of their governance by bringing in more women in position of leadership. Generally, both ruling parties and major opposition parties in the region are led by men and the executive committees are also dominated by men. We are yet to see women becoming leaders of ruling and opposition parties and not just cheerleaders. To this end, SADC member states should strive to achieve the benchmarks of the 1997 SADC Declaration on gender and development combined with the AU commitment since 2003 for gender parity in key positions of governance. This objective should not only be realised in parliaments and other organs of government, but should inform deliberate gender quotas within political parties themselves.

Conclusion

Political parties play a critical role in the democratisation process in Southern Africa today. While in one country (Swaziland) political parties are not allowed to exist and operate freely, in others they exist, although a dominant party situation tends to entrench the political hegemony of ruling parties. In another country (Zimbabwe), the degree of political polarisation and intolerance renders
opposition parties toothless under conditions of a hegemonic and repressive rule. In one country (Mauritius) a vibrant multiparty system exists. The regional context for political parties in Southern Africa, therefore suggests that the mere existence of a multiplicity of parties is one thing while the levelling of the playing field to ensure that parties contribute to democratisation freely and fairly is quite another. This observation speaks, in particular, to the often tense relationships between ruling and opposition parties and the use/abuse of state resources by ruling parties at the expense of opposition parties – both common features of the Southern African political landscape. While democratisation in many countries is fairly advanced at the macro level of the nation-state, internal democracy within parties remains a major challenge. While the critical role of political parties in the democratisation process in the SADC region is acknowledged, we have argued that political parties in the SADC region face enormous challenges in their efforts to institutionalise, nurture and consolidate democratic governance. These challenges can be categorised into two types: (i) external environment for political party effectiveness and (ii) internal functioning and governance of political parties. In respect of the external environment, five major challenges facing political parties in terms of their role in democracy and democratisation are as follows (a) the nature of the party system in place; (b) the nature of the electoral system in place; (c) the nature and role of parliament; (d) party funding; and (e) election pacts and party alliances. With regard to internal functioning and governance of political parties, the key challenges identified include (a) party leadership, (b) ideological clarity; (c) party primary elections, (d) management and administration of the internal affairs of the party; and (e) policy/programme development within political parties.
Finally, gender equality is one of the major concerns in regard to the current democratisation process in Southern Africa. This challenge is recognised by all key democracy stakeholders including political parties. All SADC countries have signed various declarations and conventions committing themselves to gender equality in key organs of the state including the National Assembly. These include the 1997 SADC Declaration on Gender and Development which committed member states to at least 30% representation in key organs of the state by 2005. Since the 2005 Annual Summit of SADC held in Gaborone, Botswana, member states have committed themselves to achieving 50% representation of women in key organs of the state and this commitment is consistent with the 2003 AU protocol on gender parity adopted during its summit of heads of state and government held in Maputo, Mozambique. While electoral systems do play an important role in either promoting or inhibiting women’s participation in politics, it is evident that deliberate quotas either at the level of government or within political parties also play a crucial role. It is for this reason that it is imperative that political parties promote gender equality within their own internal structures so that this trend has a cascading effect on women’s participation in the key organs of the state including the National Assembly.
1. The development of electoral systems

by

Advocate Pansy Tlakula
Chief Electoral Officer
Electoral Commission (IEC)

• The choice of an electoral system is informed by the historical context of the nation/country at the time it was chosen.
• The proportional representation system was chosen in 1993 against the background of a deeply divided society, fragmented and deeply hurt by the system of apartheid.
• The electoral system was agreed upon as the most appropriate one to take South Africa through the transition from an oppressive and divisive form of government to a true democracy. It was seen as supporting and promoting reconciliation, nation-building, the pursuit of peace and stability.
• In 1996, the Constitutional Assembly confirmed the present electoral system as the one that will take the country forward. The Constitutional Assembly did so after having embarked on perhaps one of the most transparent, consultative and publicly debated constitution-making processes the world had ever seen.
In 2002, the Electoral Task Team (ETT) was established. The terms of reference of the task team were, amongst others, to:

- Draft the new electoral legislation required by the constitution
- Formulate the parameters of the new electoral legislation and draft it in order to prepare for the scheduled national and provincial elections of 2004 or any earlier election, should the need arise
- Include political parties in its consultations with stakeholders.

- Parties in Parliament that represented 76.75% of voters told the ETT that reconciliation, nation-building and the pursuit of peace and stability were still far from being achieved, especially in respect of racial and ethnic divisions, as well as gender equality and equity. They said that the present electoral system will still be needed for the foreseeable future to support the attainment of these ideals.
- The ETT evaluated the current system against four values, namely fairness, inclusivity, simplicity and accountability.
- There is general agreement that the current system satisfies all these values except accountability.

- There has been a number of suggestions that our current system should be changed. There are those who have proposed the adoption of the Mixed-Member Proportionality – Single-Member Constituency (MMP – SMC) electoral system with 50% list seats and 50% constituency seats for the members of the National Assembly\(^1\).
- Others have proposed the adoption of the Mixed-Member Constituency (MMC) system with 300 members of the National Assembly being elected by the multi-member constituencies, which can be about 69 in number and the remaining 100 members being elected from compensatory closed national list\(^2\).
• There is general acceptance that there is no electoral system that can make the elected representative accountable to the electorate. However, those who advocate for the change to our current system opine that their proposed system can make a contribution toward political accountability.

• Those who are in favour of the retention of the current system are of the view that this system allows even the small parties to be represented in the legislature. Secondly, that this system also facilitates the representation of women in our legislatures.

The gender breakdown of ward and proportional representation (PR) councillors for the 2006 local government elections and for all by-elections held after the 2006 local government elections indicate that women perform better as PR candidates than as ward candidates (see charts).

### Ward councillor gender breakdown for all by-elections since the local government elections (LGE) in 2006

<table>
<thead>
<tr>
<th></th>
<th>No of councillors</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>25</td>
<td>26%</td>
</tr>
<tr>
<td>Male</td>
<td>73</td>
<td>74%</td>
</tr>
<tr>
<td>Total</td>
<td>98</td>
<td>100%</td>
</tr>
</tbody>
</table>

### Ward councillor gender breakdown for LGE 2006

<table>
<thead>
<tr>
<th></th>
<th>No of councillors</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>2 470</td>
<td>63%</td>
</tr>
<tr>
<td>Female</td>
<td>1 425</td>
<td>37%</td>
</tr>
<tr>
<td>Total</td>
<td>3 895</td>
<td>100%</td>
</tr>
</tbody>
</table>
The proposed MMC system may negatively affect simplicity. For example, where there are 69 multi-member constituencies, a party will have to submit 70 party lists if it wishes to participate in a national election and twice that number if it also wants to participate in the nine provincial elections. For the five years between elections, these lists will have to be maintained and regularly adjusted for the filling of vacancies. All the lists (and their accompanying documents like copies of IDs and acceptance forms signed by candidates) must be centrally lodged and checked in respect of number and eligibility of candidates. Parties will also centrally scrutinise lists and supporting documents of other parties and raise objections if they wish to do so.

In the determination of the results, votes will have to be counted in 69 “constituencies” (138 if one includes provincial constituencies) plus nationally and provincially. In the determination of the results a quota will have to be determined, a formula applied, seats allocated and candidates to fill those seats identified in each of them. The monitoring of this process by parties becomes infinitely more difficult, and this will impact negatively on the credibility of the elections and acceptance of the results by parties. There are a whole range of other complications with voter education (e.g. explaining to voters which lists they are voting for at any particular voting station) not being the least of them.
The MMC system may also increase the cost of running elections. In 2002 it was estimated that the proposed MMC system will increase management cost by about R25 million per election.

In my view, we should ask ourselves the following questions before we consider changing our current system:

- Do we believe that at this stage in our democracy, South Africa should promote national political contestation on a regional basis?
- Would this not compromise nation-building and social and ethnic harmony?
- Is political contestation on a regional basis necessary considering the fact that Parliament deals with national issues and policies and not regional or local issues or policies that are handled at provincial and local government levels?

At local government level where we have a mixed system, are ward councillors more accountable to the electorate? How many voters even know who their ward councillor is? Has research been conducted to prove that an electoral system can make a contribution towards accountability?

Have we attained political diversity and representation within our legislatures? Has our democracy reached a point where we can change our electoral system without causing political instability?

If the main reason for changing the present system is to address the problem of accountability of elected representatives, are there no other ways in which political parties can make their members account to the electorate than through the electoral system?

Doesn’t the answer lie in the party ensuring that it applies democratic principles in the way in which it functions?
Footnotes

1. Murray Faure and Albert Venter

2. The recommendation of the majority members of the Electoral Task Team.
2. Crossing the floor

by

Mr Michael Hendrickse
Senior Manager: Electoral Matters
Electoral Commission (IEC)

Applicable legislation

- Constitution of the Republic of South Africa
- Electoral Commission Act
- Local Government: Municipal Structures Act

Introduction

- Floor-crossing period in 2007 coincided for all levels (national, provincial and local).
- IEC only administers floor crossing for municipal councils - Schedule 6B.
- Offices of Speakers of National Assembly and provincial legislatures responsible for floor crossing at that level - Schedule 6A.

The rule

- If a councillor changes party membership from the party that nominated him/her or an independent who joins a party, then he/she loses the seat.
- Window period creates an exception to the rule and allows councillor to retain the seat if the requirements are met.
### Requirements

- The councillor informs the Chief Electoral Officer in writing that he/she had changed membership.
- Must be DURING the window period.
- Acceptance of membership by new party.
- Can only change membership ONCE.
- Councillor(s) crossing represents not less than 10% of the total number of seats held by the original party in that council.

### Registered parties

- Can only cross to a party that is already duly registered with the IEC. It does not matter that such party did not participate in an election before or already has seats in that council.
- Transitional (2002) provision allowing councillor to cross to a party which applied for registration and then has four months to finalise its registration only applies to national and provincial legislatures.

### Moratorium on disciplinary action by party

During the window period, no party may, without the written consent of that councillor:

- suspend or terminate the membership of such councillor representing that party;
- or
- perform any act whatsoever which may cause such a councillor to be disqualified from holding office in that council.
Administration

- Commission not allowed to make regulations
- Pro-forma notice to facilitate submission
- The Electoral Commission designated the Chief Electoral Officer to receive notification in writing at its national office in Pretoria
- Dedicated fax-line and hand delivery at national office
- Acknowledgement of receipt faxed to the fax number given on the written notice

Reasons for unsuccessful crossing

Any one of the requirements not met, e.g.
- 10% requirement is not met
- Notification submitted before or after the window period
- Not a councillor
- Non-acceptance by receiving party
- PR to independent
- Changed membership more than once

Floor crossing since 2002

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2004</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of municipal councils</strong></td>
<td>178</td>
<td>164</td>
<td>128</td>
</tr>
<tr>
<td><strong>Number of councillors</strong></td>
<td>559</td>
<td>493</td>
<td>250</td>
</tr>
</tbody>
</table>
## Councillor movement per province

<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>2002</th>
<th>2004</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>34</td>
<td>54</td>
<td>26</td>
</tr>
<tr>
<td>Free State</td>
<td>47</td>
<td>34</td>
<td>16</td>
</tr>
<tr>
<td>Gauteng</td>
<td>75</td>
<td>60</td>
<td>18</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>62</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>Limpopo</td>
<td>42</td>
<td>62</td>
<td>18</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>42</td>
<td>42</td>
<td>15</td>
</tr>
<tr>
<td>North West</td>
<td>44</td>
<td>30</td>
<td>34</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>66</td>
<td>49</td>
<td>14</td>
</tr>
<tr>
<td>Western Cape</td>
<td>147</td>
<td>107</td>
<td>64</td>
</tr>
</tbody>
</table>

## Gain/loss since 2002

<table>
<thead>
<tr>
<th>Party</th>
<th>Total gained</th>
<th>Total loss</th>
<th>Nett effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACDP</td>
<td>9</td>
<td>22</td>
<td>-13</td>
</tr>
<tr>
<td>ANC</td>
<td>538</td>
<td>44</td>
<td>494</td>
</tr>
<tr>
<td>DA</td>
<td>104</td>
<td>485</td>
<td>-381</td>
</tr>
<tr>
<td>ID</td>
<td>52</td>
<td>40</td>
<td>12</td>
</tr>
<tr>
<td>IFP</td>
<td>31</td>
<td>42</td>
<td>-11</td>
</tr>
<tr>
<td>NNP</td>
<td>355</td>
<td>289</td>
<td></td>
</tr>
<tr>
<td>PAC</td>
<td>2</td>
<td>74</td>
<td>-72</td>
</tr>
<tr>
<td>UCDP</td>
<td>3</td>
<td>45</td>
<td>-42</td>
</tr>
<tr>
<td>UDM</td>
<td>13</td>
<td>82</td>
<td>-69</td>
</tr>
</tbody>
</table>
Parties and independents

- Total of 78 parties have been impacted by floor crossing over the three floor events at local level.
- Of these, 61 are not parties represented in Parliament.
- 37 councillors became independent while 34 independent councillors joined parties.

Experiences

- Plethora of court cases prior to and during window period regarding expulsions
- Persons not councillors
- Attempts of withdrawal of notices
- Internal disputes within parties
- Double crossing: two notices from councillors moving from the original party but to different destinations
- Multiple crossing: from Party A to Party B, and then from Party B on to Party C (etc.) within the same window period
- Allegations of fraud
- Allegations of bribery attempts
- Allegations of “no knowledge”
- Allegations of duping
- Allegations of theft and coercion
Impact

• Multi-party democracy (positive and negative)
• Governance (positive and negative)
• Participation in regular elections and results
• Public funding of political parties

Changes and/or amendments

• No floor crossing
• Floor crossing only in regard to wards
• Floor crossing only to parties already represented
  – Registration of parties – different requirements for parties formed for floor crossing, e.g. 1 000 signatures for national and provincial

• Right of recall – to balance floor crossing
• Split terms of office (½ elected every 2 ½ years?)
• Legislative empowerment to Commission to make regulations
• Electoral Court jurisdiction - sanctions
3. The practice of knowledge management for enhancing the involvement of all stakeholders in democracy development

by

Dr Snowy Khoza
Executive Manager, DBSA

Delivered by Professor Ola Busari, DBSA

OUTLINE OF PRESENTATION

1. INTRODUCTION AND BACKGROUND
2. KNOWLEDGE AND EMPOWERMENT
3. TOWARDS A KNOWLEDGE SOCIETY FOR DEEPENING DEMOCRACY
   • Facilitating the flow of information
   • Sustaining public interest in democracy
   • Managing knowledge collaboratively to create value
4. CIVIL SOCIETY ORGANISATIONS AS KNOWLEDGE NETWORKS
   • Bringing official information to public attention
   • Storing, sharing and processing official information
   • Advocating for legislation promoting access to information
INTRODUCTION AND BACKGROUND

• Many people have yet to experience tangible improvements in their lives in some countries where democracy has made inroads and elections held.
• This may create a distorted view of what democracy entails.
• Democracy warrants government to deliver in three ways:
  – Produce tangible outputs, including social services delivery
  – Facilitate economic growth to improve standards of living
  – Be responsive to public needs and demands
• Civil society participation is a cornerstone of democracy: it ensures accountability and good governance.
• To effectively participate in democratic processes, the people must understand their rights and responsibilities.
• The paper is premised on the fact that democratic practice requires an informed citizenry and knowledgeable society.

KNOWLEDGE AND EMPOWERMENT

• Knowledge empowers people to directly participate in decision-making and choose representatives acting in their best interest.
• It empowers citizens to participate in the democratic process fully and allows them to understand their rights and responsibilities.
• It empowers people to make rational decisions and make informed choices such as voting as representatives in government or removing politicians perceived as unsatisfactory through the electoral process.
• It empowers people to take charge of their destiny.
TOWARDS A KNOWLEDGE SOCIETY FOR DEEPENING DEMOCRACY

• It is argued that society has evolved from agrarian to industrial, to information, and to knowledge.
• The emerging knowledge society presents a set of new imperatives for governments and new challenges and opportunities for society as a whole.
• This transformation requires new institutions and organisations, new political will, and new policies. Each of these, in turn, requires knowledge-based leadership and management, including the availability of information and knowledge to citizens for informed decision-making.
• Most successful knowledge management strategies to enhance knowledge creation, sharing and dissemination have four characteristics:
  – holistic approach
  – climate for knowledge-sharing and creativity in the community
  – willingness and drive to improve knowledge-sharing among citizens and between them and their governments
  – investments made in information and communication technologies, including the internet

Key strategies central to fostering a knowledge society and deepening democracy include the following:

• Facilitating the flow of information
• Sustaining public interest in democracy
• Managing knowledge collaboratively to create value
Facilitating the flow of information

• Access to information is an important factor in enriching the process of participation in democratic matters.
• People’s right to official information is an indispensable element of a functioning democracy.
• People’s right to official information is not only a political imperative; It is also essential in individual economic life.
• Free flow of official information is a vital safeguard against corruption in government.
• Free flow of official information enhances economic performance.

Sustaining public interest in democracy

• While there are strong arguments that support the notion of promoting more active citizens, there remain concerns with regard to citizens’ interest in the subject of democracy.
• It is of concern that citizens have little interest in public affairs, BUT of greater concern that they will be uninterested to seek out details of their rights and responsibilities.
• Associated with citizens’ lack of interest or motivation in public affairs is their lack of both general and political knowledge.
• Consequences of lack of interest and knowledge include low voter turnout, weak participation in the formulation and implementation of government programmes, with limited credibility, and authoritarian and bad governance tendencies.
Managing knowledge collaboratively to create value

- Knowledge is an intangible resource, differing greatly from tangible resources: the transfer of knowledge does not depreciate its value, which rather appreciates with use.
- Considering that an organisation creates value from the transfer of knowledge, a value network is similarly created by the interaction among citizens and between them and their governments.
- However, from the perspective of a society, unlike with the value chain concept of goods production and transportation, knowledge shared does not leave the originator, and is indeed knowledge multiplied.

- Knowledge management advocates collaboration or knowledge networking.
- Different models of collaboration enhance the knowledge of stakeholders so that they are able to participate well in democratic processes, e.g. strategic alliances, communities of practice, networks of citizens and stakeholder groups, information networks and formal knowledge management networks.
- Critical to effective collaboration and networking are participation, equity, transparency and integration.
- But, in spite of those tested principles, networking remains difficult, challenging and time-consuming.
- Networks require continuity, commitment and organisational memory, especially to sustain collective interest in democratic concerns.
CIVIL SOCIETY ORGANISATIONS AS KNOWLEDGE NETWORKS

• Civil society organisations (CSOs) form crucial links between society and government, and help ensure that democracy is deepened.
• They channel citizen participation into the political process, providing the government with information about what it should be doing.
• They also monitor the government and channel information back to citizens, helping to hold government accountable and to keep it responsive to citizens’ needs.
• Interventions should augment the capacity and knowledge of CSOs to reinforce their role in advocating mechanisms supportive of public access to information, and in obtaining, processing and sharing such information widely.

Bringing official information to public attention

• Civil society organisations are at the forefront of obtaining important official information and bringing it to public attention.
• In many instances, this can have very profound impact on the nation’s political life.
• Other less explosive but equally important information include socio-economic data, contracts entered into by government, and the policies that government implements.
• When such information is not fully disclosed to the public, people will have information that is too limited to base any comprehensive analysis on.
Storing, sharing and processing official information

- CSOs at times have greater capacity than government in systematically storing the official information that they use. This allows them to share such information, complementing direct access from government.
- As CSOs also have direct access to some of the government sources of information, such as communities and business establishments, they play a key role in validating the correctness of official information.
- Finally, CSOs are needed to read and interpret official information and report the same to their constituents, translating technical language into popular forms, enabling the public to participate more meaningfully.

Advocating for legislation promoting access to information

- Civil society organizations are at the forefront of advocacy for legislation to put in place a simple, speedy and effective means of enforcing the right to information.
- On the practical side, legislation can provide uniform conditions and procedures in obtaining access to official information.
- Such matters as forms of request, including period for the agency to respond, the fees, the form of response, and the form of information to be made available, can facilitate a simple, speedy and effective access when made definite and uniform.
- On the substantive side, legislation can also provide a clear penalty for the unlawful denial of access to official information. This will discourage violations of the right.
4. South African experience of party funding

by

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Multi-party democracy functions optimally when viable political parties engage in robust competition for political power

- Requires adequate resources
- Political parties use various sources of funding
- Private/public, direct/indirect
- Only public funding is regulated in South Africa
- Incumbency - contentious issue
- Private funding - ongoing debate

STATE ELECTORAL FUND

- Campaign funding - 1994 founding elections
- Electoral Act, Act 202 of 1993 - R53 million 16 parties
- State appropriation plus international donor communities
- Political support: potential/probable
- Levelling the playing field
- Not wound-up as yet
Section 236 of the Constitution (Act 108 of 1996) makes provision for national legislation to provide for funding of political parties participating in the National Assembly and provincial legislatures on an equitable and proportional basis.

- participating = seat in
- 90% proportional
- 10% equitable

Public Funding of Represented Political Parties’ Funding, Act 103 of 1997 as amended

- Establishment of the Represented Political Parties’ Fund
- Allocation moneys from the fund to political parties participating in national and/or provincial spheres of Government
- Management of the fund by the Electoral Commission
- Accountability regarding the fund
- Regulating allocation of moneys from the fund
- Regulating purposes for which allocated moneys may be used by represented political parties
- Regulate repayment of unspent balances to Electoral Commission under certain circumstances
- Incidental matters
Public Funding of Represented Political Parties,
Act 103 of 1997 as amended (the Act)

- Date of commencement proclaimed 14 August 1998 - retrospectively to 1 April 1998
- Regulations published 20 November 1998
- First meeting with represented parties held 1 December 1998
- First allocation to parties (¾ of annual) paid 11 December 1998
- First financial year end - 31 March 1999
- R53 million - eight parties accounted fully
- May be used for purposes compatible with functioning as a political party in a modern democracy
- May not be used for certain purposes, i.e. remuneration, fee, reward or benefit to a person representing the party in any legislature, in contravention of the code of ethics, establishing business or acquiring or maintaining any right or financial interest in any business, or in immovable property or any purpose incompatible with a political party’s functioning in a modern democracy

Political parties to account for moneys

- Every party must keep a separate bank account.
- Appoint an office-bearer or official as Accounting Officer.
- Accounting Officer responsible to account for the moneys and ensure that the party complies with the requirements of the Act and particularly that moneys are not used for purposes not authorised by the Act.
Keep separate books and records of account [6.2].
Must prepare within two months after end of financial year, a statement showing all amounts received and the party’s application of those moneys and purposes used.
Have books audited by a public accountant and registered auditor (Independent Regulatory Board for Auditors).
Auditor must express an opinion whether moneys were spent for purposes not authorised by the Act.
Auditor’s report and audited statement to be submitted to the Commission by 30 June.
Accounting Officer will be liable to repay to the Commission the moneys that were irregularly spent [7].

Auditor-General may at any time audit any political party’s books.
Commission may order funding to be suspended on reasonable grounds - terminate suspension if no longer justifiable.
Commission, before suspension, must inform party by written notice and call on party to furnish reasons within 30 days why funds should not be suspended.
CEO must recover moneys irregularly spent on behalf of the Commission by instituting a civil claim against the Accounting Officer or setting off the amount against any allocation to become payable.
Commission to report to Parliament after the end of each financial year and have books and records of account audited by the Auditor-General.
• Unspent balances at the end of a financial year to be forwarded to the next financial year is limited to 50% and are not taken into account when the next allocation is made.
• If Parliament or provincial legislature are dissolved, books and records to be closed by not later that 21 days prior to the election, and audited statement to be submitted within 24 days after the election.
• All unspent balances to be repaid not later that the day immediately before the day set for the election.
• President acting on the recommendation of a joint committee of Parliament may make regulations.

PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES REGULATIONS, 1998

Allocation of funds

• Amount to be announced by Commission

Proportional allocations 90%

• Based on the number of seats awarded to a party in the National Assembly and the provincial legislatures jointly

Equitable allocations 10%

• Equal distribution amongst parties in proportion based on the number of members in each of the respective provincial legislatures
Instalments, times and intervals

- Funds to be paid in four equal instalments every three months.
- When an election is called, funds to be suspended.
- Re-allocation to be made within two weeks of the date of an election.

Manner of payments

- Party must have a bank account where moneys can be deposited.

Separate books of account

- Separate books and records of account must be kept.
- According to generally accepted accounting practices.
- All transactions to be reflected.
- Reflect all assets acquired.
- Reflect commitments.
- Balance sheet, income and expenditure and cash flow statement.
Categories of purposes for which amounts are spent:

- Personnel expenditure
- Accommodation
- Travel expenses
- Meetings and rallies
- Administration
- Promotions and publications

Allocations to be carried over:

- 50% of total amount received during a financial year may be carried over to next financial year.

Recovery of allocated moneys irregularly spent:

- Commission to report to Parliament after the end of each financial year.

RETENTION OF MEMBERSHIP OF LEGISLATURE IN EVENT OF CHANGE OF PARTY MEMBERSHIP

SCHEDULE 6A inserted by SECTION 6 OF ACT NO 2 OF 2003
Retention of membership of legislature in event of change of party membership, mergers, subdivision and/or subdivision and mergers of parties:

• Period of 15 days from 1 to 15 September in the second year (fourth year) following the date of an election of the legislature – i.e. the window period.

PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES REGULATIONS, 2005

• The Commission must within 10 days after the date on which the Speaker of a legislature has published the notice contemplated in item 5(3) of schedule 6A to the Constitution, re-allocate 50% of the total amount of funding determined for the financial year in question to the political parties that, at expiry of the window period, qualify for moneys from the Fund - by 15 October.
• Paid in two equal instalments.

Regulation 8(1) - descriptive categories of purposes for which funds are spent must be supplied (audited financials) to the Commission by:

• the Accounting Officer;
• in the case of a political party contemplated in Section 6A(3) of the Act, by the person who last held the office of Accounting Officer or, if he or she is not available, the leader of that party within two months after the date on which a party is required to close its books and records of account - 30 November.
CONSTITUTIONAL MATTERS AMENDMENT ACT, ACT 15 OF 2005

- To amend the Public Funding of Represented Political Parties Act, Act 103 of 1997 so as to provide for the re-allocation of moneys from the Represented Political Parties’ Fund.
- To regulate the payment of unspent balances of all moneys allocated to the political parties participating in Parliament and provincial legislatures where a member of a legislature becomes a member of another party whilst retaining membership of that legislature.

- Moneys from the fund to a political party will end when the party ceases qualifying therefore.
- Subject to Section 6A, a political party must, within 21 days after the date on which it has so ceased to qualify, repay to the Commission the unspent balance.
- Accounting Officer or leader must, on last day of September, close books and records of account.
- Prepare statement of amounts received as well as purposes for which applied accountant and auditor by 30 October.
- The unspent balances of the party, if any.
- All the existing legal financial obligations of the party.
- Submit both to public accountant and auditor registered and practising auditor (Independent Regulatory Board for Auditors).
- Auditor to certify whether or not moneys spent for purposes authorised by the Act and correctness of information supplied by Accounting Officer/leader.
Submit to Commission by 30 November, i.e. within two months:

- Auditors report and audited financial statements, all statements of banking account for the financial year.
- Documents in support of information given by Accounting Officer/leader.
- Commission must then determine the unspent balance that the party must repay to the Commission plus the repayment date and inform the Accounting Officer accordingly – payment to be effected on or before stipulated date.
- Unspent balances repaid must be carried forward

The Commission may:

- Direct the Accounting Officer/leader to provide additional information (within 14 days).
- Appoint a public accountant and auditor registered and practising auditor (Independent Regulatory Board for Auditors) to:
  - Verify the party audit report and audited statements
  - Audit the Accounting Officer’s statement and the books and record of account
  - Auditor so appointed must submit his/her verification report to the Commission within one month of appointment
  - Commission must then determine the unspent balance that the party must be repay to the Commission plus the repayment date and inform the Accounting Officer accordingly.
Criminal liability:

Insertion of Section 9A in Act 103 of 1997:

“9A: Offences and penalties
Any person who:
(a) contravenes or fails to comply with section 6A(4), (6) or (9)(b); or
(b) fails to comply with a direction in terms of section 6A(9)(a),
is guilty of an offence and liable on conviction to a fine or to imprisonment for a
period not exceeding two years.”

Problem areas: fund administration 9th year of operation

- Late submission of financial statements - due 30 June but next tranche payable ± 25 July.
- Legal framework requires 30 days due notice - can only enforce compliance by October.
- Failure to disclose descriptive categories for expenditure.
- Auditor fails to make declaration - application of funding for purposes not authorised by the Act.
- General lack of understanding of legal framework and powers of IEC.
- 2007 - Auditor-General requested management letters/working papers of independent auditors.

Challenges

- Lack of regulation for private funding
- Formula for allocation of public funding
- Lack of funding for participation at local level
- Best practice approach to party funding - affordability, infancy of our democracy, lessons learnt in older democracies, etc.
5. The role of the media in elections: a critical reflection

by

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Challenges facing South Africa

- South Africa faces the challenge of consolidating its democratisation processes by making free and fair elections an irreversible feature of its political culture.
- It also faces the challenge of making elections meaningful to processes of choosing representatives and leaders.
- In relation to the media it needs a diverse, free and professional media, which actualises the right to freedom of expression – a right critical in elections.

Consolidating democracy

- Consolidating its democratisation processes includes the challenge of creating political systems that are participatory and allow the broadest possible majority of its citizens to participate in all the decisions that affect their lives.
- Consolidation will in turn make democracy irreversible as a political system and a value.
- A free media anchors and sustains democracy.
Elections and democracy

• Elections are some of the defining processes and events of a democratic/ democratising dispensation.
• Elections are defining moments and processes are precisely because they are based on universal suffrage – i.e. every citizen who is an adult participating in choices of representatives to public decision-making bodies.

Media and democracy

• Media as channels of communication are the lifeblood of the democratic process.
• They play at least six critical roles in a democracy or democratisation processes:
  – information
  – analysis
  – watchdog
  – open forum for debate and discussion
  – social representation
  – entertainment

Elections and freedom of the media

• To play these key roles the media needs to be free from all powerful forces and vested interests.
• Such interests include:
  – ownership
  – government and party control
  – policy and regulatory constraints
  – the influence of funding and financing
• In addition the media needs to be ethical and professional and serve the public interest.
Media and elections

- At least three principal democratic roles of the media pertain to elections:
  - information
  - analysis
  - debate and discussion
- But in the context of democratising countries the watchdog role is also critical because of the higher probability of electoral fraud and the phenomena of ‘stolen elections’.

Aid and guide to making choices

- By playing the roles of information, analysis and open forum for debate and discussion, the media act as institutional aid and guide to citizens in making electoral choices.
- If these roles are played well citizens stand a greater chance of making choices based on knowledge rather than blind loyalties.
- Of critical importance for this role is that media should enjoy editorial and programming independence from vested interests of all types and be professional and ethical.

Information role – Processes

- Through factual news stories the media must inform citizens accurately about the electoral processes:
  - dates and location of polling stations
  - times when polling stations will be open
  - documents needed to vote
  - nature of the election depending on the electoral system
Information role

- The media must inform citizens of election arrangements especially secrecy of the ballot.
- Alternatively inform citizens that they must insist on secrecy when they vote.
- In this regard the media will also be performing a voter education role.
- For the illiterate the media has a responsibility to explain the procedures for voting and the ballot paper.

Information role – Choices 1

- Media must inform citizens about the candidates and parties contesting that election.
- The manifestoes or programmes of the parties that are contesting the election.
- The extent of participation in the elections of those parties – i.e. is a party contesting at all levels – national and provincial etc.

Analysis role – Choices 2

- The media must critically analyse candidates, parties and their manifestoes or programmes.
- In this regard the media must compare and contrast candidates and parties, as well as their programmes.
- Context must be provided by reference to researched studies about the country and the electorate's issues and wishes.
Analysis role - Assessment

- Analysis should entail a close scrutiny of delivery records and degrees of democratic political management of the nation’s affairs by the ruling party.
- In relation to opposition parties - the degrees of their ability to hold the ruling party to account and to be able to form a government with an alternative programme that can appeal to the electorate.

Analysis role – The future 1

- In playing the analytical role the media must go beyond the programmes and promises of the candidates and parties to assess the needs of the nation and issues that pose challenges.
- In this regard, well-researched, in-depth analytical reporting relying on facts and figures must be produced.
- Analysis should turn facts into knowledge for the electorate.

Analysis role – The Future 2

- To play this role and become an indispensable but reliable guide to citizens, media must, in their analyses use a broad range of experts, analysts and use researched reports and opinion poll results.
- In this regard, it is legitimate for them to produce scenarios for the future and measure them against candidates and parties.
Open debate and discussion

- Democracy and democratisation are best served by open debate and discussion which exposes individuals and groups to different or alternative and opposing ideas, viewpoints, opinions and beliefs.
- Decisions and choices made with the benefit of open debate and discussion have a higher probability of being rational and informed.
- Debate and discussion also contributes to building a tolerant society without which democracy is not possible.

The media as public sphere

- The media as public communication channels have a potential if editorially free to be an open forum for debate and discussion.
- Elections are public choice processes and therefore the media acting as an open forum for discussion and debate should allow citizens, candidates and parties to openly discuss choices.

Staging debates and discussion

- The media must through opinion columns and live studio debates in electronic media and Internet forums allow robust but ‘civil’ debates on all election issues.
- These debates MUST include candidates and parties debating each other in moderated forums.

Watchdog role

- The media must investigate any allegations of electoral malpractice and expose violations to protect the integrity of the process.
- The media must also keenly observe actual voting as well as the counting and announcement of results to prevent fraud.
Role of IEC in regulating media during elections

• Regulating access to broadcast media – equal access.
• Regulating radio and television advertising – minimising the influence of money.
• Monitoring media bias and intervening to stop it – retrospective reprimands useless.
• Monitoring utterances in unmediated communication and taking steps to stop them.

IEC and the media

• Maintaining a prominent media profile – regular briefings, etc.
• Ensuring the media covers the IEC accurately.
• Educating the media about electoral procedures and processes to influence quality of reporting and analysis.

Problems in the role of the media in elections

• Influence of ownership dynamics – editorial independence.
• Media positioning itself as a surrogate opposition.
• Dilemmas posed by a weak opposition.
• Dilemmas posed by a strong and dominant ruling party.
• Avoidance of the media by parties.

Conclusion

• Last but not least, given that our region is in the process of democratisation, it is the role of the media to ‘prevent’ one party from winning with such a landslide victory that the opposition is to all intents and purposes irrelevant.
• However, in doing so, the media must strictly adhere to ethics and professional norms.
News clippings


Floor-crossing can go, says ANC

IF the majority of parties want floor-crossing scrapped, the ANC says it will listen, the SABC reported yesterday.

“Let the people speak. The ANC is not married to any floor-crossing,” ANC spokesman Smuts Ngonyama told the SABC.

He was attending a discussion hosted by the Independent Electoral Commission in Johannesburg. – Sapa.

Sunday Independent, October 14 2007

Floor-crossing may finally be scrapped

A signal that last month’s floor-crossing might be the last came with the announcement yesterday of a national survey to ask South Africans whether they want the legislation scrapped.

Vytjie Mentor, the chairwoman of parliament’s standing committee on private members’ legislative proposals and special petitions, confirmed yesterday that a survey would be conducted in all nine provinces before the ANC conference in December.

“The committee knows fully what its members and the ANC think about the legislation,” Mentor said. “We don’t like it. But we don’t want to act without knowing what all South Africans want.”

She said the decision to conduct a survey was taken after the ANC’s June policy conference, where the issue was discussed.

The independent electoral commission added its voice to the public outcry against legislation and its destabilising effect on governance this week, with its head, Pansy Tlakula, saying it was time parliament asked itself whether it still had a place for floor-crossing on its books.

Koos van der Merwe, an Inkatha Freedom Party MP, recently submitted the latest in a series of private members’ bills by opposition parties to the committee, all making provision for the scrapping of the legislation.

Mentor said: “We will take it to the ANC conference [in December] and want to tell it unambiguously what South Africans think.”
Hats off to IEC and a dream too easily forgotten

Business Day, October 17 2007