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ELECTORAL SYSTEMS -
A DISCUSSION DOCUMENT
CAPE TO WN
NOVEMBER 1990

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# Contents

Glossary

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Additional number system: this is exemplified by the proportional system used in Germany. Half the members are elected by first-past-the-post voting in single-member constituencies. The other half are allocated to party lists in such a way that the seats in the full assembly are proportionate to the votes cast in the country as a whole (subject to certain threshold rules). A variant of this system proposed by the British Hansard Society in 1976 provided for the additional members to be chosen from defeated constituency candidates rather than party lists.

Alternative vote: this refers to the use of preferential voting within single-member constituencies. For the Australian Lower House. for example, every elector is required to number all the candidates in order ofpreference: the candidate with fewest first preference is eliminated and the second preferences are redistributed and the process continues until one candidate has a clear majority.

Andrae system: an alternative name for the single transferable vote system.

Apparentement: a provision in a list system of voting by which separate parties can declare themselves linked for the purposes of vote counting and seat allocation (France 1951, 1956,1taly 1953).

Constituency: this is the most common term for the geographic areas into which a country is divided for electoral purposes. A constituency may send one or several members to the legislature. Other terms include district (USA), riding (Canada), circonscription (France). electorate (Australia and New Zealand). and division (UK).

Cube law: a formula which has been used to describe the way in which first-past-the-post systems exaggerate majorities in votes into much greater majorities in seats. 1f votes are divided in the ratio A:B, seats are likely to be divided in the ratio A1283.

Cumulative voting: a rarely used system of voting in a multi-member constituency in which electors can cast more than one of their votes for a single candidate.

diHondtsystem: the formula used in most list systems of proportional representation to allocate seats. It is also known as the highest-average system. Brietly. it ensures that in a constituency no reallocation of seats would reduce discrepancies in the shares of the votes received by the winners.

Droop quota: the formula used in most single transferable vote systems to allocate seats. It can be stated Ivotes/(seatsH)1H.

F irst-past-th e-post (FPP) system: this, the oldest kind of voting arrangement, still predominates in English-speaking countries. It usually involves single-member districts. Each elector has one vote, and the candidate who gets most wins, even if he/she does not secure an absolute majority. This is also known as the relative majority or plurality or the winner-takes-all system.

Gerrymandering: the drawing of constituency boundaries deliberawa to secure party advantage.

Hagenbach-Bischoff method: a method of allocation using the Droop quota in the first stage and the diHondt system in later stages.

Hare quota: votes divided by the number of seats.

Largest remainder system: the formula for allocating seats in list systems that is most favourable to smaller parties. After one seat has been distributed for every full quota the quota being derived simply by dividing votes by seats, any remaining seats are allocated in turn to the parties with the largest residues.

Limited vote: a system of voting in multi-member constituencies with a majoritarian system in which electors have fewer votes than there are seats to fill ( now used only in Japan; tried in a few UK constituencies 1967-85).

Paruchage: a provision in a list system of proportional representation in which the elector is given the opportunity to

vary the order of candidates on his partyis list.
Preferential voting: a system of voting in which the
elector expresses a rank order of preference between can-
didates. The alternative vote and the single transferable vote
are systems of preferential voting.
Proportional representation (PR): this is a
generic term for all the systems of election which seek, by
multi-member seats or reserve lists, to relate seats to votes
more proportionately than is possible under a single-member-
constituency system.
Redistribution: the term for two processes distin-
guished in American usage: iiredistrictingii. the redrawing of
constituency boundaries, and iireapportionmentii, the real-
location ofseats among states.
Sainte-Lague system: a formula used to allocate
seats in some Scandinavian list systems of proportional rep-
resentation. The use of a divisor larger than the number of
seats available ensures a more proportional result then the
dil-londt system.

Second ballot: this refers to the system used in Third
and Fifth Republic France, under which, in a single-member-
constituency system, there is a second vote a week after the
first one if no candidate has an absolute majority. It is
analogous to the run-off arrangements in some American
primary elections.

Single transferable vote (STV): this refers to the
use of preferential voting in multi-member constituencies. It
is used in the Irish Dail and the Australian Senate. Electors
to second preferences. Then the bottom candidates are suc-
cessively eliminated and their preferences redistributed until
all the seats are filled.

Threshold: a minimum condition for securing repre
sentation. This device limits purely proportional results, for
example, by distributing seats only to parties securing a
minimum of 5% of the vote (as in Germany) or 10% (as in
Zimbabwe) or by having constituencies with so few members
that a party needs a substantial vote to have any chance of
are asked to number the candidates in order of preference. securing a 563N135 in Ireland)
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Any votes surplus to a droop quota are reallocated according
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PREFACE TO DISCUSSION DOCUMENT:
ELECTORAL SYSTEMS

VER SINCE UNION - AND BEFORE - black South
Africans have been excluded from parliament, provincial
councils and other law-making bodies. This means that blacks
have never participated in the electoral process. The voting
(electoral) system _ its nature and workings - remained the
sole preserve of white political parties and the Apartheid
government of the day.

s a result of a oonjuncture of circumstances (as per
Harare Declaration), the African National Congress and
the apartheid government are now engaged in talks. Hopefully
this will ultimately lead to negotiations towards a new Con-
stitution which will make provision for a unitary. non-racial,
non-sexist South Africa with universal franchise on one com-
mon voters roll and one person one vote.

art ofthe process of constitution-making for such a South
Africa. will be the working out of a system of voting, an
electoral system. which would be appropriate for the country.
The African National Congress has recognised the need for a
multi-party system, the right of all other political forces and
organisations to organise and to compete for power on the
political terrain. The ANC also recognises that all parties
enjoying significant support should have the right to be repre-
sented in a Constituent Assembly and parliament.

he question which needs to be resolved is: What would
be an appropriate electoral system to achieve the stated
objective?

t is to place the issue before the people of our country and
to ensure participation at the widest levels by all the or-
ganisations of the people in the process of constitution-making
(including formulating and/or agreeing upon an acceptable
system of voting), that the African National Congress, Com-
munity Law Centre (University of the Western Cape) and the
Centre for Development Studies have organised a conference
to be held in the Western Cape on 2 - 4 NOVEMBER 1990.

T his conference will not be a decision-making one, nor
will there be any resolutions at the end of the conference.
The objective is to facilitate meaningful discussions
throughout the country. To facilitate this process, we present
a discussion document entitled tlELECFORAL SYSTEMS: A
CRITICAL SURVEYll which has been prepared by Professor
KADER ASMAL, a member of the Constitutional Committee
of the ANC and Professor of Law at Trinity College, Dublin.

t is hoped that arising from these discussions, there will be
Imore meaningful discussions and consultations amongst
organisations such as trade unions, civic organisations,
womenls organisations and other sectoral organisations -
ultimately leading to a situation which we would be better able
to decide on an acceptable, unity building and democratic
electoral system.

ADV. DULLAH OMAR,
DIRECTOR : COMMUNITY LAW
CENTRE & MEMBER OF THE
CONSTITUTIONAL COMMITTEE
OF THE ANC.
24.10.1990

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Welcoming Address by
Comrade Zola Skweyiya,
Chairperson of the Constitutional Committee
of the African National Congress. ll?
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I on behalf of the leadership and membership of
the African National Congress, especially its Na-
tional Executive Committee and on behalf of the Constitu-
tional Committee of the ANC, the Centre for
Development Studies, the Community Law Centre of the
University of the Western Cape, welcome you to this
national workshop an electoral systems.
I adies and gentlemen, comrades and friends, may
t is the third workshop in a series we have been holding
Iin South Africa since the unbanning 0f the ANC. We have
had two conferences in the course of October, one on Local
Government and another on Land Reform. Today we wel-
come you to a workshop on ttElectoral Systems in a
democratic South Africa". The purpose of this exercise is to
define, analyse, evaluate and compare different electoral sys-
tems. I do not think that this workshop can reach any final
conclusions. However, it can certainly come up with recom-
mendations to the democratic movement as to whether and to
what extent electoral systems reflect the will of those who
vote.
I n addition to shedding some light on the main objective
of this workshop which is ; TO DETERMINE THE
MOST APPROPRIATE ELECTORAL SYSTEM FOR
SOUTH AFRICA, we hope that this workshop can in the
process also achieve the following.
1. Identify some of the ways in which the ruling Circles
can frustrate the wishes ofthe people, especially during
the transition from the colonial rule to independence.
2. Identify the advantages and disadvantages of adopting a
particular transitional electoral system and examine the
consequences of adopting a particular electoral system
for a post-apartheid South Africa.
3. Determine and demonstrate which class forces are like-
ly to be favoured by a particular type of electoral arran-
gement at each stage of our social development.
it grappling with these considerations the options for a
transitional electoral system for South Africa can be ad-
vanced and examined in a more critical way.
I am sure that the insights gained from some of the papers,
which are going to be presented at the workshop, will
afford us the opportunity to review the various methods the
South African state has used in this country and Namibia in
electoral processes. In doing so we could scrutinise the likely
preferences of the Nationalist Party and its allies.
he many questions and contentious issues relating to
the first-past-the-post and the different forms of propor-
tional representation, and their consequences should be raised
and examined. This is indeed a critical exercise when dealing
with electoral system options and what it would mean for the
transition to democracy and for a post-apartheid South Africa.
(W e should bear in mind that the issues of contention
relating to electoral systems in South Africa are dif-
ferent from those prevailing among classes and groups in a
normal democratic society. Therefore, in arriving at recom-
mendations for a transitional electoral system for South.
Africa, we should focus our attention on developing strategies
which will assist in accelerating the takeover of power by the
majority/democratic forces of this country. In this regard
recommendations for an appropriate system must take into
consideration social, geographic and other political factors.
T he politics of the apartheid system, as manifested in the
social conditions, has influenced institutions such as the
educational system. This resulted in determining a national
psyche and the shaping of peoples attitudes towards any
electoral process. For example, it is a very real fear that the
present population distribution may be manipulated by the
powers that be, in such a way, as to prevent the victory ofthe
democratic forces.
his can easily be done by rezonin g constituency borders
with a view to denying the national liberation movement
definite majorities in certain constituencies. The experience

of independent Africa demonstrated that colonial authorities usually resort to a form of gerrymandering if the election is on the basis of defined constituencies.

W e hope that in our discussions of electoral systems, the usual electoral problems of justice and fairness will provide the basis for our recommendations. The practical experiences of different countries, especially those in Southern Africa like Namibia and Zimbabwe, should also be remembered.

C ike all instruments of political power, all electoral systems or other forms of selecting leaders always have a class orientation. In some contexts, however, depending on the level of development of the social formations, the class aspect plays second fiddle to national, regional, ethnic and tribal consciousness. In other words, those who formulate electoral systems do so in the hope that the rules under those systems will assist to keep in power the forces which share their political and value perspectives. This is the crux of the impasse concerning an electoral procedure for a democratic South Africa.

he fundamental issues to be raised in evaluating an electoral system are:

I. the nature of representation it gives to the citizen as part of the entire state edifice and;

2. the avenues it opens to the citizens to make meaningful and personal contributions towards shaping the policies by which their future would be determined.

% result of this is that it becomes essential to lay bare the
various motivating factors for a few particular types of
electoral systems.
ver and above the primary objective of the workshop
Oand the many other considerations, we should bear in
mind that this workshop is also about looking into the future.
It is part of our planning for democracy and for posterity. A
grasp of the future points the way towards liberation. It is
part of the broad ideological struggle against apartheid. It is
part of our grappling with the vestiges of apartheid
colonialisms. We are here to explore and investigate how
democracy works. The ANC and the people of South Africa
should now, more determinedly than ever, plan for the future.
his workshop is not about planning specific political
action but to lay down the foundation of democracy and
for the popular participation of our people.
I t is our task to evaluate the present political situation,
learn from the experiences of independent Africa and also
from other liberation struggles the world over, make use of
this experience and ensure that democracy is rooted within
our people for generations to come. It is in this spirit that we
welcome our guests from abroad. We hope their expertise
will go a long way towards making this workshop a success.
6 welcome all delegates from all ANC regions in
South Africa and from the external mission of the
ANC. We also welcome all the academics from different
universities and research centres in this country. We hope we
will be able to work together despite the different political
groups and ideological leanings we represent. We are meet-
ing here as South Africans and as friends of the people of
South Africa, with a common purpose - of Charting the way
into the future, towards democracy, peace and economic
stability. :1

Opening address to the
workshop on
electoral systems by
Comrade Alfred N 20,
Secretary general of the African National Congress,
delivered at Stellenbosch on lst November 1990.
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workshop and to deliver this opening address. The
African National Congress considers this workshop to
be very important.
It is a great privilege for me to be present at this
ut I must say thatI do feel a little uneasy talking about
gelections, voting and voting systems. Forgive me ifl am
a little blunt. I am an African. I was born in this country.
This is my mother land. I have lived here until I was forced
to leave this country in the 1960s Elections were not for us.
We did observe whites from time to time electioneering and
voting. But we never dared to go near a polling booth. The
laws of this country did not permit us to participate in the
voting process. Those who were participating in the voting
sham wanted the world to believe that they were furthering
democratic values.
ut as the struggles of our people for freedom and justice
went on, successive white governments were compelled
to think again. They did not give up apartheid. They tried to
work out schemes to involve blacks in elections. But what
kind of elections? They arranged elections to structures
which were puppet and racist bodies - apartheid bodies.
There were advisory boards, urban councils, community
councils and now of course homeland elections and
tricameral elections as well as elections for black local
authorities. There has been a succession of such racist bodies.
n all these schemes, successive governments have wanted
Ius to take part in voting. They tried to persuade us in many
ways, including the use of repression, to drive us to vote. But
our people were not fooled and were not interested in these
toy telephones - in fact group rights toy telephones! And
rightly so!
% nd so we have remained ignorant about voting and
voting systems. But bless our people ! They were not
stupid! Ignorant about ways of voting - yes! But politically
our people have shown that they were not stupid.
0 ur struggles are now bearing fruit. This succession of
arrogant apartheid governments have run into a brick
wall. But it is no longer Verwoerdts granite wall! The time
of apartheid governments is over, our time has come! When
I say our time I mean all the people of South Africa who are
fighting for a non-racial, non-sexist democratic South Africa.
We want a unitary South Africa, NOT a federal South Africa!
That includes black and white, ANC and all other political
formations committed to democracy.
am not saying we have arrived! We have not yet arrived.
There are still obstacles in the way. Violence in the
country and right wing activities threaten peaceful transition
to a democratic order. But unfortunately it is not only right
wing violence that affects political activity. It is also the
government itself which has not removed obstacles and
which appears to be making things more difficult. Despite
the commitment to the Groote Schuur Minute and the Pretoria
Minute the government continues to delay matters. It makes
things as difficult as possible. It wants to control everything
from beginning to end. It does not want to give up its power.
There is a major contradiction in all this. On the one hand
there are the many statements by De Klerk, Viljocn and other
government ministers - that they are finished with apartheid,
that they want to negotiate a new constitution, that they are
committed to democracy and equality and so on. They also
repeat day after day that they are committed to removing
obstacles to negotiations. They even have the nerve to accuse
the ANC of using delaying tactics.
W e have welcomed the changes which have come in
the aftermath of the February 2 speech of FW De
Klerk. But what has happened since then? Political prisoners
are still in prison. The thousands of people who have been
outside the country are still outside the country. Security
legislation remains in place. In many places the security
forces continue to act as they did in the pre-February days.

Speaking here in the Western Cape, need I remind you of
police brutality and killings which took place in Khayelitsha
last week? What I am saying is that the process or road of
negotiations is a thorny road with many obstacles still to be
overcome. It is noteworthy that the gains which have been
made in eliminating apartheid, have taken place in those
spheres in which mass campaigns have rendered apartheid
unworkable eg. in the area of separate amenities. Even the
unbanning oforganisations only came in the wake of massive
campaigns throughout the country, in which the people them-
selves, for all practical purposes, have unbanned the organisa-
tions.
he impression one gets is that the South African govem-
ment is only moving as far as mass pressures and inter-
national pressures compel it to move. If this is so, then we
say that it is playing a dangerous game. The government
should have met the 30 April 1990 deadline for the release
of political prisoners and return of exiles. It did not meet this
deadline becuase it did not move rapidly then already. Why
can political prisoners not be freed immediately? Why can-
not the govemment facilitate, rather than obstruct through all
kinds of red tape, the return of exiles? The ANC is not
responsible for delays! We do not hold the keys to the
prisons! Nor do we control the border posts and entry posts
to decide who comes in! The onus is squarely on the
shoulders of the government to remove all obstacles to
negotiations.
he ANC is committed to negotiations. These must be
directed towards an irreversible transition to a non-racial
democratic South Africa within the shortest possible time.
The patience of our people is not unlimited and I can only
express the wish that the various obstacles to negotiations are
removed without further delay. We want to get down to the
process of negotiations which must lead to the adoption of a
new democratic constitution. We want democracy for all in
a single unitary South Africa. Democracy for us in the ANC
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means popular participation in all spheres of South African
life on a non-racial basis. Participation in a system of elec-
tions is an inseparable part of democracy. Our objective
therefore is to ensure that we have a voting system which is
non-racial, fair, representative and democratic. We want
everybody and all parties to have a fair and equal opportunity
to put their views, programmes and policies to the people of
our country. They must have the right to campaign peacefully
and freely to win support amongst the people, to take part in
elections and to strive to become the majority party or even
to become the government or part of the government. The
African National Congress has never believed that it has the
sole prerogative to decide what is good for South Africa and
its people. We ask only for the same rights and duties as any
other political formation - to compete for support, to par-
ticipate in government if our people so wish, but even to
participate in opposition! We in the ANC subject ourselves
to democratic rules. We will accept the democratically ex-
pressed will of the people even if that means that we end up
as a minority party. Of course that is very unlikely but not
impossible. If people through the process of elections so
decide. we shall accept a minority position. That is why we
want to see a voting system or an electoral system which is
- NON-RACIAL IN FORM AND CONTENT AND NON-
SEXIST IN FORM AND CONTENT.
believe that you will be discussing these matters in your
workshop. I am told you have distinguished academics
and lawyers present who will share and debate views. But I
am also very pleased to note that you have present, repre-
sentatives of organisations of our working people. I must
point out that this workshop is on the initiative of the ANC
Constitutional Committee. The reason for the workshop is
not only to allow EXPERTS to talk about the issue, but also
very importantly, to involve our people in all the organisa-
tions in the process itself. For us this is a crucial point.
e believe that it is the prerogative of the people of
South Africa as a whole to determine and to decide on
the future constitution of the country. That is why we are
fighting for a constituent assembly. We cannot understand
why people or groups who say that they are for a non-racial
democratic social order are against a constituent assembly.
President De Klerk for example has said that a constituent
assembly means claiming victory in advance! The govern-
ment as a whole has said that it means abdicating power or
handing over power. Such statements are very misleading
and cannot be allowed to go unchallenged. What De Klerk
and his government must understand and accept is that his
government is an apartheid government. It is a minority
government. It can never claim to be representative. What
is more: IT CANNOT CLAIM TO BE COMMITTED TO
DEMOCRACY AND CLING TO POWER AND AT
THE SAME TIME IT IS A CONTRADICTION IN
TERMS. And yet that is what it is trying to do _ cling to
power.
he most effective and peaceful transition to democracy
is to have non-racial elections throughout South Africa -
including the homelands. In such elections the people will
elect their representatives to a body charged with finalising
and approving a new constitution.
W e say that this may mean the end of the National Party
and De Klerk must accept this. We must all be placed
on an equal basis as parties competing for the support of South
Africals people. Let the electoral process decide who must
be in a constituent assembly or parliament for that matter. If
such a process eliminates the ANC or the National Party - so
be it!
he ANC will therefore continue to fight for a
constituent assembly.
must say that the alternative which has been proposed
by the government, is not acceptable. It does not lend itself

to transformin g South Africa into a democracy. The proposal
is a way of trying to maintain the status quo.
0th President De Klerk and minister Viljoen have
gproposed that there should be a negotiation process be-
tween Itrecognised leaders or leaders with a proven con-
stituency", and that they should work out and negotiate a new
constitution. I really do not know what ltproven constituen-
cyli they are talking about. Are they talking about the
tricameral parliament, the homeland structures, black local
authorities, management committees? What constituency do
they have? We are all quite certain - and we are sure that De
Klerk knows it also - that this so-called proven constituency
of people in those structures will be totally defeated in any
democratic election. What we say is: let us have elections to
decide who are the proven leaders or leaders with a proven
constituency. What is there to be afraid of in elections - unless
of course the objectives of the exercise is something different
from what we stand for, namely a non-racial democracy.
eriously speaking, how can we expect so-called leaders
who have a history and record of fighting against
democracy and supporting dictatorship _how can we expect
such persons - to produce a democratic constitution?
W e are very concerned about this aspect because it
shows that there is no real commitment to the estab-
lishment of a single unitary, non-racial, non-sexist
democratic South Africa. There may be a commitment to
ending apartheid. But what is to take apartheid's place?
W e have noted the various statements of De Klerk and
other government ministers about democracy, equality
and justice, especially to overseas audiences. But we have
also looked at their concrete proposals whenever they have
moved away from their vague formulations. I am afraid that
they tell a different story. Last week the Constitutional
Affairs Committee of the Presidents Councils published its
reports. Its proposals reflect fairly accurately what the
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government has been saying. I say emphatically that the
proposals contained in the Presidents Councilis report are
totally unacceptable to the ANC. If they are implemented, it
will mean the retention of all inequalities in the country and
even if apartheid is abolished in name, real apartheid will
remain in practice. The government proposal is for a two
chamber parliament: one based on one person one vote and
the other on representation according to group rights and
other interests. The proposal is further that all major
decisions should be taken by consensus or loaded majority
and that there should be a veto power which a minority group
would be able to exercise. In effect what this means is that
you give one person one vote with one hand and you take it
away with the other.

he Bill of Rights, which is also proposed, is also
unacceptable. It is designed to protect existing property
rights - not to extend democracy or protect fundamental
human rights.

here is also another important issue. If for example
there is agreement on the end result, namely a democratic
South Africa and even if there is agreement on the question
of a constituent assembly, the question is who will oversee
this process. Our view is that it cannot be a South African,
or the National Party. A person cannot be a player and referee
at the same time! That is why we have raised the question of
an interim government. We need an impartial overseer or
manager to ensure that all the processes leading to a Con-
stituent Assembly shall be free, fair and impartial. But this
is a matter for another occasion.

I have spoken on a number of important issues. In all of
them the matter of the electoral system will be important.
I do not expect that you will all be in agreement on what kind
of system South Africa should adopt. The purpose of this
workshop, I believe, is not to arrive at any kind of conclusion
or to take any kind of decisions. This will allow for free
discussion and debate. But a consensus may emerge as a
result of your deliberations. I thank you for listening to me.

Q ut this is not the occasion to examine fully the report of I wish you success in your d
eliberations. Cl
the Committee for Constitutional Affairs of the
Presidents Council or government proposals themselves.
make mention of our view in this regard, however, to
indicate that we are seriously committed to establishing
real democracy in our country. We still settle for nothing less.
We have taken the government at its word. Despite the ALFRED NZO
reservations which I have raised, I believe that the interna-
tional situation and internal situation is such that we should SECRETARY GENERAL OF THE
be able to move in the direction ofthe objective which I have
outlined despite the many difhculties. It is because we are AFRICAN NA TIONAL CONGRESS
confident that we shall be moving towards the establishment STELLENBOSCH
of a democratic order, that we, in the ANC, want our people
to discuss constitutional issues. The question of an ap-
propriate electoral system is one of those issues. 01_ 1 1,90
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Electoral Systems:
A Critical Survey
by
Kader Asmal,
Constitutional Committee of the
African National Congress,
Trinity College - Dublin.
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(Efectoraijsterm - 54 Discussion Document, Tage 12

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# 1. INTRODUCTION

debate about the method of representation of peoples
cannot be conducted in icy detachment. The central
issue, as in all constitutional arrangements, is about power
and how it is to be identified and distributed in a given
political system. Much attention has been paid inside and
outside South Africa to constitutional proposals where the
primary motivation has been to protect the economic rights
of the white racial minority and to obscure the total power-
lessness of the black majority. These proposals cover the
areas of minority rights or group rights, the provision of a
veto on isociali issues to racial groups, federal forms of
government associated with race and ipower-sharingl in the
executive.

The first point about the electoral system is that any
But this attention to constitutional forms has obscured a
much more serious and important development concerned
with the electoral process. The apartheid regime has now
conceded the principle of one-person one-vote. Think -tanks
in the West and Liberal and big-business interests inside
South Africa have moved away from the idea of communal
or racial rolls towards an acceptance of universal suffrage at
some stage of the governmental process. However, they have
very carefully hedged their bets in two ways. Firstly, they
have generally associated their acceptance of one-person-one
-vote with proposals for intricate and complex machinery for
the election of an executive which would deny the majority
the right to rule and, therefore, bring about the changes
necessary in a post-apartheid society.

Secondly, and more importantly, nearly every one of the
proposals for constitutional change is posited on a rejection
of the Westminster ffirst-past-the-posti system, which the
whites have operated in South Africa since 1910, in favour of
proportional representation. One of the most important and
significant examples of this drive towards proportional rep-
resentation is found in the KwaZulu-Natal Indaba proposals
of December 1986. The Indaba constitutional proposals are
quite clear about their motive for supporting proportional
representation. It is to ensure the irepresentation of
minorities and power-sharingi by guaranteeing 1minority
group representationi in the first chamber and forestallingthe
capacity of fany single party (having) more than 50% of the
seats in the first chamber, (p5, Constitutional Proposals sub-
mitted to the Minister of Constitutional Development and
Planning, 13 May 1987).

In Zimbabwe, in 1980, and in Namibia, in 1989, propor-
tional representation was used for the first time in English-
speaking Africa to elect the lower house.

This debate about the electoral system has a momentum of
its own tending towards an unquestioning acceptance of the
virtues of a system because those virtues seem self-evident.
Alternatively, there can be great external pressure for the
adoption of a particular method without full consideration of
its effects. SWAPO had to accept a proportional repre-
sentation system for the election in Namibia as it was imposed
by the Contact Group of States. Yet this system proved to be
its salvation.

In South Africa. all shades of white opinion seemed to be
satisfied with the basic Westminster system until the early
seventies. With the Presidents Councilis support for
fconstitutionali government, based on ethnicity and group
right recognition, a ferment of proposals emerged. The
South Africa Act of 1909, the product of an exclusively white
National Convention, created a unitary state and, apart from
the entrenched clauses, a constitution of extraordinary
flexibility with a colour-bar restriction on membership ofthe
House of Assembly. The electoral syste, with its
Westminster model of government and a loading in favour of
rural constituencies, favoured the conservative and rural sec-
tions of the white population. It therefore needed an oligar-
chical constitutional structure in which the white minority

wielded unchallenged and effective political power. Ironical-
ly, a serious proposal for the use of proportional repre-
sentation was not subsequently pursued.
Except for some minor areas, including the right of OFS
local authorities to elect their members by proportional rep-
resentation since the 19805, the single member constituency
system has been used for white elections and for the
tricameral fparliamentl.
The desire to change the electoral system may therefore be
closely associated with the need of certain groups to maintain
their power in more discreet and sophisticated forms. The
underlying assumptions behind electoral systems must there-
fore be traced.
ffectoral'Systenu - R Discussion Document, 971152 13

## 2. ELECTORAL SYSTEMS

are cast and the relationship between votes and the
allocation of seats. Electoral law determines the
procedure to be adopted for the actual conduct of elections -
secret ballot, counting of votes, impersonation, postal ballots
etc. Two crucial elements associated with electoral systems
are (i) the drawing up of constituency boundaries and the
number of voters in the geographical area and (ii) the method
of drawing up the electoral register. "lhese are vital matters in
the South African context because reliance on the existing
power structure means the retention of power to totally
manipulate the electoral process. It is for this reason that there
was unhappiness in the Zimbabwean election of 1980 at the
control over the election exercised by the Smith forces and
disquiet that under Resolution 435 of 1978 the United Nations
would merely supervise and not lorganisel the inde-
pendence election in Namibia.

Electoral systems determine the way in which votes
This study refers only to the electoral system and provides
insights into a large number of what may appear to be tech-
nical and esoteric aspects. But all of them should be seen in
the context of specific historical experiences, and the way in
which they operate has shaped a countryls political culture.
One-party states, based on ideological or political patterns are
sui generis. Even where in some one-party systems certain
functional interests are allowed to organise independently,
there is no real independence of the major and controlling
party. As our movement has committed itself to a multi-party
system, this study therefore looks at lWesteml models, hold-
ing free elections to a greater or lesser degree.

These may be grouped into three broad categories.

i) Electoral systems established by evolution. English-
speaking and Scandinavian countries have had fairly long
histories of free elections; their electoral systems are a
century or more old, but there have been changes to
reflect power interests.

ii) Electoral systems established following a constitution-
al disruption a generation ago. France, Germany, Italy
and Austria have well established electoral systems. But
in each country, the present constitution was only estab-
lished after the Second World War and the change of
regime was normally accompanied by a change in elec-
toral system. What is taken for granted today, was un-
certain a generation ago. It is therefore significant that
the system is often tailor-made to ensure a certain result.
The West German list system was development to ensure
that parties of the Left and Right would get no repre-
sentation unless they obtain 5% of the vote. De Gaulle's
1958 electoral law for the National Assembly, which had
served its purpose, was changed in 1985 to ensure that
the Socialist Party would obtain a higher proponion of
the seats under the proportional representation list system
than under the two-state majority voting system. But the
present French Government has gone back to the pre-
vious system to ensure that the combined right-wing
majority would continue to obtain a majority of the seats.

iii) Electoral systems newly established following a con-
stitutional disruption. Spain, Portugal, Greece and Zim-
babwe today have competitive elections but the electoral
system of a country freely enjoying electoral choice after
a period of authoritarian rule cannot be described as fully
established. In any event, the history of the ldemocraticl
system in Greece shows that since 1946, it has changed
on at least a dozen occasions to ensure (i) compliance
with US demands in 1950 for a two-party system, (ii) the
victory of the major parties or coalition of parties by
allowing what is described as a lreinforcedl proportional
representation whereby a party or a bloc obtaining a
minimum proportion of the total votes (17%, 25%) may
then participate in the distribution of seats allocated on

the basis of its proportion of votes. This, of course,
favours the larger parties and contradicts the received
Western view that elections are determined by the actual
votes cast!

## 3. WHICH KIND?

serve the interests of those who hold or intend to
continue holding power. Occasionally, these inter-
ests are frustrated, as in Greece in 1967 when the army
negatived the electoral process by overthrowing the Govem-
ment. The British imposed a most complex system of propor-
tional representation on Ireland in 1920 in order to ensure the
protection of British interests throughout the Protestants,
while allowing the white Southern Rhodesians and other
idominionsi the Westminster model. Until 1964, elections in
British Guiana were on the British model, with constituen-
cies. But in the pre-independence election of 1964, the
British imposed a unique system to ensure that Cheddy
Jagaanis party would not win the election: separate con-
stituencies were abolished, the whole country became a single
constituency and the seats were allocated on the basis of the
proportion of votes obtained, thus ensuring the triumph of a
coalition of racially-orientated and conservative parties.
Electoral systems are generally devised or intended to
Elections lie at the heart of the democratic process and it
is through the act of voting that government by consent is
secured. Yet no country has solved the riddle first posed by
Oliver Cromwell who was has much for government by con-
sent as any man, but if you ask me how it is to be done, I
confess I do not know. For modern democracies use a wide
variety of different electoral systems and there is no hint of
agreement as to which is best, each system having its char-
acteristic virtues and defects. In addition, there are electoral
systems which exist on paper but not in reality. Indeed, the
only Royal Commission ever appointed in Britain to inquire
into electoral systems declared in its report, published in
1910, that there were over 300 systems then in existence.
There are, no doubt, many more now. Yet a classification of
electoral systems does not have to be just a lengthy catalogue
listing them one by one, for they can be analysed as variations
upon a small number of basic types.
Electoral systems are the practical instruments through
which notions such as consent and representation are trans-
lated into reality. For an electoral system is above all 'a
method converting votes cast by electors into seats in a
legislature. The purpose of this study is to categorise the main
types of systems actually employed in democracies.
The central factor differentiating one electoral system from
another is the method by which it allocates seats. There are,
broadly, three ways in which this can be done. Seats can be
allocated to a candidate or candidates obtaining a plurality of
the vote, to a candidate or candidates obataining a majority
of the vote, or proportionately. There are, therefore,
plurality systems, majority systems and proportional sys-
tems of election.
But there are a number of different methods of allocating
seats proportionately. The central distinction is between a
method based upon preferential voting in multi-mernber con-
stituencies - the single transferable vote - and the method of
allocation based upon party lists. List systems can in turn be
subdivided into those which allocate seats nationally and
those allocating within multi-member constituencies, and
further subdivided according to the method by which can-
didates are chosen. A system may require the elector to vote
solely for a party list, the particular candidates elected being
determined by their order on the list. or offer varying degrees
of choice of candidates within a party list or even across party
lines.
It is, therefore, a mistake to refer to iproportional repre-
sentation, as if it denotes a single type of electoral system.
tProportional representation, is in fact a generic term denot-
ing a number ofdifferent systems sharing only a common aim
of proportionality between seats and votes. This common
aim, however, does not prevent the various proportional
systems diverging considerably, one from another and their
political consequences, therefore, can be quite different.

The electoral system which a country adopts depends more upon its political tradition and the particular needs to be realised than upon abstract consideration of electoral justice or good government. There is no reason, though, why this should always be so as nation building and protection of minorities are closely associated with the kind of electoral system that may be adopted.

There is a striking geographical dividing line between those countries using the plurality system and those which use proportional systems. For it is only in countries which come under British political influence - Commonwealth countries the United States and Britain herself _ that the plurality system is used for the election of the legislature. It is not used in any continental country. Every continental democracy, except France, uses a list system, a method which has not been favoured in any Commonwealth country except Guyana and Sri Lanka.

The single transferable vote method of proportional repre sentation, by contrast, is the Anglo-Saxon method of proportional representation, for it has been employed only in elections to the Irish and Tasmanian Lower Housed, the Australian Upper House and the Maltese 1e gislature. It is also the only proportional system to have been tried in Britain: Northern Ireland, significantly.

## 4. PLURALITY

member constituency system, as it developed in
Britain and in countries influenced by Britain, was
originally closely linked to the notion of territorial repre-
sentation. MPs represented not segments of opinion or
ideological tendencies nor, of course, political parties, but
constituencies. They were attorneys seeking the redress of
grievances before committing their constituencies to the pay-
ment of the expenses of government. Representation was in
no way regarded as a means of expressing individual rights
or forwarding individual interests. It was this notion of
representation which came to be adopted by the American
colonialists whose surroundings had recreated to a significant
extent the conditions that had shaped the earlier experiences
of the English people.
The plurality system, otherwise known as the single
It was in America in the eighteenth century in the constitu-
tion of the colonies that the single-member constituency
originated. Indeed, the single-member constituency formed
the predominant basis of representation in Canada, Australia,
New Zealand and the United States before it came to be
accepted as the norm in Britain. From the fifteenth century,
the plurality system operated in Britain mainly in two-mem-
ber constituencies. Until 1885, single-member constituen-
cies had only existed because they were too small to be
entitled to more than one member, now they became the unit
on which all representation was to be calculated and all future
schemes of redistribution had to rest.
Paradoxically, by the time the plurality system in single-
member constituencies came to be the norm in Britain, the
idea of representation upon which it was based already
seemed unreal; for it had been eclipsed by the growth of the
party system; and already in the eighteenth century Edmund
Burke had insisted that Parliament was:
lnot a congress of ambassadors from different hostile
interests, which interests each must maintain as an agent and
advocate against other agents and advocates; but parliament
is a deliberative assembly for one nation, one interest, that
of the whole, where, not localpurposes, not localprejudices
ought to guide, but the general good, resulting from the
general reason of the wholeX
With the growth of party and the eclipse of older ideas of
territorial representation, the plurality system could no longer
be defined as securing the representation of communities and
it came under attack from advocates of proportional repre-
sentation who insisted that it failed to need lideall norms of
democratic representation. The plurality system is seen as a
means to stable and effective government which forces the
voter to decide his priorities. It is conceded that the plurality
system gives disproportional representation as there is (i) no
relationship between votes gained nationally and seats won
and (ii) a candidate does not have to win 50% of the seats in
the constituency. But this is held to secure a positive benefit,
since it is likely to yield single-party government without the
need for coalitions. The plurality system secures this effect
by systematically exaggerating the support of large parties
while under-representing small parties (unless they are ter-
ritorially concentrated).
The plurality system has been used in unicultural societies
such as New Zealand and multi-cultural and deeply divided
societies such as India, Canada and the United States. It is,
therefore not a self-evident proposition that some variant of
proportional representation has to be used in a society with
lethnic, or racial cleavages such as South Africa. But there
is now great pressure in Britain for a move away from the
plurality system because of its obvious undemocratic nature.
The stresses of the Canadian federation may require changes,
while the history of the US might have been different if some
form of proportional representation had been in use!
The chief advantages of the first-past-the-post system are:
firstly, the system is supposed to support effective govern-

ment by ensuring that the changing mood is reflected in the number of seats obtained by the majority party; secondly, it minimises the role of parties based on race, caste or ethnicity (unless they are regionally organised) and emphasises policy and ideology; thirdly, it promotes and assists national parties with national policies ensuring larger parties; fourthly, it encourages a national approach to issues and provides a unifying bond and loyalty; Finally, it allows for a major swing of public opinion to be reflected in the number of seats won, which proportional representation does not, as shown in the landslide victory of the Labour Party, with its reconstruction ideals and the desire to build a new kind of society, in 1945. The Labour Government did not obtain a majority of the votes; neither did the Nationalis Party in South Africa in 1948 when the white electorate threw out General Smuts' United Party.

It has been suggested that an electoral system for South Africa should develop national thinking, instil the practice of anti-racist behaviour and the acquisition of genuinely shared patriotic consciousness. To encourage these basic values, an electoral system must encourage cohesiveness, rather than parochialism, centrifugal rather than fissiparous tendencies, unity over narrowness in behaviour. The plurality system therefore has considerable advantages. It has been the tried and tested system in South Africa for over seventy years, it is part of South African culture, at least in relation to those who have controlled the levers of power. The drawbacks and serious disadvantages will be discussed later.

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## 5. MAJORITY SYSTEMS

ne of the principal criticisms of the first-past-the-post system is that a candidate may win a constituency on a minority vote. In nearly every country where the ilplurality" system is used, large numbers of candidates are elected in a situation where the combined votes of the other candidates exceeds that of the winner, sometimes by very large margins. Majority systems seek to do away with the possibility of a candidate winning a constituency on a minority vote.

As a result, three different methods, using the constituency base, have been used in order to overcome this defect. Firstly, there is the Eastern Europe ttexhaustive ballot" where the lowest polling candidate is eliminated and another vote held. This continues until a candidate wins at least half the votes. Secondly, the lldouble ballot" approach as in France. If an election in any constituency does not produce an overall winner, there is a second election a week later. Candidates who have gained the votes of 12.5% of the registered electorate in the first ballot can compete in the second ballot. The French parties usually make electoral deals to ensure that there are only two candidates on the second round. This system ensures that parties that form an alliance are able to compete in the first ballot and then arrange for the party with the larger vote to contest the second round. This system attempts to keep out minority parties and to ensure the stability of governments.

Both the exhaustive ballot and the double ballot are special to the historical situations in these European countries. Parties in these countries tend to be hostile to proportional representation, especially in France where government policy is clearly attached to the idea that there are no racial, cultural or ethnic minorities. These systems also discriminate against anti-system parties which cannot find allies.

The lalternative votell or the Australian system is a preferential system of voting in single-member constituencies. The elector votes by expressing his first preference and such subsequent preferences as she chooses to; she may vote down the list 1, 2, 3, 4 or 5 if there are 5 candidates or she may vote for one of two only. Ifno candidate has an absolute majority of the vote (50% of those who vote t 1), the candidate with the fewest votes is eliminated and his second preference redistributed. This process continues until one candidate has an absolute majority of the vote. There is, of course, only one election.

Professor Horowitz of Duke University in a sustained defence of the alternative vote sees advantages for the system in South Africa. Alliances between parties are encouraged as allies can each put up candidates without fear of splitting the vote (as would occur in the plural system where only one candidate for an alliance can stand in a constituency). As a result, the elector is offered a wider choice of candidates.

I fear that the real reason as to why this system is being proposed for South Africa is that it will encourage anti-ANC parties by ensuring that the transfer of votes between non-ANC alliances will outweigh the initial and major first-preferences for the ANC.

Voters will not be able to put an X on the ballot paper as this would ltspoil" the paper. The use of numbers in a society with a high degree of illiteracy would also create problems of a serious kind. Finally, the drawing up of constituency boundaries remains crucial.

Although both the second ballot (in most of its variants) and the alternative vote ensure that no candidate can win a seat unless she has the support of a majority of the voters in the constituency, they do not ensure that the party winning the election in the country as a whole will necessarily enjoy a majority of the votes. They do not achieve, and indeed do not purport to achieve, a proportional relationship between votes and seats. In France, for example in 1981, the non-Communist Left secured 62% of the seats in the National

Assembly for only 38% ofthe vote in the first ballot and 50%
of the vote in the tourde'cisif (a total of the party vote in seats
won on each ballot).
In the Australian House of Representatives in 1977, the
Liberals gained an absolute majority ofseats with fewer votes
than Labour which secured only a quarter ofthe seats, and the
Liberal/National Country Party alliance secured a large
majority of the seats on a minority of the popular vote.
Majority or plurality systems share one fundamental fea-
ture:
the number of seats which a party receives depends not
only upon the number ofvotes which it gains, but upon where
these votes are located. Under the plurality system, the
number of seats which a party gains will depend upon the
distribution as well as the size of its support. Under the
alternative vote and second ballot systems, the ability of a
party to form alliances with like-minded parties will be a
further factor determining its electoral success. No system of
election using only single-member constituencies can ensure
proportional representation since votes for those supporting
losing candidates are lwasted'. There is, therefore, a very
profound conflict between the idea of territorial repre-
sentation and the ideal of proportional representation; or
between the representation of territories and the repre-
sentation of opinion or party.

But it is clear why France and Australia have adopted these
unusual methods - it is to keep out minority parties and to
ensure that instability of governments through multi-party
representation does not bedevil the formation of the govern-
ment, as happened with remarkable rapidity in the 4th
Republic from 1945 to 1958. The Socialists introduced a
short-lived system of proportional representation which
resulted in the racist party of Le Pen winning over 10% of the
seats in 1984;
but the Chirac Government went back to the second ballot
system as proportional representation 1favouredi the
Socialists.
This is another sharp reminder that there are no ideal
electoral systems, but in many countries electoral arran-
gements favour those who want to achieve certain aims
and reach certain ends, namely the attainment of and
retention of power. But this is not true of all societies.
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## 6. SINGLE TRANSFERABLE VOTE

The single transferable vote - the Anglo-Saxon ver-
sion of proportional representation - is a product of
Victorian individualism, and its starting point was a
radically different conception of representation from that
embodied in the plurality system. Whereas representation
under the plurality system was conceived of as territorial in
nature, representation under this system was conceived as
fundamentally personal; indeed in its early years, the system
was often described by the term lpersonal representationl.
The elector was not properly represented simply because he
voted for an MP who reflected his own point of view. That
is why adherents of the single transferable vote regard elec-
tors who disagree with the policies of their MP as un-
represented and their votes wasted. The aim of the system is
to ensure that the number of wasted votes is minimised and
that as many of the electorate as possible are able to elect an
MP of their choice.

The nineteenth century advocates of the single transferable
vote were well aware that the territorial principle, supposedly
embodied in the plurality system, was rapidly being over-
come by the growth and development of organised political
parties. The plurality system, in their view, fundamentally
altered its nature when representation became that of party
rather than that of territory. People of independent outlook
would be squeezed out by the twin forces of the so-called
tyranny of the majority and the party machine.

The single transferable vote is arnethod of election provid-
ing for preferential voting in multi-member constituencies.
Its two central features are the attempt to secure proportional
representation of political opinion and the provision for
choice of candidate within, as well as between, parties.
Proponionality would be secured since few votes are wasted;
instead they are transferred, so that fair representation of
opinion would be secured within each multi-member con-
stituency. Votes which cannot be used to help elect a can-
didate - either because they are surplus to what he needs to
secure election, or because the candidate has too few votes to
be elected - are transferred to second or third candidates.
The only votes which do not help to elect a candidate would
be those cast for the runner-up, and those votes which cannot
be used because they are non-transferable, i.e. because the
voter refused to indicate a full list of preferences. Thus, each
elector would be represented by a candidate of the party of
his choice, and the vast majority of electors would be repre-
sented by individual candidates of their choice. Only in this
way could personal representation - which is Ireal, repre-
sentation _ become a reality.

The single transferable vote gives the elector the power to
choose between candidates of the same party.
This differentiates it sharply from the list systems of
proportional representation, most of which offer only mini-
mal choice or no choice at all. To the individualists who
sponsored the single transferable vote, the representation of
opinion was as important as the representation of the party,
and the voter ought to be allowed not only to decide which
party was to govern the state, but also to influence the policies
it should follow. A central characteristic, therefore, of the
single transferable vote is that it contains built-in primary
election, and one which allows every elector, whether or not
a registered member of a political party, to play a part. It
works best where there is a maximum choice of candidates,
with a large number of seats - five to seven in each con-
stituency - rather than a small number of seats.

In conception, therefore, the single transferable vote may
be seen as an attempt to translate into practical terms, the
principle of the free development of individuality which
Mill wrote On Liberty to defend as Ione of the leading
essentials of well-beingl.

The single transferable vote has worked out very different-
ly in practice. It has, with the exception of Australia, only

been used in small, rural societies where political affiliations
have been organised on lpolitical tribal lines, rather than
bein g based on socio-economic cleavages. The characteristic
features of the transferable vote have fitted well into such
societies. But is, in consequence, difficult to distinguish
between the effects of the electoral system itself and those
which flow from the nature of the society in which it operates.
A central concern of early advocates of the single trans-
ferable vote was to weaken the role of the role of the party
machine. Some even hoped that it might lead to the abolition
of parties altogether and their replacement by single issue
groups. And yet, in those areas where the system operates,
parties and party governments are not noticeably weaker than
in other countries. In Ireland and Tasmania, the parties have
often circumvented the purpose of the system - to provide a
choice of candidates - by dividing multi-member con-
stituencies geographically into bailiwicks, each candidate
confining himself to one bailiwick and each bailiwick
functioning as a single-member constituency. In addition,
Ireland and Malta have seen the growth of personal political
machines, organisations whose loyalty is owed to a particular
candidate rather than to the party as a whole.
The hopes that the single transferable vote would lead to
legislatures of high intellectual quality have also been con-
founded. Indeed, there have been frequent complaints of the
calibre both of members of the Irish Dail and the Tasmanian
House of Representatives.
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Legislators are said to be narrow and parochial, more interested in servicing their constituents and filling the pork-barrel than in holding the executive to account on policy issues. However, these may be criticisms more of the roles and expectations of rural societies than of the electoral system itself.

The single transferable vote has been found to yield a high degree of proportionality, not as great as list systems, but far higher than plurality 0r majority systems. Yet there have often been anomalies. In the elections in Malta in 1981, with only two parties competing, the system yielded, for the first time in sixty years in that country, an anomalous result, the Labour Party securing 49.1% of the first preference votes and 34 seats, while the Nationalists with 50.9% of first preference votes gained only 31 seats.

In Ireland, also, there has been some disproportionality. In both 1965 and 1969, Fianna Fail won an absolute majority of the seats on less than 50% of the vote and on a smaller vote than the two main opposition parties - Fine Gael and Labour _eombined. In 1969, the Fianna Fail vote fell to 45.7% and the two main opposition parties gained 51.5% 0fthe vote, yet Fianna Fail remained in Government and even increased its share of the seats. In 1973, by contrast, the Fianna Fail vote was higher than in 1969, and the vote of the two opposition parties _ 48.8% - lower than in 1969. Yet, the Fianna Fail share of seats fell to 47.6% and it lost power to Fine Gael/Labour coalition.

Supporters of the single transferable vote profess themselves relatively untroubled by these anomalies. The purpose of the system, in their view, is not to secure proportional representation of the parties but proportional representation of opinion and, in particular, of opinion which cuts across party lines. But since they do not give a clear operational definition enabling one to measure proportionality of opinion, it becomes difficult to offer any evaluation of their claim. Even so, defenders of the system can plausibly assert that it provides the voters with a greater degree of effective choice than other electoral systems. But critics would argue that this value is not worth pursuing if it means the introduction of large multi-member constituencies and intra-party faetionalism which, in their view, will militate against strong and effective government. In reality, this system encourages individualism and faetionalism and minimises the possibility of strong government by encouraging the growth of small parties and their representation and by ensuring that ideology plays a smaller role than individual projection.

The single transferable vote system requires a high degree of sophistication by the voter as numbers have to be used when voting. It is also a complex system requiring an understanding of the quota and how votes are transferred from one candidate to another, while the election count takes a long time. Electoral boundaries and constituency revisions remain controversial and the allocation of the number of seats to a constituency can determine whether smaller parties or individuals could be elected.

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7. LIST SYSTEMS

except for France, constitute the other main type of
proportional representation. Until recently, they
were regarded as unsuitable by advocates of proportional
representation in Anglo-Saxon countries. In 1976, however,
the Hansard Societyls Commission on Electoral Reform
recommended that Britain adopt a variant of the West German
electoral system, while in 1977 the Labour Government
proposed a version of the Finnish electoral system for
Britainls first elections to the European Parliament. But this
proposal was turned down by the British House of Commons.
List systems are of many different types with varying political
consequences and it is a mistake to speak of ,the list system,
as if there was only one type. They can be classified accord-
ing to four criteria:
I ist systems, as used by every continental country
(i) whether the list is national or sub national ie., regional or
local;
(ii) whether the proportional allocation of seats is at national
level or in multi-member constituencies;
(iii) whether the system allows voters to choose between
different candidates of their preferred pany - or even
across parties - or whether it confines them to voting for
a party list, with the order Ofcandidates being determined
by the party and;
(iv) the nature and size of the threshold.
The 1986 KwaZulu-Natal Indaba proposals use a variation
of the list system.
(i) National List systems are used by Israel and the Nether-
lands. Israel has no constituencies at all. In the Nether-
lands, constituencies do not determine how many seats
each party wins. But they may determine which can-
didate fills the party seats. Other countries using list
systems employ regional or local lists with multi-member
constituencies.
(ii) Countries using national list systems allocate seats
proportionately at national level. Other countries can
choose to allocate seats either regionally or nationally.
Countries using regional or local constituencies but al-
locating seats proportionately at the national level include
Germany, Denmark and Italy. National proportionality
is secured through the allocation of supplementary seats
from a national pool. Allocation at national level will
result in greater proportionality than allocation at regional
or local level. In addition, small parties which cannot
gain representation under a system requiring regional
allocation _because they do not have sufficient strength
in any one region - might secure representation under a
system requiring national allocation, by acquiring sup-
port in a number of regions.
(iii) List systems may or may not allow the elector to choose
between candidates of the same party. Israel is an ex-
ample of a country where there is no choice at all: the
elector simply votes for the party symbol and the can-
didates elected to the legislature are decided by the par-
ties. Such a system is an example of the closed list. The
West German system also allows the elector no choice
between candidates of the same party; while the variant
of it recommended by the Hansard Society Commission
in 1976, whereby proportionality is secured through the
election of the best losers in single member constituen-
cies may be seen as a hidden listi system, in that the
names of the candidates on the list do not have to be
presented to the electorate, as candidates on an actual list
must be. Most countries allow some choice of candidate
but this is often very limited. A typical ballot paper of a
system allowing some limited choice - which may be
called the flexible list - is the Belgian one.
On this ballot paper, the elector can either vote for the list
in the order decided by the party, in which case he marks -

the top of the ballot paper _ the so-called case? de tete _ or
he may vote instead for a particular candidate by ticking a
name on the list.
The possibility of a greater degree of electoral choice can
be illustrated by the example of the open list system in Finland
where there is no cas& de tete and the elector is not presented
with an ordered list at all, but instead with a series of names
in alphabetical order. He votes by marking in a space beside
the candidate of his choice.
Finally, there is the case of the so-called free list in Swit-
zerland and Luxembourg where, again, the candidates are not
placed in any order of preference by the parties but, by
contrast to Finland, the elector has not one vote but as many
votes as there are candidates to be elected. He may cast his
votes for candidates of different parties and accumulate two
votes on any one candidate if he wishes.
Such wide scope for preference voting can be afforded
only by relatively homogeneous high consensus societies in
which the divisive forces on which opposition parties thrive
are quite weak.
Both the open list and the free list systems give the voter
control of the party list so that the list is no longer an ordered
one. But they are still party list systems in that they share this
central feature, that every vote (whether or not given in the
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first instance to an individual candidate) is automatically and
without further reference to the voters wishes, added to the
total of the list on which that candidate appears.
Thus a vote for one candidate on a party list can help elect
another candidate on the list of the same party, whom the
voter might not support and might not approve of. Such a
result can never happen under the single transferable vote; on
the other hand pany list systems are likely to provide, espe-
cially when allocation is at national level, a greater degree of
proportionality than the single transferable vote.
(iv) However, not even the purest national list systems, such
as Israel and the Netherlands offer complete propor-
tionality. In every system there is a threshold, either
implicit or explicit, limiting small parties. The Nether-
lands has a national threshold established by the number
of members elected to the Lower House of the legislature
_ 150. This means that any party which cannot attract
the support of 1/150 of the voters, i.e. 0.67%, will not
secure representation. In Israel, there is a statutory
threshold of 1% - the lowest explicit threshold in any
ldemocracyl; the highest is West Germanyls where it is
5%.
For countries operating a regional or local constituency
system, there is an implicit threshold set by the size of the
constituency, except where the threshold is overcome by
national allocation of seats. Parties which might have suffi-
cient national support to gain seats where there is allocation
at national level, may, if their support is very evenly spread,
fail to secure sufficient votes in any one constituency to secure
representation where allocation is at sub-national level.
Under the single transferable vote system, of course, the
threshold is set up by the size of the quota and any party
unable to secure enough votes to reach the quota anywhere
will be unrepresented.
The Federal Republic of Germany is unique in that it
combines a constituency-based system with a proportional
system. Until 1990 - that is, before the reintegration of East
Germany - the country was divided into 248 constituencies,
with constituencies of varying size. Half of the members of
the Bundestag are elected in single-member constituencies
and the other half by the list system of PR. The ballot paper
is divided into two parts. The right hand side lists the parties
contesting the election in that province with, in small print,
the names of the first few candidates on each partyls list; on
the left side are the names of the individual candidates in that
single-member constituency, each being printed opposite the
name of that candidate's party (if any). The elector marks
one of those candidates, this being his first vote, and these
first votes are counted exactly as in a South African' election
i.e. the constituency member is elected on a relative majority.
on the right hand half of the ballot paper, the voter marks the
name of one of the parties and it is this second vote which
determines the partyls total number of seats.
The national totals of second votes serve an important
purpose. In order to share in the distribution of list seats, a
party must poll at least 5% of the second votes over the entire
country or win at least three seats by first votes. The distribu-
tion of the national seats is in proportion to the total number
of votes won nationally by each party, thus achieving the
proportionality which the constituency system fails to
achieve.
Lijphart (Critical Choices for South Africa, ed. Schrire,
p10) says that ,a disadvantage of the German system is that
it is rather complex and that many voters do not fully under-
stand iti.
Various proposals have been put forward as a solution to
South Africais lethnically and raciallyl divided population.
Some have attempted to use the single-transferable vote in
order to reduce the role of the ANC; others have proposed (as
with the flnstitute for Social Inventions,) formulae of extraor-

dinary complexity whose avowed purpose is to allay white
and minority, anxiety, to encourage icentre parties and to
ensure continuity of government, which is the eode-word for
inserting parties which will not disturb the status quo of
apartheid, after apartheid has been abolished.
The 1986 Indaba electoral proposals, on the other hand,
are tailor made for the kind of governmental structure
proposed. 68 out of the 100 seats would be elected on a
constituency-based system with proportional representation.
There would be 15 constituencies in Natal conveniently using
the present local areas, ensuring that whites would be over-
represented Voters will vote in constituencies whose num-
ber of seats will be determined by an electoral commission.
Parties or groups will obtain the seats on the basis of whether
they have attained the electoral quota, which is calculated by
dividing the number of votes cast in the constituency by the
number of seats allocated to that constituency.
The remainder of the 34 seats would be allocated in propor-
tion to the vote they have attained across the province, in all
the constituencies, thus combining a constituency list with a
regional list. There is a scarcity of detail about how the
electoral system is to be organised but this is in keeping with
the avowed aim of ensuring that no party obtains more than
50% of the seats in the first chamber. Since the second
chamber has an equality of seats for all the background
groups, there is a clear commitment to anti-majoritarianism
in the Indaba proposals.
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taken fairly rapidly in order that consequential
studies can be undertaken on such mattes as the
appropriate regional or constituency units and population
distribution. Also, depending on which electoral system ob-
tains favour, the movement will have to embark on crash-
courses for cadres to train them in the electoral rules which
will operate the system which has been adopted.
Some important political decisions will have to be
We must learn from the experience of Zimbabwe and
Namibia, especially as the latter has been held out as having
some relevance for South Africa. Regretably, both in Zim-
babwe and Namibia, there was hardly any systematic discus-
sion on the electoral system. In the case of Zimbabwe, the
Zimbabwean Constitution Order-in-Council of 1979 imposed
a party-list system without a registration of voters and a
number of seats was allocated to each one of the eight
electoral districts. This was part of the Lancaster House deal
and no real investigation was carried out on the relation
between the allocation of seats and the electorate in each
district. The white seats had a different arrangement.
In Namibia, even before the 1990 Constitution was
adopted, the electoral system which was implemented in 1989
was the one proposed by the Contact Group of Western States
and included in the principles attached to Resolution 435 of
1977, which formed the basis of the transfer of power. There
was no negotiation between SWAPO and the Contact group
and only the vague formula that the assembly would be
elected under one-person, one vote, through a system of
proportional representation.
The Namibian Constitution now provides (Article 46) for
the 72 members of the National Assembly to be elected by
registered voters by general, direct and secret ballot? Al-
though the electoral law is to be determined by act of parlia-
ment, Article 49 lays down that these members shall be
elected on party lists iiin accordance with the principles of
proportional representation? Schedule 4 provides some
details as to how the list system is to operate.
The upper house, known as the National Council, is con-
stituted by two members being elected from each region
(Article 69 (1)). But proportional representation for the Na-
tional Council is not entrenched in the Constitution as para-
graph 2 of Article 69 empowers the election of the National
Council to be ticonducted according to procedures to be
prescribed by Act of Parliament? Significantly, Article
106(3) specifically lays down that the itcandidate receiving
the most votes in any constituency shall be elected a memberii
of the Council for that constituency. In other words, the
majority system prevails. There is also no provision for
proportional representation for local elections.
The most significant conclusion to be drawn from the
Namibian and Zimbabwean Constitutions is, therefore, that
the list system is constitutionally prescribed only for the
important lower house. In other countries, where proportion-
al representation is used for elections to the national parlia-
ment the proportional representation system permeates other
levels also, regional and local. If the representation of
minorities was the motivation for the national list system, then
the omission of the proportional representation for regions
etc., is significant. I am not sure whether this is a good idea
as a variation of electoral systems can be confusing, apart
from the issue of retaining fair representation for different
interests. It is therefore significant that the Thomhill Report
on Local Government (May 1990) which enables local
authorities to pick and choose itlocal optionsii of government,
also allows local ttindabasi, to choose the local electoral
system, hardly a credible proposition.

# 9. SOUTH AFRICAN BACKGROUND

It seems to me, having read a number of proposals on the electoral system from various South African, American and European sources, that the general perception of the ANCls position is that we are wedded to the system of direct election in equal constituencies, otherwise known as the "majority" or first-past-the-post system. Quite how this conclusion has been reached is not clear to me. If it is the received view, then we ought to be clear about the advantages of such an approach and the extent to which we should look at alternative systems, especially in the light of support for a list system evinced at the local government seminar organised by the ANC in October 1990.

On the other hand, there is virtually uniform opposition to the first-past-thc-post system among nearly all the academic, "think-tank" and politically motivated writers on this topic. Some are motivated simply by an opposition to lsimple' majoritarianism; others are concemed that minorities (not always to be associated with ethnicity) may not be able to obtain representation under the present system and therefore propose reliance on some version of proportional representation, without having worked out the implications of such a system.

One real problem we face is that the regime has not signified in any way its preference. 0n the assumption that H ((
phrases such as "power-sharing , no domination by one group", uparticipatory govemment" are really coded references to the continued role of whites as a group in the political life of South Africa, one may conclude that the regime would subscribe to an electoral system which would fortify such expectations. Even if the electoral boundaries are manipulated by a commission of their choice, it is difficult to see how the present system could guarantee adequate racial or white representation. It would appear to me that governmental thinking must surely be working towards some version of proportional representation. The Democratic Party has already supported PR (without being specific about the version) and the KwaZulu-lndaba proposals adhere to a regional list, together with the constituencies, which appears to me to be influenced by the West German system.

There is some evidence from the Namibian experience that the regime may not have had a firm grasp of the proportional representation system. On the other hand, there is a very developed culture of voting in single-member constituencies among the whites, with established procedures and rules for the conduct of the first-past-the-post system under the existing Electoral Acts. This is a reality which the white bureaucrats may not wish to buck.

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## 10. EXISTING ARRANGEMENTS

be used automatically with the enfranchisement of
the African majority. To a large extent, the white
constituencies take into account the existing magisterial dis-
tricts but the size of the constituencies and the number of the
electorate are heavily affected by the itloadingil factors per-
mitted by the South African ttConstitution" and laws. The
first method for distorting the distribution of seats is allocat-
ing a stated number of seats to each of the four provinces and
one to Walvis Bay (Section 49 of the Republic of South Africa
Constitution Act, 1983). Secondly, the delimitation commis-
sion, in faxing the constituency boundaries is obliged to take
into account seven factors (density of population, physical
features, community or diversity of interests etc) which
enables it to depart from the provincial quota by 15% more
or less than the quota. In addition, if the constituency size is
25 000 square kms or more, the commission may reduce the
number of voters ltto a number equal to 70% of the quotail
(Section 49(3), ibid).
Present constituency arrangements will not be able to
There has grown up a whole culture of gerrymandering
constituencies in white South Africa over the past forty or so
years. The result is that heavily populated white Transvaal is
under-represented (it took over 15 000 voters to elect a
candidate there in the 1989 white election) while the Cape is
over-presented (10 575 voters to a seat in 1989).
Having looked carefully at the map of white delimitation
for 1989, my conclusion is that the present constituency size
and criteria for electoral divisions and number of voters are
totally inadequate for a non-racial electorate. I ignore the
arrangements for the "Indiani, and tholoured" electorate
under the 1983 Act (40 and 80 elected representatives respec-
tively) as these constituencies were not South Africa-wide but
limited to areas where these ltethnic7 groups registered.
The white electorate areas take into account only white
registered voters. As a result, the variation in size of the
constituencies and the number of the electorate are deter-
mined by white requirements. If you add the ten homelands
to the lltricamerali, areas, the picture changes dramatically.
The breakdown ofthe population ofthe provinces (Sutcliffeis
1990 estimates based on the 1985 census) is as follows:
Cape Province:(30% of the population of 10 560 866
which the Transkei accounts for 3 203 491,
9% of the population)
Natal: 7 331 755
(21% of the population)
OFS: 2 969 731
(8% of the population)
Transvaal: 7 331 755
(42% of the population, ofwhich the PWV
area accounts for 7 276 055, 20% of the
population)
The points to be made in relation to the present system
are as follows:
i) That the majority system is simple for the electorate to
understand. In a country with a high rate of illiteracy and
without a culture ofvoting for the majority, clear symbols
to identify the candidates will assist in the process of
voting. However, simplicity can be retained also in a list
system where symbols can be used for a national or
regional list.
ii) The electorate can identify not only with the party but
also with the candidate which would assist parties with
candidates with a national profile. It has been argued that
a voter seeks a relationship with his/her representative. In
fact, parties now throughout the world seek to impose
congenial candidates friendly to those who hold power in
the party. lndependants under the majority system are
hardly ever elected and those who voted against the
winner do not always see her as lttheir" representative.
Party control of candidates under any system can be

readily achieved. But it would be a foolish party which
did not choose its list carefully to maximise its support.
iii) A mark x is easier to make than the use by the elector of
numbers such as 1,2,3... which are necessary in the alter-
native vote method or in some of the systems of propor-
tional representation. Symbols can also be used for a list
system, however.
iv) The simple majority system is used in a significant
number of countries, including countries with great cul-
tural diversity or political differences in Asia, Africa and
the Americas. However, the most established
democracies use a variant of proportional representation
which is now being proposed in a number of countries
which have, up to now, used the constituency system.
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v) There is an absolute need for registration of the voters.
White South Africa has about the most developed system
of registration of voters which is not only kept up-to-date
constantly in a way rarely achieved in real democracies
but the parties must be informed by the registrar of voters
when voters move from one constituency to another!
Without a proper register (which Zimbabwe did not have
in 1980), it is not possible to hold any form of nfree and
fair" constituency-based elections. Under a Illist" system
such a fraudulent practice as ftbussing" in voters does not
make any difference; in any constituency based system
(majority, alternative vote, exhaustive ballot), such a
practice. if properly organised could make the difference
between victory and defeat.
In the 1989 elections in Namibia, SWAPO won only 9 of
the 23 electoral districts. However, its 57% of the votes -
extraordinarily high in any circumstances - gave SWAPO
nearly 57% of the seats. In a constituency based election,
with sophisticated gerrymandering of boundaries, it would
have been possible to minimise SWAPOIs strength in the
North and to maximise the scattered strength ofits opponents.
The result could have been different! Boundary manipula-
tion is a much practised art.
Voter registration requires time and a considerable degree
of organisation. Only when a regional list is used would it be
necessary to register voters in that region.
vi) The delimitation of constituencies is a crucial matter. In
nearly all countries, where constituencies play a role, this
is done by a commission whose composition varies. In
some countries, the composition of the commission is
entrenched in the Constitution; in others it is determined
by legislation or by government fiat. In Namibia, there is
no delimitation commission for the conduct of the Na-
tional Assembly elections as there are no constituencies;
regional and local government boundaries will be deter-
mined by a Delimitation Commission comprised of the
judge of the Supreme Court and two other persons to be
appointed by the President, with the approval of Parlia-
ment. This formula cannot be supported for a first free
election in South Africa as there can be no confidence in
appointments by a regime and a parliament in which the
majority have had no say. An alternative composition of
the Delimitation Commission would be on the Zimbab-
wean model (section 59), with the Chief Justice or the
judge of the Appellate Division. plus three others ap-
pointed with the approval of the ChiefJustice, following
agreement or consensus by the principal political parties.
Public hearings of the Commission should be held.
fiGerrymandering" of constituencies in a divided society,
such as South Africa, could become one of the most conten-
tious issues of all.
vii) In the constituency-based elections each party would
have to provide an election machine geared to a particular
candidate dealing with election material and election
workers. Under a PR list system, the cost and the need
for local expertise is averted.
viii)The issue of the ffloadingf factor referred to has to be
dealt with. The Zimbabwean Constitution permits up to
20% (section 60) but the grounds for doing so are more
rational than the existing South African provisions. If, on
the other hand, the national list or regional list system is
used, the case for lfloadingli falls away.
But is there a case for lfloadinglf at all? After all, what is
meant by ffone person, one vote, one value"?
ix) There is a strong case for a reference to an Electoral
Supervisory Commission in the Constitution. Ther is no
such body in the Namibian constitution, but there is in
setion 61 of the Zimbabwean Constitution, as amended
by Section 5 0f the Constitution of Zimbabwe Amend-
ment Act, 1987. A number of countries have such a
commission and its role will be crucial in a first ever

democratic election held in South Africa. In Namibia,
complaints about registration and other irregularities
were dealt with by the returning and chief returning
officers with a complicated system of recourse to the high
court. The Zimbabwean approach has much to recom-
mend it. As in Zimbabwe, there has to be a distinction
between the arrangements for the first election and the
subsequent elections, especially in relation to the com-
position of the Commission. In Zimbabwe, the President
appoints the members of the commission - the chairman
and two other members are appointed after consultation
with the Judicial Service Commission; two other mem-
bers are appointed after consultation with the Speaker of
the House of Assembly.
I suggest that for the first election in South Africa, a larger
commission should be appointed and the Commission would
have regional offices in order to expedite the investigation of
complaints. If there are difficulties in constituting the Com-
mission, this is one area where there could be international
representation of individuals with a reputation for impartiality
and fairness.
In Zimbabwe, the powers of the Commission are broad. It
supervises the registration of voters and the conduct of the
elections of the Upper and Lower houses of Parliament and
has a consultative role in relation to changes in the electoral
law. Electoral law is a complex arrangement and I would
suggest that the interim arrangements which the ANC has in
mind should charge such a body to scrutinise the existing
electoral Acts with a view to proposing changes. In addition,
the Commission should have the added duty of ensuring
fairness concerning the treatment of elections by radio and
television, with reasonable and equal access to political
broadcasts by parties.
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Supervision of radio and television, a matter of great importance to the ANC in the absence of a national newspaper, was a controversial and partisan issue in the first elections in Zimbabwe and Namibia and cannot be left to a regime which will be an active participant in the election process.

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system in South Africa. First of all, in common with
other first-past-the-post systems, governments are
usually elected on a minority of the votes. Since 1948, the
National Party has won every election without obtaining a
majority of votes, one of the starkest examples being the
1981 white elections when, with 59% of the votes, it won
79.5% of the seats! Minority parties can be gravely disad-
vantaged as in the example of the HNP in the same election
when with 14.8% of the votes, it won no seats at all! This
seems gravely undemocratic as the preference of some voters
finds disproportionate representation while one-seventh of
the voters have no representation at all. It has been calculated
that a party which wins 30% of the total votes could in fact
win an overall majority under this system.
There are two basic objections to the present plural
The second objection is that the votes of the losers. who
may constitute a majority in a constituency, are altogether
uwasted" in that these voters are not able to affect the result
of an election. This may result in dangers in a fragmented
society where minorities might never be represented and the
perceived threat to their integrity or viability would be accen-
tuated. It is considered by many democrats that such
llwastagell is a form of disfranchisement. with dangerous
implications.
On the other hand. it must be pointed out. that proportional
representation systems have virtually a built in mechanism to
ensure that it is difficult for a party to obtain over 50% ofthe
seats: they inevitably give rise to coalitions and lwheeler-
dealingl; compromised and equivocation often become
operative ideals.
The list system has certain attractions and its use in
Namibia may be used as a precedent. But the ilpure" national
list system where the seats are allocated on the basis ofvoting
for a party (or a symbol) is found only in small countries
(Guyana and Israel) or with small populations (Namibia).
Unless there is a threshold (1% in lsrael. 5% in West Ger-
many), there will be a proliferation of small parties. In lsraeL
even with a threshold, rabid and extremist parties have had
little difficulty in electing representatives but the system
works there (through virtually permanent coalitions) because
offundamental agreement on the nature and basisofthe State.
Such agreement or consensus does not exist in South Africa.
11. WHICH SYSTEM?
In my view, the simple national list system is inappropriate
for South Africa. Apart from the need for a substantial
threshold, a national list election would resemble a series of
referenda and totally deny any connection between a repre-
sentative and a constituency. The advantages of (i) propor-
tionality between votes and seats (ii) the virtual impossibility
of manipulating boundaries and (iii) minority representation
and (iv) ease of voting, are outweighed by the disadvantages
of remoteness of the elected representatives from their con-
stituents and the referendum-style of the campaign during
itlist" elections.
Remoteness can be mitigated in three ways. Firstly by
inserting a totally regional approach (in which case the alloca-
tions of seats to the region, by reference to the population of
the region, will require a proper census or prior registration)
but ttpure" regional lists do not result in total proportionality;
or, secondly, by adopting the West German model, of single
member seats combined with a national list to top up the seats
in order to obtain a proper relationship between votes and
seats. But this may appear to be too complex for South
African conditions.
The third alternative to the simple national list system is to
combine the national with a regional list. If ten regions or
provinces with nearly equivalent populations ( of around 3
million, to be determined by a delimitation commission) were
set up in a National Assembly of400, 200 ofthese seats would
be allocated to the regions. Voting would take place in each
region, which would return 20 members. Regional and local

parties could then contest these elections, ensuring that minority groupings could find political representation and a closeness between representative and elected is maintained. The second 200 would be allocated on the basis of the total votes obtained by a party nationally. These seats would be allocated on a proportionate basis and to ensure that parties have a national and realistic profile, a threshold of anything between 3% and 5% could be used so that parties not attaining this threshold would not participate in the allocation of the 1'national list? There would, of course. be only one election and one vote.

Under this system, high profile national parties will sue-ceed in getting their voters out; smaller regional parties, who may not do very well in the regional list, may obtain repre-sentation when their votes are totted up in the national list, providing they overcome the threshold.

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# 12.CONCLUSION

reference to the structure ofgovernment. Some com-
mentators have tied one particular electoral system
to tIconsociationald or Iipower sharingi, government. In my
view, this is regrettable. We should, of course, consider the
following factors:
Electoral systems can, of course, be chosen without
i) Whether a presidential or prime ministerial government is
adopted;
ii) A decision on whether a unitary or federal form of
government is to be established;
iii) The extent to which regions are to be identified and
whether the regions are based on existing provinces, or
on the provinces and Bantustans or on a new geographical
division, similar to the 14 ANC regions;
iv) The possibility of the second parliamentary chamber
based on a criterion other than direct election in equal
constituencies.
These are political issues concerned with power and the
electoral system should not be isolated from these factors.
In the meantime, I make two recommendations. Firstly,
that the ANC will soon have to take a decision on the electoral
system. This should follow debate and discussion at all levels
of the structures of the movement. Ultimately, the nature of
the electoral system will have to be included in the constitu-
tion. The constitution should have a general reference to the
right of the people to exercise political power through univer-
sal, equal, direct, secret and periodic elections, the right of all
citizens over 18 years of age to vote, with exceptions laid
down in law, the right of all citizens to hold public office
under conditions of equality and freedom. Freedom of as-
sociation shall include the right to establish or join political
associations and parties.
There is a query as to whether a party which advocates
racism or sexism could contest elections. Or, could this
Secondly, I am convinced that for the first election, either
for a constituent assembly or the first democratic parliament,
the electoral system which ought to be used is the national list
system. Such an election is in reality a referendum as to how
power is to be distributed in such a parliament; it is concerned
with determining which party, not individuals, is to operate
power. It is a trial of strength and an indication of political
support. In the South African context, reliance on the list
system will avert such contentious issues as constituency
delimitation, precise voter registration etc.
Careful thought must be given to what kind of electoral
system would best be suited for South Africa. On balance, my
recommendation would be for a combination of the national
list system of proportional representation together with a
regional list. For regional and local elections, it might be the
most progressive position to support the ltlist" system.
South Africa does not have to take a system off the peg
from another country. It would be better to establish the
principles that should guide an electoral system and then
design a system that follows those principles.
Commentators often talk about Ilproportionalityil or
Itdecisive governmenti, as though they were the only prin-
ciples that mattered but they are only two of at least five:
proportionality; accountability-voters should have
reasonable access to a representative whom they may wish to
turn to; equal value, so every vote counts equally towards the
result, with no votes wasted; and effective choice between the
real contenders for power, not artificially induced coalitions
to blunt the thrust towards reform and redistribution;
legitimacy in that voters must feel that the system is Itfairll.
It is impossible to devise a system that fully satisfies each
principle. Existing systems are a compromise between each
one. The system chosen depends on the order of importance
in which one puts them. For us in South Africa, therefore, a
system which enhances the sense of participation of the voter

to influence or affect political choices and provides
democratic legitimacy for the new constitutional order, would
matter be left to the general law of the land which would appear to be the most appropria
te. 0
forbid the advocacy ofracism, sexism, chauvinism etc.
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EXPERIENCES.
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Apart from Professor Kader Asmalls Critical Survey of
Electoral Systems commissioned by the Constitutional Com-
mittee, five other presentations were received in plenary
session. These inputs were broadly comparative in nature and
included the Namibian, Nicaraguan and British experiences.
The presentation by Professor Leon Trakman from Canada,
while not being comparative or specifically on electoral sys-
tems, was an important adjunct nonetheless, within the con-
text of the workshop agenda. For the purposes of this report
on the workshop however, only a precis of these inputs is
presented here since they are to be published under separate
COVCL

The precis thus proceeds by firstly outlining the common
and complementing issues emerging from the presentations.
It then provides a brief overview of the presentations.
The following points, emanating from the inputs by
Michael Meadowcroft (Electoral Reform Society - UK),
Mtshana Ncube (UN Institute for Namibia - Lusaka) and
Heinz Klug (ANC Land Commission), together with Kader
Asmalis input, provided a general but common understanding
of the nature of electoral systems:

i) electoral systems are not value free;
ii) that they affect the style and structure of politics in dif-
ferent ways and hence give greater or lesser emphasis
to different aspects of democracy;
iii) that therefore, appropriate mechanisms for ensuring
the integrity of the electoral process need to be in-
stitutionalised or guaranteed.

This was made quite pertinent in Ncubeis presentation on
Namibia. In this case there was firstly the historical precedent
of NamibiaIs colonial status and the efforts of the UN to
resolve the lNamibian questioni Problem areas identified in
the case of the Namibian elections must be seen in the above
context. These problems were the lack of a census, the lack
ofclarity on who was entitled to vote, a hastily mounted voter
registration, the presence of intimidation and the failure of the
UN to supervise and control the elections. One point high-
lighted for its relevance to the South African struggle was the
question of the voting age. In his presentation, Ncube sug-
gested that in view of the particular contribution of the youth
in the struggle for national liberation in South Africa, con-
sideration should be given to lowering the voting age to 18.
Ncubels analysis of the 1978 as well as transitional elec-
tions in Namibia thus offered valuable insights into the weak-
nesses inherent in the processes prescribed by outside forces
for Namibians. In his assessment, he deliberately emphasised
the problems - so that those charged with the task of creating
an electoral system for South Africa could begin looking for
other options and other reformulations of electoral systems
which would be conducive to producing the desired result of
a non-racial, non-sexist and democratic South Africa.

Michael Meadoweroftls presentation was based on the
result of meetings between the ERS and South Africans
between May and October 1990. Given the heterogeneous
nature of the South African population the memorandum
noted, the welding of all these groups into a single democracy
would be an immense task. Meadowcroftls presentation also
pointed to the main criteria which would need to be con-
sidered in a preferred election system. These criteria were
proportionality, accountability, equal value of votes and ef-
fective choice. The memorandum then proceeds to consider
what the ERS thought to be the main alternatives in electoral
systems in the South African situation.

Taking the comparative experience a step further Heinz
Klug considered one particular constitutional mechanism
employed in some Central American countries, to protect the
democratic process - particularly the cond ucting of elections.
Honduras, Costa Rica and Nicaragua were used as examples
where, although each of these countries followed different
routes, in each case it involved the establishment of some
form of independent institution to monitor and oversee the

election process.

While the establishment of a ifourth branch of
governmenti to monitor and oversee the election process is
not explicitly or coherently designated as such in each of the
above countries, Klug argues that:

IIThe creation ofafourth branch or even a constitution-
ally mandated tribunal to guarantee the integrity of the
electoral system is thus seen to be premised upon the idea
of a separation of powers in the state".

He concluded that a stronger assertion of the doctrine of a
separation of powers and even the constitutional enshrine-
ment of a fourth branch of government in order to guarantee
the electoral process may serve us well in building a
democratic tradition in South Africa:

9...given a history of racial oppression and dictatorship
over the black majority, we may accept that it will be to our
advantage to adopt some form of constituiotnal mechanism
designed to enhance and protect emergent democratic
processes in a non-racial, non -sexist and democratic S outh
A frica ".

While Leon Trakman's presentation did not deal directly
with electoral systems, as noted earlier, his contribution on
the question of a constitutional court for South Africa was an
important adjunct to the main topic. Professor Trakmanls
main objective was to present ideas for discussion on a
constitutional court for South Africa rather than presenting a
lengthy research piece.

Trakman examined the case against, as well as for, con-
stitutional courts generally. He went on to outline the nature
of constitutional courts and the various models. According to
Trakman, the case for constitutional courts is seemingly
sclf-evident. Constitutional courts supposedly protect the
interests of a constitutional democracy; they subject politics
to constitutional limits. They help keep the legislature and
executive honest. Specifically, constitutional courts provide
special expertise not generally available before ordinary
courts, especially insofar as constitutional courts are not
hampered by ordinary rules of evidence and procedure.
He concluded his presentation by exploring the need for
a constitutional court in South Africa. As South Africa was
about to embark upon a highly complex reform of its constitu-
tion, he argued, the case for a constitutional court system for
South Africa is formidable. This however, is the subject of a
national conference planned for January 1991, in Johannes-
burg. Cl

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THE PARTICIPANTS WERE:
Prof Donald Horowitz (Duke University), Prof Ahrend
Lijphart (University of California in San Diego), Prof Mark
Lipsett (George Mason and Stanford Universities). Prof Vic-
tor Scanlon (Lecturer at various United States and Canadian
Universities, who specialises in the field of elections), Prof
Kader Asmal (member of the Constitutional Committee of
the ANC, Trinity College, Dublin), Prof John Dugard
(University of Witwatersrand), Prof Albie Sachs (member of
the Constitutional Committee of the ANC), Prof Gerhard
Erasmus (University of Stellenbosch) and Dr Zola Skweyiya
(Chairperson of the Constitutional Committee of the ANC).
The objective ofthe workshop was to DETERMINE THE
MOST APPROPRIATE ELECTORAL SYSTEM FOR
SOUTH AFRICA. The tele-conference discussion on the
advantages and disadvantages of each system will therefore
be dealt with in turn. However. some general observations
made during the discussion. should preface the discussion of
the particular systems examined.
The electoral system is only one element in the totality of
the solution to South Africals problems.
While it is acknowledged that the electoral system is not
the only factor of importance in seeking a solution to South
Africais problems, and while it is further acknowledged that
there is no such thing as the optimum system, the electoral
system is one of the most important instruments of constitu-
tional engineering. When one is writing a new constitution,
one has the opportunity to do something about the electoral
system and, because different electoral systems will, in South
African conditions certainly produce better and worse results,
it is important to devise an electoral system which will most
adequately minister to the needs of South African society.
The view was expressed that South Africa is a severely
divided society and that any system adopted should foster
accommodation between the segments of South African
society. To this end, South Africa should ignore the argu-
ments for and against electoral systems in homogeneous
societies and focus on a system that would foster accommoda-
tion and inclusion.
An alternative view emphasising that issues of ethnicity,
skin colour and language should not obscure the common
humanity ofall South Africans was also expressed. The vote,
it was argued, should enable all South Africans to vote as
South Africans. Ethnicity, for so long enshrined in the con-
stitution. should not form the basis of an electoral system.
Rather, the government of South Africa should be broadly
representative of the people of the country.
The above view, expressed by one of the South African
panelists was seen to be Utopian by one of the American
counterparts saying;
2.! thought it was Utopian in a South African... situation
because conflict...among ethnic groups, among social classes
or people with diverse values and interest cannot lead to the
kind of consensua l feelings! get about South A fricans in order
to work together... i,
To which the South African panelist replied:
K..can I say that if we hadn it been Utopian we wouldn it be
sitting here today dealing with the very complex practical
questions that we ire dealing with. Many years ago we said
one person one vote and were told impossible in South A frica,
its Utopian. Now even F . W. de Klerk has accepted the prin-
ciple... and we were told many years ago, until quite recently
the ANC was a terrorist organisation beyond the pale con-
stitutionally, and now we are really making the running for
the introduction of democracy here. So we will carry on being
Utopian"?
It was generally felt by the overseas panelists that it was
impossible to reach consensus as to the most suitable electoral
system. One view had it that the best approach would be to
look at the most comparable situations in other countries and
that South Africans had to take into account the differences

in the society and imake your best guess as to what is going
to give most groups a feeling ofinclusionth.
Whatever electoral system is decided upon, it should be
completely non-racial and non-ethnic. Notions such as fixed
minority representation and reserved seats should thus be
avoided.

THE FIRST-PAST-THE-POST-
/RELATIVE MAJORITY
/PLURALITY SYSTEM

Participants were generally agreed as to the unsuitability
of this system for South Africa for the following reasons:
It creates the opportunity for a political party to obtain a
majority of seats on less than a majority of votes. The
example of the 1948 white elections in South Africa is cited.
There is no incentive for appeal across party/group lines in
this winner-take-all system.
Generally, with the notable exception ofthe United States,
there is growing dissatisfaction world-wide with the plurality
system (UK, India, New Zealand and Canada are cited as
examples).
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# THE PROPORTIONAL REPRESENTATION SYSTEM

## Views expressed in favour of the PR system:

Examples from elsewhere in the world (Germany, Sweden, Namibia among others) suggest that the proportional representation system works best in countries that have divisions of a significant degree.

Proportional representation results in all votes having an equal value. This allows the proportional representation system to enjoy a great degree of legitimacy.

It is a neutral, simple system which does not dictate which interest groups are to be represented, neither does it prescribe the lines along which such groups should be formed. Rather, the voters determine the nature and composition of the groups that will seek representation.

It allows for the representation in government of minorities as well as majorities.

## Views expressed against the PR system:

Although it avoids the artificiality of majority systems it exacerbates divisions in society by giving rise to the formation of many minor parties who, through their alliance with one or other of the major powers, can effectively and at times quite irresponsibly, affect the balance of power through artificial coalitions.

It does not provide any incentive for political parties to appeal to people other than those to whom the party normally appeals.

## Responses to the above in favour of the PR system:

One way to reduce the proliferation of smaller parties is to set a cut-off percentage of votes which a party has to achieve in order to be represented as is done in Sweden and Germany.

Whether proportional representation will result in diminishing the effectiveness of government cannot be judged in the abstract and will depend on the degree of accommodation that it (proportional representation) produces.

In spite of the notion that proportional representation needs large constituencies contested by more than one representative in order to obtain any decent kind of proportionality, the German system has shown that proportional representation can function in relatively small districts.

It is quite possible to have effective government in coalition, particularly in non-homogeneous societies.

# ALTERNATIVE VOTING

In this system parties win seats by majority. A majority threshold is set and if this majority is not achieved at the first count of votes, the second choices of voters are taken into account until the majority threshold is achieved. The following advantages of this system were identified:

It encourages inter-group conciliation and accommodation by creating an incentive for political parties to appeal across party/groups lines to groups to whom the party does not habitually appeal.

It is particularly beneficial in the election of a President, the argument being that the alternative votin g system with its wide appeal makes the President a truly national figure.

It was acknowledged that this system merely amounts to a modification of the first-past-the-post system by extending a relative majority to a majority threshold and then consulting the second choices of voters. However, the view was expressed that this modification made for conciliation, compromise and appeal across group lines and would therefore hold particular benefits for the South African situation if one proceeds from the assumption that South Africa is a deeply divided society. (Not all panelists were agreed as to the nature and extent of these divisions and the disadvantages of the alternative voting system were not discussed.)

# THE PRESIDENTIAL SYSTEM

Aspects such as the nature and operation ofthe Presidential system and whether or not the President should have executive pow ers were not discussed. However, certain advantages

and disadvantages were discussed insofar as they were
relevant to a discussion on electoral systems.
The argument for a Presidential system:
The President, when elected by a system of alternative
voting, becomes a truly national figure in that all segments of
society have a say in his/her election. The Presidential system
is therefore able to produce an effective government in con-
ditions of fragmentation. Nigeria was cited as illustrative of
a situation where contentious ethnic issues are reconciled in
the person of the President. The example of France was also
cited.
The argument against the Presidential system:
This system, in spite of the added feature of alternative
voting, remains a winner-take-all system, where the victor is
likely to be identified with one major group. It is necessary
in a country like South Africa to have a more conciliatory
system than this.

OTHER SYSTEMS

Various other systems were mentioned, though not fully
discussed. These included the following:

A combination of the first-past-the-post and proportional
representation systems whereby the President is elected on a
relative majority and the parliament is elected by a propor-
tional representation system. (Example, Netherlands.)

A first-past-the-post system where the nomination of can-
didates who seek public office is not made by the party, but
by the entire portion of the electorate who support that party.
This results in the merging of boundaries to the Right or Left
and a situation of political compromise. (Example, United
States.)

A combination ofplurality and distribution systems, where
an absolute majority is not necessary, but the majority must
be spread throughout the country. (Example, Nigeria.)

A limited system of proportionalism where the ability of
smaller parties to sway the balance of power is curtailed.
(Example. Ireland.)

The tele-conference also dealt with a variety of issues
relating to electoral systems. through questions put across by
the South African panelists to their American counterparts.
The following questions and responses were received:

What are the principles which govern the choice of an
electoral system and which is the most importantprinciple?

There was a general consensus as to the identification of
the following principles.

Proportionality between seats obtained and votes obtained.

Accountability of representatives to their voters.

The fact that each vote should have an equal value in the
determination of an election.

There must be an effective choice between the real con-
tenders for power. (Artificially induced coalitions should be
avoided).

Voters must feel that the system is legitimate.

The processes involved in voting should be characterised
by simplicity.

There should be a democratic accommodation of the inter-
ests ofminority groups. (This seventh principle was added by
a member of the American panel).

On the question of which was the most important of these
principles the view was expressed that legitimacy was the
single most important principle governing the choice of an
electoral system.

It was also suggested that democratic accommodation was
the most important of these principles.

However, it was generally acknowledged that all these
principles were vitally important and that violation of any one
of them would be fatal.

Which system is the most suitable for the purpose of
maximising the chances of the election of women into
government?

Statistics compiled by some of the panelists indicated that
in countries usin g the list-proportional representation system,
the representation of women in parliament was four times
greater, on average, than that in countries using the first-past-
the-post system.

Another opinion was that this was not indicative of any
greater degree of sensibility on the subject of women in
government but merely because in compiling their lists of
candidates, parties attempted to appeal to as large a portion
of voters as possible and thus include women in their lists in
order to attract the votes of women.

What is important is not how many women hold office, but
whether womenls interests are represented in government. It
has been known to happen that a large number of a particular
group of people (eg. women) hold office, and yet the interests
of the group they purport to represent are not represented.
Thus the important question is not ttwhat group does the
representative belong to'Pl, but ltTo whom will the repre-

sentative be accountable? Thus the electoral system should
be such as to encourage appeal across group lines so that all
interests can be represented.
Are the interests of womenls groups or trade union
groups taken into account in the compiling of party lists, in
those countries which practice proportional repre-
sentation?
Apart from the comments cited immediately above, no
direct answer to this question was forthcoming.
Does the system of proportional representation not lead
to the entrenching of group rights, of white privileges or
minority autonomy and the perpetuation of the inequalities
between whites and blacks in South Africa ?
The possibility for the representation of all groups in
government should be distinguished from the autonomy of
those groups. Proportional representation allows for the rep-
resentation of any group in government, and as such that is a
good thing. However, whether those groups should be given
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autonomy is a separate question. It is possible to ensure that
the basis upon which autonomy is granted is legitimate. An
example is the Netherlands where religious groups are
granted autonomy with regard to their education while getting
equal subsidies from central government.

Wh y should groups defined along linguistic and cultural
lines, whose rights are in any case protected in the constitu-
tion, also have special representation in government?

The idea is not that those groups must be represented in
parliament, there need therefore not be any rules that specifi-
cally provide that cultural or linguistic groups should be
represented in parliament. However, wherever there are
groups in society that desire representation, the structures
ought to be such that representation is possible.

Does the Iist-proportional representation system not
mean that representatives are now less accountable to a
specific group of voters?

It is possible to have proportional representation without a
list system as for example in Germany. In this way the
accountability of representatives to their constituencies can
be maintained.

One can also specify that the making up of the list should
be done democratically within the parties.

Which principles should guide the determination of a
cut-offpercentage of voters for representation in govern-
ment in a proportional system ?

One should look at the kind and size of the group and
decide whether (presumably on a common sense basis) they
should be represented. (In Sweden the cut-off percentage was
lowered from 5% to 4% because the Communist Party had
been receiving only slightly more than 4% of the vote.
In Western democracies this percentage is somewhere
between 1% and 5%.

It is desirable to have a cut-off to prevent extreme fragmen-
tation.

In countries where democratic elections are held for the
first time. the cut-off percentage should not be too high.
An eventual cut-off of say 4% 0r 5% can be
envisaged which is achieved gradually after starting at a 1%
cut-off. D

Findings of the
Comissions,
Commission 1: Electoral systems and Democracy;
Commission 2: First-past-the-post system:
Commission 3: Proportional Representation.
Hg:
C onsideration:
The views expressed by the participants at the workshop are not necessarily those of the
A frican National C ongress or its C onstitutional C omnlittee.
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Commission

# THE RELATIONSHIP BETWEEN ELECTORAL SYSTEMS AND DEMOCRACY

It emerged from the commissions, discussions that the problem for those working on electoral systems was to identify the best way in which the will of the people could be expressed in the organs of the government. The following key considerations to be addressed regarding electoral systems were noted:

The electoral system must be simple;

It must be appropriate for South Africa as a whole;

It must deal with dissenting groups in such a way that these groups remain part of the process.

D EIEID

It must result in the election of a popular government which addresses the crucial issue of the under-representation of women.

D The electoral system must be non-racial.

## ACCOUNTABILITY

The commission also emphasised the need to build a new political culture of accountability. It was considered necessary to devise an electoral system which would encompass both the accountability principle of the single member constituency system and the broad representation of the proportional representation system.

It was recognised that the political culture was not static and could therefore change. A mechanism thus had to be built into the constitution which allowed for the changing of the electoral system. This, it was suggested, could be done by means of a referendum.

## UNITARY STATE VERSUS A FEDERAL STATE

The participants were unanimous in their rejection of a federal state in South Africa for the following reasons:

El South Africa has always been a unitary state.

'3 It would divide people and organisations.

D It would create artificial regional divisions.

D It would undermine our struggle for national liberation.

## ADDITIONAL POINTS

El It was noted that the ANC should not take for granted the fact that the electorate will in fact vote.

D The whole question of ethnicity and electoral systems at local level needed to be examined.

D The question of having the electoral system entrenched in the constitution was important. In this regard, there was support for a first election and then allowing parliament to decide these points.

Commission

INTRODUCTION

The commissions examined the First-Past-The-Post system against the background of the fact that the majority of South Africans were disenfranchised and therefore did not have adequate information on the nature of electoral systems and their significance for a future South Africa. It was also noted that it was important to choose the system most appropriate for South Africals needs and not to merely adopt systems from other countries.

WHAT IS FPPS?

In an FPPS electoral system the country into constituencies with a specific number of people. This is the oldest voting arrangement and still predominates in most English speaking countries. Each party will put up a candidate for each constituency. Each elector has one vote, and the candidate who gets the most wins, even ifhe/she does not secure an absolute majority. This is also known as the relative majority or plurality or winner-takes-all system. In this system party symbols can be used to represent candidates to address the problem of illiteracy.

ADVANTAGES AND

DISADVANTAGES OF FPPS

The commissions concluded that the first-past-the-post-system contained the following advantages:

i) It establishes a nexus (linkage) between the electorate and representatives and is thus important in a representative democracy;

ii) The FPPS is a very simple system designed even for the illiterate;

The following disadvantages were noted by the commission:

i) there was no correlation between the number of votes and the number of seats.

2: First-past-the-post system

ii) Parties put up one candidate (almost always men!) in an FPPS system. Women therefore seldom get an opportunity to get into parliament;

iii) A wide range of interests thus cannot be represented in the FPPS system. There is also a tendency for specific or narrow interests to dominate while the broader needs and interests of the constituency are not catered for;

iv) Issues of group rights and nation building are not addressed by the FPPS; racial tensions are thus exacerbated;

v) The FPPS tends to create conflict when it comes to the delimitation of constituencies;

vi) The FPPS does not address the effects of Group Areas;

vii) It depends on the drawing of boundaries - to be able to work;

viii) It lends itself to political gerrymandering.

GENERAL

The commissions noted that an electoral system had to create the sense for voters that their vote was effective. An ineffective vote would lead to disillusionment and possibly to the opting out of political involvement.

While it was difficult to devise a quota system within an FPP system, there appeared some value in having a quota system which would cater for the needs, interests and objectives of both parties and constituencies.

QUESTIONS

Considering the ANC.SACP,COSATU alliance - what criteria does the ANC propose in the selection of candidates for a future election ?

Is it possible to secure that a minimum number of women candidates be elligible for elections ?

Commission
3: Proportional Representation (PR)

## INTRODUCTION

It was noted that there was a tendency within the ranks of the disenfranchised to discuss proportional representation as one of many devices used by the parliamentary parties as a necessary hedge against majority rule. Given these observations, the commission agreed that:

Cl No electoral system is neutral, or value free;
El Electoral systems cannot be analysed in the abstract. Rather, they should be contextualized within specific historical conditions;
D Electoral systems should be considered in relation to other structures of government;

## CRITERIA OF AN APPLICABLE SYSTEM

El Simplicity, the extent to which an electoral system ensures participation by people ofdifferent educational backgrounds.
El Representative nature, the extent to which an electoral system accommodates the range of political opinion.

## PROPORTIONAL REPRESENTATION – ADVANTAGES

The main strength ofthe system is the proportionality of votes to seats.
List systems are also easy to understand.
It would bind all sections of the South African community in the democratic process.
It would ensure a multi-party democracy.
It would to a large extent favour the election of women representatives.
DECIDE
It does not necessarily require an expenditure of conflict over boundary definitions.

## PROPORTIONAL REPRESENTATION – DISADVANTAGES

D It severs the nexus between representative and electorate. This could lead to political alienation and declining levels of participation in elections. This could in part be mitigated by strong local and regional government;
D PR tends to produce weak coalition governments within which small parties may sway the balance of power. (Israel was cited as an example. However, PR does not necessarily have this result and could produce effective government.)
El In determining the threshold of exclusion, due regard should be given to the needs of government and the requirement of representation.
El There should be some threshold to encourage political forces to solicit significant support;
El PR tends to strengthen central party organs and could lead to the marginalisation of certain sectors of society.
(There was, for instance, some empirical evidence suggesting that women were significantly under-represented in PR systems. However, there was general consensus that the social context, political culture etc., were more important determinants. All were agreed that party structures should be democratised, that internal party procedures should be subject to public scrutiny and that lists should be published prior to elections.)

## NOTE

Despite the disadvantages of the PR system, the majority of the workshop participants were in favour of PR as an applicable electoral system.

ADDITIONAL POINTS
FOR CONSIDERATION
El COMPULSORY VOTING, is voting a RIGHT
or an obligation?
El VOTING AGE, 18 or 21 ?
D SECRET BALLOT, should the confidentiality of
the vote be guaranteed ? CI
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Closing address by
Comrade Zola Skweyiya,
Chairperson of the Constitutional Committee
of the African National Congress. 11%
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there was full participation by everybody present at
the proceedings. You are aware that this is the first
time that the National Liberation Movement in this
country has discussed or debated the question of elections.
For us it has become very important because it begins to
cast light on the mechanisms of choosing a government
for a future democratic South Africa. We have been
involved in this process, not only as the ANC, but also
with the support and nudging of our friends, especially,
our friends from Zimbabwe.
In concluding this workshop, I am happy to note that
s early as 1986, the government of Zimbabwe in the
gmain Zanu, reminded the ANC of their experiences,
before they got independence and cautioned us not to fall into
the same traps. We should now stan thinking and planning
for the future and to involve our people in this crucial process.
In this regard, the people and the government of Zimbabwe
and Zambia. have been of invaluable assistance. At the same
time. there have been many other faithful friends who have
provided us with their resources, personnel. experiences and
expertise.
irstly. it is in this spirit that we should thank Gay
McDougall from the United States, who came to share
with us her experience and those of the American people, in
their struggle for Civil Rights. As you may be aware, Gay
has been involved in the struggle against apartheid in this
country. especially. in providing assistance to the victims of
apartheid for their legal defence. We hope her coming here
to South Africa, at this stage of our struggle, will indeed
strengthen the long existing ties between ourselves, and the
democratic forces in the USA.
econdly. we should thank Mr Meadowcroft from the
Electoral Reform Society and Professor Leon Trackman
from the South African Exchange Fund in Canada who have
contributed tremendously in this exercise and we hope
through this exercise we ill continue to work together also into
the future.
Tirdly, we should thank the academics that have come
here from the universities in this country: The Univer-
sities of Witwatersrand, Cape Town. Natal, UWC, Turtloop.
Potchefstroom, Unisa. Rhodes, Pretoria. Stellenbosch, Fort
Hare and Transkei.
grid last, but not least of our international guests. we
should thank Comrade Mtshana Ncube who has been
working with us for a very long time. He has been an active
participant in the struggle of the people of this region against
colonialism and against apartheid. His contribution to the
people of Namibia is very well known and we are looking
forward to his continued contribution to the struggle of our
people. This will serve to strengthen the ties that exist be-
tween ourselves as South Africans, the ANC, the democratic
forces in Zimbabwe and the people in the country of Zim-
babwe as a whole.
inally, a special thanks to our South African participants,
notably members of the broad democratic movement,
especially Cosatu, the Youth League, the Women,s League
and the Communist Party. We hope that we have all learnt
and have become more educated and will be able to bring our
people with us. I want to thank the Black Lawyers Associa-
tion for having honoured our invitation and agreeing to act
together in this whole exercise of constitution making. We
wish to thank the Lawyers for Human Rights too, for having
honoured our invitation. Of course I donit know whether we
have to thank National Association of Democratic lawyers
because they have been part and parcel of the organisation of
this workshop. We hope the comradely relationship which
exists between Nadel and the ANC will be strengthened so
that we can work in a more organised way in the future.
mrades and friends, you have come here not only in your
capacity as academics, but also as citizens of this country.
You have come here to contribute in your capacity as South

Africans, irrespective of cultural and ideological back-
grounds, to strengthen our commitment to democracy. We
hope that the relationship we have forged in this workshop,
will serve to strengthen our working together for the attain-
ment of a democratic, non-sexist and non-racial South
Africa.

om the outset it was said that the aim of this workshop
Twas not to formulate prescriptions for the ANC. Our
exercise was one which would begin to advise the ANC and
the democratic forces of this country of our findings. The
Constitutional Committee will compile a booklet on the find-
ings and recommendations of this workshop, which will be
available to all South Africans. It is important that all of our
regions represented here will take the spirit, the findings and
recommendations of this workshOp to the branches of the
ANC, so that our people can begin to debate and discuss what
the most appropriate electoral system for South Africa should
be.

omrade Chair may I again before we close thank all for
Cthe cooperation and for all the work that they have put
into the workshop. Iwould like to mention the CDS personnel
especially - for their outstanding efforts in making the
workshop the success it turned out to be. I am sure that we
will meet again to work together in workshops and seminars
to further our understandings so that we can contribute more
dynamically to the liberation of all South Africans.

Zola Skweyiya
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