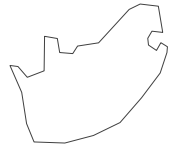


SOUTH AFRICA:

Electoral System Design and Conflict Management in Africa



Andrew Reynolds

The National Assembly parliamentary and provincial elections held in South Africa in 1994 marked the high point of a period of tumultuous change from authoritarian rule to multi-party democracy in Southern Africa as a whole. At midnight on 27 April 1994 the last, and perhaps most despised, colonial flag was lowered in Africa, heralding the end of 300 years of colonialism and four decades of apartheid. These first multi-party democratic elections opened the stage to those political movements which had been driven underground by the Pretoria regime's policy of racial divide and rule. Nelson Mandela's African National Congress (ANC) was poised on the threshold of power; the Pan-Africanist Congress of Azania (PAC) was challenging it within the same community, while Mangosotho Buthelezi's Inkatha Freedom Party (IFP) hoped to build on their hegemony in the north of the Province of KwaZulu-Natal. These new parties joined De Klerk's National Party (NP), the liberal Democratic Party (DP), and the new Freedom Front (FF) – a descendent of the "white right" parties of the old constitutional dispensation – in battling for the votes of 35 million newly-enfranchised people.

Elections were conducted under a form of national List Proportional Representation, with half the National Assembly (200 members) being chosen from nine provincial lists and the other half being elected from a single national list. In effect, the country used one nationwide constituency (with of 400 members) for the conversion of votes into seats, and no threshold for representation was imposed.

The Droop quota (see glossary – Annex B) was used to apportion seats, and surplus seats were awarded by an adaptation of the largest-remainder method. Early drafts of the electoral law put the threshold for parliamentary representation at 5% of the national vote but, in a concession to the smaller parties, the African National Congress and the National Party agreed in early 1994 to drop any "mandatory" threshold. However, only those parties with 20 or more MPs, 5% of the Assembly, were guaranteed portfolios in the first government's cabinet of national unity.

The fact that the "Mandela liberation-movement juggernaut" would have won the National Assembly elections under almost any electoral system cannot deny the importance of South Africa's choice of a List PR system for these first elections. Many observers claimed that a PR system, as an integral part of other power-sharing mechanisms in the new constitution, was crucial to creating the atmosphere of inclusiveness and reconciliation which has so far encouraged the decline of the worst



BALLOT PAPER

SAMPLE ONLY

Place your mark on the party you choose.
 Eine Markierung auf der Partei, die Sie wählen.
 Ponek znak na stranicke izbora koje želite.
 Ponek znak na stranici izbora koje želite.
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PAN AFRICANIST CONGRESS OF AZANIA		PAC		
SPORTS ORGANISATION FOR COLLECTIVE CONTRIBUTIONS AND EQUAL RIGHTS		SOCCER		
THE KZEP IT STRAIGHT AND SIMPLE PARTY		KISS		
WEYHEIDSPRONT - FREEDOM FRONT		VF		
WOMEN'S RIGHTS PEACE PARTY		WRPP		
WORKERS' LIST PARTY		WLP		
XINHONG PROGRESSIVE PARTY		XPP		
AFRICA MUSLIM PARTY		AMP		
AFRICAN CHRISTIAN DEMOCRATIC PARTY		ACDP		
AFRICAN DEMOCRATIC MOVEMENT		ADM		
AFRICAN MODERATES CONGRESS PARTY		AMCP		
AFRICAN NATIONAL CONGRESS		ANC		
DEMOCRATIC PARTY - DEMOKRATIESE PARTY		DP		
IBI-WANKWETLA PARTY OF SOUTH AFRICA		OPSLA		
FEDERAL PARTY		FP		
LUSO - SOUTH AFRICAN PARTY		LUSAP		
MINORITY FRONT		MF		
NATIONAL PARTY - NATIONALE PARTY		NP		

Presented by the Voter Education Programme of the Independent Electoral Commission.

A South African closed list PR ballot paper.

political violence, and made post-apartheid South Africa a beacon of hope and stability to the rest of troubled Africa.

Nevertheless, in 1990, upon Nelson Mandela's release from prison, there was no particular reason to believe that South Africa would adopt PR. The "whites-only" parliament had always been elected by a First Past the Post system, while the ANC, now in a powerful bargaining position, expected to be clearly advantaged if FPTP were maintained. As only five districts, out of over 700 in South Africa, had white majorities, due to the vagaries of FPTP voting the ANC, with 50% to 60% of the popular vote, expected they would easily win 70% or 80% of the parliamentary seats. But the ANC did not opt for this course because they realised that the disparities of a "winner-take-all" electoral system would be fundamentally destabilizing in the long run for minority and majority interests. List PR also avoided the politically-charged controversy of having to draw constituency boundaries and, furthermore, it fitted in with the executive power-sharing ethos which both the ANC and Nationalists saw as a key tenet of the interim constitution. Today, all major political parties support the use of PR, although there are differences over which specific variant to use.

It is probable that even with their geographic pockets of electoral support the Freedom Front (nine seats in the National Assembly), Democratic Party (seven seats), Pan-Africanist Congress (five seats) and African Christian Democratic Party (two seats) would have failed to win a single parliamentary seat if the elections had been held under a single-member district FPTP electoral system. While these parties together only represent 6% of the new Assembly, their importance inside the structures of government far outweigh their numerical strength.

A reading of the detailed results reveals, somewhat surprisingly, that List PR may not have particularly advantaged the mid-sized National Party (NP) and the Inkatha Freedom Party (IFP) over and above the number of seats they would have expected to win under a FPTP system. This was primarily due to the "national referendum" nature of the campaign, which led to a two-party battle between the old and the new; the ANC versus the IFP in the KwaZulu-Natal province, and the ANC versus the NP in the rest of the country. Furthermore, the ethnically homogeneous nature of constituencies and the strong geographical concentrations of support in South Africa meant that the NP and IFP would have won only slightly fewer seats under a constituency system. However, FPTP would in all likelihood have given the ANC a small "seat bonus", increasing their share of parliament beyond their share of the popular vote (which was 62%) and beyond the two-thirds majority needed to draft the new constitution without reference to other parties.

The practice of having one ballot for the National Assembly and one for the provincial parliament also proved to be an important innovation in the electoral system design. Up until a few months before the election, the ANC were still insisting on a

single ballot which would be counted for both the national and provincial elections. This was quite clearly a manoeuvre to advantage the larger, nationally-based parties and was only changed through the pressure of an alliance of business leaders, the Democratic Party, and international advisers. The eventual results did show that large numbers of voters had split their national and provincial ballots between two parties, and it appears as though the major beneficiaries of the double ballot were the small Democratic Party and the Freedom Front. Both parties polled more than 200,000 votes in the provincial elections, over and above their national result, which went a long way to explain the 490,000 drop between the NP's national and provincial totals.

The choice of electoral system also had an impact upon the composition of parliament along the lines of ethnicity and gender. The South African National Assembly, invested in May 1994, contained over 80 former members of the whites-only parliament, but that was where the similarities between the old and the new ended. In direct contrast to South Africa's troubled history, black sat with white, communist with conservative, Zulu with Xhosa, and Muslim with Christian. To a significant extent the diversity of the new National Assembly was a product of the use of List PR. The national, and unalterable, candidate lists allowed parties to present ethnically heterogeneous groups of candidates which, it was hoped, would have cross-cutting appeal. The resulting National Assembly was 52% black (including Xhosa, Zulu, Sotho, Venda, Tswana, Pedi, Swazi, Shangaan, and Ndebele speaking), 32% white (English and Afrikaans speaking), 8% Indian, and 7% coloured. This compared to an electorate which was estimated to be 73% black, 15% white, 9% coloured, and 3% Indian. Women made up 25% of the total parliamentary membership. There was a widespread belief in South Africa that if FPTP had been used there would have been far fewer women, Indians and whites, with more black and male MPs.

Finally, we would have expected more polarized forms of representation under FPTP, with whites (of different parties) representing majority white constituencies, Xhosas representing Xhosas, Zulus representing Zulus, etc. While there are problems with constituency accountability and remoteness under the present South African List PR system, it has meant that citizens have a variety of MPs to approach when the need arises.

Nevertheless, there is a continuing debate in South Africa about how to increase democratic accountability and the representativeness of the members of parliament. It was widely accepted that the first non-racial election was more of a referendum about which parties should draw up the new constitution. But subsequent elections will be about constituting a representative parliament, and many political actors agree that the electoral system needs to be altered to take this into account. Without greatly increasing the difficulty of the ballot, voters can be allowed to choose

between candidates as well as parties, without the PR character of parliament being affected in any way. One option is to elect MPs in smaller multi-member constituencies in order to maintain some sort of geographical tie between electors and their representatives. At the moment the regional lists represent areas so large that any form of local advocacy is entirely lost. A second option is to adopt the MMP system, where half the members are selected in single-member districts while the other half come from compensatory PR lists. Finally, and as a consequence of the administrative chaos that characterized the April 1994 elections, voter rolls are also being called for, to enable the authorities to delimit constituencies properly and ensure that large numbers of voters cannot be moved across boundaries to manipulate election results.

