

Has floor-crossing seen its end?

The floor-crossing window period has come and gone, affecting the composition of 128 municipalities. Although 280 politicians tried to cross, only 250 succeeded. This is a significant reduction in the number of councillors who crossed the floor compared with the first floor-crossing period in 2002 (555) and the second in 2004 (486).

Of the 128 municipalities affected by floor-crossing, the province that had the most affected municipalities was KwaZulu-Natal with 27, followed by the Western Cape with 22 and the Eastern Cape with 15. There was a majority shift in 12 municipalities. Of those, five were in KwaZulu-Natal and five in the Western Cape. In five municipalities the African National Congress (ANC) now has the majority, while the Inkatha Freedom Party, the Democratic Alliance and the National People's Party each have the majority in one, and in four municipalities there is no majority.

The three parties with the largest net gain were the ANC (53), the African People's Convention (36) and the National People's Party (31). The three net biggest losers were the Pan Africanist Congress of Azania (41), the Independent Democrats (27) and the National Democratic Convention (22). Of the new parties registered since June this year, the four that gained the most were the African People's Convention (36), the National People's Party (31), the Federal African Congress (9) and the Federal Congress (9).

The floor-crossing period was once again littered with farcical mistakes. Of the 30 applicants who were not successful, three councillors did not meet the 10% requirement, four councillors crossed more than once, one councillor crossed prior to the floor-crossing window period (even though the floor-crossing period

had been widely publicised) and another indicated his intention to become an independent candidate. The most comical of the attempted crossings were undoubtedly the 21 who were not councillors.

In instances where councillors did not comply with the regulations they will lose their seats. The proportional representation vacancies will be filled by the parties concerned and by-elections will be held for the ward vacancies.

Trends that emerged during the floor-crossing included, inevitably, councillors moving from existing smaller parties to join bigger parties and independent councillors (14) joining political parties.

There is much to be said for a system of local government that shows a measure of uniformity ensuring stability and predictability. Notwithstanding the many other demerits of floor-crossing legislation, it has a distinctly destabilising effect on the functioning of councils. This may just be the last time South African voters are subjected to the circus of floor-crossing. There are loud noises for the scrapping of the legislation.

Arguments against floor-crossing are largely premised on the belief that the voters are primarily voting for the party and not for the individual – even in the case of ward councillors at the local government level. Allowing individual public representatives to cross the floor undermines the will of the electorate. Voters that support Party A could elect as a ward councillor the person whom that party has nominated, only to find that the councillor crosses the floor and joins another party. The majority of voters could vote for Party A in an election and find that after floor-crossing, Party B is now the majority party. Indeed, no ward councillor who crossed the floor in 2004 was able to keep their ward in the 2006 elections. The 2006 local government elections signalled public discontent with floor-crossing as they showed that it was difficult for parties to hold onto wards gained through this process.

The issue of floor-crossing and its possible abolition will be debated at the ANC's policy conference in December.

