



For attention: Electoral Reform Consultation Panel

Email: ERCP@dha.gov.za

31 October 2024

Dear Sir/Madam

We attach our written submission in response to the Electoral Reform Consultation Panel's invitation to make written submissions for its consideration on proposals for an electoral system for the National Assembly and Provincial Legislatures.

Should you have any queries, it would be appreciated if you could contact me at the following email address: naseema@hsf.org.za.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Naseema Fakir', written over a light blue horizontal line.

Naseema Fakir

Director

Executive Director: Naseema Fakir
Trustees: • Max du Plessis • Cora Hoexter • Nick Jonsson • Daniel Jowell • Palesa Morudu • Kalim Rajab • Phila Zulu
Patrons: Prof. Thuli Madonsela • Lord Robin Renwick



1. Introduction

1.1. The Helen Suzman Foundation ('HSF') has taken an interest in electoral reform for nearly a decade. In particular, we have long advocated for a mixed member proportional system ('MMP'), in terms of which at least half of its members are elected by constituencies.

1.2. To this end, we have produced a report on electoral system options, which was submitted to the Ministerial Advisory Committee on Electoral Reform, appointed by the Minister of Home Affairs in the wake of the Constitutional Court's *New Nation Movement* judgment in 2021. The report can be read [here](#).

1.3. The purpose of this submission is, therefore, to essentially resubmit HSF's historical position to the Electoral Reform Consultation Panel for its consideration.

1.4. HSF's historical position broadly coheres with:

1.4.1. The majority report of the Electoral Task Team appointed by Cabinet in 2002, which was chaired by Dr van Zyl Slabbert and reported in January 2003.

1.4.2. Recommendation 6.8 in the Report of the High-Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change, which reported to Parliament in November 2017 and that recommended as follows:

"The Panel recommends that Parliament should amend the Electoral Act to provide for an electoral system that makes Members of Parliament accountable to defined constituencies on a proportional representation and constituency system for national elections."

1.4.3. The majority report of the Ministerial Advisory Committee on Electoral Reform dated 9 June 2021.

2. What We Expect an MMP System to Achieve

2.1. HSF situates its expectations about what an MMP system can achieve within the following framework:

2.1.1. Electoral reform cannot be a panacea for all of democracy's ills. For instance, it cannot change the fact that South Africa's democracy will continue to struggle with issues of social and economic inclusion for many years to come.

2.1.2. No electoral system is perfect. Each strikes a different balance between competing values which an electoral system should satisfy. These values are discussed at length in the Electoral Task Team report, the Ministerial Advisory Committee report and HSF's own abovementioned report.

2.2. With these caveats in mind, we advance the following propositions –

2.2.1. ***A National Assembly in which at least half of its members are elected by constituencies will be more powerful than it currently is.*** This may seem paradoxical, since constituency elected MPs desiring re-election will be constrained by constituency interests and desires. But it is not. For instance, it has become clear from the hearings at the Zondo Commission that the cause of state capture was an overlapping set of criminal conspiracies at the heart of the state, aided and abetted by unscrupulous business people. It is also clear that Parliament largely failed to hold the Executive to account when state capture was at its height. It was press revelations which started to uncover the extent of state capture, and a horrified civil society mobilisation followed, along with investigations by the Public Protector at the time. These were all signs of a well-functioning democracy, but we cannot help but believe that Parliament would have played a stronger role had constituents been able to place effective pressure on constituency MPs to investigate more vigorously than they did.

2.2.2. ***An MMP system will redefine the nature of a parliamentary career.*** In order to qualify as an attractive candidate for election as a constituency representative, an aspiring MP will need to build up a record of public service within it. After election, success would depend on keeping close contact with constituency supporters, both by reporting back on achievements in Parliament and by listening to community concerns. A common complaint about politicians is that they appear at election time but are never seen otherwise. This would become a risky practice for a constituency MP.

2.2.3. ***An MMP system would not undermine party discipline. Rather, the rational consequence will be for the balance of influence in formulation of party programme to shift – giving greater regard to constituency concerns.*** Candidates wishing to contest constituencies for parties will require party nomination. Party representatives would continue to be members of party caucuses, to be subject to the discipline of party whips and be expected to work to realise party programmes. But, under an MMP system, party representatives in parliament will, in their own interests, be more attuned to constituency concerns, and a rational party can be expected to pay attention to them.

3. Conclusion

3.1. The natural form of government in a multi-party democracy with proportional representation is through coalitions. That contemporary Germany and Netherlands have several parties represented in their parliaments, does not threaten constitutional democracy in these countries.

3.2. What does threaten constitutional democracy is polarisation and a consequent refusal to reach necessary political accommodation. That can happen even in countries with two main parties, as the experience of the contemporary United States attests to. Where commitment to constitutional democracy is strong, coalition building exerts a centripetal effect on political outcomes. This does not imply stasis: circumstances change, voter preferences change and negotiated political programmes change with them.



3.3. We are entering a more mature phase of our multi-party democracy, and our electoral system should facilitate the process.