

IEC**ELECTORAL BILL****DIKWANKWETLA PARTY**

The Dikwankwetla Party wishes to register its opposition to deposits of R50 000 and R20 000 respectively required in terms of clause 21 of the Electoral Bill for participation in the election of members of the National Assembly and other legislatures.

We submit that as a matter of principle the deposit system is surely wrong. The setting of such prohibitively high amounts would be grossly unfair to the supporters of minor parties to ensure participation in the election process.

1 CLAUSES 16 AND 21

- 1.1 A golden thread running throughout the negotiations at the World Trade Centre is that there should be a 'levelling of the playing fields'. In the four bills (accepted by the *Multi-Party Negotiating Council*) that served before Parliament in September 1993 this was probably the most notable and outstanding characteristic. The basic underlying philosophy is that everyone should have an equal opportunity in this first phase of bringing about a democratic and just South Africa.
- 1.2 If Clauses 16 and 21 of the said bill are read together, it effectively means that each party has to pay a minimum of R80 000 for participating in the elections: R10 000 for the application to register as a party [Clause 16(2)], R50 000 for representation in the National Assembly, and R20 000 each for representation in any other legislature [Clause 21(1)]. This clearly places the elections beyond the reach of most parties, and is contrary to the philosophy of 'levelling the playing fields'.

- 1.3 It is very possible that a party may have support in more than one region. Should such a party then wish to contest elections in all the regions (nine as it stands at present), then the party would be required to deposit R240 000 to register (R10 000 + R50 000 + 9 x R20 000). It is very likely that both the National Party and the ANC, for example, would contest elections in all regions. However, while such parties may well be able to afford the sums of money involved, other parties (such as Dikwankwetla) would be prejudiced simply on the basis of affordability, and would not be able to field candidates in all regions should they wish to do so. This once again goes against the grain of the philosophy of 'levelling the playing fields'.
- 1.4 If the playing fields are to be levelled, it should be done by all means possible. It is understood that there might be concern about the so-called 'lunatic fringe' that may want to enter the elections. However, examples in particularly the Netherlands and the United Kingdom (where a great number of parties contest elections) show that parties on the lunatic fringe only gather support at a very local level. Thus, parties should not be prevented from contesting elections by artificial barriers such as high registration fees. An example of a success story as far as the fringes are concerned is the Green Party in Germany: originally it was on the lunatic fringe, until voters realised that it is seriously concerned about important issues such as the environment, and then it gathered a great deal of support. The Dikwankwetla Party of South Africa may, merely by way of an example, decide to contest the elections on an environmental or any other ticket, and should be allowed to do so without first having to get over the first hurdle of enormous costs.
- 1.5 In the final analysis, it is up to the voters to decide whether they wish to vote for a party or not. Any party worth its salt will attract its fair share of votes. To already right at the start create obstacles to any party wishing to contest the elections is simply not levelling the playing fields. The concept of levelling the playing fields had been accepted as a basic principle at the negotiations, and mere lip service should not be paid to it. If the negotiators are serious about levelling the playing fields, any party should be given a reasonable opportunity to contest the elections. Whether a party is on the lunatic fringe or not should not even be an issue: the voters will decide on that, and they (the voters) should have the final say, not the bureaucrats.

2 CLAUSE 21(7)

- 2.1 Clause 21(7) provides for the deletion of a candidate's name if it appears on more than one list. This is once again against the principle of levelling the playing fields. A relatively small party like Dikwankwetla, for example, may wish to field a candidate that is popular all over the country for the

National Assembly. However, should that candidate not be able to win a seat in the National Assembly, there should be no reason why that candidate should not be a representative on a regional level.

- 2.2 In effect, the provision discriminates against popular candidates on regional levels. The most popular candidate on a regional level will then be hesitant to enter elections for the National Assembly because he or she might feel that they stand a better chance of winning a seat in the regional elections. That is once again clearly not levelling the playing fields.
- 2.3 It should be emphasised that the voters have the final say. If artificial constraints are placed on parties or candidates right at the start, the voter's free choice is already limited even before the voting begins.

3 SUBSIDISATION OF POLITICAL PARTIES

- 3.1 It is my personal view that this question is a delicate one. Allow me to play Devil's Advocate first:
 - 3.1.1 If parties are to be subsidised, it should be done on an equal basis. That presupposes that each party will be given the same amount for contesting the elections. This will in effect mean that either a global sum of say R100 000 will be given to each party, or that parties will be subsidised according to membership. The latter, however, will be very difficult to ascertain, especially before elections have been held, and because some organisations have not yet registered as political parties.
 - 3.1.2 In either case, it will not be truly a levelling of the playing fields, because if a global sum is given it will favour smaller parties to the detriment of bigger ones.
- 3.2 On the other hand, arguments for subsidisation could be made out:
 - 3.2.1 The traditional 'white' parties have been represented in various forums for many years, to the detriment of other parties or organisations. The official opposition in the present Parliament is in fact paid to do just that: to be the official opposition. It can thus be argued that the same should be the case for all other parties contesting elections.
 - 3.2.2 The mere fact that all 26 participants at the negotiations are in fact paid to negotiate (by way of meals, allowances, and so on) indicate that there is a willingness to accept the fact that the state should play a role in the democratisation process in the country. The argument is thus that the state can (and should) subsidise parties

because of the fact that the playing fields had not been level before, and that certain parties or organisations had effectively been discriminated against.

I would therefore suggest that all three issues are vigorously discussed by our principals at the negotiations. I repeat that the underlying principle of the bill is to level the playing fields, and that should be the most decisive thread running throughout the bill.