



AFRICAN NATIONAL CONGRESS

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FROM 6th MAY 1990

DIAL 071
INSTEAD OF 01

MEMORANDUM

To: Secretary for Constitutional and Legal Affairs, ANC, Lusaka

c.c. The President, ANC, Lusaka

c.c. The Deputy President, ANC, Johannesburg

c.c. The Secretary-General, ANC, Lusaka

c.c. Secretary for International Affairs, ANC, Lusaka

From: Mendi Msimang, Chief Representative, U.K. and Ireland

Date: 20 April 1990

REF: MM.738/bb

RE: SOUTH AFRICA AND ELECTIONS

We have received a proposal from the Electoral Reform Society who are anxious to help the democratic processes in our country. A copy of their proposal is attached hereto for your information and comments.

I am informed that the Electoral Reform Society has a long history of non-partisan involvement in electoral matters and that they are recognised by the United Nations as a non-governmental Organisation for advising, supervising and training in connection with ballots and elections.

In the meantime, we are arranging to meet them for some discussions with them and it may be helpful to receive your comments on their document before then. Our meeting with them is likely to take place around the third week of May.

M. Msimang

ELECTORAL REFORM SOCIETY
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CONFIDENTIAL

South Africa and Elections

Michael Meadowcroft
Chair, Electoral Reform Society

1. South Africa

Faced with the prospect of multi-party elections in South Africa there needs to be some urgent discussion of what election system would be most appropriate to the circumstances. If information and advice needs to be given on a non-partisan basis the Electoral Reform Society is available to provide it. ERS' status as a Non-Governmental Organisation, recognised by the United Nations in relation to advising, supervising and training in connection with ballots and elections, is valuable in this context.

Faced with a new multi-party electoral process it is crucial to adopt the most appropriate system, not only because the system chosen will have considerable implications for the future political development of the country, but also because it may well be difficult to change the system implemented for the first new election. Vested interests, the psychological pressure to demonstrate stability, and sheer inertia in the face of other immense problems will no doubt militate against further change.

2. Criteria for choosing a particular system

Election systems are not value free. Their varied characteristics impact on different aspects of the democratic process. Martin Linton's useful article [The Guardian, London, 4 January 1990] listed four broad democratic objectives: proportionality, accountability, equal value, and effective choice. There are other considerations, such as the nature of the present party system, the role of groups that have previously been banned, the geographic and tribal considerations, and whether or not the present demographic and political structures should be regarded as definitive, all of which have a particular relevance in the delicate context of South Africa.

The speed at which change is taking place, and the early date for elections which will no doubt be advocated, may prevent there being any lengthy constitutional convention at which evidence can be taken and a consensus sought on the method of election. Nevertheless this paper is an attempt to help the key people to look carefully at the implications of the different electoral systems available. ERS can also make available its technical assistance with the electoral process whatever electoral system is eventually chosen. ERS is committed to a particular system - the Single Transferable Vote in multi-member constituencies [see appendix] - and would obviously be keen that this method is understood and considered by the appropriate authorities, but it would not cease to be involved if, after consideration, it was not chosen. ERS was earlier consulted informally on systems in connection with the South African Select Committee on Electoral Matters.

3. The Systems.

Taking the situation as it is currently understood in South Africa and taking the four criteria listed above, the following considerations apply:

[a] The "first past the post" system, cannot deliver proportionality and consequently exaggerates parliamentary majorities. As such it is particularly unsuited to a country where it is vital that the representation of varied groups is seen to be fairly translated into parliament; also, given that first-past-the-post is unsatisfactory in a two party system, its defects increase dramatically when a number of parties exist;

[b] The Alternative Vote, whereby voters express second and subsequent preferences in a single member constituency, means that the votes of the candidate or candidates at the bottom of the poll are redistributed until a candidate has more than 50%. It has many of the defects of first-past-the-post (and all systems involving single member seats) and pretends to produce a parliament that accords to voters' preferences, whereas in reality it restricts voters to a single candidate from, and chosen by, each party; the French second ballot system is, in effect, a refinement of AV;

[c] The Party List system usually requires the parties to draw up lists of candidates in a pre-determined order; the electors vote for the party and, nationally or regionally, the appropriate candidates are elected from each list pro rata to the proportion of votes cast. There can be a percentage below which a party gets no representation thus avoiding having too many parties represented. The drawbacks are: it gives immense power to the party - which may be a particular problem where at least some of the parties and the party system are very new; it tends to overstress conformity to the party, rather than a challenging spirit, in order to secure a high place on the list; and it provides no link at all between the local constituency and its representative. Some countries improve the list system by allowing voters to express preferences within the list, thus altering the party's chosen order.

[d] The Additional Member system, as used in West Germany, balances the inevitable lack of proportionality of single member constituencies by allowing a second vote for a party list, even so, in effect, it combines the disadvantages of first-past-the-post and the party list;

[e] The Single Transferable Vote, whereby representatives are elected in multi-member constituencies with electors expressing their preferences within parties and across parties (and for independents), attempts to strike a balance between geographic accountability, party influence, and proportionality, whilst giving voters the most effective choice and most equal value for their votes.

4. The Particular Circumstances of South Africa.

Current South African electoral practices may well not be thought to provide an acceptable precedent in the changing situation. Elections on a full franchise, with a common electoral role, will be much easier to handle if conducted by STV. Other methods will emphasise racial and tribal distinctions and may well lead to calls for the entrenchment of specific groups. Any claims for special treatment for racial or ethnic groups etc may lead to delay in implementation and it is important to have an electoral system which enables these to be recognised but not exploited.

5. Practical Assistance.

There are bound to be initial practical difficulties associated with the introduction of full franchise elections. These may include consideration of appropriate methods of election, the making up of the electoral register, the preparation of election rules, the training of staff, supervision of the election process and the counting of the votes. The Electoral Reform Society can make its services available to individual groups or to any joint commission etc, in relation to the development of election procedures and can probably find initial funding to enable it to do so. However, it would only wish to proceed with such a project by invitation, with sufficient possession of the facts and with introductions to appropriate individuals and groups.

6. Conclusion.

Your comments on this discussion paper would be welcome. Events are moving very quickly and an early response would be appreciated.

12th February 1990
Ref: B:\Articles\South