



Southern African Catholic Bishops' Conference
PARLIAMENTARY LIAISON OFFICE



SUBMISSION

to the

Electoral Reform Consultation Panel

on

***Proposals for an Electoral System for
the National Assembly and Provincial
Legislatures***

26 September 2024

Introduction

1. The Catholic Parliamentary Liaison Office (CPLO) welcomes the opportunity to comment on the broad question of electoral reform, and specifically on the Guiding Principles adopted by the Consultation Panel.

2. The CPLO is an office of the Southern African Catholic Bishops' Conference. It is tasked with liaising between the Church and Parliament/Government, commenting on issues of public policy, and making submissions on legislation.

General Concerns

3. The Catholic Church does not presume to claim any expertise or competence in the technicalities of electoral systems. Our concern is with the normative aspects of elections – how they can advance or retard nation-building, the dignity of democratic political participation by citizens, and the common good of all our people.

4. The late Pope St John Paul II put it this way in his Encyclical Letter *Centesimus Annus* in 1991:

“The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate.”¹

5. We have been fortunate in South Africa since 1994 to have had regular, well-run, free and fair elections. The Electoral Commission deserves the highest praise for the role it has played

¹ Para 46. See https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html

in this regard, as do the many civil society organisations that have contributed to the success of our elections through voter education efforts and by supplying monitors and observers. With a few exceptions, our political parties have also played a positive role, approaching elections in a constructive spirit and accepting the results even when they have been disappointing.

6. However, despite this generally good track record, we are confronted by a continuing decline in the proportion of the voting-age population that is registered to vote, as well as in the proportion that actually votes – only 58.6% in the elections of May this year. Among younger citizens this trend appears to be even more acute.

7. We are also becoming more and more aware of the central weakness of the pure proportional representation (PPR) system that we have adhered to since 1994. The reasons for adopting this system, and its significant advantages, are well-known, but it cannot be denied that, by its very nature, it creates a distance between voters and the MPs and MPLs who represent them.

8. Although there are no doubt many complex reasons for the decline in voter participation, it seems reasonable to assume that the anonymity and impersonal nature of the PPR system is a contributing factor. Voters have no sense of voting for a particular individual, or of having “my MP” whom they can call upon or complain to. The fact that parties are required to publish candidate lists ahead of an election does not really address this need, since these candidates are not linked to the voters of any given area. In addition, as we have just seen in the case of the MK party, it is easy for parties to deploy people in and out of their lists after the elections, so that the final composition of their caucus is significantly different to the list of names originally presented to voters.

9. A further well-established problem with the PPR system is that it places far too much power in the hands of party leaderships. MPs and MPLs experience a tension between their constitutional duties of oversight and representation, and their allegiance to party structures and superiors. This has had deleterious consequences for the oversight and accountability role of Parliament and some of the provincial legislatures for many years.

10. For these reasons, therefore, we encourage the Consultation Panel to explore the various options for a hybrid electoral system that would maintain overall proportionality, as required by section 46(1)(d) of the Constitution, while at the same time providing a 'constituency link' between the voters and their elected representatives.

11. We note that the three previous investigations into this question,² going back more than 20 years, all came to a similar conclusion, even if they differed on the exact details. It is surely now time for an actual change to the system to be introduced.

Specific Comments

12. We turn now to the 'Guiding Principles' published for comment by the Consultation Panel. Firstly, we wish to respectfully agree with and endorse these principles – inclusivity, fairness, accountability, simplicity, electoral manageability, and transparency. Together, they sum up what an electoral process should be. We offer a few comments on some of these principles, as elaborated by the Panel.

13. *Fairness*: The Panel states under this heading that "... as far as possible, votes should be of equal value." This seems to suggest that it will not be possible to achieve a new voting

² The Electoral Task Team chaired by Dr Van Zyl Slabbert, 2003; the High Level Panel chaired by former President Kgalema Motlanthe in 2017; and the Ministerial Advisory Committee chaired by Mr Valli Moosa in 2021.

system in which votes are actually of equal value. Any departure from equality of the vote risks delegitimising the whole system. People will be quick to claim bias on the part of the IEC if it is found, for example, that rural votes count higher than urban ones (as was the case in the pre-1994 House of Assembly elections, for example). It is acknowledged that the introduction of a constituency element can significantly complicate matters, but it is surely possible, through the use of compensatory votes, to achieve voting equality.

14. *Accountability*: We strongly support the Panel's assertion that "... representatives must be answerable in some form to citizens to explain their performance and justify their decisions as part of the social contract." Likewise, we affirm that "[a] closer association between voters and representatives [is] desirable."

15. *Simplicity*: This has been one of the strengths of our elections over the last 30 years. Simplicity not only encourages voter confidence and participation, it also makes it more difficult for malicious actors to manipulate or interfere with the electoral process. Any move away from the present voting system will need to be very carefully communicated to voters. Unfortunately, there seems to be a great appetite for rumour and negative speculation around electoral issues. For example, when some of the ID scanning devices failed in the recent elections, and when the monitors at the election centre went blank for some minutes, large numbers of people simply assumed that 'something fishy' was happening. If we are to adopt a more complex voting system – or even one that only sounds more complex or unfamiliar – the room for such suspicions, however unfounded, will only grow.

16. *Transparency*: Voters also do not generally grasp the mathematics behind the allocation of seats, even in the relatively simple PPR system. If there is going to be a move to multi-member constituencies or to some kind of transferable vote system, for example, it will have to be accompanied by a massive voter education campaign. In this regard we note that the Panel is due to make its recommendations to Parliament by May 2025. Past experience shows how difficult it will be to process the necessary legislative changes in less than two or

three years, let alone dealing with any legal challenges. If the intention is to have a new electoral system in place for the 2029 NPE, any proposed changes will need to be kept as simple as possible so that the Electoral Commission and others are able to communicate them effectively to voters, and thereby maintain maximum possible confidence in the elections.

Conclusion

17. Sixty years ago, during the Second Vatican Council, the Catholic Church re-affirmed its support for democratic electoral processes:

*"[T]he will to play one's role in common endeavors should be everywhere encouraged. Praise is due to those national procedures which allow the largest possible number of citizens to participate in public affairs with genuine freedom."*³

And our own South African Bishops, writing in a 1993 Pastoral Letter entitled *Towards a Democratic Future*, stated:

"Because it promotes the common good and protects individual rights we see democracy as the best way of building a truly human society which protects the dignity of each person."

With these teachings in mind, we wish the Panel well in its deliberations, and will follow its work with much interest.

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³ Para 31. See https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html