

Press Release

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South African Institute of Race Relations
The power of ideas

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Welcome judgment meaningfully expands voters' choices – IRR

The news today that the Constitutional Court has affirmed the right of individuals to run in national and provincial elections is to be welcomed, for this meaningfully expands the scope for voters to exert a direct influence on policy making.

In a June judgment, Chief Justice Mogoeng Mogoeng said individuals should be allowed to stand as independents in provincial and national elections. Currently, individuals can only run as independents in local government elections, but not at provincial or national level, because, as the electoral system stands, representatives can be chosen only from lists provided by political parties.

At local government level, by contrast, the electoral system is mixed, with half of representatives being elected to represent wards and the other half being allocated from party lists, to ensure representativity in municipal councils.

The upshot of Chief Justice Mogoeng's judgment is that the electoral system we use at national and provincial level will need amending to allow individuals to stand as independents. This should be not be difficult. The Electoral Act will need to be changed, but nothing in the Constitution would prevent it – our democracy's cornerstone document requires only that the electoral system be proportional.

The IRR applauds this move by the Constitutional Court. It will result in a fairer electoral system, which the IRR has long advocated. Currently, representatives in Parliament and the nine provincial legislatures are beholden to party bosses, rather than the people who vote for them. We welcome any move where at least some of our representatives will be chosen directly by voters from constituencies.

There are a number of potential new systems. The country could replicate the municipal system used at provincial and national level, where half of representatives are elected from constituencies and half from party lists, to ensure proportionality. This system is used in a number of countries, including Lesotho, New Zealand, and Germany. Another system is the

one suggested by the Van Zyl Slabbert Commission, whereby 300 parliamentary representatives would be chosen from 69 multi-member constituencies, with 100 chosen from party lists, to ensure proportionality.

The actual mechanics of a new system can be discussed, but the potential changes to our electoral system, which will allow independents to run and result in at least some MPs and MPLs being elected from geographical constituencies, is very good news.

It is not a silver bullet to solve all the country's problems, but it will increase accountability in South African politics, and stimulate greater engagement by ordinary citizens. It is a step that will only benefit South African democracy.

Ends.