

**Wolpe Trust Talk**  
**24 February 2009**

**TOPIC: The State, Power and Governance**

**SPEAKER: Dr Frederik van Zyl Slabbert**

Dr. Frederik Van Zyl Slabbert, is political consultant for various interest groups and companies, Visiting Professor at Wits since 1998, founder of IDASA and holder of 2 honorary doctorates and other public acclaims. In 2003 he chaired a commission that looked into the South African electoral system.

**CHAIR: Mazibuko Jara**

Mazibuko Jara is an activist, writer and researcher in human rights, HIV/AIDS, alternative economic transformation, land and agrarian reforms amongst others. He is a member of the Cape Town District Executive Committee of the South African Communist Party and a Chair of the Harold Wolpe Memorial Trust's Executive Committee.

**Welcome by Mazibuko Jara:**

The Wolpe Trust welcomes you for our first dialogue of this political year. 57 days from now we'll be standing in political queues, so tonight's topic is appropriate. Without further ado let me ask Annmarie Wolpe to say a word of welcome.

**Annmarie Wolpe:**

Thank you, Mazibuko. I want to introduce our new chairman Mazibuko. He has taken over from Michael Savage. I'd like to thank Michael for doing a fantastic job. Michael originally took over from my daughter Peter, who also did a wonderful job. Our national co-ordinator has resigned due to poor health. We're distributing fliers for the job. If there's anyone you can think of for the job, please

let us know. I'd like to thank Butlers pizza for supplying pizza. We're experiencing financial problems, so if anyone feels so inclined, any contribution is welcome. Food and drinks at these events are wonderful and I think they are quite necessary, but we can't find anyone who can give it to us for free.

**Mazibuko Jara:**

Just to clear confusion, there's a maverick that goes around by the same name as me writing blasphemous political articles. I'm not him.

Tonight's theme focuses on the state – development and the state, the failing state etc. So the focus is state power and the government. Is the government undertaking a serious project to build a different state? What does power and democracy mean? To open discussion we have an able speaker who has paid attention to related matters. Welcome Frederick. We hope you'll give us an overview of the theme in the context of the upcoming elections.

**Dr Frederik van Zyl Slabbert :**

Ladies and gentlemen, it's a pleasure to be here. I'm not sure that I can say anything new or fresh about the topic. I went through some of the things that I've written about it in the report of the Electoral Task Team, where we considered inputs from political parties, NGOs and organisations interested in electoral participation.

The first point that I want to make is that despite dissatisfaction from certain interest groups, there is general satisfaction with current electoral system. It is clear from the Electoral Task Team report that the electoral system defines the terms between the electoral voters, political parties and elected representatives – these terms are used to find out how parties must conduct themselves. Elections

can't be the exclusive domain of political parties and elected representatives. When MPs find themselves in situations giving rise to a conflict of interest, the terms apply in that context. These terms must not be formulated from the bosom of the government; rather, the process of formulation must also include civil society and political parties.

There has been consensus on various Electoral Task Team issues. Page 12 of the Electoral Task Team Report states: 'The fact that there are majority and minority views should not create the impression that the ETT is deeply divided on every issue. There is considerable consensus and unity of purpose on these points: the core values/principles should be reflected in the electoral system; a preoccupation with accountability should not jeopardise the values of fairness, inclusiveness and simplicity; the current electoral system should not be replaced or radically altered; the current electoral system enjoys considerable support, has served South Africa well through two sets of national and provincial elections and has contributed greatly towards transitional stability.'

Quoting again it says that 'the key question on which the ETT divided had more to do with the problem of risk than with matters of deep principle and substance. The question can be put in this way: Do the advantages of adjusting the current system outweigh the concomitant disadvantages? (Or do the advantages of not changing the current system outweigh the concomitant disadvantages?) The majority thought it worthwhile to adjust the current system; the minority thought not.' The report also refers to oversight of parliament and examines parliament's role.

I want to look at the current electoral system and examine how to make it more efficient and accountable than it is now. To start, I have a few general comments. Firstly, our concept of the state is that of a constitutional state. The constitution

defines certain basic values that must be observed in its execution. These include freedom of expression, freedom of movement and freedom of association. These values are fundamentally important, especially when compared to the previous set-up where the concepts of freedom of movement and expression were not prioritised.

The structure of government is determined by how those who form government get power. In South Africa they generally gain power through elections. South Africa's electoral system at national level is that of proportional representation. The Task Team came up with a proposal for reform of the electoral system to a combination of proportional and constituency-based representation – we proposed to have 70 constituencies as this should largely take into account existing municipal and provincial boundaries. The result would be that the vote can ensure the accountability of MPs that come from a specific area. However, this did not gain enthusiasm from those who govern – Kader Asmal called it 'rubbish'. He said that the current system is perfectly fine. But, of course he said that, because the focus of the current system is not the principle of accountability.

In terms of defining constituencies, I have no problem with geographically-based constituencies. But if you want accountability then you have to define constituency areas. The Electoral Task Team proposed an expansion of the number of constituencies. The key issues it looked at included political participation, ANC dominance and debate, and the interaction between the electorate and political parties.

Regarding the future, there are three major problems or issues that will need to be looked at. The first is the issue of how to combat apathy. I have personally encountered a great deal of apathy on the part of ordinary voters. Their response

to the elections is 'what's the point, there is a pre-ordained list of candidates and I can only vote for a party – what's the point?' Apathy is not due to ignorance but is due to knowledge of the inadequacies of the system.

The second issue is how to accommodate first-time voters. If we look at the level of urbanisation and the number of young people qualified to vote, we will see that they are a powerful force. They will increasingly flex their muscles. Zuma is very aware of this and could be confronted by this later. The third issue deals with how to accommodate special interest organisations, for example NGOs and women's organisations. In addition, we must consider how to accommodate political parties – don't underestimate their powers to create political disruption.

When one defines political power as 'the ability of x to influence decisions of y, in a manner in which y would not normally choose to act', then we can see how such power impacts the general population. I think that the nature of political participation is determined by the electoral system. Who will change the system? It is not in the interest of political parties to change it, because party leaders benefit from concentration of power in their hands. Elected representatives are accountable to the party leaders and not to voters.

Questions:

1. You've made clear the point that the current system is not leading to democracy and participation. You've also said that political leaders won't change the system. So what can be done to change the electoral system and achieve full democracy?
2. Regarding the apathy question – historically, aren't we rushing Africa into a western democratic system that it's not ready for? Where in Africa has the ruling party handed over power without bloodshed?

### Answers:

1. I think that if those who currently govern are happy with the electoral system and those who vote are unhappy, civil society will mobilise more and more to make the point that the current system is not working. Apathy can result in nothing, or it can result in people saying that enough is enough. Where will you get the latter response from? Well, Unions will be unhappy and will mobilise people. Special interest lobbies will also get unhappy and will generate political action. This is not a unique phenomenon, it happens all around the world.
2. Regarding the second question there are 2 problems: firstly, the concept of Africa. Are you saying that Africans are dim and are not governed properly or that Africa is too diverse for conventional democracy to work? There is more and more pressure for change to constitutional democracy. This pressure is created by people saying that they're not satisfied with how power is distributed. They may say to hell with it and not do anything, or it may lead to a position where people demand change. Apathy will not likely result in nothing happening, because those who govern take decisions that affect the lives of normal people.

We see that people are already saying 'how do you defend a president guilty of corruption, a womaniser and a suspect of fraud?'. I don't know how to answer that. This is not an attack, but as far as political leaders go, it's not on. How do you defend such a system? Where will a response come from? It will possible come from other states in the region, although they're not free of this kind of dilemma themselves. A response may come from the West. However, I think that the response will mostly come from the voters. I think that we will have more of a response as the electoral system and constitutional democracy become more institutionalised.

### Questions:

I was interested in what you mentioned in your first quote regarding a conflict of interests. It seems to be a problem that no-one has faced regarding the election of Zuma. Zuma, while accused in front of the courts of the state and simultaneously assuming various obligations as head of state, will be acting as goal keeper of one team and striker of another. Is it a manageable conflict of interest, or do you think it is too great a conflict? Where do you see the problem going if the situation stays the same? If I can add another question – is there scope for amending the way we elect our president? Possibly to have him directly elected?

Answer:

The question of Zuma is problematic. I do believe that when you talk of conflict of interests and the interest that surrounds the election of the next president, Zuma will come under increasing pressure. I think there's an outside chance that he won't become the president – that people might say that he can't be the president. Zuma is aware of the problem. He knows that he's in a tough spot. He is very street-wise.

I'm not a great fan of the process for the election of the president that is used now. Currently, the political party that gets the majority of votes elects the president, so we have no say. We could have a situation where voters vote directly for the president where the president is elected by the electorate. I prefer this. But there are problems regarding that system, the main one being that the current system works for the leadership of the dominant party. As soon as the ANC splits you'll have all kinds of recommendations regarding how to elect the new president.

Question:

I have a comment. There is a tendency in South Africa to apply the philosophy of 'ag, it doesn't matter' and this is going to destroy us. I think it is one of the most serious problems we have. I have bruised my shins on constitutional issues, but I am a criminal lawyer. So, to disagree with you is a serious thing to do. But I put it to you that you've fallen prey to a serious 'ag, it doesn't matter' problem. You did so when you asked 'how do you vote for Zuma – a corrupt president?'. Whether we like it or not, Zuma is innocent until proven guilty. This must be distinguished from the matter of whether he can stand for high office. The first issue is for the courts and the second issue is a political issue. As far as I'm concerned, a man that is charged and goes to trial and takes others with him and says "don't open old wounds" knows of other crimes. I don't need to rely on a conviction. All I need to know is if I will vote for him and I won't. Ag, it does matter what the difference is between whether he is guilty and whether he is suitable to stand!

Answer:

I did say that it does matter. I haven't got an argument with the point you made. I did say is that he's corrupt and under threat of conviction for fraud. I don't see what the issue is.

Mazibuko: I think people are saying that you said he's guilty of corruption but he hasn't been found guilty by a court.

Answer: Yes, he hasn't been found guilty in a court, but the suspicion against him isn't unfounded. I like him as a person, but I think that when you look at what he's said and how he gets around hard topics, it's likely that he's corrupt.

Question:

Kader Asmal: I should've stayed in bed. Instead, I came here and had to experience an attack on me. An absolute attack! It's a fiction about me saying that the proposed system is rubbish. For the record, I proposed the system in



1993 because it was the only way to have an electoral system. There was the fear that the ANC would win all the constituencies. I agree that it should've only lasted a few sessions. I support a mixed session. But it is arrogant to say that your system is the only valid one. There are 55 different systems with a proportional representation element that we can use. We supported the proportional representation element to bring in minorities. I won't break cabinet rank, it was Buthelezi who reported on them and he didn't report to you.

I also want to talk about participative democracy - how do you put challenges to young people? There are not sufficient challenges put to young people.

Thirdly, listening to you people will get the impression that parties are terrible. You make it sound like if parties disappear then we will get people like Obama, but he was elected through a system with parties. You must look at the implications of restructuring parties and clarify the issues.

Answer:

Think you should pipe down Kader, just pipe down. You feel the need to attack me and get personal. I did not attack you. You made a statement and I find it difficult to accept, so I explained why I find it difficult to accept. PR systems work in favour of political party leaders. There's nothing in your speech that I don't understand. Just relax a bit.

Question:

In the model that you suggested with 70 different constituencies, is there space for proportional representation that allows tiny minorities to have a voice in parliament? Is there also provision made so that you can get hold of your MP and demand explanations for his actions?

Answer:

Yes. Proportional Representation allows small parties to get votes and be in parliament. When combined with constituencies, it allows for holding your MP accountable. Just to clarify, I don't think that the current system should be removed altogether, but that it should be refined and improved.

Question:

Regarding apathy, how do you square the claim that apathy is a huge problem with the interest that has been shown in registration for the upcoming vote and there being large groups at talks like this? There does seem to be a growing interest in spite of the current system.

Answer:

I agree that things are changing and that some people will be more involved. But that won't necessarily go on and on, it depends on how political parties are able to satisfy their supporters. If you look at all the voters, the interest shown at the moment is by about 50% of them. Where is the other 50%? How can we mobilise them? Apathy is a dilemma that is most visible when it comes to elections and people say 'what's the point?'. I think that this problem can be overcome.

Question:

This relates to the 'ag' syndrome that's been spoken about. You focus on people that come round every 5 years - the analysis is incomplete. What about the organic structures? This is where people sit at branch level and plan; then they go to Polokwane. Surely that's also a part of the political system? The second question is this: If there were no charges against Zuma and no shower over his head, would you still say that the electoral system doesn't work?

Answer:

No, Zuma is there because the ANC is the dominant party and they want him as their leader. As a separate issue, the electoral structure can be improved.

I do think that the best form of political representation is at the local level with PR and constituency-based representation. But as you get further up, with PR you lose the same degree of representation as is found at local government level. The question is whether that principle of good representation can be elevated to provincial and national level.

Question:

I spent the 1970s in the United Kingdom and there was ongoing debate about the PR system, which doesn't exist there. The deficiencies were supposed to be that small groups don't get representation in parliament. It was said that constituencies are linked to small groups of people, so in parliament the MPs pursue what benefits their constituency and don't kowtow to party leaders. It is a toss-up between principles. It got nowhere in Britain, but there were countries like Germany where proportional representation had already taken root at national level. The question is how can one get an idea to acquire force and to be heeded by national government? How were things moved away from the status quo in continental Europe?

Answer:

We must look at each of these countries. In Germany the shift towards proportional representation was born out of the nature of political participation in the country. People said that they wouldn't be subjected to the tyranny of the majority. In South Africa the kind of proportional representation we have is low in accountability. We need to move in that direction as well. We need to bring in a constituency-based system so voters feel that they can call on their leaders and

that they can call them into account. This approach is not popular with current leaders as they are the beneficiaries of this system.

Question:

I agree with some mix of the proportional representation and constituency-based systems. The problem is that in order to elect candidates in constituencies you need a good party system and good communication. I have done research in 5 African countries and where you have the nomination of candidates and where you have unemployment, you have masses of people trying to get in as candidates. Most of the political corruption happens before they appear on the list as candidates. Many of the constituencies are rural and far-flung and there the candidates likely to represent people the best are crowded out. Do you have any recommendations of safeguards? Because I think that there will be more alienation of voters where there are nominations than there is now.

Answer:

I agree. There is an interactive relationship between proportional representation and the kind of people that come to the fore. Maybe we have to go through that phase before we can have a proper combined system. We can't solve the problem in an abstract way. We must go through the process and adapt along the way. It may have faults, but we must start somewhere.

Question:

From 1994 I was involved in Black Sash. You spoke of people being not motivated. Well, they aren't motivated because who will they vote for? In this particular case, which person are we going to vote for? There is a person who we should've voted for; it was a great pity that Ramaphosa wasn't available. The problem of apathy is due to the fact that the right candidate is not available.

Answer:

The most dangerous words in politics are 'you' and 'we'. Who does this refer to? If you are looking at the nature of the political system then you must stand back and look at the process. Yes, you have a point that voters aren't impressed with the available candidate, but why aren't better candidates there. Do they feel that there are things that they can't do or are restricted by?

Question continued:

But, I understand that certain people were available, but were not chosen for reasons we all know,

Answer:

Certain people were available but political parties decide who can stand. Given the system we have, parties decide on the candidates and voters chose the party.

Question:

Regarding PR and constituency-based systems, in the recent provincial elections I wanted Zille to be mayor on the basis of what she stood for and how she had behaved. But I didn't support the party she was connected to so I voted ANC. Hence, the point about electing the president and mayors makes sense. My question is on the point that the discontented youth could be a revolutionary group. My point is that given the distribution of the population, rural youth are poorly educated. How are those youth educated to make an informed vote? We see political parties embarrassing Malema, but he can galvanise the youth. My point is that they're uneducated and how will they make an informed decision.

Answer:

In most Western democracies education levels are not great. In many ways there

are wise people that are uneducated in formal education. Often a chief in a rural area is not educated, but is still very clever. So we don't want an educated electorate, but an informed electorate. I have heard people with degrees talk rubbish.

Question continued:

The problem is the ability of people to be swayed by unthinking leaders.

Answer:

That is a problem for all of us and in every country.

Question:

Regarding youth and apathy, I'm involved at the grass-roots of a residents' association and ward forum. We have had some impact on how things are done in the city. I don't know any other person in my age group that's involved in politics. It seems that the big issue is one of hope – my friends don't see hope in getting involved and changing things at whatever level. To me, it seems that the issue is less about which person you vote for, but rather with youth and apathy it's about feeling you can make a difference.

Answer:

All I can say is that people that feel disempowered have a strong sense of wanting to participate. The implied position is that if you give me power, I will show you what can be done. But it doesn't work like that. We need to show people how to participate in the political process, to find people that they like and to vote for them. A lot of apathy is discontent, but one person can't change the whole system. We must engage the system to change things.

Question:

I supported proportional representation for reasons that Kader Asmal pointed out – the representation of minorities. But the consequence has been that it entrenched tribal and racial party formation, and has given minorities representation without influence. Whites in power are only those like Jeremy Cronin, and the DA has no real influence. It has shifted the locus of the electorate. I see no redeeming features to PR. Maybe I should go so far as to say that we should scrap proportional representation entirely.

Answer:

PR suffers from those problems, but does allow representation for smaller groupings that do have the power to cause disruption and problems. Proportional representation as we have it now excludes a whole range of people from accountability. Hence, I don't agree with proportional representation on its own, but proportional representation and a constituency system combined, which will bring in a more inclusive element. If you can vote for members in a constituency system mixed with proportional representation, then you can have both benefits.

Question:

Politics is about structure and about process. I'd like to talk about process. Africa has various problems such as the never-ending president, but Polokwane put an end to that. The other is the big-man problem, but a split of the ANC and the revival of the DA creates a different political arena and pushes us away from that direction. Another fault-line is the liberation movement that says it speaks for the mass of the people. But once again, the split of the ANC and the rise of new enthusiasm means that if the ANC gets less than 60% of the vote it can't claim this anymore. Hence, in process-terms I'm very optimistic for South Africa.

Answer:

I won't destroy the good mood you've created. Thank you

Mazibuko:

Thank you for the wide range of perspectives that have come up. We've heard ideas relating to thick or thin democracy, political participation and apathy. In drawing tonight to a close, I have a few announcements for our next series of lectures. They will focus on the state, the manifestos of political parties, and the economy as well.

The provisional programme is as follows:

18 March: dialogue on economic crises and effect on South Africa economy.

April: no dialogue as it is the elections and election week.

First week of May: a dialogue on the policies of the new government.

25 May is Africa day so we'd like to revisit the meaning of the xenophobic pogroms that occurred last year.

Later in the year we'll have a dialogue with Gumede, he's just completed a book on African revolutionary movements.

Thank you all for being wonderful tonight. Good night