

THE ROLE OF THE LEGISLATURE
IN PROMOTING THE INTEGRATION OF
THE SOUTH AFRICAN POLITICAL SYSTEM

SUBMITTED TO THE DEPARTMENT OF POLITICAL SCIENCE,
HUMANITIES FACULTY

AT THE UNIVERSITY OF CAPE TOWN

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
MASTER OF SCIENCE

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November 1999

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Abstract

The dissertation asserts that South Africa is a divided society where cleavages of class, race and ethnicity exist due to the proliferation of particularised identity formation under the systems of apartheid and colonisation. Despite the process of democratisation in 1994 the possibilities of political parties reflecting these cleavages are high, leading to identity mobilisation and system instability. Instead, South Africa has experienced an overlapping of class, race and ethnicity where mobilisation of particular identities is slight, which has resulted in a degree of stability within the political system. An explanation is required to understand the increasing integrating tendencies within the political system as a whole. The study will argue that the political system promotes system integration and therefore societal integration because of post-apartheid institutional arrangements.

Institutional arrangements that enhance political integration can be located within the legislature, known as the National Assembly in South Africa, and include the PR electoral system and party representivity and secondly, the role of minority parties in the legislative process. South Africa is used as an illustrative case to evaluate the relationship between the legislature and integration of the political system. A process of political integration is an essential condition for the future stability of South African political system.

The theoretical framework establishes the relationship between the legislature and political integration. The concept of political integration and associated aspects like interest articulation and aggregation as functions of the legislature are utilised. The pluralist approach explains how societal conflicts manifest themselves as groups with various identities and interests. The pluralist perspective also shows how divided societies challenge political integration due to resultant societal conflict. The neo-institutionalist approach aids the investigation of the legislature in order to evaluate its role in the integration of the political system.

The importance of, and challenges to, political integration in South Africa are discussed by examining the divided nature of the society. The constructionist approach is used as an explanatory tool to consider the causative factors of South Africa's societal divisions.

The legislature is evaluated by focusing on two research areas:

- The inclusive formal representation of all societal groups in the form of political parties within the legislature; and
- the degree of influence afforded to the represented political parties at the decision-making level where disparate demands can be channeled, given expression and some degree of persuasion.

The first indicator deals with the electoral system and its effects on political inclusivity for parties within the legislature. Secondly, the electoral system is examined to assess whether it allows for electorate inclusivity. Slating procedures and activities of political parties are discussed, to illustrate politically inclusive behavior. Lastly, the nature of the party system contributes to the study as it affects how politically inclusive the political arena is. These focal points reflect the various ways that the legislature can promote political integration.

The second indicator focuses on the decision-making level of the legislature. The committee system and its implications for political inclusivity are examined by focusing on its structural and procedural elements and its powers. Secondly, House Rules and Procedures are investigated to measure the opportunities for parties to influence the legislative process. Thirdly, the skill of opposition parties impacts on their ability to be influential at this level. Finally, the role of the representative and his relationship with the electorate is discussed.

Acknowledgements

Thanks to...

Dr Thiven Reddy - Political Studies, University of Cape Town. Supervisor.

Professor Annette Seegers, Political Studies, University of Cape Town.
Supervisor.

Miss Lia Nijzink. Co Supervisor.

Mr Sean Jacobs, Parliamentary Monitoring and Information Service (PIMS),
IDASA, Cape Town.

Mr Peter Lebeko, The Clerk of Papers to Parliament.

Dr Leon Gabriel, Manager - interviewed on 30th March 1999. South African
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Ms Estelle Grunewald, Secretary to the Welfare Committee - interviewed on
31st March 1999. Parliament Towers, Plein Street, Cape Town.

Mr Mark Philander - Clerk - interviewed on 11th May 1999. Parliament Towers, Plein Street, Cape Town.

Ms Michelle Moyer - Internship US student with PIMS at IDASA. American University, Washington.

The Public Opinion Service (POS), IDASA, Spin Street, Cape Town.

To my parents for their significant contribution and resolute confidence in my abilities.

To Mike Schulz for his endurance of long-suffering months, persistent encouragement and invaluable assistance.

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Glossary

ACDP - African Christian Democratic Party
ANC - African National Congress
AV - Alternative Vote
CODESA - Convention for a Democratic South Africa
COSATU - Congress of South African Trade Unions
CP - Conservative Party
CSS - Central Statistical Services
DP - Democratic Party
FF - Freedom Front
GEAR - Growth, Employment and Redistribution strategy
GNU - Government of National Unity
IDASA - Institute for Democracy in South Africa
IEC - Independent Electoral Commission
IFEE - Independent Forum for Electoral Education
IFP - Inkatha Freedom Party
MdB - German Bundestag Deputies
MP - Member of Parliament
NA - National Assembly
NCOP - National Council of Provinces
NNP - New National Party
NP - National Party
OSW - Office of the Status of Women
PAC - Pan African Congress
POS - Public Opinion Service
PR - Proportional Representation
RDP - Reconstruction and Development Programme
SACP - South African Communist Party
STV - Single Transferable Vote

Chapter 1

Introduction

Although the transition to democracy in South Africa was heralded by many as the beginnings of a true 'African Renaissance', the challenge to democrats did not stop there. A degree of uncertainty and fragility surrounded the auspicious moment and continues to do so. The large number of internal conflicts based along ethnic, racial, cultural and class lines within South Africa brought home the realization that the key to political stability lies not only in democratic nation-building, but more immediately in constitutional and institutional engineering. Democracy and stability do not take root over night; they require a certain amount of time and a healthy institutional environment in which to flourish. Indeed, some analysts suggest that nation-building is no guarantee of democracy and order.¹ Rather, a country divided like South Africa should instead strive towards establishing legitimate democratic political institutions. The perception that western political institutions cannot work in those societies that are divided permeates our knowledge of democracy. Despite this, South Africa, presently with two or more politically salient identities, has achieved over 5 years of democracy.

South Africa's political institutions are numerous and all play an essential role in consolidating the new democratic dispensation. However, the legislature has been selected as an institution that can play a unique role in domestic politics because of certain inherent characteristics. As legislatures are political institutions of representation and decision-making, they have certain features that can

¹Rhodie, N and Liebenberg, I, eds. *Democratic Nation-Building*. (Pretoria: HSRC Publishers, 1994.)

promote or impede political integration, which, in turn, aids democratic stability. The issue of political stability is of intense concern at this moment in South Africa's history and for this reason the endeavors of this paper are appropriate.

The importance of a process of integration cannot be overstated. With many disparate group identities and conflicting interests South African society is truly pluralist in nature. Such a profound degree of pluralism does not necessitate disorder and instability but certainly sets a challenge to maintaining the stability of the country. With an abundance of cleavages along class, race and ethnic lines the possibility that political parties should reflect these divisions is high, leading to identity mobilisation and system instability. However, South Africa's political system is experiencing an increasing level of system integration and therefore, societal integration because of post-apartheid institutional arrangements. Therefore, the challenge of political instability is met if diversified groupings are integrated into the legitimate political system.

The aim of this study is to demonstrate how the legislature in South Africa is designed to promote a process of political integration. Its integrative capacity firstly stems from the PR electoral system and party representivity, and secondly, the role of minority parties in the legislative process due to parliamentary procedures and rules. Usually an evaluation necessitates a judgement of whether the proposed theory is valid or otherwise. However, a theoretical case study of this nature is usually unable to validate or verify a hypothesis completely, since exceptions will always exist and can thus only substantiate an argument. The study therefore links a particular case with the proposed hypothesis to illustrate and give meaning to the theoretical issue.

Specific analytical tools have been selected to guide the discussion. Firstly, by using the concept of political integration it requires one to view the political system as an identifiable entity that requires a process of political integration to maintain effective functionality. Therefore political integration is linked to the stability of the political system. Political integration is defined at the operational level as a process whereby various societal conflicts become institutionalized. By channeling conflicts into one arena they can be accommodated or bridged, thereby leading to the integration of the political system.

The next step is to ascertain in what form these societal conflicts show them-

selves. The pluralist approach is used to explain how societal conflicts manifest themselves as groups, giving way to a situation where society is composed of various group identities that have differing interests. Pluralism is also employed here to explain the antagonistic elements and cleavages that are a result of highly divided societies. Therefore this interpretation of pluralism holds that society is comprised of groups that are potentially conflictual and thus require a process of political integration in order to promote political stability. The constructionist approach is used specifically when examining the causality of politically salient group identities. Since the discussion focuses on the integration of groups rather than individuals, the pluralist theoretical perspective is the most fitting when describing the society of contemporary South Africa.

By assessing the legislature the study utilizes the neo-institutional perspective. This theoretical framework allows for an analysis of political struggles within an institutional setting. The legislature affords plural societies an opportunity for inclusive representation of disparate groups. Therefore, an assessment of political integration within an institutional framework takes place by focusing on the legislature. So far, the study suggests that political integration can result from the bridging of social conflicts and antagonisms. Furthermore, the legislature has the capacity to promote political integration by institutionalizing and thereby bridging conflict. The central question to be addressed, consequently, is how the legislature can provide the mechanisms and channels to further the integration of the political system without paralyzing it.

Other approaches are rejected as useful analytical tools because they are limited in their ability to analyze South Africa. Class theorists and Marxists exemplify this limitation by adopting a class-orientated framework of analysis to explain South African society and its present conflicts. Therefore, according to these theorists, social conflict is automatically reduced to a class analysis that explains it as a result of economic relations and the forces of capitalism. However, it may be too reductionist to explain conflictual outcomes as a result of the black working class versus the white bourgeoisie. Secondly, the Marxist school does not accept the prevalence of ethnicity as a factor affecting politics. Yet, political mobilization of ethnic and other identities is apparent in South Africa and in Eastern Europe where recent incidents in post communist former

Yugoslavia indicate that ethnicity remains as a powerful political force. Lastly, Marxism believes that the state and its institutions are simply instruments of class domination. Therefore the class-power dialectic hinders the ability of the state and its institutions to be instrumental in a process of political integration. Therefore, the Marxist approach may be too reductionist and thus undermine the potentially integrative capabilities of an institution like the legislature.

The structure of the study is divided into three sections. The next chapter 'Political Integration and the Legislature' commences with a discussion of the applied concepts and approaches in order to locate and justify the analytical tools. Furthermore, it discusses the definition and importance of the concept of political integration. The chapter then examines the importance of political integration in South Africa and highlights the challenges posed to political integration by the pluralistic nature of South Africa's society. The contribution that the legislature can make to a process of political integration is then discussed at a theoretical level. Additionally, the two indicators used to evaluate the hypothesis are fully deliberated with the conjecture that if both principles are accomplished and work effectively, that these legislative activities will allow for political integration thus contributing to political stability. This remains an essential goal in light of the country's turbulent history.

The indicators that are used to assess whether the legislature can perform an integratory function are as follows:

1. The quality of inclusive formal representation of all societal groups in the form of political parties within the legislature; and
2. the degree of influence and participation afforded to the represented political parties at the decision-making level where disparate demands can be channeled, given expression and some degree of persuasion within legislation.

The chapter, 'Formal Representation in the South African Legislature' deals with the first indicator concerned with the quality of formal representation for political parties. By doing so it looks at the electoral system and its effects on political inclusivity for parties within the legislature through democratic representation. The electoral system is then examined to assess whether it allows for

electorate inclusivity. Thirdly, the chapter deals with slating procedures and activities of political parties, which illustrate politically inclusive behavior. Lastly, the nature of the party system contributes to the study since it affects how politically inclusive the political arena is. These focal points reflect the level of representivity and inclusivity within the legislature in various ways.

The chapter, 'The Decision Making Activities of the Legislature', focuses on the second indicator which looks at the levels of influence and participation that exists for the smaller parties at the legislative level. The participation of disparate and often conflicting social forces within the decision making process of the legislature are required to create conciliatory and unifying policy output which can be described as politically integrative. This commands a study of the rules and procedures that allow for extensive participation not only by the majority group but also including minority and opposition groups within the legislature. The committee system and its implications for political inclusivity are examined by focusing on its structural and procedural elements and its powers. Secondly, House Rules and Procedures are also investigated to measure the opportunities for parties within the legislative process. Thirdly, the skill of opposition parties impacts on their ability to be influential at this level. Finally, the role of the representative and his relationship with the electorate is dealt with. The four above areas of concern indicate whether, once represented formally, societal groups are able to collectively affect policy and legislation outcomes through their political parties.

The paper will treat these aspects as indicators and will conclude whether the legislature is performing its integrative capacity. Tentative speculations at this premature stage contend that the formal representation of many groups is well instituted within the legislature and thus serves to promote political integration. However, the impact of the decision-making activities of the legislature and their impact on political integration is less certain.

Chapter 2

Political Integration and the Legislature

The study will commence with a theoretical section that establishes the relationship between political integration and the legislature. A survey of the relevant literature provides guidance in outlining the applied concepts and approaches. This is performed so as to operationalize abstract concepts into usable variables. These include concepts like the political system and political integration. The pluralist and constructionist approaches are used to explain South Africa's politically salient group identities while the neo-institutionalist approach outlines the reasons for treating the legislature as the influencing variable. Additionally, the indicators that are used to evaluate the relationship between the legislature, as a representative institution, and the integration of the political system will be outlined briefly.

The next section discusses the importance of political integration by asserting the intrinsic values associated with political integration such as political stability and legitimacy. In order for political integration to accomplish these values the section highlights the dependency on inclusive representation.

The problems for political integration constitute the subsequent section. This is signified by the challenges set by highly divided societies where inclusive representation for all major groups is essential for a process of political integration.

The chapter continues by outlining how historical societal cleavages and conflicts are reflected and transformed into current political parties in contemporary

South Africa. This section thus explains the importance of a process of political integration in South Africa.

The role of the legislature in serving political integration constitutes the final section. The study asserts that if representation at the legislative level is highly inclusive and representative this may begin a process of political integration. Facilitating integration at the legislative level can help to alleviate political instability. The two research indicators are outlined by showing how they relate to political integration. The indicators constitute a study of formal representation within the legislature, which is evaluated to ascertain whether symbolic representation at the national level is highly inclusive of disparate political groupings within the society. The second area of analysis is the decision-making activities of the legislature to establish what levels of influence and participation exist for political parties.

2.1 Theoretical Considerations

The objective of this section is to explain theoretically how the legislature, as a representative and policy making institution can promote the integration of the political system. The argument presented is not based upon a singular approach. Rather, it is an evaluation that juxtaposes several approaches and concepts within political science. By utilizing several concepts/approaches it helps us focus on the interrelated aspects of the political system. The choice of analytical tools has therefore been a pragmatic decision.

2.1.1 The Political System as a Concept

Within political science the functions and structures of various entities that are established in order to satisfy societal needs and requirements have been analysed extensively. As scholars have set about analyzing politics at the system level a concept termed the 'political system' has arisen. The political system is larger than the regime in power and incorporates all the political structures and interactions within a country. The functionalist approach, which utilises the concept of the political system as an analytical tool, was strongly advocated in the works

of editors Almond and Coleman. They offer a useful definition in order to define what is meant by the political system,

"the political system is that system of interactions to be found in all independent societies which performs the functions of *integration* and adaptation by means of the employment, or threat of employment, of more or less legitimate physical compulsion. The political system is the legitimate, order-maintaining or transforming system in the society." ¹ (my italics)

The political system is characterized by inputs and outputs created by various interactions within the society and can be said to have several identifiable properties that give it coherence as a system. Firstly, Almond suggests that the system is comprehensive in that it includes all the political interactions and structures within the system.² Secondly, there is a certain degree of interdependence between interactions as the changing role of one may affect another. The political system is also characterized by a boundary that distinguishes this system from others. While there are a range of political systems in the world that differ from each other in many respects, all political systems have several characteristics in common. All systems have an identifiable political structure and similar functions are performed. The political system can also be described as multi-functional.

Whilst the structures that carry out the various functions may vary according to their local setting, it is important that the functions are met successfully in order to maintain the political system. Almond outlines the functional categories and includes as input functions, interest articulation and aggregation.³ For the sake of clarity later we refer to these functions in the context of the representational activities of the legislature. As output functions Almond includes rule making and application. Again, these particular functions will be referred to as the decision-making activities of the legislature. It is when a political system fails to perform these functions it runs the risk of becoming impaired or unstable.

¹Almond, G and Coleman, J, eds. *The Politics of the Developing Areas*. (New Jersey: Princeton University Press, 1960). p. 7.

²Ibid. p. 7.

³Ibid. p. 17.

2.1.2 Political Integration as a Concept

Certain functions of the political system act to enhance political integration and in this way the two concepts are linked. For example, interest articulation and aggregation are essential for a process of political integration to occur. Interest articulation allows for various societal groups to voice demands for political action through an array of structures. These include institutional interest groups (legislatures), non-associational interest groups (ethnic, religious and class groups), associational interest groups (trade unions) and anomic interest groups (riots).⁴ Interest aggregation functionality requires that articulated interests and demands become combined and accommodated, possibly through output functions like government policy. Every political system needs processes and structures that allow for these functions. It is these functions that ensure the integration of the political system as they allow the societal tensions and demands to be institutionalized.

One predominating element showing itself within the concept of political integration is that of legitimate political stability.⁵ The process of integration is related to the stability of the political system, which is the extent to which order and continuity are present in a country. Political stability is promoted through an institutionalization of political processes and institutions that provide channels for political participation for groups and individuals. Almond states that the structure and style of interest articulation and aggregation can be detrimental to the stability of the political system by affecting the boundary between the polity and society and between the various parts of the political system.⁶ A high level of anomic interest articulation indicates poor boundary maintenance, as it indicates that there is no controlled direction into the political system. Yet, high incidences of associational interest articulation may contribute to good boundary maintenance between the subsections of the political system. The integration of various groups via the correct representational channels into a political system can enhance stability. Therefore, one purpose of political integration is to yield a degree of legitimate political stability. By doing this it can be said to be of

⁴Ibid. p. 33.

⁵Legitimate political stability refers to the result of a process of democratic participation required for a system to achieve legitimacy. Stability may also be achieved in a totalitarian framework by the use of force but cannot be referred to as legitimate stability.

⁶Ibid. p. 35.

fundamental importance to the political system.

Political integration also faces numerous challenges. Firstly, major socio-political transformation in a country can cause instability.⁷ Conditions of change may even accentuate existing tensions within a society to a stage where the probability of maintaining the effective operation of the political system is lessened. If the style of group interest articulation is diffuse and particularistic it may be more difficult to aggregate demands and interests and translate them into public policy.⁸ The pluralist approach and the divided society paradigm are utilized in the study to illustrate the difficulties that face a process political integration when demands are particularistic and diffuse.⁹ These perspectives are used as analytical tools to examine the bases of structural antagonisms. Where interdependence is low between various societal groups it can lead to possibilities of disintegration. Eldridge portrays how the process of political integration is complicated by the presence of multiple divisions in the social order.¹⁰ The case of the French Republic is cited as an excellent example of poor political integration because of the copious and conflicting demands on the system.¹¹ It is particularly relevant to note that electoral and legislative processes failed to provide a solution in this case, which created poor boundary maintenance. Therefore, if the political system is dysfunctional with regards to interest articulation and aggregation the integration of the system is placed in jeopardy.

Thus, a process of political integration can assist the maintenance of a political system. At the operative level, political integration incorporates the dynamic processes and mechanisms that aim to bridge and combine the antagonistic elements within the society. In this sense, as Kahane states,

"integration refers to the processes by which social conflicts are institutionalized."¹²

⁷Huntington, S. *Political Order in Changing Societies*. (New Haven: Yale University Press, 1968) p. 4.

⁸*Ibid.* p. 36.

⁹The pluralist approach utilized in the study is outlined in the next theoretical subsection 2.1.3

¹⁰Eldridge, A. *Legislatures in Plural Societies* (Durham: Duke University Press, 1977) p. 4.

¹¹Almond, G, *op cit* p. 37.

¹²Kahane, R. *Legitimation and Integration in Developing Societies. The Case of India*. (Colorado: Westview Press, 1982). p. 1.

So far, the focus has been on democratic representation as a necessary condition for political integration. However, political integration is, in most cases, an outcome of various factors which all demand consideration. Other factors may be very important and possibly more important than others comparatively speaking. For example, political integration can depend on and become a consequence of economic development. Socio-economic redistribution, the media, socialization and the political culture are also conditions that may affect political integration. However, while acknowledging other influences, this study is only examining the effect of one institution on political integration, the legislature. Justification for this singularity will be given in the next section.

At this point it is necessary to define what is meant here by political integration. The term 'political integration' is commonly used in political discourse and yet fails to provide a concrete explanation. It is not easily pinned down primarily because it has a variety of distinct but related usages. Generally stated, it refers to the holding together of a political system. However, a review of the literature has revealed that there are many conceptions of the term political integration. For the sake of clarity this section attempts to analyze them separately whilst bearing in mind that they also tend to overlap at times. Huntington outlines five different approaches to political integration as discussed below.¹³ Each approach constitutes a part of the concept on their own and all are related to achieving political stability. Each approach can claim to advance the cause of political integration, which is to ensure that a political system remains politically cohesive and stable. In other words, these approaches represent different ways of holding a political system together.

One approach referred to by Huntington is that of 'national integration', which is described as a process of bringing together socially and culturally distinct groups into a single territorial unit and establishing a common national identity. National integration is often concerned with plural societies that are characterized by various ethnic, racial, linguistic and other groups that are distinct from each other. Thus, national integration refers to the subjective feeling that an individual has towards the nation despite his particular group identity.

¹³Huntington, S. provides a useful framework to define the term political integration in Greenstein, F & Polsby, N. *Macropolitical Theory* (Philippines: Addison-Wesley, 1975) p. 66.

'Territorial integration' constitutes Huntington's second approach and concerns political integration to the extent that a polity can establish national central authority over subordinate political units or regions. Huntington cites that integration can also refer to the 'value of consensus' that is necessary in order to maintain social order and governability. Its emphasis is derived from the perception that the people of a nation share some common history and beliefs and is offset by various national symbols. This interpretation links directly to the first interpretation, that of national integration which involves itself with the establishment of a national identity. This highlights how the various approaches may be distinguished analytically but remain interconnected. Ultimately political integration can be described as a process that concerns itself with organization for the purpose of political order and stability.

An alternative approach set out and utilized by Kahane in his study 'Legitimation and Integration in India' is the approach that will be adopted here.¹⁴ This approach focuses on the role that institutions can play in political integration. As Kahane states,

"The approach referred to here considers the kind and amount of institutional mechanisms used to cope with potential frustration and conflicts."¹⁵

Therefore, the approach adopted here refers to the institutional mechanisms available to absorb and harmonize societal conflicts. At this point it is necessary to outline why this approach is utilized in the study. Other approaches mentioned previously do not focus specifically on the role that institutions can play in a process of political integration. What is required in this study is an approach that examines how a process of political integration may be initiated through two indicators, that of representation and decision-making processes, within political participatory institutions. Representative institutions can provide a mechanism to channel group participation into one arena. This emphasizes the value of democratic political participation and how political institutions can act to enhance this. This approach is similar to the one referred to as 'elite-mass integration' by

¹⁴Kahane, R, op cit., p. 5.

¹⁵Ibid. p. 5.

Huntington, and concentrates on linking the government with the governed.¹⁶

This approach suggests that political integration may be promoted when democratic political participation is highly inclusive of societal groups and their leaders. It requires a focus on the role that institutions of representation can play towards political integration by linking societal groups with government. A link between the governing elite and the electorate requires an institutional arena, such as the legislature, where inclusive political representation can bring together disparate political actors in order to facilitate co-operation and conciliation. It implies an arrangement where political actors are required to consider not only the conflicting interests but also the interests that they may have in common. It lends opportunity to consider possibilities for co-operation by weighing the gains and losses of non-co-operation. When co-operation is perceived as advantageous then it can facilitate a conciliatory political environment.¹⁷

All the approaches mentioned above should contribute to a process of political integration in South Africa. For example, the country requires territorial cohesion thereby a pulling together of the disparate political forces that have called for separate independent states. Political integration in South Africa may also require some degree of a nationalistic sentiment. However, while the above dimensions are valid one cannot rely on them in the immediate future to play a role in enhancing political integration. In the South African case the reliance on nationalism or a nation building process may be problematic due to the pluralistic nature of the society and the length of time involved. These approaches that aid a process of political integration are largely theoretical and hypothetical by nature. It is difficult to utilise them to measure whether they are contributing to a process of political integration. Several difficulties may arise when attempting to measure the level of nation building taking place within a society like South Africa and secondly, whether this abstract notion is in fact aiding political integration in a practical manner.

¹⁶Huntington, S, op cit., p. 66.

¹⁷Dahl, R. *Dilemmas of Pluralist Democracy* (New Haven: Yale University Press, 1982) p. 79.

2.1.3 The Pluralist Approach

The meaning of pluralism as an abstract principle of 'several or many' originated as a backlash to similar numerical principles like monism and dualism during the 18th century. It has developed into a theoretical aspect of group organization that asserts an expectation that conflicting interests of different human associations coexist in reality.¹⁸ As Dahl states, pluralism has evolved into a synonym for diversity.¹⁹ Pluralism views politics as a competition among many diverse entities that have shifting connections and it is often associated with analyses of interest groups. The interactions between various groups, made up individuals with common interests, are often characterized by struggles for autonomy, power and resources. Alford and Friedland define the pluralist domain as follows,

"the constitutive units of both organizations and societies are individuals. Individuals take action and join groups compatible with their preferences and values. Organizations represent aggregates of individuals in diverse ways, respond to different preferences among individuals, and remain in existence as long as they retain enough support." ²⁰

Dahl identifies two ways of understanding the term pluralism.²¹ Firstly, conflictive pluralism refers to the number and pattern of relatively enduring cleavages that exist. It is clear that South Africa presently falls into this category. Secondly, Dahl mentions organizational pluralism, which refers to the number and autonomy of organizations within a society. He suggests that political systems that permit a significant measure of autonomy to important units or subsystems are pluralist. Again South Africa meets the criteria as it has constitutional decentralization between the three tiers of government and has declared a strong commitment to lending autonomy to societal diversity. Since some autonomy is

¹⁸Brietling, R, 'The Concept of Pluralism' in Ehrlich, S and Wootton, G, eds. *Three Faces of Pluralism*. (Farnborough: Gower Publishing, 1980) p. 13.

¹⁹Dahl, R, 'Pluralism Revisited' in Ehrlich, S and Wootton, G, eds. *Three Faces of Pluralism*. (Farnborough: Gower Publishing, 1980) p. 20.

²⁰Alford, R and Friedland, R. *Powers of Theory. Capitalism, the State, and Democracy*. (Cambridge: Cambridge University Press, 1985) p. 35.

²¹Ibid. p. 20.

present in significant subsystems, according to Dahl, South Africa is an organized pluralistic political system. South Africa's conflictive and organizational pluralism stems from the abundance of cleavages and the democratization of society, which has allowed for autonomous organization to occur.

Pluralism starts with the conjecture that groups are formed as a result of conflicts and cleavages that exist within a society. Human experiences create identities and attachments. Therefore, causes of organizational pluralism are due to present cleavages. The pluralist approach has given way to the divided society paradigm, which is utilized in the study to describe South Africa. While the divided society paradigm is utilized here this does not imply that the current cleavages will persist. This is not the perspective taken in this study. South Africa is described here as a pluralistic or divided case only to the extent which ascriptive groupings are politically salient and explicit in present post-apartheid South Africa. The point here is that many of the divisions that South Africa experiences are due to the social construction of identities which has led to pluralistic characteristics and a political arena dominated by politically salient groups based on previous divisions. The position taken in this paper is that group identities are not permanent but are constructions that may change according to other variables. Utilizing the divided society paradigm is simply more persuasive in order to describe present societal conflicts. Various identities are highly politicized in South Africa and have become harnessed to particular political agendas. Identities are therefore less flexible and permeable at present. The point will be made that South Africa will not necessarily remain a highly divided society based along the same cleavages as identities may change.

While it is widely accepted that South Africa is a divided society there is less agreement on the causality of cleavages and identities which form the bases of structural antagonisms. Located within the study is a debate about causality. The argument presented on the question of causality is not based on any rigid positions and therefore opens an opportunity for debate. It will suffice to say that both the pluralist and constructionist approaches are useful in understanding the question of causality. Adopting the two approaches offers the opportunity to explain those cleavages that tend to endure, it also emphasizes how identities can be constructed and mobilized for political purposes. Examining the role of

ethnicity in South African politics signifies this.

The coexistence of many groups within the social sphere may give rise to conflict and anomie especially if the society is split into competitive political factions. Pluralists believe that conflictive and organizational pluralism can be effectively managed within a society if every component is tolerated and given expression. Thus, a requirement for divided and pluralistic societies is inclusive group representation otherwise instability may occur. Inclusive group representation will initiate a process of political integration.

For the stated reasons pluralism and group identity are taken to be the most appropriate prisms in which to analyze South African society. Secondly, the study is concerned primarily with the integration of group interests. Other perspectives shed a different light on the matter. Marxists may argue that identities are products of economic relationships and relations of capitalism. However, identity formation cannot be determined by one factor alone. The multiplicity of important social identities in South Africa suggests that several factors play a role. The Marxist approach also undermines the role that identities can play in politics and may therefore be too reductionist for the South African case.

2.1.4 Neo-Institutionalism and the Legislature

This study assesses the potential for political integration by utilizing the neo-institutional perspective. This theoretical framework includes many foci, such as elites and power struggles, and is an attempt to analyze how political struggles are defined by the institutional setting in which they take place by paying attention to the state. Peter Hall provides a useful definition of institutions by including in their working,

”the formal rules, compliance procedures and standing operating practices that structure the relationship between individuals in various units of the polity and economy.”²²

Debate continues to rage over whether and to what extent institutions matter with respect to their role and influence on political outcomes. The behavioral ap-

²²Hall, P. *Governing the Economy: The Politics of State Intervention in Britain and France* (New York: Oxford University Press, 1991) p. 19.

proach of the 1960's and the rational choice school eliminated any role for institutions. Since, there has been an endeavor within the school of neo-institutionalism, a variant of structural functionalism, to relocate institutions and their impact. For neo-institutionalists, institutions are an important variable.

Despite the rebirth of institutions within political science, many argue extensively over the extent of importance that should be given to the institutional context or the larger environmental factors such as culture and society. There are three categories of neo-institutionalists that place varying levels of influence upon institutions. However, the contending sides are closely related and all agree that weight should be given to the institutional context by accepting that rules and procedures will determine to some extent the political outcome.²³ The rational choice group assert that institutions have an intervening capacity, the sociological school assert that institutions are dependent on the macro level while the historical institutionalists state that institutions play a determining role.²⁴ The latter group asserts that institutions determine choices and preferences and in this way give institutions an influencing role on political outcomes. As they state,

"By shaping not just actors' strategies, but their goals as well, and by mediating their relations of cooperation and conflict, institutions structure political situations and leave their own imprint on political outcomes." ²⁵

Institutions are able to provide mechanisms where contradictory principles can be connected and combined into a single entity. Kahane maintains the value of institutions when he states that components of institutions can help a process of political integration by 'fusing' these contradictory elements. As he states,

"In fusion, perhaps the only pattern in which contradictions can be used to legitimize and integrate transitional societies, contradictions are combined into a single entity with the aid of intermediary bridging mechanisms (institutions) which translate and implement concepts

²³Koelble, T. "The New Institutionalism in Political Science and Sociology" in Rustow, D, ed. *Comparative Politics Journal* Vol. 27 1994-95 (The City University of New York, 1994).

²⁴Koelble, T, op cit., p. 232.

²⁵Ibid. p. 237.

and rules, thereby directly linking divergent principles and parts of society." ²⁶

Writers like Wheare, and Kornberg have specifically identified the legislature as a functionally adaptable institution that could do a variety of things in a political system. ²⁷ With a proliferation of potential functions, the institution has been recognized as having the capacity to promote the stability and survival of the political system. Mezey recognizes this potential when he refers to the representational, policy making and system maintenance activities of the legislature as those that have the ability to promote the integration of the political system,

"Ideally a legislature, because of what it is as well as because of what it does, can have an important role to play in promoting the integration of the political system." ²⁸

Furthermore, Eldridge identifies the legislature as an important institution in plural and divided societies with its ability to reconcile diverse interests with broader national concerns. ²⁹ Since divisive societies represent a threat to political stability the legislature can become an essential vehicle for political integration due to its ability to represent and create policy.

Therefore, it is possible to locate an assessment of political integration within an institutional framework. So far, the claim is that political integration can result from the bridging of social conflicts and antagonisms. Furthermore, the legislature has the capacity to promote political integration by institutionalizing and thereby bridging conflict. The central question to be addressed, consequently, is how the legislature can provide the mechanisms and channels to further the integration of the political system without paralyzing it.

The expansion of democratic political participation in South Africa has resulted in an increase of competition among elites who are all seeking to maximize their influence and power through political parties, which have become the platforms for factions and group alignments. Political parties are also organizing and

²⁶Kahane, R, op cit., p. 5.

²⁷Mezey, M. Comparative Legislatures. (North Carolina: Duke University Press, 1979) p. 4.

²⁸Ibid. p. 255.

²⁹Eldridge, A . op cit., p. 4.

expanding political participation in order to increase their scope and influence. As consociational theorists assert, Eric Nordlinger has argued that group leaders within political institutions can play a critical role in the process of conflict regulation in divided societies like South Africa.³⁰ They can make a positive contribution because of their hierarchical dominance over their non-elite counterparts within their own group.

The legislature as a representative institution can respond to this challenge within South Africa's domestic environment by affording the various societal groups and their representatives a place within its arena. By including the maximum number of group leaders within the legislature this will help to construct levels of co-operation and consensus among the elite and their respective groups. Elite co-operation will then assist a process of political integration in order to maintain political stability. Elite activities within a representative institution may facilitate cooperation rather than conflict because all the group elite's are afforded representation and participation in decision making which enhances the legitimacy of legislative output.

Political systems vary in the barriers or opportunities they provide for expression and representation of political preferences and the opportunities available to political oppositions. The study will evaluate whether the legislature is assisting political integration by focusing on two areas.

1. Whether disparate societal groups and their respective political parties have provisions and processes that allow for quality formal representation; and
2. whether these groups, once symbolically represented, can significantly contribute to decision making and policy output.

These focal points will indicate if the legislature can assist a process of political integration thereby contributing to the holding together of the new South African political system, a common objective of the new democratic dispensation.

There is a tendency in other positions to view the state and its institutions as neutral and without major influence. For example, the neo-Marxist school would view the legislature through a class prism consisting of the elitist and propertied

³⁰Huntington, S, op cit., pp. 87-88.

classes only and therefore would not view it as a useful tool for a process of political integration. However, this study believes that those positions that reject the value of institutions may be too minimalist in this regard and it sets out to rectify this.

The approach examining the role that institutions can play in the process of political integration is preferable in the sense that it is a concrete area of analysis because it is immediately visible. Institutions are concrete phenomena that are easily pinned down for analysis. Also, they can be designed and implemented at the onset whilst other conditions take longer to surface significantly. Institutions of representation, namely the legislature, can act immediately towards initiating a process of political integration in a practical manner through its design. It is also a regulated system whose activities are repeated every year and is well publicized through the media. For these reasons the legislature is more suitable for evaluation.

2.2 The Importance of Political Integration

The endeavour to define political integration has not shed much light on the importance and relevance of the concept. Restated, it is not explicitly apparent why this concept is worthwhile. The notion is not a phenomenon that occurs rapidly in a society. It is a process that evolves over a period of time and can be promoted or hindered by several factors. However, certain intrinsic values are attached to the term political integration. One consideration, raised previously, is that of political stability. Political stability is apparent when significant disruption within the political system is absent and when there is little major change of critical elements within the system. Therefore, the presence of relative order and continuity can indicate political stability. However, the connection between political stability and political integration requires clarification. In order to do this it is necessary to highlight how political integration can aid political stability.

Political inclusivity is a notion that takes on a paramount importance when explaining how political integration can be promoted. Political inclusivity is, in turn, related to the concept of representation. When representation can be described as highly inclusive a process of political integration can take place.

Therefore inclusive representation is related to political integration which then results in a degree of political stability. The following section will outline these connections whilst explaining the importance of political integration.

The concepts of representation and participation are valued within democratic theory which argues that it is essential that disparate interest groups, organizations and political parties constituting any society must be able to participate through a process of political representation. The term 'representation' has many positive political connotations that lend the term some attraction and relevance. A representative system ensures that a government will act in the interests of the governed; that the rulers and decision makers are automatically held accountable and responsible for their actions which increases the quality of rulership; and that this style of governance promotes an open and free society. It also offers the citizen an opportunity to partake in the political arena that Aristotle saw as one of the fundamental purposes of human existence. It ensures that inevitable levels of corruption that accompany all forms of government are limited as much as possible.

However, representation is primarily important because it ensures inclusion within the political system. The exclusion of salient groups within a society will lead to unfavourable conditions such as political instability. Representational theory argues that people who will be affected by a decision should be able to participate in the decision making process otherwise they will reject the system as illegitimate. Participation should not be limited to a majority group but must also include the various minority views that prevail. Thus, political integration depends to a large extent on the inclusiveness of a political system, which is dependent on the representation of various groups.

The modern conception of representation links several elements together. Firstly, that of connecting representation with 'agency', thereby acting on behalf of others. Secondly, representation is associated with the values of democracy and matter of rights. The Federalist Papers brought these strands together by compounding the right to representation by allowing the locus of authority to remain with the people whilst resolving the tyrannical nature of democracy by curing 'the ills of popular government' through the use of representatives.³¹

³¹Diamond, M. 'The Federalist 1787-1788' in Strauss, L & Cropsey, J. eds. History of Political

Taking the interpretation of representation offered by John Stuart Mill, one can think of representation not as 'one acting for others', as described by other interpretations, but as representing something that is absent by portraying certain characteristics of a group. This implies that one thing can be substituted for another if the latter accurately resembles the former in some way. Two notions of representation; that of microcosmic and symbolic representation fit this interpretation.³² The notion of resemblance depends on a descriptive likeness of the representative and is justified in this way. Further, it has implications for political institutions of representation. The legislature should reflect the composition of society or act as a microcosm of it. To ensure fair representation, all segments of the society need to be apparent and heard. Therefore the legislature should aim to be as inclusive as possible through the use of representative democracy. Representatives are an acceptable substitute for direct democracy since their decisions are meant to reflect wider societal preferences.

The controversial debate surrounding the rule of the majority over the minority in a democracy again brings this element of the representative acting as a substitute to the fore. As Mill argues, while the majority is legitimately able to rule over the minority in a democracy, this does not mean that certain sections of society should be denied representation,

"It is an essential part of democracy that minorities should be adequately represented."³³

Mill aptly reasons that without proportional representation of a formalistic nature the purpose of democracy is undermined since some citizens lack political power.

Notions of early pluralism can be found in *The Federalist Papers*, which grappled with the issue of protection of minority rights against an unruly and Philosophy. (Chicago: Rand McNally College publishing Company, 1963).

³²Birch, A. *Representation*. (London: Pall Mall Press, 1971) p. 15. Birch offers interpretations of the term representation and includes a description of a representative as a person sharing some of the characteristics of a group of persons and is labelled as a 'representative sample' since the person indicates a sample of the population. Also referred to as microcosmic representation. A second usage suggests that a representative symbolizes the identity or qualities of a person and can be described as 'symbolic representation'.

³³Pitkin, H. *Representation* (New York: Atherton Press, 1969) p. 193.

oppressive majority. The solution was seen to lie in the people themselves, their representatives and the installation of the separation of powers. By simply having a multiplicity of factions within society this would go some way to alleviating the risk of continuing overwhelming majorities. Different sentiments would ensure many divisions thus making it less probable that a majority ruled constantly. This pluralist interpretation views society as comprising of various competing groups.

A highly inclusive system of political representation can aid democratic stability since this rests on the consensus that groups bestow upon it. When a system commands a high level of consensus it is seen to be more legitimate and a legitimate system, characterized by consensus, will help to alleviate political instability. Political stability is difficult to obtain and can easily become contaminated. Rather than avoiding political instability per se the emphasis should be placed on managing political conflict and competition in society. This is achieved by ensuring that groups are given a degree of political inclusivity. Therefore, in order to promote political integration, a political system requires high levels of inclusivity, which is achieved through the representation of disparate groups. Without these requisites political integration becomes much more difficult to achieve since the political system suffers from a lack of consensus and legitimacy. These ills lead a system into disrepair making political stability less likely, disallowing any prospects for political integration.

2.3 Problems for Political Integration

Political integration is problematic in that it is difficult to obtain. Political integration concerns all nation-states yet it proves more difficult to accomplish in those societies that are referred to as highly divided or pluralistic in nature due to an abundance of social cleavages. A cleavage, designating a division between groups within a society, is based on a fixed attribute. When shared characteristics are all elements in a more inclusive category such as race or class, the inclusive category is regarded as a cleavage. Cleavages are often perceived along class, ethnic, religious, racial, linguistic and regional lines. It is also useful to note that the interrelationship between cleavages can act to reinforce one another, such as

race and class, heightening political tensions.

The concept of cleavages has become a vital concept in political science when trying to understand voting behavior and party systems. This is because the patterns of social cleavages, their interrelationship, salience and numbers can determine the nature of competitive politics and the stability of a political system. Where cross-cutting cleavages exist political stability is more likely since other more interest orientated cross-cutting cleavages, such as class, obscure the more permanent divisions. This is because the individuals or shared characteristics will change as they move from group to group thus creating cross cutting affiliations. Cross cutting cleavages may therefore moderate political conflict.

The divided society paradigm suggests that society is characterized by deep and enduring 'ascriptive' cleavages that can determine political affiliations.³⁴ Ascriptive cleavages, because of their enduring nature, tend to discourage cross-cutting cleavages and can dominate the political arena. Politics becomes organized along ascriptive lines and because these identities are permanent they override other identities. Group-based political affiliations may also take on a permanent status. Their permanence also makes them irreconcilable. Thus creating a situation where two or more politically salient ascriptive groups tend to determine political conflict and competition. These reinforcing cleavages carry a danger of producing intense political conflict and antagonisms making compromise difficult. Class interests have been described as a moderating factor because they tend to aid cross cutting affiliations but are prevalent in countries that are more culturally homogeneous. As Dahl states, class-consciousness in highly heterogeneous countries is hindered due to the strength of primordial and ascriptive attachments.³⁵

The assertion has been made above that social cleavages of an ascriptive nature can become organized into salient political groupings. Lipset and Rokkam discuss how social cleavages translate themselves into political groups, party sys-

³⁴The term 'ascriptive' describes a category of identities that can be considered primordial. These include ethnic groups, race, religious and linguistic groups. The term 'associational' can be described as the opposite since these identities are more fluid and can change over time. They lead to a situation where cross-cutting cleavages can occur.

³⁵Dahl, R, op cit., pp. 63-64.

tems and political oppositions.³⁶ Their study concentrates on how party systems in Western Europe have become frozen and mirror older conflicts instead of new ones. Their historical perspective demonstrates how the development of competitive politics depended on the older cleavages and oppositions and how these forces still dictate current voter alignments. The study convincingly explains the origins and the 'freezing process' of different types of party systems and how current voting alignments follow historical conflicts. The claim is made here that in divided societies social cleavages are often reflected in political party systems.

This emphasis on conflicts, produced by cleavages and their translation into party systems, is a central theme here since it is these political parties that make explicit the conflicting social interests. Lipset and Rokkam state that parties, as a result, carry out various functions; firstly, an expressive function which forces the electorate to choose between the parties and secondly, a representative function which forces the party spokesmen to express demands and strike bargains.³⁷

The focus of action that is of concern can be explained by figure 2.1, which outlines the societal interchanges described above.³⁸

The interchanges between numbers 1 and 3 in figure 2.1 show how personal identities and their attachment to certain groups are represented and reinforced by emerging political parties. These parties show the sources of strain and opposition in the social structure. The interchange between numbers 3 and 2 show how cleavages given political expression through political associations (parties) can become a part of the national party system in order to meet particular demands. Thus resulting in political expression of various societal conflicts. The interaction between 1 and 2 highlights how legitimacy is given to the system at the individual level if individuals perceives that their political interests are represented through elections.

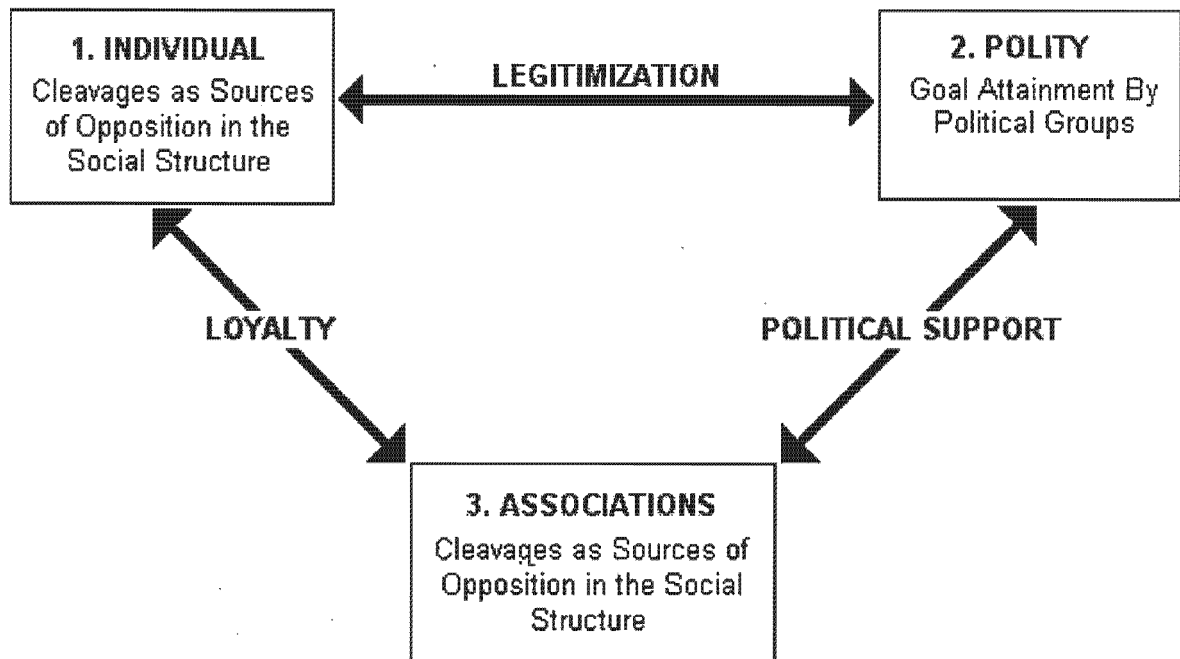
The conditions that determine the transformation of cleavage structures into constellations of political parties depend on channels of expression and representation within the political system, such as the electoral system. The recognition of opposition and limitations on majority rule will also influence the outcome.

³⁶Lipset, S & Rokkam, S 'Cleavage Structures, Party Systems and Voter Alignments', in Lipset, S (ed) *Conflict & Consensus* (New Jersey: transaction, Inc, 1985) p. 114.

³⁷Ibid. pp. 117-118.

³⁸Ibid. The diagram has been extracted from Lipset & Rokkam.

Figure 2.1: Societal Interchanges



These conditions will be dealt with in some depth when examining how South African societal cleavages became transformed into current political parties, which follows in the next section.

The main concern with ascriptive identities and enduring cleavages is that they can hinder political integration. Cleavages of this nature pose a challenge to democratic government as they create permanent minorities and majorities thus leading to the possibility of dissatisfied minorities if they are constantly denied access to power and decision making.

At this point it is necessary to provide a working definition of what I mean by minority groups since the study deals with this term repeatedly,

"A minority is a group of people who, because of a common racial, linguistic, religious, or national heritage which singles them out from the politically dominant cultural group, fear that they may either be prevented from integrating themselves into the national community of their choice or be obliged to do so at the expense of their identity."³⁹

³⁹La Ponce, J. *The Protection of Minorities*. (Berkeley: Univ. of California Press, 1960).

As explained previously participation is an intrinsic value of democracy. Many writers concerned with democratic theory have warned against the dangers of majority tyranny. Both Tocqueville and John Stuart Mill highlighted the dilemma of democracy in balancing majority rule with minority rights in the preceding section. If political inclusivity is hindered it can limit the democratic status of a country and create a situation where the system of governance is regarded as illegitimate by many groups. As Daudt and Rae assert,

"A democratic system with majority rule can only function in a satisfactory way if the conflicts that the system must deal with can be solved by compromises in such a way that everybody's interests are taken into account. If a person belongs to a minority that is permanently prejudiced by the system or harmed in what it considers its most fundamental rights, there cannot be any rational argument why he should consider the system legitimate."⁴⁰

Democracy does not only concern itself with majority rule but also with the freedom of individuals and their organizations and associations. Freedom relates to the right to participate in political and social matters and denial of this for any individual or group is undemocratic practice. It also helps to prevent domination and assert mutual control. A modern democracy is an amalgamation of various independent organizations, associations, interest groups and political parties that interact in complex ways with governmental organizations. Thus independent organizations are important and even desirable for democracy. In those democratic societies that are homogeneous in nature organized pluralism, as Robert Dahl calls it, does not present such a major threat to political stability.

Nevertheless, despite the importance of relatively autonomous organizations within a democracy, Dahl reminds us that organized and independent pluralism in divided societies presents a threat to political stability. He asserts that that these organizations are implicated in several problems in democratic pluralism in these states. Firstly, these autonomous organizations tend to exist around the most salient cleavages. If these cleavages persist with the pattern of conflict

⁴⁰Welsh, D. 'A Comparative Perspective on Parties and Government' in Licht, R and De Villiers, B, eds. *South Africa's Crisis of Constitutional Democracy* (Washington: The AEI Press, 1994) p. 205.

remaining relatively stable then a specific pattern of organizational pluralism will persist. This assertion is similar to that of Lipset and Rokkam in that political parties will reflect particularistic interests based on social cleavages.

However, an additional problem remains which Dahl has referred to as the stabilization of political inequalities.⁴¹ It means that precisely because of the narrow appeal of these political organizations their membership cannot be broadly inclusive. Political parties reach the limits of their potential following because of the set attitudes of members and leaders alike. Additionally each organized set may differ in size and influence and if the sets remain unchanged the smaller sets may perceive the dominant group as having unequal control of government. Each set will strive to prevent other groups from making changes that may damage its interests but invariably one set will have more continuing influence than another.

A further consequence of organized pluralism in divided states is what Dahl calls the 'deforming of the civic consciousness'.⁴² Put simply he implies that the associations, by expressing only particular interests, serve to impede the expression of the general will. Particularistic organizations tend to amplify their demands at the expense of the broader national interest. Leaders of each group tend to ignore internal cleavages while exaggerating the salience of national cleavages and conflicts. As Dahl states,

"Organisations thereby strengthen both solidarity and division, cohesion and conflict; they reinforce solidarity among members and conflicts with non-members." ⁴³

By deforming the civic consciousness these particularistic groups tend to produce individuals whose public interest is identical to the permanent segmental interest. These organizations as political parties can therefore adversely affect a process of political integration by undermining national cohesion and solidarity and a general public interest. Furthermore, conflicts in the economic, social and cultural spheres will spill over into the political arena affecting how the government operates and its claims to legitimacy. The situation will deteriorate further

⁴¹Dahl, R. op cit., p. 40.

⁴²Ibid. p. 43.

⁴³Ibid. p. 44.

if the dominant group is perceived by others to have unequal political influence and resources.

The Dutch case presents an illuminating example of how its minorities and societal cleavages have presented threats to stable government. A liberal predominance gave way to a set of minority groups who felt excluded from the political system. Additionally, several cleavages along class and religious lines further complicated the situation by introducing both socio-economic and ethical issues into Dutch politics. Pillarisation is an additional feature of Dutch society with minority groups being tightly organized sub-cultures that create a constituency for a political party. Andeweg and Irwin also note how the behavioural patterns of these pillarised groups translate into political actions.⁴⁴ Dutch political parties act as the sub-cultures representatives in the legislature. The Dutch scenario reflects how the depth of cleavage between the societal pillars can intensify political conflict. It also signifies the importance of an inclusive political arena for the purpose of promoting political integration within the Dutch state.

Majoritarian systems can therefore exclude significant political players from a share of national power leading to feelings of exclusion by some groups who believe that the dominant groups benefit to their detriment, a decline in legitimacy of the state and even military coups or secession. In those countries where parties are rooted in particular segments of the population, a situation needs to be constructed where party government is not viewed as synonymous with government by a dominant group. Minority parties require inclusion in a share of national governmental power to uphold the democratic ideal and stability. Therefore, in order to ensure the initiation of a process of political integration, all groups require some representation within the political system.

Although these cleavages tend to produce absolute demands especially if driven along racial or religious lines and make bargaining and compromise harder to accomplish, this does not imply that they will remain fixed. This study introduces a debate that questions the fixed nature of identities. As Benedict Anderson reminds us, groups are 'imagined communities' that can dissolve and change form according to external forces.⁴⁵ Individuals have a repertoire of identities and these

⁴⁴Andeweg, R. & Irwin, G. *Dutch Government and Politics*. (Hampshire: Macmillan Press, 1993). pp. 27-33.

⁴⁵Mare, G. *Ethnicity and Politics in South Africa*. (London: Zed Books, 1993). p. 7.

identities and their salience depends on their ability to be politically mobilized. The study will demonstrate how supposed permanent cleavages may change into more fluid cross-cutting cleavages based more so on associational interests rather than primordial interests in the South African case.⁴⁶

For example, the political mobilization of Zulu ethnicity gives the impression that this identity has developed into a permanent cleavage. However, the politicization of ethnic groups may disappear in time, as other cross-cutting identities become more conspicuous. Mare distinguishes between ethnicity as a personal identity and the political mobilization of ethnicity to compete for political power.⁴⁷ By doing this he shows how identities within a political context explain political conflict. For the moment it will suffice to say that social cleavages may change in time but have currently given way to a temporary freezing process of political conflicts in South Africa that mirror its past. The divided society paradigm is useful here only to the extent that it reminds us that group identities take on a permanence if politically constructed along racial and other lines and it is with the objective of political integration in mind that it serves an analytical purpose. The constructionist approach is more suited to explain causality of identities and cleavages.

2.4 The Importance of Political Integration in South Africa

The integration issue in South Africa and its related challenges constitute the central theme in this section. Political integration is of paramount importance to the current South African situation. The various dimensions of political integration highlighted in the section above have all been areas of concern for those who hope for a consolidated and stable democratic dispensation. National integration has been hindered by a lack of sentimental unity and cohesion although people are now referring to an emerging 'rainbow nation', an event that heralds change and yet will take time to solidify.

⁴⁶Refer to Section 2.5 'The Divided Nature of South African Society' for further debate on the causality of identities and cleavages.

⁴⁷Mare, G, op cit., p. 3.

Territorial disintegration has posed a further threat to political integration with right wing secession movements calling for a separate white Volkstaat or 'Orania'. The Zulu group also hindered political integration through calls for a separate Zulu state. Furthermore, a dimension, which has little historical basis in South Africa, is the notion of elite-mass integration, which also prevented political integration. Only since 1994 has democratic participation by the people become an integral part of life for the majority.

Since national integration or nation building in South Africa is problematic some have suggested a minimalist approach which Theodor Hanf describes as 'syncretistic nationalism'.⁴⁸ This approach is seen as the most appropriate for South Africa, as Schlemmer observes.⁴⁹ By being a tolerantly inclusive approach it can recognize that groups are different but that they have things in common that are more important than their differences. The strategy allows for the articulation of sectional interests. This minimalist definition of integration can be promoted at the elite level by giving diverse groups a participatory role in politics, thus emphasizing again the role that the legislature can play in political integration.

The new democratic arrangement has provided an opportunity to begin a process of successful political integration for key political players and their supporters. It has proved that the capacity exists for groups to organize in a common political purpose in a search for peace and stability. Several key political shapers like Nelson Mandela realized at an early stage that political integration is of fundamental importance to political stability and thus asserted the need for all political groups to join the transition process and take a place within the newly inclusive South African political arena. He declared in 1991 that this need was signified by,

"...the growing and visible consensus that has begun to emerge amongst an overwhelming majority of South Africans, cutting across racial and political affiliations, that apartheid must be consigned to the dustbin

⁴⁸Liebenberg, I. 'Nation-building and community reconciliation in an embattled South African society' in Rhodie, N & Liebenberg, I, eds. Democratic Nation-Building (Pretoria: HSRC Publishers, 1994) p. 16.

⁴⁹Schlemmer, L. 'Modes of Nation-building for South Africa' in Rhodie, N & Liebenberg, I, eds. Democratic Nation-Building (Pretoria: HSRC Publishers, 1994) p. 465.

of history. The developing national mood that includes most South Africans is that we must collectively commence the task of building a non-racial democracy.”⁵⁰

The unison of most political groups in the transition process, marked by CODESA I and II allowed for a level of consensus to emerge, which has strengthened the democratic consolidation process and ultimately political integration. Approximately twenty organizations resolved to form CODESA. In 1993 the first fully representative multi-party forum took place with 26 parties and organizations represented, to hold 'talks about talks' displaying the need for political inclusivity at this early stage. The establishment of various political institutions has furthered this, namely the legislature, where various conflicting interests can be managed through a system of co-operation and conciliation.

It was recognized at the outset of the democratic transition that relative political stability could be achieved only if all political groups could exercise their democratic right to participate fully in the political arena. It demonstrated the prevalence of group theory within South African political discourse, which asserts the legitimizing effects of consultation and inclusion for those who are affected by governmental decision making. Several writers concerned with South Africa have recognized the role of opposition politics as essential feature of the parliamentary process.⁵¹ Osaghae suggests that South Africa needs to draw from the Nigerian experience of negative opposition politics by recognizing that opposition parties are an important component of the country's democratic makeup. He advises the new government to incorporate all sectional parties rather than trying to eliminate them. As he states,

”a situation where opposition parties remain in opposition with little or no real chance of ever controlling state power is most likely to encourage a recourse to extra-parliamentary forms of opposition which may include separatist tendencies.”⁵²

⁵⁰Clark, S, ed. Nelson Mandela Speaks: Forging a Democratic, Nonracial South Africa. (New York: Pathfinder, 1993) p. 73.

⁵¹Such writers include Karpen, Osaghae and Lungu. Their discussions can be found in Kotze, H, ed. Parliamentary Dynamics: Understanding Life in the South African Parliament. (Department of Political Studies. University of Stellenbosch, 1995).

⁵²Osaghae, E. "The International Experience of Opposition Politics: Lessons for South Africa?"

This led the constitutional designers to place particular emphasis on political inclusiveness within the legislature through a system of pure proportional representation, a system regarded as being able to reflect a wide diversity of political groupings through electoral procedures. The comprehensive Constitution and its Bill of Rights act as a cornerstone for representative democracy and amply demonstrates the 'political inclusivity' predilection, which will assist political integration.

However, creating political integration in South Africa is fraught with problems. The divided society paradigm presents a major obstacle, which is exacerbated by an abundance of minority groups that are pillarised into distinct subcultures in a similar fashion to the Dutch case. It is this concern which we now turn to.

2.5 The Divided Nature of South African Society

South African society has been recognized as highly divided or pluralistic in nature. It is apparent that a system of contrasts and cleavages exist within the national community. The cleavages are numerous and take on racial, ethnic, linguistic, regional and religious connotations. Some of the salient cleavages that exist are attributed mainly to the legacy of colonialism and the result of apartheid, which was institutionalized since 1948 with the National Party coming to power. The apartheid system continued the legacy of colonialism by establishing and entrenching further social cleavages throughout its disparate society. Hence the proliferation of conflicts has a historical setting which has led to an abundance of cleavages in contemporary South Africa. Several cleavages tend to reinforce each other, such as class and race, producing a polarized national citizenry. As Willem van Vuuren argues,

"Given the high levels of political intolerance, radicalisation and racial polarisation that exist, and the accompanying racial conflict potential,

The Nigerian Experience' in Kotze, H, ed. *Parliamentary Dynamics: Understanding Life in the South African Parliament*. (Department of Political Studies. University of Stellenbosch, 1995). p. 34.

it seems that descriptions of South African society in terms of 'conflict-pluralism', especially of the racial variety are still relevant."⁵³

A broad description of the existing cleavages is required in order to understand the difficulties of initiating a process of political integration. Again, it will also stress the importance for such a process by demonstrating the need for a system that is politically inclusive and representative. The causality of identities will also be dealt with by using the constructionist approach.

Colonialism in South Africa played a fundamental role in constructing social cleavages and salient identities based on a criterion of ethnicity. This was a result of the structure of power during the colonial era and its effects on societal organization and power relations during occupation. The application of 'customary law' which was a method of indirect rule by the British powers became the vehicle that served to distinguish one ethnic group from another by accentuating their differences. The Native Authority governed on the basis of ethnic identity by dispensing customary law to those living within a tribe, thus not creating a single customary law for all 'natives'. A separate set of laws applied to each distinct tribe. Mahmood Mamdani in his book, 'Citizen and Subject', explains how this style of governance, by organizing along ethnic lines, served to fragment an overarching racial consciousness. The consequence of this style of governance is that it has created continuing identities based on ethnicity, which has a historical authenticity but is nevertheless also partially constructed.⁵⁴

A further cleavage that was established during colonial rule was the divide between urban and rural peoples, which is apparent from a political economy perspective. The urban-rural divide was set in motion by the emergence of migrant labor, which tended to 'detritalize' the 'native' creating further tensions. In the urban setting the 'native' became more racially aware as ethnic identities were sidelined. This was due to a unification process within urban civil society through demands for participation and power. In contrast the rural setting remained ethnically homogeneous. This colonial legacy gave rise to two different

⁵³Van Vuuren, W. 'Response to Lourens du Plessis' contribution' in Rhoadie, N and Liebenberg, I, eds. *Democratic Nation-Building*. (Pretoria: HSRC Publishers, 1994) p. 106.

⁵⁴Mamdani, M. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. (New Jersey: Princeton University Press, 1996) pp. 109-137.

political identities; one based on ethnicity and the other on race. As Shapiro states,

"For over a century ethnic rivalries had been manipulated, sometimes by colonial administrators, sometimes by local elites, as modern 'tribal' divisions were brought into existence."⁵⁵

In South Africa the present day ethnicity issue is made more complex by the existence of more than eleven ethnic groups based mainly on language differences with Zulu speakers as the largest ethnic community. This ethnic and linguistic diversity is aptly illustrated in the new constitution, which recognizes eleven official languages.⁵⁶

The apartheid survival strategy incorporated many of the structures of power that characterize the colonial period. From the moment the National Party came to power in 1948 they erected laws and structures that brought about a fully-fledged customary authority. They built on the system of racial discrimination and separation that existed from the earlier colonial era. Two examples of such power structures were the 'Homelands' and 'Black Local Authorities'. All Africans were subject to the policy of being limited to a particular area under the Homelands legislation. However, under apartheid black people were accorded a Homeland according to their ethnic grouping. The Black Local Authorities were similarly introduced to legitimize local laws despite their imposition from the coercive state. The urban areas experienced the centralization of native affairs while the rural areas experienced the opposite. After the 1994 elections these institutional power structures were wiped away but the legacy continues with many lingering effects. While ethnicity and the 'rural-urban' divide were reinforced under apartheid the racial divide between white and black people became paramount.

Gerhard Mare in his book entitled 'Ethnicity and Politics in South Africa' discusses how ethnicity is formed and also recognizes the role that the forces of colonialism and apartheid played in the construction of identities. By looking at ethnicity specifically he states how apartheid influenced the form that ethnic

⁵⁵Shapiro, I. *Democracy's Place*. (New York: Cornell University Press, 1996) p. 83.

⁵⁶The Constitution of the Republic of South Africa Chapter 1, Section 6.1.

consciousness took in South Africa by using cultural nationalisms and ethnicity for social construction,

"Although ethnicity is not simply the result of apartheid, that system carries enormous responsibility for the way in which 'cultural nationalisms' and ethnicity were used for extensive and heartless social manipulation."⁵⁷

His arguments show that while identities such as ethnicity emerge due to socializing and other factors it can exist in a benevolent form. It is only when structures are co-ordinated to reinforce a relationship between ethnicity and other non-ethnic interests that ethnicity emerges as an identity that serves political purposes. While some people are able to reject the politicization of their ethnicity it still remains prevalent in post apartheid South Africa. As Mare states,

"Ethnic social identities and ethnic group consciousness have been tied inextricably to violence in South Africa."⁵⁸

Furthermore, he pronounces that ethnicity as a social identity needs to be separated from political mobilization and the manipulation of ethnic sentiment. The problem of politicized ethnicity can be resolved, as these 'imagined communities' become less conflictual as other social identities become more important.

Apartheid also produced an interrelationship between class and race with both cleavages reinforcing one another. The CSS Income and Expenditure Survey confirms that income distribution in South Africa is highly disparate. African households have the lowest average annual income with 23% in the lowest income category compared to 11% of coloured and 1% of Indian and white households.⁵⁹ South Africa is an industrialized and urbanized economy yet illiteracy sits at an appalling 62% and is accompanied by a high level of unemployment especially among young black people. The unequal income distribution with a Gini-coefficient of about .63 makes it one of the highest in the world. Statistics from 1993 show that average Rands per month for an African household income was

⁵⁷Mare, G, op cit., Preface.

⁵⁸Ibid. p. 106.

⁵⁹James, W & Levy, M, eds. Pulse: Passages in Democracy Building: Assessing South Africa's Transition. (Cape Town: IDASA) p. 57.

R996 while the average for a white household was R5 602.⁶⁰ A further study in 1996 illustrated that African incomes still lagged behind their white counterparts significantly with the former household earnings on average at R1252 while the latter group earning R7108 on average.⁶¹

The developmental issue in South Africa demands attention as part of the integration problem. Albert Eldridge explains how many multi-ethnic states are undergoing modernization and how this phenomenon requires the centralization and nationalization of government policies. This implies that a government is in a better position to maximize the use of the national resources and co-ordinate national activities.⁶² Yet the government may be placed in a position where the integration process can only be achieved at the expense of development or vice versa. The aspirations of groups may be thwarted by the government's inability to act on socio-economic issues.

In the South African case this can be seen through the decentralization of central power to provinces. The quasi-federal structure has been heralded as a peace making initiative and may help political integration yet it has removed some power from the government to initiate national development programmes. In 1994 the United Nations Development programme ranked South Africa 90th in the world in terms of socio-economic development with a ranking of 0.716.⁶³ These statistics indicate that socio-economic development can be perceived as a priority of the new government.

In South Africa developmental issues also run the risk of alienating minority groups, the beneficiaries of apartheid, who are fearful of government programmes that are aimed at equalizing socio-economic disparities. These would include ANC policies such as affirmative action and the Reconstruction and Develop-

⁶⁰Lane, J & Faure, M. *South Africa: Designing New Political Institutions*. (London: Sage, 1996) p. 5.

⁶¹James, W & Levy, M, *op cit.*, p. 57.

⁶²Eldridge, A, *op cit.*, p. 6.

⁶³Race Relations Survey 1997-98. Institute of Race Relations. Johannesburg. (Braamfontein Publication, 1998) p. 90. The Human Development Index (HDI) is a measure of socio-economic development and indicates a country's position on a scale of 0-1. Zero indicates the lowest level of human development.

ment Programme (RDP).⁶⁴ The concern for the ANC government who aims to promote political integration is to alleviate the minority fears by balancing majority rule with minority protection and by ensuring some minority participation in governmental decisions.

The high levels of political intolerance and violence may further retard political integration. South Africa's history is steeped in bloody accounts of how violence has become the method of conflict resolution. Despite a relatively peaceful transition and democratization process certain segments of the population continue to adopt violence as the means to settling political disputes. As Vincent Maphai stated in an article,

"The ground rules of South African politics are founded on intolerance, intimidation and violence."⁶⁵

Despite South Africa's complex socio-political history it is not difficult to uncover some of the main root-causes of this political intolerance. The system of apartheid contributed largely to the institutionalization of segregatory measures that took the form of formal and informal repressive behaviour by the state. The strategy was characterized by detentions, banning, covert operations and other draconian measures. Struggle movements also adopted violent tactics to match the severity of state repression. Other less explicitly political factors have also contributed to the traditions of intolerance. Social violence, authoritarianism and unacceptably high levels of crime permeate all levels of South African society.⁶⁶

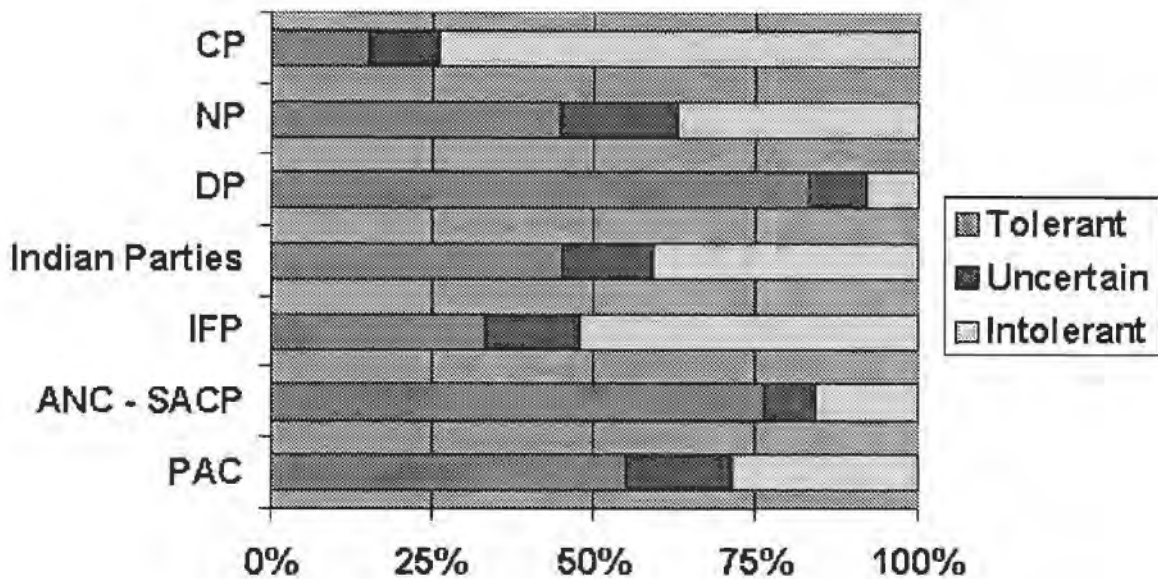
While this study is not meant to reflect an account of the horrors of the apartheid regime a taste of the South African legacy is deemed necessary in order to understand how this society became so politically intolerant. The majority of the population does not share the ease with which certain segments of white South Africa has dispensed with the past. Only six years ago apartheid's repressive legislation still existed.

⁶⁴Leftwich, A. 'Democracy and Development in a Post-Apartheid South Africa' in Leftwich, A. *Democracy and Development*. (Cambridge: Polity Press, 1996) p. 202.

⁶⁵Du Toit, & Graham, P. *Die Suid Afrikaan 'Preparing for Democracy' Special Focus*. Feb/Mar 93 Issue No. 43 (Cape Town: Creda Press Ltd) p. 25.

⁶⁶*Ibid.* p. 26.

Figure 2.2: Toleration Index by Political Party Support



Hennie Kotze offers a useful definition of the notion of political tolerance in a survey on the subject in 1993. It can be described as a situation where political opposition is tolerated,

"In any democracy the right to opposition is seen as a fundamental part of civil liberty this means that political organizations and their supporters must not only claim such rights and liberties for themselves, but must be prepared to extend these to their rivals as well." ⁶⁷

His survey measuring levels of political tolerance demonstrated some disturbing revelations. A series of systematic questions posed to leaders in political organizations between 1990 to 1992 showed that high levels of intolerance do exist, as summarized in figure 2.2.

These findings present a clear message that some political groupings have an array of supporters that are clearly intolerant of political opposition. While the graph shows a high level of ambivalence this indicates that certain supporters are

⁶⁷Ibid. p. 27.

unwilling to express a tolerant view. Only the DP and ANC showed clear levels of tolerance.⁶⁸ Since 1994 a culture of political tolerance has started to develop yet the legacy continues especially in Kwa-Zulu Natal between supporters of various parties, namely the ANC, IFP and UDM.⁶⁹

The various social conflicts resulting from an array of cleavages has transformed itself into constellations of political parties in the new South Africa. Fortunately, due to a negotiated transition process conditions presented themselves for the development of a relatively stable system of cleavage and oppositions in politics through multi-partism. By utilizing the criteria of conditions set out by Lipset and Rokkam one can examine the conditions that assisted the process whereby social cleavages have taken on a political assemblage.

The democratization process has allowed for an emergence of parliamentary oppositions that manifested themselves at an early stage of competitive politics. They were entrenched in the social structure and aided by the recognition of the importance of the critical role that opposition politics plays within the political arena. By extending the franchise all eligible voters have expression by affiliating with political parties. A consequence of the PR electoral system is that it has allowed for more parties to gain legislative representation because of the low threshold of representation. This has ensured the survival of minority parties unable to come together against the majority ANC party. Other electoral systems of representation do not allow such a variety of legislative representations.

The presence of many minority groups in South Africa has initiated an incentive to protect minority interests, which is enshrined in the constitution.⁷⁰ The constitution plays a vital role by acknowledging the essential unity and equality of all while establishing rules and principles that protect minority rights. Yet a

⁶⁸This survey was completed prior to the 1994 elections and while the results may alter with time the point remains that democratization was introduced in an atmosphere of political intolerance. The results reported here are based on responses to a questionnaire of more than 1000 opinion-leaders out of the 2200 who were approached. The most recent responses relate to the period May to June 1992.

⁶⁹An account of political intolerance was demonstrated in July 1990 when over 1200 people were killed due to faction fighting between IFP and ANC in Kwa-Zulu Natal and Johannesburg townships.

⁷⁰See discussion by Sachs, A. 'Majority rule and Minority Rights' in Rhoadie, N & Liebenberg, I, eds. *Democratic Nation-Building* (Pretoria: HSRC Publishers, 1994).

note of irony surrounds the establishment of minority protection since the call came mainly from the National Party, the representative of a minority group that had historically oppressed the majority under apartheid!

While the ANC rules with an overwhelming majority, legislative and other measures have been made to thwart possible 'majority tyranny' and protect smaller groups. The National Council of Provinces (NCOP) and the quasi-federal nature of the state are both measures adopted to thwart majority rule by giving more power to the provinces. By attempting to limit majority rule it has given smaller opposition parties their *raison d'être*. The extent to which opposition parties can influence the decision-making process constitutes an important theme in later sections. However, these conditions have allowed for the emergence of over twenty-six political parties, most of which are small minority parties with limited support.

The development of competitive party politics mirrors the previous and ongoing cleavages and conflicts within society. These parties make explicit the conflicting social interests and segmental demands of various groups. It is worth noting that there are few alternatives to these current parties. South African politics is dominated by territorial, cultural and class-orientated oppositions with one large relatively cross-cutting party, the ANC. Some political parties have arisen from divisions within racial groups. The New National Party and The Freedom Front both attempt to attract white moderate and right wing elements respectively. The Democratic Party has asserted itself as the representative of white and other colour group voters who are seen to be more middle class but do not want to affiliate themselves to the more extremist sentiments that characterize other 'white parties'. Within the black community the African National Congress (ANC) has tended to attract the more moderate voter while the Pan African Congress (PAC) has rejected this conciliatory approach by remaining more extremist in their attempt to exclude white interests.

The tendency to vote along ethnic lines is recognizable in South Africa. Within the black community two main ethnic groups prevail. The political parties have had difficulty shedding the myth that they represent particular ethnic groups. Some South Africans perceive the ANC to be a primarily Xhosa based organization and the Inkatha Freedom Party (IFP) as predominantly Zulu orien-

tated. While there has been an attempt to celebrate the ethnic diversity within South Africa, Horowitz shows how in ethnically divided societies voters tend to support parties rooted in their respective ethnic groups,

”As a general rule where the major lines of conflict are ethnic, and the major sources of political mobilization are ethnically based parties, voters tend to be far more tightly sewn into an ethnic party than would be the case in more homogeneous societies”⁷¹

Regionalism has reinforced several cleavages especially that of Zulu ethnicity since the Zulu population is mainly situated in one area, that of Kwa-Zulu Natal. This has led to calls for secession and independence for the Zulu nation by the federalist inclined IFP, which repeatedly threatened any attempts for political integration at early stages of the democratic transition. Other white-based right wing separatist movements have added to secessionist calls. However, apart from the Zulu group the regional distribution of race and ethnic groups is highly uneven with only a concentration of coloured people in the Western Cape and Asians in Kwa-Zulu Natal. This has alleviated further state disintegration. It is important to note that religion also constitutes another cleavage with over 9 different Christian churches and smaller segments of Hindu, Muslim and Jewish believers. Yet, religion has not constituted a particularly divisive tool although recent events in the Western Cape indicate a growing sense of Muslim solidarity and fundamentalist tendencies.

While the divided society paradigm is utilized here this does not imply that the current cleavages will persist. This is not the perspective taken in this study. South Africa is described here as a pluralistic or divided case only to the extent which ascriptive groupings are politically salient and explicit in present post-apartheid South Africa. The point here is that many of the divisions that South Africa experiences are due to the social construction of identities which has led to pluralistic characteristics and a political arena dominated by politically salient groups based on previous divisions. Utilizing the divided society paradigm is simply more persuasive in order to describe present societal conflicts. Various

⁷¹Welsh, D. 'A Comparative Perspective on Parties and Government' in Licht, R and De Villiers, B, eds. *South Africa's Crisis of Constitutional Democracy*. (Washington: the AEI Press, 1994) p. 208.

identities are highly politicized in South Africa and have become harnessed to particular political agendas. Identities are therefore less flexible and permeable at present.

Before democratization a hierarchical structure persisted based along racial lines within which were parallel ethnic relations. Social mobilization has started to transform the hierarchical features of the racial and ethnic structures. The entire system is becoming more one of a parallel ethnic/racial based structure. There is evidence that South Africa will not continue to constitute a highly divided state into the future. Only two parties appeal explicitly to an ethnic group. They are the Freedom Front and the Inkatha Freedom Party and they only attracted 13% of the national vote in the 1994 election. While the IFP can mobilize many Zulu's through cultural affiliation many people speak more than one language and many parties appeal to more than one group. Although the ANC support base in the election was primarily black and the NP's was mainly white this did not automatically signify a racial voting pattern. The voters ideological positions reflected their political choices to a large extent.⁷² A study carried out by IDASA asserts that the people of South Africa are progressively more likely to vote along ideological lines in the future. This will give rise to further cross-cutting cleavages making political identities more fluid and more associational.

The divided society paradigm is useful here only to the extent that it reminds us that identities in South Africa have been constructed along racial and other lines and it is with the objective of political integration in mind that it serves an analytical purpose. A society referred to as 'divided' is actually more complex regarding political identities and affiliation than the divided society thesis can explain. It is possible that in future collective identities will be constructed in different ways in South Africa. As Yung states,

"There is no reason to believe that political identities that are ascriptively mediated are more permanent than political identities mediated by associational affiliations if both are constructed through external referents, including politics." ⁷³

⁷²For further discussion on the voting behaviour of South Africans in the 1994 election refer to Mattes, R. *The Election Book*. (Cape Town: IDASA, 1995) pp. 85-87.

⁷³Yung, C. 'The Myth of the Divided Society' (Yale University, 1997) p. 34.

The political significance of ethnicity and race is not a constant variable.

Nevertheless, the multiplicity of divisions in South African society presents a pressing challenge to the present and future governments who aim to seek viable and successful political integration. Rich Mkhondo, covering the transition process, anticipated a similar challenge when he stated,

"One question that will put the new government to the test is how South Africa, a nation with divergent cultures, histories and languages, will manage its diversity?"⁷⁴

The study of the divisiveness of society in South Africa points to two constellations of conflict lines. These critical lines of cleavage are the conflict between the central dominant culture versus the ethnically, racially and linguistically distinct subject cultures. In the South African context these could indicate a non-acceptance by many groups to be ruled by a 'black' ANC led 'Xhosa' government and feelings of alienation and exclusion by white and other minority groups. The lingering effects of apartheid policies may also impede a growing sense of national solidarity. A second constellation is the worker/tenant/labourer versus the employer/owner conflict. Otherwise interpreted as a developmental issue of the mainly black working class versus the mainly white bourgeoisie. These constellations imply that dangers lurk behind the new democratic order. The government must provide the society with correct institutional structures (political parties, legislative assemblies and provincial/local arenas) that can channel particularistic expressions and promote social mobilization. Balancing particularistic expression, a prerequisite for the development of a democratic culture, still threatens the legitimacy and authority of the governing party and national government to rule over the nation effectively and to implement the much needed socio-economic development projects.

Therefore South Africa, due to the existing social cleavages and how these social cleavages have been translated into political cleavages as Rokkam and Lipset describe, requires an institutional apparatus that can promote political integration at an elite level. The legislature, via the electoral process, can reflect these groups and parties allowing social cleavages to become political cleavages in the

⁷⁴Mkhondo, R. Reporting South Africa. (London: James Currey Ltd, 1993) p. 176.

legislature at the political level. While possible shifting cleavages are beginning to emerge, at present permanent cleavages are still politically salient. The negotiated transition to democracy highlighted this concern by asserting the need for a multi-party democracy, proportional representation and protection of diversity of language and culture. Most importantly a provision was recommended for the participation of minority political parties in the legislative process.⁷⁵ Therefore the process of constructing new political institutions of representation grappled with the need to ensure that these societal voices found political expression. The South African legislature may present itself as an appropriate arena for achieving political integration through its ability to be inclusive and representative.

2.6 The Role of the Legislature in Serving Political Integration

It is against this precarious backdrop that South Africa's national government and its legislature strive towards political integration. The functioning of a representative legislature in a society of this nature tends to reflect these divisive cleavages due to the transformation of social cleavages and conflicts into political parties. Therefore, the political salience of various minority and majority groups inevitably characterizes the legislative arena and its decision-making processes. The issue of social divisions is referred to as the 'national question' in South Africa. Brian Bunting, an ANC MP, made reference to the national question and its manifestations when he stated that societal conflicts were reflected in parliament,

"National tensions which exist in the country as a whole are reflected in parliament. The conflict, for example, between the National Party and the ANC reflects basically the contention between the upholders of white supremacy and the forces headed by the ANC which are working for a non-racial South Africa."⁷⁶

⁷⁵Ibid. p. 170.

⁷⁶The Parliamentary Whip (Cape Town: IDASA PIMS) Issue: 29/8/97 p. 6.

For this reason the unification and stability of legislative actions greatly depends on its ability to satisfy, incorporate and reconcile the diverse particular interests and opinions with that of the broader national consensus. This suggests that the legislature can play a fundamental role by either promoting or hindering political integration. Mezey also asserted that certain characteristics of a legislature could promote political integration,

"Ideally a legislature, because of what it is as well as because of what it does, can have an important role to play in promoting the integration of a political system, mobilizing support for regime policies and legitimizing the regime."⁷⁷

The existence of many diverse political groups in the legislature has implications for its integrative capacity. Initially one realizes that the leaders of these groups will express a number of disparate views through the legislature. As Dahl stated, these segmental demands can often lead to a 'deforming of the civic consciousness'. The demands set by particularistic groups requires the legislature to find a level of consensus and compromise in order to integrate these demands effectively. Larry Diamond succinctly illustrates this point when he explains how democracy has in-built paradoxes or contradictions that challenges any government set on institutionalizing a democratic order.⁷⁸ Here, a tension exists between conflict and consensus. The nature of democracy demands a certain amount of conflict and competition yet conflict needs to be tempered by consensus to stop the society from becoming politically unstable.

The new democracy has also brought about a multitude of minority parties and a majority party. It is necessary that the ANC dominated national government responds in a responsible and representative fashion in order to satisfy these demands and provide stable government whilst avoiding a situation where they are unable to act authoritatively. They need to protect minority rights and be seen to be preventing majority tyranny. However, the ANC also needs to be able to uproot those entrenched political inequalities left by the apartheid era. Again Diamond illustrates this challenge which sets representativeness against

⁷⁷Mezey, M. *op cit.*, p. 255.

⁷⁸Diamond, L. 'Three paradoxes of Democracy', in Diamond, L and Platter, M, eds. *The Global Resurgence of Democracy*. (Baltimore: John Hopkins University Press, 1993) p. 49.

governability. Government must be able to give voice to various interest group demands but must be able to mediate them and not be hampered by them. As Diamond alleges,

"Representativeness requires that parties speak to and for these conflicting interests; governability requires that parties have sufficient autonomy to rise above them." ⁷⁹

There was recognition by key constitutional designers and political players that the legislature presented itself as a vehicle to promote political integration. They recognized that all major political forces in South Africa required representation in an inclusive political arena, and the legislature as an institution of representation presented itself as a suitable choice.

Writers, like Przeworski, note the importance of constitutional engineering in a society with serious divisions. Przeworski believes that the survival of democracy lies in the incentives it creates for powerful groups who may not always win elections. Group perceptions for the future need to be based on calculations that show that they may have influence at a later stage. This perception can be constructed to an extent by providing political inclusivity within the legislature. As Shapiro states on behalf of Przeworski,

"As every possible outcome of a democratic process hurts some groups and helps others, the trick is to design or otherwise come by institutions that offer the relevant political forces a prospect of eventually advancing their interests that is sufficient to incite them to comply with immediately unfavorable outcomes." ⁸⁰

Di Palma also emphasizes the necessity for political inclusivity within the legislature when he states that in a country like South Africa where there has been a transition to democracy the old elite should be given a chance to compete in the new political order. In this way all players can embrace the rules of the game even if the outcome remains uncertain.⁸¹ It is suggested that in the South African case

⁷⁹Ibid.

⁸⁰Shapiro, I. op cit., p. 85.

⁸¹Ibid. p. 91.

the exigency and role of formal political opposition is paramount. Shapiro outlines similar reasons for opposition.⁸² By providing space for opposition the democratic order gains legitimacy. It helps discontent to be directed at the government rather than the democratic regime itself. This helps to process conflicts within a legitimate arena rather than through extra parliamentary activity.

The arguments outlined by Przeworski, Di Palma and Shapiro highlight the various arguments that support political inclusivity of the major political groups within the legislature. South Africa's constitution makers were undoubtedly aware of this rationale when they designed the legislature. Their quest was to formulate a political arena that could temper societal tensions and enhance political tolerance by optimizing participation and institutionalizing conflict. While the negotiated transition illustrated ability by the elite to negotiate for power, constitutional factors and the dynamics of electoral politics was seen to provide a partial solution. The electoral system of proportional representation in the legislature has catered for the multiplicity of political forces.⁸³ In this way South Africa had placed a value on an inclusive political arena, namely the legislature.

The National Assembly, the Lower House of the South African parliament, reflects this diversity in its party membership and seat allocation, as shown in table 2.1. While the ANC obtained a firm majority of the seats in the first democratic election of 1994 (the ANC achieved 252 seats out of 400 seats) with an estimated 63% majority, the rest of the 148 seats are occupied by various minority parties reflecting South Africa's divided societal interests.

Once again the Dutch case provides an example of political inclusivity at the elite level which Lijphart refers to as the system of consociationalism. Like South Africa, at the mass level distinct groups which experience little intermixing exist within Dutch society. These 'pillarised' social cleavages prevented cross cutting affiliations from developing that tend to moderate political conflict. Lijphart asserted that social heterogeneity could be balanced at the elite level rather than the mass level through a system of co-operation and inclusivity. This system of consociationalism forced a situation at the elite level where the leaders of all groups had to find consensus and agreement over matter of religion and education,

⁸²Ibid. p. 179.

⁸³South African Constitution, Section 46 : (1) (d).

Table 2.1: Results of South Africa's National Assembly Elections April 1994 :
Party Membership

84

Party	Number Of Seats	Percentages %
ANC	252	62.65
NP	82	20.39
IFP	43	10.54
FF	9	2.17
DP	7	1.73
PAC	5	1.25
ACDP	2	0.45
Total	400	100

which were the traditionally divisive issues. This led to a process of political integration at the elite level.

While there is no traditional consociationalist tendency in South Africa as Lijphart describes it, the theory is still relevant for South Africa. Societal cleavages have been translated into the political level through the multi-party system making consensus and compromise at this level important due to the conflicting cleavages. Stability can be based on either cross-cutting cleavages or based on a system or type of pacification at the elite level through consensus and compromise, as in the Dutch case. However, differences between Dutch and South African cases do exist. The isolation of different pillars are very important for Dutch politics, the Dutch wanted isolation whereas in South Africa it was enforced through institutional segregation. In Holland it was not a state decision to enforce isolation. It occurred naturally where the majority wanted societal division into distinct groups. The Dutch example shows that a high level of segregation can exist where groups can still have equal status politically. In South Africa the forced system of apartheid has made integration more difficult. The South African state was contaminated since cleavages were forced making political integration at the elite level more important.

The theory behind Lijphart's system of consociationalism of compromise and inclusion at the elite level is relevant to the study. In the case of societies like South Africa where there are likely to be semi-permanent majorities and minorities, consociational features can moderate majority domination.⁸⁵ The concept of elite accommodation within political institutions is important to overcome cleavages in the short term. Political inclusivity through representation at the elite level will aid political integration, which in turn, may help conflict because if more integrated people are less likely to follow conflictual politics. The legislature can help elite cooperation and accommodation through its electoral design especially if it is a proportional system. In South Africa the presence of many political parties through representation can also help integration at the decision making level in its committee structure. Lijphart lists both the PR electoral system and a legislative committee structure as vehicles for 'consensus democracy', both of which exist in South Africa.⁸⁶

Legislatures as a focus for analysis in integration research have received scant attention until recent efforts demonstrated that certain inherent features might contribute to integration.⁸⁷ The lack of interest could be put down to a belief that legislatures have very little real power and influence and as an institution they are declining in importance and influence. Yet these institutions have evolved to suit modern politics by adopting a multiplicity of functions.

Before commencing it is important that there are no assumptions made about the inherent ability of legislatures to perform integrative functions. Their features and processes vary dramatically as legislative studies show. Whether a legislature is capable of carrying out its integrative function depends strongly on its particular design, its context within the country and its key players. This study is suggesting that the legislature as a political institution of representation is capable of acting as a vehicle for political integration. Further, it will assess systematically whether the South African National Assembly is carrying out its potentially integrative functions.

⁸⁵For further discussion on consociationalism in South Africa see Van Vuuren, W, op cit., p. 106.

⁸⁶Andeweg, R. & Irwin, G. op cit., p. 39.

⁸⁷Jewell, M. 'Legislative Representation and National Integration' in Eldridge, A, ed. Legislatures in Plural Societies. (Durham: Duke University Press, 1977) pp. 7-14.

2.7 The Research Foci of the Legislature

A number of scholars have regarded the legislature as an institution that has the capacity to promote the integration of the political system through the use of symbolic and concrete activities.⁸⁸ This capacity may vary in its effectiveness subject to the stability of the particular political system. Legislatures are not solely responsible for the stability of a regime. In countries that are considered stable the legislature may simply maintain the status quo but in those less stable states the legislature has the potential to actively emphasize the advantages of certain functions and activities.

At the system level the legislature can play a politically integrative role. The study has two indicators to examine whether the legislature serves integration. Thus, there are two ways of answering the question: by examining both formal legislative representation and decision making activities. One may note a certain similarity between this analysis and that of Albert Eldridge in his discussions where he identifies these two areas as points for analysis to evaluate the integrative function of the legislature.⁸⁹

It is worth noting here that a high level of legitimacy is related to these two areas in that it is dependent on their success. The incorporation of all the elements of society into the political process through legislative representation should render the regime legitimate. Legitimacy of this nature stems from the fact that the government can claim the right to govern since all groups are represented formally and take part in the decision-making process within the legislature. This should lend a government high levels of public 'support' for the institution's judgements and outputs. Support is defined as a situation where a population will voluntarily obey its regime's regulations, decisions and goals. Public support of this kind surfaces when it believes that the legislature acts in a representative manner and its policy outputs are broadly consensual.

⁸⁸See Eldridge, A, op cit., p. 7, and Mezey, M, op cit., p. 255.

⁸⁹Eldridge, A, op cit., p. 7. Eldridge refers to these evaluative criteria as the 'representation' and 'policy making' functions of the legislature.

2.7.1 Formal Representation

Due to the origin of the legislature as an institution of formal representation its composition can serve to promote political integration. The legislature's ability to facilitate integration depends on several representative factors that can be described as symbolic.⁹⁰ Since the legislature is a national institution its membership is drawn from the entire country which gives it the capacity to bring representatives from various sub groups together in a common national political elite. By providing these regional, ethnic or ideological groups with representational inclusion in a political system it means that there is a potential for integration at a national level. The importance of providing a process of inclusive representation for minority groups (defined as minority parties) is crucial. Therefore, the legislature is able to be symbolically representative because it is a multi-member body that can be designed to suit a nation. Secondly, it does not require its members to possess any formal characteristics or qualifications that hinder the participation of most people.

Representation serves political integration by showing the level of inclusivity in the legislature. In this way representational theory is relevant here since it links the notion of representation with political integration through the origin of the legislature as a representative institution. By reflecting and pulling together the political diversity of groups and parties of South African society the legislature can symbolically and descriptively represent all groups despite the divisive cleavages. This reminds one of how societal cleavages become translated into political parties. Representational democracy simply translates social cleavages into the political level and this facilitates inclusivity, which is connected to political integration, our main concern.

Malcolm Jewell's study identifies and asserts the value of the integrative capacities of the legislature.⁹¹ Jewell's guidelines for analysis include an investigation into the representational and policy making functions of the legislature. Focusing specifically on the representational function he examined the provisions and processes for formal access. As indicators he focussed on the electoral system, the party system and slating procedures. These indicators act as a guideline in

⁹⁰Mezey, M, op cit., p. 159. He also describes these representational functions as symbolic.

⁹¹Jewell, M, op cit., pp. 7-14.

this study and the order of analysis is as follows:

Representation is achieved mainly through the electoral process. An analysis of the electoral system and its effects on political inclusivity for political parties follows. This requires a study of certain features of the electoral system and how they affect formal representation in the legislature. The relevance of this focal point is further justified by his study showing how the choice of a PR system can facilitate political integration in divided and conflictual societies. This study arrives at similar assumption.⁹²

The second focal point will assess the electoral system and its effects on political inclusivity for the electorate. The comprehensibility of the voting system, registration, proportional allocation and the choice of candidates are examined.

The Inclusive behaviour of political parties is examined by looking at their 'slating procedures' which shed light on their level of political inclusiveness. While the electoral process translates social cleavages on the political level slating procedures show how social cleavages are translated through party lists into the political arena. The point here is to examine whether party lists are socially inclusive and if they are political parties can be seen to be promoting political integration.

Attention will also be given to the party system and its effects on political inclusivity and integration. A fragmented party system is very representative but it may infringe on political stability. Deadlock in policymaking, for example, can create instability and must be avoided. While the fragmentation of parties is problematic it is the way of the new political system finding its own form. Instability is not necessarily a bad thing; it depends to what level it exists. Groups have become immediate political parties but this will change. For our purpose the fragmented nature of the South African party system requires political inclusivity within the legislature.

2.7.2 Decision Making Activities

The previous section on electoral representation is simply concerned with the level of political inclusivity taking place formally within the legislature. If formal

⁹²Ibid. p. 15.

representation allows for high levels of inclusion then one can argue that political integration will be greater. However, symbolic representation as described above is not necessarily sufficient for integration. The interests of various groups also need to be considered at the decision-making level. Representation of most groups at a national level should increase support for specific policies because the electorate believe that they have a voice in the policy-making process and will be more inclined to support those policies even if there is a lack of clear agreement. Members of the legislature can also aid integration explicitly by producing policies that are characterized by compromise and consensus. It is important to take a closer look at the decision-making activities of the legislature. As Mezey points out,

"Differences among various subcultures can be compromised during the deliberative phase of policymaking, resulting in policies that bring contesting elements of society more closely together." ⁹³

This section will include an analysis of decisional processes in the South African legislature. This requires a study of the decision-making powers of the legislature to determine what is actually happening at a functional level. Due to the infancy of the South African legislature it is too early to look at policy output by individual MP's. Instead the study will concentrate on the structures, rules and procedures and internal functioning of the legislature to ascertain if they are designed in such a way that aids political integration. A reminder that political integration is promoted if the system allows for minority input and consensual output. The areas of inquiry are organized as follows:

The first area is the Committee system and its implications for political inclusivity. The deliberative process within the committee structure is dealt with by looking at structural and procedural elements to determine the levels of influence that exist for various political parties. The second area looks at the powers of committees. The Constitution has legalized political party inclusivity within the committee structure. However, do these parties and their members have opportunity to influence the process? Political parties have a role of bringing back to the legislature the grievances of their support bases in order incorporate them

⁹³Mezey, M, op cit., p. 256.

into the decision-making process and alerting policy to reach further consensus. The parties can help political integration if they can reconcile both particular interests with the national interest. It is important that a desire exists to make decisions on a non-partisan basis.

House rules and procedures like private members bills and statements are also examined to measure the extent to which internal procedures serve integration. The more opportunity minority parties have the better the inclusiveness and the integration. Questions and interpellations can also serve as a 'platform' for disparate opinions and signify ways of putting an issue on the agenda.

The section also deals with the skills of opposition parties and their legislators as this will affect their ability to influence legislation. Levels of influence and participation are not only reliant on rules and procedures but also on their negotiation and bargaining skills.

The role and behaviour of the legislator (MP) of both minority and majority parties towards their constituencies plays a part in determining if the system can be fully representative and integrative and constitutes the last section. However, the role of the individual MP is less relevant in the South African case. Firstly, while the study does delve into this issue it is less concerned with the individual level and more so with the system level for political inclusivity and integration. Secondly, it is difficult to apply the traditional constituency theory based the work of Edmund Burke as the formal constituencies in South Africa are assigned constituencies by political parties. The focus of the MP in South Africa is the national constituency and the political party has become the unit that is represented rather than the constituency. This is a trade off due the PR list system and is counteracted by other measures, like the NCOP. Discovering the contribution that the MP can make to political integration in South Africa has been made irrelevant to a great extent by the PR electoral system, which hampers the traditional foci and style of a representative. Therefore, representational theory on the role of the representative is difficult to apply to South Africa.

2.8 Approach to the Study

An appropriate and explicit distinction will be made between the formal properties and rules that govern formal representation and decision making and the behavioral responses of what the various parties and their members are actually doing. Therefore, at each stage of analysis the study will outline firstly, the rules and secondly, the responsive behaviour in order to make an evaluation about the inclusive and integrative nature of the South African legislature.

Chapter 3

Formal Representation In The South African Legislature

The composition of a legislature can represent various political parties in a symbolic manner. A legislature that is politically inclusive in this way can serve political integration at the national level. However, there is nothing inherent in the legislative process that guarantees a process of integration. Thus the process can actually contribute to disintegration if the institutional design is faulty. For example, the choice of the electoral system may not provide adequate representation for the various groups in a highly diverse society, which may force these groups towards extra-parliamentary tactics.

Therefore, the success of a legislature and its ability to promote integration depends primarily on the system's design with respect to representational devices.¹ Careful attention needs to be paid to the choice of the electoral system and its mechanics that allow for formal representation of parties, participation by the electorate, the party system and party slating procedures. These factors are evaluated to determine how politically inclusive the South African legislature actually is.

¹See Eldridge, A. *Legislatures in Plural Societies* (Durham: Duke University Press, 1977) for discussion on the representational devices of the legislature that are considered for the promotion of political integration.

3.1 The Electoral System and its Effect on Political Inclusivity for Political Parties

The extent to which any group within the electorate is represented in the legislature depends mainly on the electoral system, which in turn affects the legislative power of these groups. The broader issue is one of citizen participation through political parties, which is a prerequisite for any democratic system. In most working definitions of democracy the principle of elections and the choice of representatives is a central feature.² It introduces the concepts of participation and competition thus allowing the electorate to have the widest possible choice of parties and candidates available. In deeply divided societies one often finds parties of representation, which are those that claim to represent defined segments of the population and parties of government, which tend to secure a majority in order to hold power.

In South Africa where both types of parties exist it is important that the electoral system can cater for and allow for their representation. So, in order for democracy to be recognizable it requires certain prerequisites; competition between organized groups and parties for political power, an inclusive level of participation and sufficient levels of civil liberties. Thus the electoral process forms an integral part of the democratic process, the purpose of voting being primarily to choose and control the representatives.³ The legitimacy of the electoral system is also linked to the degree to which it allows for a diverse representation of interests and not just majority opinion. In a country like South Africa where a multitude of opinion exists this value is a particularly important feature. The output from the legislature will be more acceptable to the electorate if a wide

²See most literature on democratic theory such as: Pitkin, H. *The Concept of Representation*. (Berkeley: University of California, 1967). Birch, A. *Representation*. (London: Pall Mall Press, 1971). Bogdanor, V and D Butler, eds. *Democracy and Elections. Electoral Systems and their Consequences*. (Cambridge: Cambridge University Press, 1983). Bogdanor, V, ed. *Representatives of the People? Parliaments and Constituents in Western Democracies*. (Brookfield: Gower Publishing Company, 1985).

³This function of voting is reflected in the Liberal view while the Populist interpretation of elections is that where the outcome reflects the will of the people and should not be suppressed. The Liberal stance is adopted in this paper. See *Constitution of the Republic of South Africa: Section 46. (1) (d)*.

variety of party opinions are present.

South Africa is a representative democracy, which means that the electorate can partake in the country affairs by electing representatives to the national, provincial and local governments. Separate elections are held for each level of government. The South African constitution stipulates that the electoral system must be based on a system of Proportional Representation at the national and provincial levels.⁴ The type of PR system adopted is referred to as the 'pure proportional system', allocating proportional seats at a national level and incorporating a closed list that allows the electorate to vote for the list shown by each political party. This means that the number of seats a party holds corresponds to the number of votes it receives in the election. Each political party is required to submit a list of preferred candidates in numbered order of preference.⁵ Voters then vote for the party of their choice. However, special interest groups are also represented in parliament. The Congress of South African Trade Unions (COSATU) is part of an alliance with the ANC and was granted a percentage of the positions on the ANC's party list for the 1994 elections. Twenty of COSATU's senior officials were subsequently elected as MP's.

For the purpose of elections the country is divided up into nine multi-member constituencies (the nine provinces established in terms of the interim constitution) of different sizes.⁶ However, the basis for the distribution of the 400 legislative seats in the National Assembly are allocated at a national level using both regional and national lists of the participating parties.⁷

The term 'proportional representation' should be applied in a generic manner since it does not imply one type of system but is rather a broad term used to cover many types of PR systems that exist throughout the world. Three main variants of PR exist; the single transferable vote (STV), the alternative vote (AV) and the party list systems of PR systems. The aim of all PR systems is to proportionally allocate seats in the legislature according to the numerical strength of the vote

⁴See Constitution of the Republic of South Africa: Section 46. (1) (d).

⁵See Constitution Schedule 2 item 3.

⁶See Interim Constitution Section 124 and Schedule 1 of the Constitution, Act 200 of 1993.

⁷In the 1994 elections political parties were given the choice to submit either regional or both regional and national lists provided that the lists did not contain more than 400 names. For example, the National Party only submitted nine regional lists.

for each party. This means that PR systems can protect the interests of many groups in a political system since a group does not have to have a majority status in any geographical area. Some variants of PR allocate at a higher level of proportionality and this depends on the size of constituencies used.

When designing an electoral system there should be an attempt to achieve certain values. The role of an electoral system in a democracy is to fulfill as many as possible. These values do not manifest themselves on an equal level in electoral systems. Their interdependence means that an electoral system will inevitably have to trade one for another depending on which ones are deemed more important for a society's particular context. For example, when an electoral system offers a wide range of choice for parties and candidates the possibilities for a stable one party government is reduced.

The aim of an electoral system for South Africa in light of its divided society is to maximize as many of these values as possible. The electoral system that was devised for South Africa did not arise out of a vacuum. Avid debate between the main political players during the negotiation process concluded that a Proportional Representation (PR) system would suit the needs of the country more than the other options available. The other types of electoral systems range widely and includes the plurality, majoritarian and semi-proportional systems and can be distinguished by their different effects or aims.

Furthermore, the electoral system influences the nature of political structures in the country. Electoral systems influence a number of factors including the following; the number of parties that will be represented, the executive framework and the nature of political interaction between groups. For these reasons Horowitz asserts that,

"The electoral system is by far the most powerful lever of constitutional engineering for accommodation and harmony in severely divided societies." ⁸

The major political parties of South Africa declared from the onset that a highly representative system was necessary to reflect all interests and that this

⁸Horowitz, D. A democratic South Africa: Constitutional Engineering in a Divided Society. (Cape Town: Oxford University Press, 1991). p. 163.

would go some way to alleviating conflict. Historically, the ANC, the majority party in South Africa, has maintained as its principled goal the inclusion and representation of all racial and other groups. This objective is an explanatory factor in the development of a representational party system under PR. In 1990 Kader Asmal of the ANC asserted in his discussion document on electoral systems that,

"the electoral system which ought to be used is the national list system. Such an election is in reality a referendum as to how power is to be distributed in such a parliament. A system which enhances the sense of participation of the voter to influence or affect political choices and provides democratic legitimacy for the new constitutional order, would appear to be the most appropriate."⁹

By placing importance on the value of representivity this has influenced the nature of political structures especially the number of parties represented. Several electoral rules and technicalities dictate to what extent the electoral system in South Africa allows for the inclusivity of political parties. Whilst analyzing the political effects of electoral systems, Lijphart outlined how several dimensions of an electoral system will affect the proportionality of electoral outcomes and the party system.¹⁰ He outlined the importance of the electoral formula and the allocation of seats, surpluses, thresholds (minimum support required), and constituency size (district magnitude). This study will utilize Lijphart's criteria as justification for examining these variables to measure proportionality and inclusivity. Each will be dealt with accordingly.

3.1.1 The Allocation of Seats

In order to evaluate formal representation of South Africa's political parties within the legislature one is required to examine the level of proportionality between votes cast and the allocation of seats to those parties in the legislature. A major

⁹Asmal, K. *Electoral Systems: A Critical Survey*. (Cape Town: Centre for Development Studies, 1990). p. 28.

¹⁰Lijphart, A. *Electoral Systems and Party Systems*. (Oxford: Oxford University Press, 1994) p. 10.

advantage of the list PR system at the national level is that it produces a result that very closely reflects the votes cast in a country for each party. As Nohlen claims,

”Proportional representation electoral systems which, without natural or artificial hurdles (the size of constituencies or thresholds), aim at attaining the highest possible degree of proportionality.”¹¹

The degree of proportionality that was attained by allocating seats at a national level was exceptionally high. Table 3.1 illustrates this by showing the close correlation between the votes cast and the seats allocated to each party.

Table 3.1: Showing Percentages of Seats Compared to Percentage of Votes Cast for each Party

Party	% Seats	% Votes
ANC	63	62.65
NP	20.5	20.39
IFP	10.75	10.54
FF	2.25	2.17
DP	1.75	1.73
PAC	1.25	1.25
ACDP	0.5	0.45

The proportional allocation of seats in the National Assembly takes place at both national and regional levels and was the same irrespective of whether parties submitted both national and regional lists or only regional lists. The seats in the National Assembly as determined by section 46 of the Constitution should be filled with one half (200 members) from regional party lists submitted by the respective parties. There are a fixed number of representatives for each province calculated according to the population of each province. The other half (200 members) are from national lists or regional lists where national lists were not submitted.

¹¹De Ville, J and Steytler, N, eds. *Voting in 1999: Choosing an Electoral System*. (Durban: Butterworths Publishers Ltd, 1996). p. 19.

3.1.2 Formulae

The ways in which votes are converted into seats depends on the specific formula used. There are various formulae and each has a different effect on the proportionality of the result. The d'Hondt largest average formula and the Droop quota formulae are the two leading models that are used to work out seat allocation. When allocating seats the first requirement is to establish a quota, which is the minimum number of votes a party requires to be sure of winning one seat. After determining the quota the next step is to allocate seats according to parties. The allocation of seats at the provincial level is calculated first after which the national allocation is conducted. The quotas used to determine the allocation of seats were based on the following formulas: ¹²

3.1.3 Regional Lists

$$\text{Quota of votes per seat in a region} = \frac{\text{votes cast in region}}{\text{seats in region} + 1} + 1$$

This provided a quota that could then work out the number of seats allocated to a specific party based on the regional list in the following way:

$$\text{No. of seats to a party} = \frac{\text{votes for party in region}}{\text{quota of votes per seat}}$$

3.1.4 Surplus

When the above calculation produces a surplus that is not absorbed by the number of seats awarded to a party the surpluses compete with other similar surpluses of other parties. Any seats not awarded shall be given to the parties concerned in sequence of the highest surplus.

3.1.5 National Lists

$$\text{Quota of votes per seat} = \frac{\text{total number of votes cast nationally}}{\text{number of seats in NA (400) + 1}} + 1$$

¹²Ibid. See for a comprehensive analysis regarding the calculations and formulas used for the allocation of seats using regional and national lists in the 1994 election. pp. 19 - 23.

With 19 533 498 people casting votes in the 1994 election, the quota was 48 712 (disregarding fractions).¹³

$$\text{No. of seats to a party} = \frac{\text{total number of votes cast nationally for a party}}{\text{quota of votes per seat}}$$

3.1.6 Surplus

The same method applies as with regional surpluses. A maximum of five seats could be allocated in this way. It meant that the PAC, DP, ACDP, NP and FF (the parties with the highest surpluses) were awarded one additional seat after the 1994 election.

These formulas demonstrate that the allocation of seats was a fair and accurate representation of voting alignments. The representation of provinces created large multi-member constituencies while the allocation at national level turned the whole country into one very large multi-member constituency. The provision for regional allocation of seats indicates that regional representation was considered to be an important element in the National Assembly. There was a measure of proportionality with regard to regional representation at both regional and national levels.¹⁴ An election under a PR system is meant to produce a close match between a party's share of the vote and its share of representation in parliament and it is apparent that this did occur in South Africa. Accurate representation was a primary goal. As Richard Rose asserts,

"The election is an end in itself, and not, as in plurality systems, a means to the end of forming a single-party government."¹⁵

3.1.7 Thresholds

Some PR systems use an admission threshold to keep out smaller parties that are perceived as a danger to national unity. It means that a party has to overcome

¹³Ibid. p. 22.

¹⁴Faure, M. 'The Electoral System' in Faure, M. and Lane, J. eds. *South Africa: Designing New Political Institutions*. (London: Sage, 1996). p. 95.

¹⁵Bogdanor, V and Butler, D, eds. *Democracy and Elections. Electoral Systems and their Consequences*. (Cambridge: Cambridge University Press, 1983). p. 34.

the threshold before it receives seat allocation. The effective thresholds may be implicit or explicit. Explicit thresholds maintain a percentage of the national vote that is required for a party to gain a legislative seat. Germany introduced a 5% threshold and it acts as a measure for keeping out their anti-regime parties. Israel introduced an explicit threshold of 1.5% of the national vote in 1992. This was done mainly to keep out extreme right religious groups that had a tendency to hold the majority government party to ransom in the Knesset (Israeli parliament).

South Africa's constitution does not provide for an explicit threshold but the quota of votes per seat as calculated above does introduce an implicit threshold. By using a national list it makes it more difficult for minority parties to get legislative seats. The 1994 elections introduced an implicit threshold of approximately 0,25%.¹⁶ Nevertheless, by not using an explicit threshold the implicit threshold allows for maximum representivity making South Africa seat allocation highly reflective of its political groups and forces. Table 3.2 demonstrates the representative scope given to regional diversity, which was aided by the low threshold.

Table 3.2: Showing the Number of National and Regional Representatives in the National Assembly

Party	ANC	NP	IFP	FF	DP	PAC	ACDP	TOTAL
Eastern Cape	48	6	-	-	1	1	-	56
Mpumalanga	25	3	-	2	-	-	-	30
Kwa-Zulu Natal	26	9	41	-	2	1	1	81
Northern Cape	15	12	-	2	1	-	-	30
Northern Province	38	1	-	1	-	-	-	40
North West	26	3	-	1	-	-	-	30
Free State	24	4	-	2	-	-	-	30
Gauteng	50	21	3	5	5	1	1	86
Western Cape	14	23	-	1	3	-	1	42
National Reps	252	82	43	9	7	5	2	400

¹⁶De Ville, J & Steytler, N, op cit., p.24.

3.1.8 Constituency Size

Another factor that helped minority party representation was the size and boundary of the constituency in South Africa. Although the country was divided into nine regional provinces for the election the constituency was a national one based on the whole country. As Jewell explains,

"Minority groups that are geographically dispersed rather than concentrated are most handicapped by a single-member district system. Such groups would benefit most from a PR system that is nationwide or uses a relatively small number of large districts." ¹⁷

The inevitable consequence of the PR system in South Africa is that it encourages a multiplicity of parties to participate in elections because they are assured seats in parliament if they meet the required quota. It means that minority parties and interest groups receive their proportional share of representation. Unlike other systems such as the plurality system in Britain, PR systems avoid a two-party state thus reflecting the socio-political groupings to a greater degree. As Richard, Rose explains,

"Proportional representation is likely to create a multiplicity of winners and losers in a general election" ¹⁸

Table 3.2 above illustrates this point by showing that a total of seven parties achieved representation in the National Assembly after 1994 elections.

3.1.9 Summary

With respect to formal representation the PR electoral system chosen by South Africa was a suitable choice to promote political integration in that it produced a majority government with an abundance of minority party representation. The

¹⁷Jewell, M. 'Legislative Representation and National Integration' in Eldridge, A, ed. *Legislatures in Plural Societies*. (Durham: Duke University Press, 1977). p. 38.

¹⁸Rose, R. 'Elections and Electoral Systems' in Bogdanor, V and D Butler, eds. *Democracy and Elections. Electoral Systems and their Consequences*. (Cambridge: Cambridge University Press, 1983). p.35.

quotas and formulae used for seat allocation, the low implicit threshold and the size of the national constituency all aided this high representivity in the legislature of political alignments and resulted in a multiplicity of parties.

A result of the PR system is that it has not eliminated parties that rely on support from one section of society, like the PAC or FF. This is by far one of the most valued features of the South Africa system as it grants representation to a wide variety of right and left wing parties. The lack of representation for these parties may lend itself to a situation where the parties resort to unconstitutional means in order to achieve their goals. This feature makes the system legitimate in the eyes of a greater number of people and helps to integrate demands through a single channel, namely the legislature. These factors all promote the integration of the political system and ultimately ensure some degree of political stability.

3.2 The Electoral System and its Effects on Political Inclusivity for the Electorate

This section deals with the extent to which the electoral system allows for accessibility and participation by the electorate, which are determined by several factors. These factors have been cited as useful indicators to assess the level of participation and inclusiveness at the mass/electorate level. These include the nature of the voting system and its level of comprehension. Faure, De Ville and Steytler and Reynolds all regard the simplicity of the electoral system as an essential factor for electorate participation.¹⁹ The level of registration of voters is also an important factor as a higher level of official registration inevitably ensures greater participation. Reynolds claims that the method of seat allocation also affects participation.²⁰ Lastly, the degree of choice a voter has between candidates of the same party and between parties is cited as an influential indicator of participation at the mass level. As Bogdanor states,

¹⁹Faure, M. 'The Electoral System' in Faure, M and Lane, J, eds. *South Africa: Designing New Political Institutions*. (London: Sage, 1996). p. 97. De Ville, J & Steytler, N, op cit., p. 27. Reynolds, A. "Voting For A New South Africa. Which Electoral System will best serve South Africa under universal Suffrage?" University of Cape Town. Jan 1992. Chapter 3.

²⁰Reynolds, A. Ibid. p.86.

"Electoral systems can profoundly affect the relationship between elected members and their constituents. These relationships are, of course, likely to be weakest under party list system where there is no choice of candidates." ²¹

If people believe that their vote contributes to the electoral outcome they will be more inclined to participate. Increased participation and accessibility automatically increases the representivity and the inclusivity of the system. Increased electoral inclusivity will further the integration of mass opinion within the legislature through representatives. The legitimacy bestowed on a system that is participatory and accessible will also further political stability.

3.2.1 Comprehensible Voting System

Due to the high levels of illiteracy in South Africa a comprehensible voting system was adopted. In 1990 the average level of illiteracy was 73% with the black population averaging approximately 55%.²² This simply meant that an intelligible system was essential to ensure maximum voter participation.

Out of the three main variants of PR; the single transferable vote (STV), the alternative vote (AV) and the party list system, several arguments can be put forward to demonstrate the complexities of the first two options. Firstly, the STV variant requires the voter to indicate a choice sequence regarding other candidates in a multi-member constituency. It demands a high level of literacy and political understanding of the voting system and the use of numbers could cause problems. The second option, the AV variant, also requires similar levels of literacy. However, the closed list system is simpler in that it only requires the voter to indicate choice with a mark or tick next to a party name and symbol. This was one of the main arguments put forward by the ANC for adopting the closed regional/national list system. They argued through constitutional proposals that no voter should be hindered from participating in the elections due to illiteracy.

²¹Bogdanor, V and D Butler, eds. *Democracy and Elections. Electoral Systems and their Consequences.* (Cambridge: Cambridge University Press, 1983). p. 248.

²²The Development Bank of Southern Africa defines literacy as someone with a Standard 4 education level or higher.

However, initially a single ballot was to be used but this decision was reversed and a double ballot was introduced. This meant that one ballot was used for the national and a provincial component of the NA while the other was for the composition of provincial representation in the NCOP.

This in itself makes the voting procedure more complex, especially in light of low literacy rates. Added to this is the fact that not all parties participated at both national and regional level in all the provinces.

As Faure states,

"This was an improvement, but the calculation of the effect that two ballots have on four different categories of government requires a high level of reasoning from the average voter if he or she is to make an informed decision."²³

Prior to the 1994 election an array of non-government organizations embarked on voter education programs in order to educate the public about the features of their democratic system. Various organizations belonging to a national structure called the Independent Forum for Electoral Education (IFEE) presented workshops aimed at certain groups like women, the youth and rural areas. Others published literature and distributed it to low-literacy segments of the population. The article, 'Rural Media: communicating electoral process to a low-literacy audience' is one example of many publications that acknowledged that a simple electoral system was essential while attempting to educate these groups.²⁴ Other publications of a similar nature included Black Sash's pamphlet entitled 'You and the Constitution'. The need for voter education is still paramount in South Africa and needs to address not only the issue of how to vote but also information about the nature of multi-party democracy and the need for political tolerance.

Even in high-level literacy countries like Germany where a list system is used there is a voter education campaign to explain the method of voting. In South Africa the simplistic list PR system has meant that a higher percentage of people are able to effectively participate in elections. As Arend Lijphart stated,

²³Faure, M and Lane, J, op cit., p. 98.

²⁴Pinnock, D. 'Rural Media: Communicating Electoral Process to a Low Literacy Audience'. (Grahamstown: Rhodes University. Department of Journalism and Media Studies, 1993).

"A less important reason for preferring list PR to the single transferable vote in segmented societies is that list PR is simpler for the voters and simpler for the vote counters. Because the electoral system should be above suspicion, the rather complicated counting procedures of STV are a slight disadvantage." ²⁵

3.2.2 Registration

Participation depends on the degree of registration of voters for an election. The 1994 election was unable to offer exact statistics on voter participation due to the lack of a satisfactory population census. However, the Independent Electoral Commission (IEC) embarked on a national project to ensure that all potential voters were registered and thus able to participate in the 1999 election. They released a statement following several 'registration weekends' that 18 million voters were registered which amounted to 80% of eligible voters.²⁶ This meant that there was potential for a high level of ballot box participation for the 1999 election.

3.2.3 Proportional Allocation

Accessibility and participation were also promoted by the use of a PR system due to its proportional allocation method. It simply meant that it encouraged both groups and individuals to participate in the elections because of the incentive of receiving some proportional allocation of representatives into parliament. While minority party votes may not amount to much at a regional level, they could make a significant impact at national level. As Reynolds claims,

"the belief that one's vote counts is an important stimulus not only to vote but to participate in the other structure of democratic government within a country." ²⁷

However, the 1994 election results at the regional level indicated that the smaller parties made a bigger impact in certain regions than at national level.

²⁵Lijphart, A. op cit., p.11.

²⁶This information was taken from an Independent Electoral Commission news report on E.T.V. in South Africa on the 25th March 1999.

²⁷Reynolds, A, op cit., p.86.

The FF and IFP are two parties who stand as examples of those who command regional constituencies.

3.2.4 Choice of Candidates

By utilizing list PR it meant that the electoral system allowed for a great degree of accessibility and participation in the above respects. However, participation in electing specific individual candidates within one party was largely obstructed. This is due to the nature and workings of a closed list system. The voters have only one vote for the political party as a whole and cannot choose between or alter the sequence of candidates on the list. The electorate has no choice between candidates, only a choice between parties. As Hallett criticizes,

"The voter has to pretend, in voting, that all of the candidates of the party he chooses are better than all the other candidates. In voting, he gives support to all of the party's nominees and the ones that he helps elect may sometimes be candidates he does not like."²⁸

Therefore, the participation of the electorate in the election of individual members of parliament did not occur. Not all list systems stop the electorate from expressing a choice between candidates of the same party. The flexible list, the open list and the free list system all allow for some voter control of the party list.²⁹

3.2.5 Summary

High levels of participation and accessibility in the electoral process may increase representivity and inclusivity as education and literacy improves. The electoral system based on a closed list has helped participation and accessibility for the electorate. For this reason one can state that political integration has been facilitated by inclusive electoral participation. More people are represented within the legislature through parties. Despite this, continued voter education is still required in order to ensure that this aspect improves.

²⁸De Ville, J & Steytler, N, op cit., p. 27.

²⁹For further discussion refer to Bogdanor, V & Butler, D, op cit., pp. 13-16.

One noted criticism is the obstruction of direct participation for the voter when choosing individual candidates due to the closed list system. It has infringed upon the voters democratic right to choice and selection in the electoral process. This impediment is an example of how electoral systems are required to trade one value for another. South Africa has chosen to promote electorate accessibility by choosing a simple voting list but in turn devalued electorate participation regarding the election of individual MP's. This fault is important and requires revision. Several recommendations could help to overcome this problem. Either the list must be compiled under internal party democratic procedure that is made transparent or South Africa moves towards the adoption of an open list system when political literacy improves.

3.3 The Inclusive Behaviour of Political Parties

The role of parties is fundamental to the stability of the system because they organize political participation and the party system determines the rate at which participation expands. In turn, the strength of the party system depends on its levels of institutionalization and participation. Again Huntington explains,

"A high level of participation combined with low levels of political party institutionalization produces anomic politics and violence."³⁰

Party systems can play an integrative role by promoting inclusiveness, consensus and reconciliation between societal groups. Political parties can act to promote inclusiveness by expanding the participation by the electorate. Furthermore, the stability of a country that has had a low level of political participation by the majority, like South Africa, depends to a large extent on the nature of its political institutions to expand political participation.³¹

The principal means of expanding participation are political parties and the party system. Samuel Huntington explains how the formation of strong political

³⁰Huntington, S. *Political Order in Changing Societies*. (New Haven: Yale University Press, 1968). p. 402.

³¹A low level of political participation refers to the disenfranchisement for the black majority under the oligarchic apartheid regime. Only a minority of South Africans (mainly white) were able to participate politically in elections.

parties in the early stages of democratization and modernization help to alleviate political instability especially when there has been a lack of traditional political channels of expression or institutions of representation. In societies where representative institutions are established the political party merely plays a supplementary role in expanding political participation. However, South Africa has no record of truly representative institutions and for this reason political parties take on a special importance with respect to participation. As Huntington suggests,

"minimizing the likelihood of political instability resulting from the expansion of political consciousness and involvement requires the creation of modern political institutions, i.e. political parties." ³²

Therefore, it is in the interests of South African political parties and their leaders to attempt to expand political participation since parties with mass support are stronger than parties with little support. In this way parties can channel and direct political participation into electoral channels away from unconstitutional means. This will help to integrate the system and create a strong multi-party structure.

As previously indicated political integration can be observed in the nature of the party system and its ability to engender reconciliation and consensus. The party system in South Africa is characterized by many political parties that reflect and incorporate both the extreme left and right. While it is highly representative to have such a great number of parties' critics argue that it could lead to very particularistic parties who are reluctant to develop comprehensive values and interests. It results in the creation of political parties that lack incentive to widen their support bases (participation) by appealing to groups other than their existing supporters. This will inevitably cause party fragmentation and will impact negatively on political integration. Especially in 'highly divided' countries where there is an abundance of minority parties Eldridge states that

"the operation of the party system has a pervasive effect on minority representation because parties control nominations." ³³

³²Huntington, S, op cit., p. 399.

³³Eldridge, A, ed. Legislatures in Plural Societies. (Durham: Duke University Press, 1977). p. 40.

In this manner the operation of the party system can influence integration.

Political parties should be encouraged to emerge with programs determined by policy and political values rather than vehicles for promoting ethnic or racial interests. This will help to rid a society of historical divisions and cleavages by enhancing true societal opinion on policy issues. The implications of having programs that are policy based rather than particularistic means that there is a wider appeal to more people. Parties can enhance wider political participation of the electorate. A means of increasing participation is indicated by a political party's ability and inclination to appeal to votes outside their particular constituencies. A method of achieving a wider appeal is through a party's slating procedure.

In order to measure whether parties are contributing to political integration at a parliamentary level it is useful to examine their efforts to widen their support base by attracting voters from all ethnic, religious, racial and other groups. Several South African political parties are accused of acting as representatives of a small section of the community. This requires an examination of the structuring and functioning of political parties with respect to their slating procedures and the influence of the PR list electoral system.

3.3.1 Slating Procedures of Political Parties

The list system will favour parties that can organize themselves throughout the country. Parties that need to expand their support bases can do this by reflecting minority candidates and broader societal interests on their lists and in their manifestos. For example, the rural population constitutes roughly half of the electorate (22 million) and this makes it imperative that parties appeal to these segments or enlists the support of their traditional leaders.³⁴ The value of the endeavour to expand support bases was noted in the Report of the Committee of Constitutional Affairs,

"To accumulate votes throughout the country parties will have to acquire a presence in all the regions. This may force them to expand a limited support base and enlist support across ethnic, linguistic and

³⁴Statistical Overview of the South African population (Released by the Demographic Information Bureau Pretoria 1995).

cultural barriers. Such a process could further reconciliation in South Africa.”³⁵

The ANC have made explicit attempts to broaden its support bases in South Africa. Traditionally it has always represented a broad array of opinion and ideology as a liberation movement. This is demonstrated by its historical alliance with the South African Communist Party (SACP) and COSATU. It has continued in this vein by compiling a truly representative candidate list, which is reflected in its legislative membership. It also uses positive and embracing rhetoric to reassure sections of the population that may visualize the ANC as primarily a 'black' party concerned only with black interests. While the ANC's support base is overwhelmingly African, the list that was drawn up for the 1994 election made adequate representation for non-African members. Almost one-third of ANC MP's are non-African with a significant number occupying key positions in Parliament and the Executive.

Although parties experienced time constraints with the completion of their lists for the 1994 elections most of the opposition and minority parties did not fare so well and come under criticism for their lack of representative lists. The Freedom Front has asserted a very specific agenda with campaign strategies aimed at their existing support base. The Democratic Party (DP) had a noticeable lack of African representation while the Inkatha Freedom Party (IFP) list mostly contained previous members of the Kwa-Zulu legislative assembly although it has adequate racial representivity. The National Party (NP) as the largest opposition party after 1994 elections was also unable to present a list that was highly reflective of South Africa's demographic makeup. Of the 82 legislative NP members 21 (25%) are rural residents and 10 (12%) are women. As De Ville and Steytler assert,

”the compilation of lists did not produce a completely representative body of candidates.”³⁶

³⁵Report of the Committee for Constitutional Affairs on Proportional Polling System for South Africa in a new Constitutional Dispensation. Republic of South Africa President's Council. (Cape Town: The Government Printer, 1992). p. 73.

³⁶De Ville, J & Steytler, N, op cit., p. 38.

However a transformation by parties with respect to representivity has occurred to some extent. The New National Party and The Democratic Party are prime examples as they have begun to include candidates on their lists that are not epitomes of their traditional supporters. These efforts are to be applauded but are also mainly symbolic endeavours. The issue here is to ascertain to what extent are these undertakings simply 'window-dressing' measures to win votes or have these parties policies actually changed in a tangible manner. The official view emanating from the NP leadership was one that recognized the necessity of becoming a mass party. If this was not accomplished they realized that the NP would be portrayed as a party of ethnic minorities. As De Klerk declared at the NP Federal Congress,

"Without expanding our power-base, multi-party democracy in South Africa is a dead duck." ³⁷

The Democratic Party has admitted that with respect to their support bases they are trapped to a large extent by the political history of the country. Traditionally they have always been supported by a predominantly small, white, middle-class, English-speaking group who constitute their core constituency. The DP have attempted to expand into areas that are perceived as 'easy' votes for the 1999 election. These groups include lower middle class whites, middle and upper class Indian and Coloured communities and Afrikaans speaking blacks. They claim that they are unable to catch the 'black' vote due to a variety of reasons. Firstly, as a political party they are not in touch with black issues at the grass roots level and therefore cannot claim to understand 'black politics'. Secondly, the practicalities of canvassing in these black areas requires a physical presence and it is simply too dangerous to attempt in the present political climate.³⁸ Nevertheless, certain members of the DP, such as Senator William Mnisi, have rhetorically endorsed the efforts made by the party to attract the African working class vote.

³⁷Welsh, D and Sono, T. 'Opposition or Coalition? Implications for the Consolidation of Democracy in South Africa', in *Parliamentary Dynamics: Understanding Political Life in the South African Parliament*. (Stellenbosch: Centre for International and Comparative Politics, 1995). p. 101.

³⁸This information was gleaned from an interview with James Selfe (Democratic Party) dated 7th April 1999 in his parliamentary office, Cape Town.

If one studies the regional political dynamics of the Western Cape it is clear that two opposition parties, namely the NNP and the DP waged a campaign battle against each other and the ANC in order to win the province in the 1999 election. They both perceive that a potential electorate exists in the region as the NNP proved by winning it in the 1994 election. They have appealed to a wider constituency by concentrating on the enormous Coloured community that resides here. The NNP has installed a Coloured regional party leader, Gerald Morkel, in order to attract these votes. The DP has taken similar measures by inserting a number of Coloured candidates on their national list where the first three candidates are white (two males and one female), the fourth candidate is a Coloured female followed by a white male and a Coloured male. So while the 1999 DP list is reflective of gender it is not so with respect to ethnicity and race. The objective was simply to secure a Western Cape majority. This demonstrates that many political parties in South Africa will act in an integrative manner by expanding support to the extent that it aids pragmatic electoral goals.

Table 3.3 indicates the representivity of the National Parliament with respect to its racial makeup. It illustrates a close correlation between the national racial components and legislative membership.

Welsh has concluded that the 1994 election was defined to a large extent by race because the centrality of race in domestic politics means,

"interests are perceived through a racial prism."³⁹

It is true to say that Africans voted mostly for African parties, Indians and Coloureds for the NP and whites for primarily white parties, the latter groups due to their minority interests. Estimates show that 94% of ANC voters were African. They also show that the NP had 14% of African voters, 30% of Coloured voters and 49% of white voters. Welsh maintains that this racial voting trend will discourage smaller parties to broaden their support base because they perceive little chance of breaking the trend. Yet figures above indicate that the NP's support base was not overwhelmingly white.

³⁹Welsh, D & Sono, T, op cit., p. 93.

⁴⁰The People of South Africa Population Census, 1996 report No. 17 03-01-17 Pretoria in 'Statistics of South Africa'.

Table 3.3: The Racial Composition of the National Assembly in Percentages

	White	Coloured	Indian	African
National Assembly MP's	8.7%	8.7%	8.5%	74.1%
Elected Positions Δ	13.2%	7.9%	9.2%	69.1%
Total Race Statistics \spadesuit	11.0%	9.0%	2.6%	77.4%

Δ Elected positions include: Whips, Chairpersons, Ministers and Deputy Ministers

\spadesuit Final estimates from the 1996 population census ⁴⁰

Public surveys conducted by POS at IDASA undermine the belief that the 1994 election reflected in large part a 'racial census'.⁴¹ The presumption is that black South Africans voted overwhelmingly for black parties (ANC, PAC and IFP) and whites for the traditionally white parties (NP, DP and FF). This implies that people did not consider their opinions or interests when voting but rather voted for a party because of their racial identity. However, the reality of these surveys demonstrates that the reasons given by the majority of voters for their party support was based more on their broader ideology, past party performance and their socio-economic status. Only 15% of the survey mentioned reasons of ethnicity or race. The survey did reveal that identity was more important for those voters who supported the smaller minority parties. For example, 48% of FF voters expressed reasons to do with racial identity.

The ramifications of this are three-fold. Firstly, the evidence indicates that there is a potential in South Africa for political parties to widen their support base by using policy rather than racial identity as a lever. Secondly, the smaller minority parties are less likely to adopt this approach while they represent a particular constituency interest, which means that their support base will remain static or diminish as other parties widen their support bases. All parties should be encouraged to develop ideological and policy orientated programs to maintain effective opposition and enhance integration. Lastly, evidence from the survey implies that racial divisions may give way to other factors like socio-economic status. This will undermine the assertion that South Africa is a divided society

⁴¹Opinion Poll Vol. 1 Issue 1. October 1995. (Cape Town: Public Opinion Service-IDASA, 1995). p. 2.

with permanent and enduring divisions.

From the observations on slating procedures it is apparent that the majority party, the ANC, is more integrative in this respect than many of the other parties. The minority parties especially are less inclined to widen their support base and are thus less integrative. However, South Africa's democratic party-system is still in its infancy and only time will show how electoral pressures alter the status quo.

3.3.2 Gender Representation

The presence of special interest groups, experts and women in the legislature is an indicator of the representivity of the system and is reflected in the level of participation by these groups. In most parliaments women and ethnic minorities are under-represented in relation to their numbers. The method of PR can minimize this phenomenon to a great extent. As Bogdanor claims, there seems to be a correlation between the type of electoral system used and the opportunity for the representation of these groups,

"It is the unanimous finding of all those studies which have been explicitly concerned with the linkage between women's legislative representation and the nature of the electoral system that systems of proportional representation appear to favour higher levels of female representation." ⁴²

The fact that a PR list system is used in South Africa makes it possible for party committees to compose lists that incorporate a variety of candidates. This depends mainly on whether a party wants to draw votes from a broad spectrum of the population or just their particular sections of the national constituency. Taking the presence of women as an example it is apparent that South Africa compares favourably with other countries since 25% of the legislative membership is comprised of women representatives. After the 1994 elections South Africa moved from 141st to 7th in the world in terms of the proportion of women. Thus

⁴²Bogdanor, V. *What is Proportional Representation*. (Oxford: Martin Robertson & Co Ltd. 1984) p.111.

list systems tend to work favourably towards this end compared to other electoral systems such as a single member constituency.⁴³ Bogdanor explains this phenomenon in the following way,

"It seems plausible to suppose that whereas a selection committee may hesitate to choose a woman as a candidate in a single-member constituency, a committee choosing a party list will be concerned to secure a 'balanced ticket'. Since the list contains a large number of names, it is unlikely that any voter will be deterred from supporting a party by the presence of women."⁴⁴

If one examines the composition of party lists in South Africa for the 1994 elections it becomes apparent that only some parties aimed to include a variety of candidates of differing gender, race, religion and ethnicity in order to appeal to as broad a spectrum of people as possible. The African National Congress (ANC) compiled its candidate list at the candidates' election conference, which was attended by delegates of special interest groups like COSATU, the Women's League and the ANC Youth League. Every delegate could vote for 200 people on the national list. The list determined at the conference experienced some changes by the leadership because the affirmative action policy of the ANC required the list to include at least a third of women.

De Ville and Steytler conclude that the process allowed for a relatively diverse representation of women, rural and urban interests. Of the 252 members of the ANC elected to the legislature 73 (28%) are women and 90 (35%) are rural residents.⁴⁵ It is apparent that the ANC leadership attempted to create a diverse list to maximize representivity and voting appeal.

The ANC's commitment to include at least 30% of women has accomplished certain positive results. It has increased the numerical representation of women in parliament and it has encouraged other parties to seek a degree of gender equality. Opposition party members who are women have been pressing for an increase in numbers and the example set by the ANC has bolstered this.

⁴³Ibid. pp. 111-121. For further discussion about the under-representation of women in the House Of Commons due to the single-member constituency electoral system.

⁴⁴Ibid. p. 115.

⁴⁵De Ville, J & Steytler, N, op cit., p. 40.

Other minority parties like the FF and ACDP, which have no women in Parliament, have stated that they will rectify the situation before the 1999 election. They say the absence of women is due to the lack of time that was available when lists were formulated. Table 3.4 indicates how the ANC's commitment to gender representivity has increased the overall figure. It also shows the lack of commitment by opposition parties.

Table 3.4: Women MP's in National Legislature by Party Affiliation, 1994

Party	No. of Women of Total MP's	Women MP's as % of Total
ANC	90	35.7
NP	9	11
IFP	10	23.2
FF	-	-
DP	1	14
PAC	1	20
ACDP	-	-

A significant step has been taken by government to prove its commitment to gender equality. Certain structures have been set up to monitor gender issues. These include the Office of the Status of Women (OSW) which is directly under the Presidents Office and co-ordinates the gender units in each of the governments departments. Another is a parliamentary ad hoc committee that oversees the government's commitments to international agreements on gender equality.

3.3.3 Summary

An examination of the slating procedures of various political parties in South Africa has shown that the PR list system offers the party leadership an opportunity to expand their support base and increase participation, thus increasing representivity. Political parties play an important role in enhancing mass participation. This is especially significant in South Africa where other representative institutions are still in the process of consolidation. The more participation that political parties can muster the more representative the system becomes. With-

out a strong party system that can allow the representation and participation of views and opinions the stability of the political system is at stake.

The transformation of parties in respect to representivity has occurred to some extent. Parties that existed in the Apartheid era have made some significant changes although these could be described as a simple 'window-dressing' procedure. Here one is referring to the main opposition parties, namely the New National Party and the Democratic Party. However, in all due respect these parties are still constrained by their historical place within the Apartheid system and it will take some time before the electorate's perceptions of these parties change. A change in their policies will indicate a broad-based approach and although their policy manifesto's imply that positive change has occurred, it is difficult to measure since they have had little opportunity to put them into practice. Yet, at the grassroots level both parties fail to attract mass support despite their increasingly reflective party lists.

The ANC, as the dominant government party, has a historical legacy of being inclusive and reflective of South Africa's population. It is this representative fervour that has set a precedent for other parties. The smaller opposition parties such as the FF remain to be very particularistic about their constituency base and are non-reflective as a result. Therefore some parties (namely the ANC) can be described as truly reflective, others partially reflective (NNP and DP) and others non-reflective of the South African populace. The latter parties, due to their narrow support base, will possibly experience a decrease in size and support scope in years to come. What one can conclude is that the existing legislative diversity can be attributed to the fact that the majority of members are ANC party candidates and it was this party that chose to be most reflective on its lists.

The high presence of women is an example of how the PR list system can facilitate the presence of groups that otherwise do not necessarily get representation in parliament. However, maintaining and increasing high levels of representivity now depends primarily on the various political parties to embrace this opportunity for reflectivity on the party lists. If parties intend to increase the number of women for the next election they must decide whether to choose women who already have the necessary skills or whether they are prepared to train them so they may become efficient MP's. It is interesting to note that the presence of

women in parliament decreased by two percent after the 1999 election.

Generally speaking, the formal representation of diverse groups is very high and provides adequate symbolic representation for most groups. Here, proportional representation has contributed in a significant and positive manner where as other electoral systems would not have been able to accomplish this. By having such a diversity of groups within parliament political integration is facilitated further.

3.4 The Party System and its Effects on Political Inclusivity

Different types of electoral systems will have divergent effects on the resulting style of government and party systems. Duverger aptly summarizes the dependence of party systems on the electoral system by asserting that; the plurality method tends toward a two-party system; proportional representation tends towards a system of mutually interdependent parties and the majority system tends to multi-partism with alliances.⁴⁶

The PR system in South Africa has achieved a high degree of representivity by allowing many parties to hold legislative seats. The levels and units into which votes are counted and the conversion of votes into seats determine this. The first democratic election gave rise to seven parties in the legislature. The second election in 1999 gave rise to a further six parties giving the second democratic parliament a total of thirteen parties. In this way list PR is said to facilitate a multi-party democracy as it encourages more parties than plurality systems as Rose explains,

"It simply encourages more parties than do plurality systems, and tends to be biased against (but does not necessarily preclude) the emergence of one or two large parties."⁴⁷

⁴⁶Duverger, M. *Political Parties*. (London: Methuen & Co Ltd, 1964). Duverger makes both points clearly on these pages respectively. pp. 217 and 245.

⁴⁷Rose, R, in Bogdanor, V & Butler, D, *op cit.*, p. 35.

Sartori's study of the various types of party systems offers a classification based on two criteria, the number of parties present and the ideological distance separating the parties in the system.⁴⁸ Therefore, the party system in South Africa, according to this typology, is classified as falling between two types. Firstly that of 'polarised pluralism' which is characterized by six parties or more (extreme pluralism) and a large (or polarized) distance between the extreme parties in the system. With thirteen parties in the system and a considerable ideological distance between some parties like the FF and PAC, this classification makes sense. Secondly, Sartori offers an additional type that applies to this case. He allows for the existence of a 'predominant-party system' where one particular party, notably the ANC here, wins a majority of parliamentary seats. This category can coexist with a system of 'polarized pluralism' as it does in South Africa.

3.4.1 Representivity Versus Political Stability

While the PR system has allowed for the presence of many parties and thus is highly representative and inclusive as a result, the related concern is whether the highly representative multi-party system aids integration or hinders it with respect to its effects on political stability. High representivity of parties is criticized for creating party fragmentation and disintegration, the antithesis of political integration.

This tension between the value of representivity and governability is discussed by Diamond. He states that the stability of government,

"requires a party system that can produce a government stable and cohesive enough to represent and respond to competing groups and interests in society without being paralyzed or captured by them."⁴⁹

The more representivity the less authority the government holds. The question to be addressed is whether the highly representative legislature infringes upon the

⁴⁸Mair, P. 'Party Systems and Structures of Competition' in Le Duc, Niemi & Norris, eds. *Comparing Democracies: Elections and Voting in Global Perspective*. (California: Sage Publications, 1996). p. 86.

⁴⁹Diamond, L. 'Three paradoxes of Democracy', in Diamond, L and Platter, M, eds. *The Global Resurgence of Democracy*. (Baltimore: John Hopkins University Press, 1993) p. 49.

ability and authority of the ANC. The system that is adopted must aim to give full representation to the peoples opinion while also providing an opportunity for stable government by minimalizing conflicts. As Reynolds points out,

"A balance needs to be struck between giving the voter a powerful tool and facilitating a government which is harmonious."⁵⁰

The ability of the government to enact legislation and maintain a level of order is essential to good government. An electoral system can encourage or restrict the formation of coalitions, which are able to confront difficult problems without disintegrating or being outvoted. The electoral system may benefit the stability of the ruling group/coalitions in that it encourages or discourages authoritative actions and fragmentation thereby making governments more or less vulnerable to divisions and defeats. PR systems can also lead to a situation where there is an informal or formal association between political parties otherwise known as 'cartels'. Parties may regard themselves as allies for election purposes or may act as a coalition in parliament by voting as a bloc against the main government party. Parties may even form official alliances and unify into one party.

At present there are no formal alliances between political parties in South Africa although informal alliances referred to as 'ad hoc working arrangements' have occurred in the legislature. This is where two or more minority parties have joined forces as a voting bloc to stop the ANC. Additionally, since the second democratic parliament following the 1999 elections two of the newly present smaller opposition parties have joined forces in a co-operation agreement. The Federal Alliance and the United Democratic Movement now share the same caucus in the legislature. This move implies that smaller parties may begin to co-operate and possibly merge for practical reasons. Alliances of this nature may give smaller parties more influence. It also implies a degree of integratory behaviour.

However, a PR system can give rise to a disproportionate amount of influence to minority parties in the legislature. This has occurred in Israel's Knesset where small parties are able to hold the majority party to ransom over many policy issues. This tends to create instability and disintegration within the parliamentary structure and has serious ramifications for the government in power. In South

⁵⁰Reynolds, A, op cit., p. 12.

Africa to date there has not been any explicit appearance of this phenomenon since the ANC hold a substantial majority of the legislative seats. They also hold a proportional amount of seats in the committee system where informal and formal decision making is processed. Even with the proliferation of political parties after the 1999 election the ANC continue to hold a substantial majority. Due to the ANC majority the power of minority parties to influence policy outcomes or affect the governments effectiveness and authority is diminished substantially. For this reason it can be stated that the government of South Africa is relatively stable due to ANC domination and can act without undue hindrance or interference.

If a realignment of opposition parties occur to form alliances certain criteria would be a prerequisite for stability and integration. Alliances must not be negative; its *raison d'être* should not be an attack at the ANC. It requires viability; to provide solutions and results. It also needs a range of strong leaders that come from various communities. The South African media speculated about the emergence of formal alliances at the provincial level following the 1999 election. Many expected that one party was unlikely to get a 50% majority of votes in the Western Cape. After the 1999 election an alliance occurred between the NNP and the DP in the Western Cape at the provincial level. These parties chose to work together to undermine the electoral majority that the ANC had obtained. Certain tensions have arisen as a result. The NNP and DP have largely excluded a partnership with the ANC by giving them little opportunity to participate at the provincial decision making level. This stance by the opposition parties may undermine political integration to an extent. Firstly, as suggested above an alliance must not be a negative manoeuvre. This provincial coalition is viewed as an attack on the ANC. Political integration may have been facilitated better if all three parties had made concessions to form a three-party coalition. However, while integration has been advanced through a coalition, by the DP and NNP coming together, the ANC constituency in the Western Cape is under represented and there is little room for wider co-operation between the majority party and opposition parties.

Reconciliatory behaviour within an alliance can be described as integrative. This may undermine the accusation that PR causes party fragmentation and as-

serts the argument that multi-party PR systems are not necessarily destabilizing since any other system that does not allow for diverse parliamentary expression would be rejected as illegitimate in a divided country like South Africa. The lack of inclusive representation would be a more likely source of instability in South Africa. Other electoral systems would result in the alienation of groups from the legislature simply because of the geographical spread of their votes.

A criticism worth noting here is that it is exactly the highly representative nature of the PR system that is accused of creating a divisive multi-party system which does not allow for much reconciliation between parties. Therefore, at first sight it would seem that PR hinders a reconciliatory and integratory party system as Reynolds explains,

"It would seem list PR is designed to produce exactly the opposite reaction by entrenching confrontational group stances within the electoral system."⁵¹

In response to this criticism Bogdanor questions whether the electoral system is a causative factor in the development of the number of parties. He undermines the criticism by asserting that it is not electoral systems that cause multi-partism but rather the existing social cleavages that are present within the society. Thus electoral systems are not the causes but are the consequences of the party system.

South Africa seems to provide evidence of this notion. Due to the multitude of cleavages and fragmented nature of South African society it seems inevitable that this would be reflected in the large number of political parties. This results in 'multi-partism'. The PR system was adopted in order to provide a solution and cater for this multitude of political interests. Therefore historical reality demonstrates that societal cleavages led to multi-partism which then favoured a PR electoral system. Bogdanor aptly makes the following point,

"The correlation between PR and multi-party systems, therefore, could not be explained by the electoral system, but by explicitly political factors."⁵²

⁵¹Ibid. p. 88.

⁵²Bogdanor, V, & Butler, D, op cit., p. 255.

It follows that changes in the party system are likely to result in changes to the electoral system. It also challenges the generalizations that are made about the multiplicative effects of PR since the introduction of either implicit or explicit thresholds can also reduce the number of parties represented in parliament. In this way small extremist parties are kept out of the parliamentary process or are forced to adopt a stance that is broad-based and integrative in order to win more votes. It also discourages unconstitutional activities by these parties by bringing them into the political arena by having a low threshold, which South Africa does. The ANC recognized the importance of having smaller fringe parties represented in the legislature,

"Participation by groups which have significant followings is far more satisfactory than forcing political or subversive activity outside parliament." ⁵³

3.4.2 Summary

The highly representative PR electoral system has allowed for a multi-party system to emerge. South Africa requires a party system that allows for a multitude of parties to coexist because of the diversity of opinion within the society. Proportional representation has allowed for the voice of minority parties to claim a presence in the legislative arena and in this way provides a secondary means of protecting these groups in society. It is from this logic that consensus was reached between political parties prior to the 1994 election that PR should be used in order to give expression to as many groups as possible. Many political parties now have expression and this has served to make the system more legitimate.

Therefore small parties like the FF should be seen in a positive light and as a fundamental part of the legitimate system. They claim to represent a particular interest and for this reason do not prioritize the expansion of their support base. Without these smaller parties representing small-constituency interests one cannot claim that the system promotes political integration at the legislative level. They stand as proof that the system can integrate various interests and represent them at a national level. It is their insignificant size that should be interpreted

⁵³African National Congress Constitutional Discussion Document p. 24.

as a strength of the integratory capacity of the legislature. Wider representivity is dependent on the major opposition parties who may envisage themselves as future governments. Additionally, a decrease in opposition parties may lead to a lack of opposition politics in South Africa, which may invite the danger of ANC hegemony.

It is also clear that the number of parties within the National Assembly have not infringed upon the government's authority to act decisively. There is a simultaneous achievement of relative stability and political representation. The increase of political parties holding legislative seats after the 1999 election is unlikely to thwart the authority of the ANC to govern effectively since it still holds a huge majority of the seats. (266 out of 400). The biggest opposition party, the Democratic Party only holds 38 seats. The only method for opposition parties to affect the ANC hegemonic position is through the use of bloc voting and informal alliances at the decision making level in the legislature. However, this would require a greater amount of organization on behalf on these parties, which has not been illustrated to date. Therefore, the process of political integration has not been derailed by the high presence of political parties which instead may even promote political stability.

3.5 Conclusion

It might be too early to arrive at any presumptive conclusions as to whether a highly inclusive system of formal representation has promoted political integration. The focus of the study so far has been to evaluate the appropriateness of the electoral design and whether it provides for a highly inclusive legislative arena. Furthermore, whether a highly inclusive legislative arena will aid a process of political integration.

The study demonstrates that formal representation of political parties within the legislature is highly inclusive which is promoted by the PR electoral system. A high number and a variety of parties are able to coexist within the legislature. The adoption of the pure proportional representation electoral system can be seen as a conciliatory strategy as it has allowed representative concessions to many groups in society. This study has illustrated how the electoral system

strengthened provisions for formal access to the legislature. It provides minorities with symbolic benefits that will serve to strengthen support for the central regime. This particular electoral device has increased the ability of groups to transform votes into legislative seats and has produced a legislative membership that closely matches the preference of voters.

Several rules of the PR system have enhanced this tendency. The regional and national division of seats within the legislature has ensured representation of both levels. The formulas used for seat allocation have also ensured a high degree of proportionality. The low implicit threshold and large constituencies have allowed for maximized representivity. The inclusivity of the system has ensured that divided societal interests in South Africa are represented at the national level. This secures a process of political integration through formal legislative representation.

Voter inclusivity of the electorate is also essential to ensure that formal representation is typical of societal opinion. The comprehensible list system has increased participation and accessibility by making the voting procedure uncomplicated thus allowing for a more inclusive system since more people are represented in parliament through political parties. No groups were marginalized or discriminated against because of illiteracy. However, participation is undemocratically obstructed by the closed list system since the electorate cannot choose between individual candidates of the same party. The lack of accountability of MP's needs addressing and alternative options favour the open, flexible or free list system. Yet, illiteracy must diminish before this provides a practical solution.

List slating procedures offer parties an opportunity to expand their support base by representing a diversity of candidates from many societal groups. It is important for South African political parties to reflect a variety of racial, ethnic, gender and linguistic groups through their lists. Firstly, it has contributed to the expansion of political participation since more voters are likely to be attracted to a party if they perceive that the party is representative of their interests. Secondly, voters are unable to align themselves to a party for particularistic reasons if the slating behaviour is highly representative of all societal groups. This will help a process of political integration, as voters are less likely to vote along societal divisions. The larger opposition parties and the ANC have embarked on a reflective

transformation process by utilizing their list composition. The smaller opposition parties can only be described as 'parties of representation' for particular groups and have little chance of contributing to integration in this manner.

The multiplicity of parties has not led to governmental instability but instead has promoted political integration at the legislative level. A high number of parties with legislative seats ensured that many segmental demands are channelled into the legislature, which serves political integration. Political stability is a desirable outcome of a process of political integration. To date, the fact that many societal interests have legislative representation is arguably a reason for continuing political stability in South Africa. Rather than governmental instability resulting from multi-partism, the perceived danger in South Africa is the hegemony of an ANC dominated government. For this reason it is important that all opposition parties continue to expand support bases to maintain effective opposition and representivity. Political integration is more likely to occur if parties with a substantial support base are allowed representation since they are then channelled into one arena where they are required to coexist and co-operate.

Evidently the legislature has the capacity to be politically integrative. The electoral and party systems, as tools for analysis, have illustrated how the representative function of the South African National Assembly is performing. Despite several areas that require revision and improvement the representative function can be said to be highly inclusive at this early stage of South Africa's democracy. This dimension of formal representation in the legislature will contribute to political integration at the national level. However, this is not the only dimension that will determine the overall success of the integrative capacity of the legislature. While there is a high degree of political inclusivity of societal groups through the representation of political parties it is essential that opposition parties and minority groups perceive that they can influence decision making and policy output. This is our next area of concern.

Chapter 4

The Decision-Making Activities of the Legislature

Formal representation, as discussed in the previous chapter, is a necessary but not sufficient condition for political integration within the legislature. Interests also need to be reflected and protected in the decision-making process. By representing a diversity of group interests within the decision-making process, the legislature can act as an arena for compromise and consensus building, thereby promoting political integration. When the potential exists for the disintegration of a divided society like South Africa the design of a legislature should avoid a situation where compromise cannot be reached because the various political players represented view the situation as a zero-sum game. Through its rules and procedures the legislature can allow for some degree of accommodation at the decision-making level. This serves to promote integration.

The effectiveness of a legislatures integrative capacity depends on the design of institutions within the legislature to create opportunities for minority and opposition parties to express demands and influence policy-outcome. Whilst opposition can exist in many forms it is at its most developed when it is able to play a role in policy making in the parliamentary process.¹ If opportunities for both the majority, opposition and minority parties do exist policy outputs can be

¹Karpen, U. 'The International Experience of Opposition Politics: Lessons for South Africa? The German Experience' in Kotze, H, ed. *Parliamentary Dynamics: Understanding Life in the South African Parliament*. (Department of Political Studies. University of Stellenbosch, 1995). p. 12.

described as more integrative. Various writers have highlighted the significance of bargaining and negotiating processes within the legislature as essential tools for moderating political conflict.²

In the first section the neo-institutional approach will help us understand whether the committee system is inclusive of political parties to afford them opportunities to influence decision making. Since the South African parliamentary committee system is central to the decision making process the paper utilizes Mattson and Strom's framework of analysis of committee systems. As they state in their conclusion,

"...this volume addresses the implication of different committee institutions for majority and minority rights in legislatures."³

The second section deals with the House Rules and Procedures of the National Assembly to examine whether potential exists for smaller party activity to influence decision making. This includes a study of private members bills, statements by members and questions. The main documents that apply to the above sections are the Constitution of the Republic of South Africa and The Standing Rules of the National Assembly and Joint Business and Proceedings of the National Assembly and the NCOP.

Opportunities to influence the decision-making process also depend on the skill and experience of minority legislators to make constituent demands known. The proficiency of the opposition parties will be explored in the third section since debating skills, bargaining and political negotiation will also determine what is accomplished. It then seems acceptable to assert that the behaviour and activities of legislators can affect the management of conflict and in turn influence the integration potential.

The role of the representative is also an important feature that is dealt with in the last section. The representative must deal with the challenge of foci by

²Such writers include Karpen, Osaghae and Lungu. Their discussions can be found in Kotze, H, ed. 'Parliamentary Dynamics: Understanding Life in the South African Parliament'. (Department of Political Studies. University of Stellenbosch, 1995).

³Mattson, I and Strom, K. 'Parliamentary Committees' in Herbert Doring, ed. Parliaments and Majority Rule in Western Europe. (Campus Verlag: St Martins Press, 1995). p. 303.

being able to assert the interests of his perceived constituency while reconciling them with the needs of other groups. Integration is facilitated if legislators act in accordance with the interests of the whole nation rather than concentrating on defending constituent interests alone. Thus a balance is required between representing constituents and the national whole.

The legislator's activities can actively mobilize 'public support' for policy outcome if they are active within the decision-making process. This draws upon the role of the representative as an 'intermediary' between the constituent and the government. The 'support' proposition rests on the assumption that representatives will assert peripheral interests and design policies that accommodate all the disparate interests within a society. Even if the policies are not agreeable to all the fact that various groups contribute to this process makes the outcomes more acceptable. In countries that are experiencing rapid socio-economic change, like South Africa, the mobilization of support can be problematic. The results of development programs, for example, can cause tensions within societal groups. One group may view itself as the loser within the political game and this can be exemplified by white South African's who perceive that policies aiming at land redistribution and affirmative action may impact negatively on their economic interests.

In order to ensure that policy outcomes are regarded as legitimate it is therefore essential that both minority parties and their legislators are able to create a role for themselves within the decision making process of the legislature. Since South Africa has a one party dominant legislature (the ANC) it becomes even more important that opposition politics is strengthened through the design of the institution in order to ensure that a process of political integration can take place.

4.1 The Committee System and its Implications for Political Inclusivity

The newly revamped committee system is one of the more profound institutional changes that Parliament has witnessed since the 1994 democratic transi-

tion. From acting as a 'rubber-stamp' for the apartheid regime the committee system has become the known as the 'engine room' of the new legislature. Parliamentary committees have been described as,

"a subgroup of legislators, normally entrusted with specific organizational tasks." ⁴

They are often invested with the task of deliberating and amending decisions taken by the legislature.

A number of pragmatic reasons underpin the evolution of these arenas for decision-making. As policy-making has become more complex committees have been developed in a specialized and permanent fashion to create a more efficient modus operandi. As Calland suggests,

"Committees were the answer for rationally dividing and allocating the immense workload, and to develop incentives for the members to specialize and gain appropriate experience." ⁵

Parliamentary committees are heterogeneous by nature with a range of models that have various powers and functions. At the one end of the continuum is the American congressional model and is recognized as the strongest and most independent available model. At the other end of the continuum lies the Westminster type characterized by the lack of independence in decision-making. Calland places the new South African dispensation somewhere between the two,

"...it is a system that is some way beyond the Westminster model in terms of both legal/constitutional powers, and yet still a long way short of the political power of the Congressional committee system." ⁶

This indicates that committees are classified according to the powers vested unto them.

⁴Ibid. p. 249.

⁵Calland, R. 'All Dressed Up with Nowhere to go? The Rapid Transformation of the South African Parliamentary Committee System'. Governance in Southern Africa: An Occasional paper Series No. 5 (unpublished paper) p. 3.

⁶Ibid. p. 5.

South Africa has a number of committees that are specialized groupings of MP's that do much of the legislature's work. Since there are many issues that require debate the committee acts as a forum for intensive discussion and deliberation.

The ANC appeared to recognize the potential role of the committee system for enhancing political integration when they stated at their National Constitutional Conference in 1995 that,

"The ANC proposes to use the parliamentary committee system, structured to ensure executive accountability to an informed parliament, *a role for minority parties through such committees*, and greater and informed public debate on legislation and to suggest new legislation to the relevant ministry." ⁷ (my italics).

Certain structural and procedural elements of the South African committee system allow for a degree of opposition/minority party input within the decision-making process. Additionally, the powers and privileges bestowed on committees can impact on the ability of opposition and minority parties to influence decision-making thus enhancing political integration at the legislative level. These areas will be dealt with respectively.

4.1.1 Structural Elements

The types of committees, their tenure, numbers and size can affect the input from various political parties and their representatives.

Type, Tenure, Numbers and Membership of Committees

Several types of committees exist and include; Permanent Specialized (portfolio) committees, other Permanent committees, ad hoc committees and a number of Joint committees, which operate in conjunction with the NCOP. The twenty-six permanent specialized portfolio committees are the heart of the new system and shadow the twenty-six national executive ministries and departments. Members

⁷Ibid. p. 8.

of the committees are appointed for the life of parliament (except in the case of ad hoc arrangements) although South Africa has experienced an increased turnover of MP's. The committees have proliferated in number since 1994 with over 50 committees (including the NCOP). Comparatively speaking South Africa has a high number of committees compared to those legislatures in Western Europe.⁸ The implication of these factors is that a high number of specialized committees exist which increases the productivity of the workload of parliament and allows for legislators skills and expertise to develop. It has been suggested that the larger the number of committees the more independence they enjoy because the dominant party is less able to control a large number of committees.⁹ However, the high number of committees reduces the opportunity for individual MP's to develop specialized skills and expertise on a certain portfolio. As Mr Macozuma, the Chairperson of the Standing Committee on Communications confirmed,

"the effectiveness of members of parliament in the committees has been reduced by the number of committees they have to sit on."¹⁰

This deficiency is highlighted further in the next section.

Size

The size of committees vary but usually sits between 15-25 members who are chosen by their party whips in proportion to their size in the National Assembly (see 4.1.2 Seat Allocation and Composition below). There are no set membership restrictions which means that minority parties can appoint at least one member per committee thus ensuring some representation at the committee level.

However, this unbalanced representation in the committee system causes problems for minority parties who simply do not have the necessary number of MP's to cover all the existing committees. It leads to non-attendance of many

⁸Mattson, I & Strom, K, op cit., p. 260. Their study of Western European legislatures shows comparative figures.

⁹Ibid. p. 260.

¹⁰Macozuma, S. 'The Role of Standing Committees: An ANC Perspective' in Kotze, H ed. Parliamentary Dynamics: Understanding Life in the South African Parliament. (Department of Political Studies. University of Stellenbosch, 1995). p. 114.

meetings due to schedules overlapping. These smaller parties are unable to significantly contribute to decision-making at this important level either because the party is unable to allocate a member or due to a lack of specialization. As Dr Jacobz of the NNP stated,

"If you are one of the minority parties with a few members in parliament, you are stretched very thinly to cover the number of committees you have to deal with. This is a major problem for the smaller parties." ¹¹

The ACDP and PAC are constricted in membership and as a result are forced to prioritize their workload. Some parties, like the DP, have focused on a set of issues and have been more successful as a result. However, the imbalance is effective in driving the ANC's party agenda within the committees.

Table 4.1 demonstrates the scant and overlapping membership of the opposition and minority parties. For example, the PAC has two MP's who belong to five committees.

4.1.2 Procedural Elements

Procedures are the organizational principles of committees and shed light on the extent of majority rule and minority participation that exists and the opportunities for legislative input.¹²

Seat Allocation and Composition

Procedures regarding the seat allocation of members and the composition of committees, formalized in the Constitution, stipulate that parties must be represented in the committees in the same proportion in which parties are represented in the National Assembly. This means that each party can allocate at least one member as section 57(2)(b) states,

¹¹Dr Jacobz, F. 'The Role of standing Committees: A National Party Perspective' in Kotze, H ed. *Parliamentary Dynamics: Understanding Life in the South African Parliament*. (Department of Political Studies. University of Stellenbosch, 1995). p. 117.

¹²Mattson, I & Strom, K, op cit., p. 275.

Table 4.1: Showing MP's and Individual Committee Membership

Committees	ANC	NP	IFP	PAC	ACDP	△
0	43	5	7			
1	38	20	8			
2	30	28	15			
3	21	15	9			
4	17	10	4			
5	8	2		2		
6	1	1				
7					1	
8				1		
9						
10						
11					1	
12						
13						
14						
15						
16				1		

△ DP - All seven DP MP's are in committees with membership ranging from 1 - 9. FF - Of nine MP's individual committee membership ranges from 3 - 7.

"...the participation in the proceedings of the Assembly and its committees of minority parties represented in the Assembly, in a manner consistent with democracy."¹³

This reveals the intention of the constitutional designers to allow for minority party participation in the committee system. However, as suggested previously, the proportional allocation creates an imbalance, which aids the ANC agenda and gives minority parties a small voice in the committees. This means that seat allocation offers very little effective opposition.

¹³South African Constitution Section: 57 (2) (b).

Selection of Chairs

Consensus can also be reinforced if the selection and allocation of committee chairs is distributed among government and opposition parties.¹⁴ The emphasis on power-sharing and consensus that characterized the Government of National Unity (GNU) executive framework after 1994 was not extended to the committee arena. Chairpersons are elected by their own committees and the ANC majority of every committee has meant that only a few chairperson positions are held by opposition parties. (The ANC has roughly 62% of all representatives in both Houses).

Despite the influence that committees can exert over decisional activities only four out of the 26 are chaired by non-ANC MP's. These include Committees on Transport (PAC) and Defense (FF) and the Private Members' Legislatures and Petitions Committee (NNP). These only occurred as a result of political concessions by the ANC. Following the 1999 elections it is apparent that the ANC now intend to exclude the DP, the largest opposition party from holding any chair position. The ANC stated that they have taken this exclusionary stance because they wish to push through transformation-orientated policies quickly. They believe that the DP and other minority parties are only interested in articulating white interests and not the vast black majority. While there may be some veracity in this and may even be desirable given the huge development and transformation required in South Africa it does not bode well for conciliation and consensus at the committee level. Thus chair selection is highly partisan in South Africa because proportional representation dictates membership composition and chair allocation among parties.

Other legislative committees around the world use seniority as a criterion for chair allocation and this reduces conflict since the procedure is purely formal. Others may also reserve seats for minority parties or allocate chair positions proportionally among parties.¹⁵ However, South Africa's committee chair selection procedures do not employ any of these conciliatory tactics. Due to the highly partisan and majoritarian nature, it means that the ANC leadership has a closer hold over the committee system in general since its member's chair them. The

¹⁴Mattson, I & Strom, K, op cit., p. 276.

¹⁵Ibid. p. 278.

NNP has been accused of a lack of foresight by not interpreting the importance of the committee system at the onset and has recently tried to recover some lost power. Calland stated that the NNP argued,

"for the inclusion in the rules of provisions that the rights of minority parties be expressly protected in committee meetings so as to prevent abuse of, or partisan, use of power by the chairperson."¹⁶

Openness and Public Participation

A break from the past has been the constitutional requirement for committee meetings to "conduct its business in an open manner and facilitate public involvement".¹⁷ Rule 152 has resulted in a positive aspect in that many committee meetings have included submissions from public hearings, civil society, business and labor organizations and other interest groups. These groups constituted relatively influential clusters for directing emerging post 1994 policy and include a wide variety of groups.¹⁸ This participation has helped to overcome some of the constraints that minority parties face as a wide variety of opinions are considered in the committee decision-making process.

However, Mattson and Strom allege that the public nature of committee meetings can become forums for potential advertising for re-election purposes through credit claiming and position taking.¹⁹ For this reason members are less likely to seek consensual policy outcomes as they may be inclined behind closed doors. As Mattson states,

"Open meetings are less likely to foster inter-party compromise."²⁰

¹⁶Calland, R and Nijzink, L. "Nothing Ventured, Nothing Gained. Chambers and Committees in the New South African Parliament: An Exploration of the Limits of Constitutional and Institutional Design". Paper presented at the Comparative Legislative Research Conference, university of Iowa, April 1998 (unpublished Paper) p. 14.

¹⁷South African Constitution Section: 59 (1).

¹⁸Venter, A, ed. Government and Politics in the New South Africa. (Pretoria: Van Slabbert, 1998). p. 237.

¹⁹Mattson, I & Strom, K, op cit., p. 282.

²⁰Ibid. p. 282.

Mr Pretorius, the secretary to the Western Provincial Parliament, asserted a similar concern when he stated that a negative aspect of an open committee system is that the MP's are less disposed to changing their opinions and rather stick to official party lines. He also implied that 'closed doors' are more likely to encourage compromise between the parties of that committee.²¹ While the benefits of having an accountable committee system are a priority this flaw needs to be recognized. A second feature making the committee system less accountable is the fact that no public records of committee proceedings or verbatim Hansard-type records exist.

The way in which each party carries out their major decisions is not characterized by transparency. It usually occurs behind closed doors within party caucuses. In the case of the ANC it occurs in study groups.²² While committee meetings are open much of the decision making does not necessarily occur here. This could imply that a fundamental part of the decision-making process occurs without the participation of opposition parties or interest groups. Calland offers an example. The Basic Conditions of Employment Bill in 1997 was addressed and amended by COSATU. These amendments were then supported by a number of ANC members of that study group and tabled in the final meeting of the portfolio committee on Labour. The ANC Minister of Labour then heard of this and threatened to withdraw the bill if the committee passed the amendments.²³

Minority Reports

Minority reports constitute a useful procedure for information and policy alternatives. It also acts as a vehicle for illustrating a cross-partisan consensus about a particular policy. While some parliaments allow for minority reports, a significant rule affecting the operation of opposition parties in the South African committee

²¹Information gleaned from an interview with Mr Pretorius, Secretary to the Western Provincial Parliament, Cape Town.

²²ANC study groups are made up of ANC members of that portfolio committee, invited guests, (experts and academics), ANC executive members, possibly Ministers and ANC members on the corresponding Select committee (NCOP).

²³Calland, R and Nijzink, L. "Nothing Ventured, Nothing Gained. Chambers and Committees in the New South African Parliament: An Exploration of the Limits of Constitutional and Institutional Design". op cit., p. 14.

system is Rule 62,

"Subject to Rule 150(2), it shall not be competent for a portfolio committee to present a minority report."²⁴

Since it is not possible for committees to present minority reports, the views and concerns of the minority members will not be acknowledged when the report reached the National Assembly for consideration.

This disadvantage is alleviated to some extent by Rule 150 (2) which stipulates that if the report to the House by committees is not a unanimous report it must,

1. specify in which respects there was not consensus; and
2. in addition to the majority report, express the views of any minority concerned."

Rule 150 (2) has only been used effectively in one instance when an amendment was referred back to the Ad Hoc Joint Committee on Executive Members' Ethics Bill on the Executive Members' Ethics Bill (B 64 - 98) dated 4th September 1998.²⁵ Several opposition parties (the NNP, IFP and ACDP) raised a concern with regard to Clause 2. They asserted that Cabinet Ministers should be compelled to consult parliament. Therefore they supported the following amendment,

"On page 2, in line 21, after 'must', to insert 'in consultation with Parliament'."

This amendment was rejected by the committee and Clause 2, as amended by the committee now reads 'after consultation with Parliament'.

The NNP, ACDP and IFP both abstained from voting as a result when the amended Clause was put. However, the committee attached a report in line with

²⁴Republic of South Africa, Standing Rules for the National Assembly and for Joint Business and Proceedings of the National Assembly and NCOP, June 1995. p. 13. This Rule has been included in the revised rules of 1999 despite some debate.

²⁵This information was gleaned from an interview with Mr Mark Philander, Assistant Head of the Committee Section, Parliament, Cape Town. The writer does not know of any other instance where Rule 150 (2) was utilized.

Rule 150 (20) stating the reasons why consensus was not reached and the views of these parties. The report stated,

- "1. They believe that Cabinet Ministers should not oversee themselves, and that an amendment, reading 'in consultation with Parliament', would ensure that the input of all would be considered throughout the process.
2. The amendment agreed to, namely 'after consultation with Parliament', does not guarantee that the views and inputs of Parliament would be considered."

This attached report is not a minority report but rather should be viewed as a majority report that included the views of minority parties in Parliament. This is the only case where Rule 150 (2) has been utilized and this may be due to the fact that opposition parties are not prepared to use this rule frequently. This could be due to the fact that opposition parties regard the rule as insufficient tool. It is interesting to note that several opposition parties such as the NNP, IFP and the DP did not support Rule 150 (2) by objecting to the fact that it limited the recording of minority views in committee reports to the initial reports before the Second reading by the House. This Rule cannot be regarded as an adequate substitute to minority reports. All Bills introduced in the Assembly have a First and Second Reading in the Assembly. This rule applies only for the First reading in the Assembly.

By disallowing minority reports it hinders minority and opposition parties from voicing opinion and also discourages those members to become more specialized and involved, as they know that their views are largely disregarded. There is little incentive for these parties to put forward useful and conciliatory alternatives. As Mattson and Strom state about the absence of minority reports,

"in these parliaments the majority party (and the government) has important prerogatives regarding agenda control and legislative initiatives." ²⁶

²⁶Mattson, I & Strom, K, op cit., p. 283.

The Committee Stage in the Legislative Process

The point at which committee deliberation takes place will affect the ability of committees to affect legislation. According to Mattson and Strom if the deliberation process takes place before house views it there is more independence for committee. This impacts on the ability of opposition parties to influence policy to some extent before it reaches the plenary, which is dominated by the majority ANC party. In the South African case it seems that much informal deliberation within the committees takes place at an early stage of the legislative process.

The evidence so far suggests that there is little room in the committee system for minority party input. Yet interviews with relevant parliamentary members and committee clerks reveal that a degree of consensus seeking is performed within the committee system during early informal discussions. General agreement is usually reached before the formal voting stage making it less likely that minority party amendments require presentation.²⁷

Senator James Selfe, from the DP, revealed in an interview that he viewed the committee system's first stage of deliberation as an informal gathering of MP's characterized by highly charged debates. His understanding is one where the committee offers the opportunity for all the parties to reach a level of consensus by amending bills before they reach the National Assembly. Effectively, these bills then emerge largely as consensus documents. Again, he asserts that the influence of minority parties is not limited to rules and procedures but is dependent also on the particular chairperson of a committee and whether the ANC view a bill as a matter of principle. Thus the ANC line plays a significant role.

Again, the NNP have also acknowledged that the early committee stage provides an opportunity for different political parties to voice their opinion and even convince other committee members of their views.²⁸ Moreover, Dr Jacobz stated that,

"if the arguments of the minority parties are strong enough, they certainly do play a role in influencing policy."²⁹

²⁷This information was gleaned from an interview with Ms. Estelle Grunewald, Secretary to the Welfare Committee, Cape Town on 31st March 1999.

²⁸Dr Jacobz, F, op cit., p. 118.

²⁹Ibid. p. 119.

He cites an instance where conflict between various committee members over the 1992 amendment bill on financial institutions was overcome.³⁰ By employing committee procedures it enabled amendments to be structured in such a way that all parties were satisfied and the bill was accepted. This indicates how the committee system can bring divergent views into one forum, merging opinions and reaching satisfactory conclusions. This suggests that the legislature and its committee system are contributing to political integration through consensual policy outcomes.

The minority parties have only two options available to them to directly influence policy outcome. One is by voting in the assembly against a Bill and through expression in the committee. The concept of compromise becomes an important one in the committee arena since these parties have to rely solely on compromise to let their opinions be influential in legislative matters.

4.1.3 Powers of the Committees

Committees, in order to carry out various legislative activities, are granted a variety of formal powers. The powers that are examined here relate directly to the policy-making role of committees. These powers determine the ability of committees to influence and determine decisional and legislative outputs. They also illustrate the extent to which committees are independent of external actors like parliamentary majorities (the ANC), the government and party leadership.³¹ Mattson and Strom outline several committee powers that can be utilized to evaluate the impact of committees on the legislative process. This paper has elected to study the following: the power to initiate legislation and revise bills. The focus of this section is to determine whether these powers allow minority parties opportunity to influence committee decisions. If so, political integration is promoted by allowing for a consensual pattern of behavior between the ANC majority and the minority parties who constitute the committee membership.

³⁰Ibid. p. 120.

³¹Mattson, I & Strom, K, op cit., p. 285.

Initiating and Revising Legislation

By being able to initiate legislation the committee exercises extensive independence. Several countries do allow for their committees to initiate legislation but are limited in number.³² Section 55 of South Africa's constitution and Rule 231 stipulates that the National Assembly has the power to,

- "1. consider, pass, amend or reject any legislation before the assembly;
- and
2. initiate or prepare legislation, except money Bills."

From this it is clear that the committees have been granted extensive powers to initiate and amend bills before being passed to the House for the second reading. This implies that they have an advantage of power over the initiator of the legislation. A committee has the potential power to rewrite government proposals and introduce proposals independently of the external legislative actors. As with the initiation of bills the power to amend and rewrite bills is restricted to a few legislatures across the world.³³

While these powers do exist for committees the concern here is the extent to which committees actually utilize them. In South Africa often the activities of committees is limited to scrutiny of details alone without any fundamental changes to the bill in question. While amendments are proposed often the ANC executive will determine whether they are adopted. This is aided by the fact that the ANC majority within the committees act to support the government mandate stance.

Summary

It is apparent that structural and procedural elements of the South African committee system signify both positive and negative implications for political integration. The large number of specialized committees has created a dynamic arena for productivity and independence. However, the size of committees has detracted

³²These include Switzerland, Austria, and Sweden.

³³Britain and France strictly control any proposed amendments.

from adequate minority representation. The use of allocating seats proportionally has nevertheless insured inclusivity for minority parties albeit to a limited extent.

The control of a committees business is dictated to a large degree by the chairperson. In South Africa the selection of chairs is highly partisan giving the ANC further control of a committees agenda. Opposition parties hold few chair positions. The deficit of opportunity for opposition parties is offset to some extent by high levels of public participation within the committee process. This ensures that an array of opinion is included which lessens the restrictions on opposition party input. However, the negative result of an open decision-making arena is that it tends towards party mandate assertions by legislators rather than compromise.

The lack of minority reports as a channel for discontent does not bode well but is alleviated slightly by the ability to note within the committee report if consensus was not reached. However, evidence suggests that this is not widely practiced and is regarded as a meaningless gesture by main opposition parties. Directly related to this concern is the evidence that suggests a high degree of policy consensus building exists within the early stages of informal deliberation within the committees. Furthermore, the power vested to the committees' means that they are able to authoritatively initiate and revise legislation. However, the ANC majority within the committees clouds the importance of these powers since it can be argued that committees act merely to assert the party executive mandate.

4.2 House Rules and Procedures

The rules and procedures governing the National Assembly and its plenary sittings offer some opportunity for opposition and minority parties to influence legislation and make their presence felt.

4.2.1 Private Members Bills

Rule 235 allows for individual members to initiate and introduce a Bill in the Assembly independently from other actors. It presents an excellent opportunity

to create a legislative role and would allow for effective minority legislation if the proposed Bill were accepted. An obstacle for minority parties however, is that their proposal is not coming directly from the ANC executive whose legislative proposal tend to get pushed through by the ANC committee majority. The Bill also needs to be approved by the relevant committee before the member can proceed.

However, most of the opposition parties have not seized the opportunity to submit many Private Members Bills. The NNP as the main opposition party has not tabled much legislation. The DP has been described as the most effective opposition party in parliament despite its small size and has utilized this particular procedure several times. Especially in the areas of crime and justice the DP have introduced legislation that has been included into policy documents and other Bills originating from the Executive. However, the majority of accepted Bills have emanated from ANC MP's with most of the opposition party Bills being rejected.

One interesting case was the 'Council of Traditional Leaders Bill' tabled by the IFP, which was accepted and became Act No. 85 of 1998.³⁴ An important element of the IFP's core constituency is the traditional leaders. This may have been a concession by the ANC in order to woo the Zulu based party. However, it shows that there is a potential for opposition parties to protect sectional interests through legislation. The progress of the last two Bills shown on Table 4.2, which are from the NNP, are interesting to follow. By the end of the first democratic parliament in March 1999 the two bills were pending as they had not yet been disposed of. Because they were not finalised their order papers lapsed, which meant that the individual MP's who originally submitted them were required to do so once again. To date, the bills have not been resubmitted and are unlikely to be as the parliamentary session is coming to an end. However, had these bills been accepted it would have indicated a willingness by the ANC to be accommodating towards minority party interests. The co-operation and accommodation of certain Private Members Bills from minority parties will certainly aid a process of political integration as these parties will perceive that they can play a role as legislators at the national level by effectively representing constituency inter-

³⁴Refer to Table 4.2 on page 111 of this study.

ests. The successful cohesion of demands at this level is essential for political integration.

4.2.2 Statements By Assembly Members ~~#~~

The rules 101 (1) and 101 (2) stipulate that a member may make a statement on any matter for up to one and a half minutes. It also allows for members of each party to make a number of statements in the same proportion in which parties are represented in the Assembly.³⁵ This means that the very small minority parties have very little opportunity to make statements since the number of statements that they may issue limits them. However, these rules allow for some minority party participation. Rule 102 (5) also allows for parties to comment on any executive statement for up to three minutes. The largest opposition party takes precedence and is followed by the rest of the parties according to their size.

4.2.3 Interpellations and Questions

Parliamentary questions give MP's the opportunity to question the President, Deputy President and cabinet ministers. Ministers can be questioned on any area of policy and management relating to their department. Interpellations also create scope for mini-debate. Considering the ANC's strength, questions are an important tool for opposition parties in South Africa who intend to hold the government accountable by acting as watchdogs. Rules 191 to 202 concern the use of questions and interpellations in the Assembly. The rules specify that notice must be given and questions and interpellations must be submitted beforehand and that each member may only submit two questions per day (Rule 198 (2)) and three written questions per week (Rule 201 (3)).

Theoretically up to 1000 questions could be tabled every week but only about 30 to 40 are tabled with approximately 20 being dealt with in the allocated half-hour. The party who tabled their questions first will dominate the session. Interpellations are more organized with the first three allocated to the ANC, NNP and IFP and the forth rotating between the PAC, FF, DP and ACDP.

³⁵First Report of Rules Committee of the National Assembly 23rd March 1999. p. 3.

Table 4.2: Private Members' Bills Submitted from Political Parties in the National Assembly between 1994 & 1998

36

Date	Private Members Bill	Party	Outcome
1994	None Recorded		
1995	Environmental Conservation Amendment Bill	IFP	Rejected ♡
	State Tender Board Amendment Bill	IFP	Rejected
	Correctional Services Amendment Bill	ANC	Accepted ♣
	Labour Relations Second Amendment Bill	ANC	Accepted
	Criminal Procedure Amendment Bill	DP	Lapsed ◇
1996	None Recorded		
1997	Republic of SA Constitution Amendment Bill	DP	Accepted ✓
	SA Police Services Amendment Bill	DP	Accepted ✓
	Fund for Victims of Violent Crime	DP	Rejected
	Council of Traditional Leaders Amendment Bill	IFP	Accepted ✓
	Republic of SA Constitution Second Amendment Bill	IFP	Rejected
	Republic of SA Constitution Third Amendment Bill	PAC	Rejected
	Compliance Costs Bill	DP	Rejected
	Republic of SA Constitution Fourth Amendment Bill	IFP	Rejected
1998	Alienation of Land Amendment Bill	ANC	Accepted
	Human Cloning Prohibition Bill	ACDP	Lapsed
	Protection and Promotion of Indigenous Knowledges Bill	ANC	Accepted
	Compensation for Occupational Injuries and Diseases	NP	Lapsed
	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Bill	NP	Lapsed
	Religious and Linguistic Councils Bill	NP	Lapsed

♡ REJECTED - Legislation introduced but rejected by the relevant committee or House.

♣ ACCEPTED - Legislation tabled, accepted and passed as law. These Bills became Acts and are published in the Statutes.

◇ LAPSED - Legislation was not yet disposed of by the end of the first democratic parliament. The order papers have therefore lapsed and will require resubmission by the individual MP's concerned. To date (15 November), these bills have not been resubmitted in the second parliament and are unlikely to be as this parliamentary session is almost at an end.

N.B. - a number of Bills have been introduced and passed pertaining to South African Universities. These have been excluded, as they do not strictly constitute Private Members Bills. The Speaker of the House gave permission that they should be proceeded with as if Private Members Bills.

Table 4.3 outlines the three types of questions, each of which have different rules and procedures.

Table 4.3: Types of Questions and Procedures

Questions	Subdivisions	Limitations
Interpellations	2	3 Minutes for Minister and Questioner
Questions for Oral Reply	5	2 Questions per Member per Day. Only 4 Questions per Minister per Day
Questions for Written Reply	15	3 per MP per Week

Table 4.4 gives an indication of the total number of question asked since the advent of parliament in 1994.

Table 4.4: Total Number of Questions Asked in the National Assembly (1994 - 1998)

	Interpellations	Oral Questions	Written Questions	Total Questions
1994	50	289	285	574
1995	52	531	608	1139
1996	76	841	1284	2125
1997	77	995	1915	2910
1998	81	1187	1374	2561

In order to understand which parties are maximizing the use of this procedure, table 4.5 shows the numbers of questions posed by each party in each year and demonstrates that this method of testing the government is one of the more popular methods with many of the opposition parties.

The Democratic Party, with less than 2% of the MP's until 1999, and the New National Party posed the most questions out of all the opposition parties. As IDASA's Parliamentary Whip wrote in June 1996,

³⁶The information for the table was obtained in fragmented form from various sources in

Table 4.5: Questions by Each Party in Numbers

38

Party	Total	1994	1995	1996	1997	1998
ACDP	41	1	2	9	0	29
ANC	588	124	145	142	21	156
DP	1679	220	402	453	70	534
FF	273	16	22	35	3	197
IFP	687	94	102	154	16	321
NP	2739	88	406	823	140	1282
PAC	115	19	27	24	3	42

"Of the 1844 questions asked over the past two years (1994 to 1996) the DP has asked 681 (37%)."³⁷

This is mainly due to the fact that the DP has always assumed the role of opposition since the previous parliament. The NNP have increased the number of questions asked which may indicate that they are finally accepting their role as one of the main opposition parties.

Table 4.6 and figure 4.1, gleaned from IDASA's research, are used to illustrate the type of questions that are posed to the ANC government by opposition parties. By looking at certain important legislative areas like health, labour and education it is apparent that all opposition parties are posing essential socio-economic questions to the relevant departments. Again this shows that questions are an important procedure for opposition parties to question decision-making and policy initiatives. All parties are asking a number of questions that are similar to their size within parliament. For the three main opposition parties health and education take priority with housing and labour as adjoining areas of parliament and compiled by the researcher. The sources include Mr Smit, a control Editor from The Legislation and Proceedings Department and Mr Philander.

³⁷Source: The Parliamentary Whip - Issue 7th June 1996. IDASA, Cape Town.

³⁸The table was constructed using figures from an analysis conducted by P.I.M.S at IDASA of all the questions asked in the Assembly from 1994 to 1997. Additional source: The Parliamentary Whip - Issue 17th September 1997. IDASA, Cape Town. The writer used information from parliamentary sources when compiling the figures for 1998.

Table 4.6: Total Number of Socio-Economic Questions by Each Party (1994 - 1999)

	ANC	NNP	IFP	DP	ACDP	PAC	FF	#!
Labour	31	61	4	28	0	1	20	
Environment	8	27	19	7	3	4	3	
Property	18	92	10	6	1	1	3	
Housing	18	132	14	21	0	5	10	
Health	43	110	72	96	11	5	8	
Water	10	17	8	2	0	0	8	
Welfare	34	37	7	15	6	2	6	
Education	54	130	45	75	1	2	28	
TOTAL	216	518	179	250	22	20	86	

cern. One observation that is worth noting is the lack of socio-economic questions posed by the ANC who have the majority of legislators. This leaves a question over whether individual ANC MP's are questioning their party's socio-economic policy.

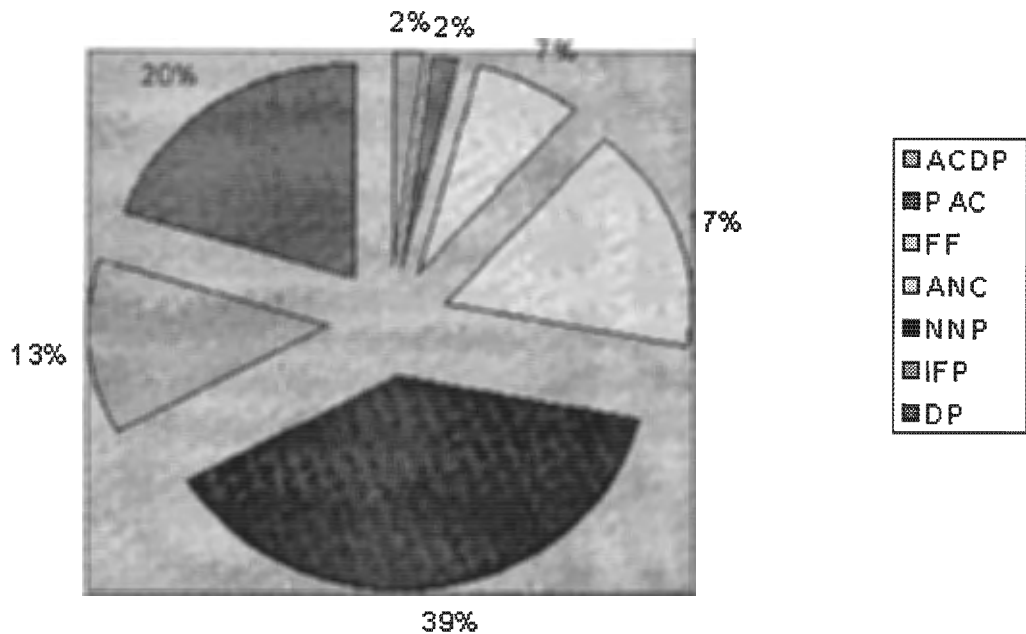
4.2.4 Amendments

Rule 152 relates to the addition of amendments by members to bills that are being considered by the House prior to the Second Reading. Rule 152 (1) (a) states that,

"A member may, after a bill has been placed on the Order Paper for Second Reading but before this House has taken a decision thereon, place amendments to the clauses of the bill."

The speaker then recommit the bill and the amendments for reconsideration to the relevant committee. This offers an opportunity for opposition parties to affect the bill at a late stage.

Figure 4.1: Top-Ten Socio-Economic Party Questioners (1994 - 1999)



4.2.5 Summary

The rules and procedures that govern the National Assembly allow for several opportunities for smaller parties to initiate and question legislation and assembly business. Firstly, the use of Private Members Bills has demonstrated that the effective opposition parties can impact on the legislative process. Despite this, there has been a scarcity of Private Members Bills submitted by the opposition and little acceptance of those submitted to the ANC dominated committees.

Statements, questions and interpellations are utilized widely by most opposition parties and seem to constitute the more popular means of disputing ANC policy. Most of the socio-economic questions posed are by opposition parties rather than ANC members, despite their large numbers, which indicates that the ANC party line is rarely disputed by its own members and secondly, that socio-economic matters are the divisive issues among parties at present.

4.3 The Skill of Opposition Parties#

Opposition parties like the NNP have had their roles redefined since the transition process. The NNP has been slow to adjust from ruling party to the role of largest opposition party after the 1994 election and has been disappointing in this respect. It has made little use of those channels that exist for opposition politics, like interpellations, and only recently started to assert themselves. The NNP's lack of direction and coherence as a party has also been demonstrated in the committee meetings. The NNP needs to define its ideological direction before it can become an effective opposition to the ANC.

The DP, despite its size has fared well as an opposition party and tends to make use of all the available channels by challenging the dominant ANC. This is partly due to the fact that it has past experience as a formal opposition party. Nevertheless, the issues they concentrate on are elitist by definition and reflect their narrow support base of white, English speaking urbanites. Despite their excellent parliamentary performance their actions cannot be described as a reflection of broad base interests and thus fail to provide an integratory approach.

Again the ACDP, the FF and the PAC all insist on a narrow approach on particular policy issues, which has detracted from gaining mass support. They do not offer any feasible alternative to the ANC or other opposition parties and for these reasons their actions cannot be described as widely reflective of South Africans interests or opinions.

The IFP's performance has been characterized by the two issues that it has concentrated on; that of the form of the state (the federal state) and the future power of amakhosi (traditional chiefs). This is due to the party's focus on the Kwa-Zulu Natal province. Again, this approach is sectional in nature and does not bode well for political integration. As for other policy input they have had little to offer and are not regarded as a formal opposition to the ANC especially since the two parties often make rhetorical suggestions about future alliances.

Senator James Selfe stated that the impact of minority parties on the legislative process depends to a great extent on the ability of the individual MP to argue his case especially in committee meetings and with a proposal for a Private Members Bill. He also cited other factors that impress upon the process. A

favorable relationship between minority party MP's and key government players will help an MP to achieve his objectives. Additionally, it also depends on the extent to which minority parties are prepared to trade party visibility with the inclusion of their ideas and proposals into ANC policy documents. Selfe illustrated this point by outlining a case where he personally introduced an Private Members Bill, '*The Aged Persons Amendment Bill*', which was 'co-opted' by the ANC Minister of Welfare who stated that the proposals would be accepted but would not allow credit for the policy to be granted to the DP.³⁹

4.3.1 Summary

These factors point to the realization that while formal procedures and rules are available, affecting policy outcome and the decision-making process also depends largely on the ability of opposition legislators to grasp opportunities that present themselves. Additionally, those legislators who are ready to utilize their personal skills are more likely to impact on the internal parliamentary processes and enhance their party's participation. The majority of the opposition parties have been slow to adopt this pro-active approach but this is party due to the early life of South African parliamentary democracy. The second parliament following the 1999 elections may show more positive results as parties settle into their now-established role as opposition.

4.4 The Role of The Representative

The role and behavior of the legislator (MP) of both minority and majority parties towards their constituencies plays a part in determining to what extent the parliamentary system is not only representative and inclusive but whether his actions are largely determined by sectional interests or whether his approach can be described as integratory.

The 1994 election presented a break with the past in the way that representatives are elected and nominated to office. The PR list system meant that

³⁹This example was gleaned from an interview with Senator James Selfe, Democratic Party member of the NCOP - interviewed on 7th April 1999, Ruskin House, Roeland Street, Cape Town.

all members of parliament are elected on the strength of their position on the regional or national party list. Therefore they are not dependent on the goodwill of their electing constituency, as are MP's in a Westminster variant.

This section explores the implications of this change by looking at its effects on the relationship between representative and constituent. The representative can take on many different roles. Nevertheless, despite the style and focus of the MP it is imperative for the notion of representivity that some linkage is displayed. This linkage is demonstrated in the way that an MP can represent and be responsive to the interests and desires of the electorate. Without accomplishing this task he is undermining his fundamental purpose as a representative. Firstly, the philosophical arguments surrounding representational theory is examined in order to set up the contours of the debate.

4.4.1 Style

The style of a representative indicates that a representative needs to act on behalf of others or in their place. Restated, this dilemma refers to the degree to which power should be delegated to the representative. Some debate exists over the style that a representative should adopt, this debate being commonly known as the 'Mandate-Independence Controversy'. This dichotomous issue can also be referred to as that of 'delegate' versus 'trustee' respectively.

This raises the question of whether a representative should do what his constituents want or whether he should do what he thinks is in their best interest. The latter implies that independent decision-making is placed firmly in the hands of the representative while the former indicates that a representative ought to follow the mandate outlined by his constituents. It is clear that this controversy stems directly from the meaning of the concept of representation, hence the continuing debate.

Independence theorists persuasively argue that true representation will not exist if the representative is not allowed to decide on the basis of his own independent judgement. Surely that constitutes representation? However, mandate theorists argue that representation cannot occur if the representative does the opposite of what his constituents desire or need. Thus, to define the role of the

representative means that one immediately and reluctantly returns to the conceptual difficulty about what representation means. It is useful to burrow into these two distinct views in more depth to understand the implications for the role of our representatives.

The Independence View

Proponents of the independence view are numerous especially in the literature emanating from England in earlier centuries and include such people as Jeremy Bentham and John Stuart Mill. Edmund Burke's speech made to his Bristol constituents in 1774 reminds us of the style dimension of the relationship between the elected and electors. It outlines how Burke, after his victory in the election, shows unwillingness to accept the right of his constituency to give instructions to its Members of Parliament,

"...it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect...it is his duty to prefer their interest to his own. But his unbiased opinion, his mature judgement, his enlightened conscience, he ought not to sacrifice to you...your representative owes to you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion." ⁴⁰

The independence stance introduces the concept of 'authoritative representation' and it is this authority that is bestowed on the representative in the form of trusteeship that gives this style its advantages. It is argued that it confers a degree of responsibility onto the representative that he otherwise would not have. For instance, the American thinker, Francis Lieber asserted that,

"It is the trusteeship that gives so high a value to representative government...Every one feels his responsibility far more distinctly as a

⁴⁰Hill, B, ed. Edmund Burke on Government Politics and Society. (Glasgow: Williams Collins Sons & Co. Ltd, 1975). p. 157.

trustee than otherwise.”⁴¹

This speech also demonstrates a distrust of the people to play a direct role in the formation of policy and other functions of legislative government by subordinating their views and passions to the representative's view. The Federalist Paper also displayed similar skepticism towards the ineptitude of popular rule and went to lengths to justify the strengths of using representatives although it constituted an 'impure democracy'.

The Mandate View

This view asserts that the appropriate role and conduct of a representative is not to use his own judgement but act entirely according to constituency will. This assumes the role of a delegate who is bound by instruction and mandates that confer the wishes and desires of his electorate. As Pitkin states,

”A mandate theorist will see the representative as a 'mere' agent, a servant, a delegate, a subordinate substitute for those who sent him.”⁴²

A well renowned proponent of the mandate view is John Stuart Mill who expressed his perspective in his book 'On Representative Government'. He proposed that a completely popular good government is one where the people have the power of 'self-protection' so that each individual can safe-guard their own rights and interests. Mill asserted that human nature demonstrated that most men tend to think of their own interests before others. Therefore, the representative and the elite power class would be no different. As he states,

”It is an inherent condition of human affairs that no intention, however sincere, of protecting the interests of others can make it safe or salutary to tie up their own hands.”⁴³

⁴¹Luce, R. *Legislative Principles*. (Cambridge: The Riverside Press, 1930). p. 494.

⁴²Refer to Pitkin, H. *The Concept of Representation*. (Berkeley: University of California, 1967). p. 146.

⁴³Pitkin, H. *Representation*. (New York: Atherton Press, 1969). p. 180.

Mill stresses the importance of the wishes of the people and the relative equality between representative and electorate by asserting that the majority would still exercise controlling power through their representatives.

However, if the representative is to fulfill this delegative role successfully immediately he is confronted with the dilemma of ascertaining what constitutes the majority opinion of his constituency at all times. Studies have demonstrated that it is rare that a constituency or its majority have clarified wishes on all issues. Studies have also shown that people often lack sufficient knowledge or inclination to form set opinions on socio-political issues.⁴⁴ Occasionally a constituency may express a clear opinion on an issue but rarely will defined opinions exist on a continuous basis. In these cases it may be right that the representative acts according to unified constituency beliefs but in most cases it may be more realistic for him to act according to what he believes is best for his electorate. Moreover, he may be in a more tenable and informed situation for decision-making due to the legislative process whose design allows for greater information dissemination and deliberation. These circumstances may justify the representative voting contrary to popular opinion.

The mandate-independence issue has been ardently supported and attacked in many countries that have a representative legislature. Every possible position from both extremes has prevailed. In Europe the 1800's witnessed several pendulum swings from the idea of agency to that of delegate with the latter part of the century returning back to that of agency.⁴⁵ This also is exemplified in the debate in America between the 1600's and 1900's about the role of the representative. The instruction principle was adopted as the regular practice by over half the states and this continued until Madison and Hamilton asserted in 'The Federalist' that it was also essential that the representative assert the public interest over immediate desires,

"When occasions present themselves, in which the interests of the people are at variance with their inclination, it is the duty of the persons

⁴⁴Pennock, R and Chapman, J, eds. Representation. (New York: Atherton Press, 1968). p. 15.

⁴⁵Luce, R, op cit., pp. 434-459. For extensive detail on the historical development of this issue.

whom they have appointed to be the guardians of those interests, to withstand the temporary delusion..."⁴⁶

4.4.2 Foci

Several related but distinct issues are associated with the mandate-independence controversy especially that of the focus of the representative. The issue of foci asks which group should be the focus of reference. The debate rages over whether the local or national interest should be the priority of the representative. The dispute is likewise referred to as 'part versus whole' and 'constituency versus nation'. Robert Luce identifies the problem for us,

"For whom does he act? Is it for those who elected him, commonly called his constituency? Or is it for the larger body - the State or the Nation as a whole - of whose legislating assembly he is a member?"⁴⁷

In reality the elected representative may find that there is a conflict of interests between the two. Democratic theory highlights the obligation of those belonging to the body politic as citizens to embrace and support the interests and welfare of the whole. It follows that members of a legislature who are elected to represent interests must be expected to represent these interests in relation to the whole nation rather than just the locality. Hence, it is a potential function of a representative to find the underlying consensus of an issue in his society.

Pennock suggests that the strength of the obligation to support the national over the local interest be related to several factors. Firstly, he must judge the strength of each particular case in terms of its effects on both the national and local interests. Secondly, the system of government itself is relevant since institutional design tends to embrace this tension by allowing for both expressions to be reconciled. Thirdly, the representative should be encouraged to create a national consensus by informing his constituency of the need to support national interest. Lastly, where there is a strong local interest at odds with the national interest the representative may need to weigh the cost of losing an election with that of voting against them but following his belief of what is correct behavior.⁴⁸

⁴⁶Ibid. p. 457.

⁴⁷Ibid. p. 506.

⁴⁸Pennock, R and Chapman, J, eds, op cit., p. 22.

Those attesting the doctrine that the best government is secured through the representative who upholds the interests of the localities, insist that by doing exactly this, the expression of the majority is inevitably reflected within the legislature via their elected members and that legislation will reflect this. Even Edmund Burke claimed that it was a duty of a trustee to acknowledge his constituency's demands,

"I was not only your representative as a body; I was the agent...I ran about wherever your affairs could call me..."⁴⁹

Comparative political studies have demonstrated that, as with the style of the representative, the focus has also differed across legislatures. The British parliamentary members tend to concentrate on their national interest while the United States representatives claim to uphold their constituency interests.

Nevertheless, despite the style and focus of the MP it is imperative for the notion of representivity that some linkage is displayed. This linkage is demonstrated in the way that an MP can represent and be responsive to the interests and desires of the electorate. Without accomplishing this task he is undermining his fundamental purpose as a representative.

4.4.3 The Effect of Proportional Representation on the Representative Nature of the MP

Loewenberg and Patterson examine the types of linkage that exist between the legislator and his constituency and assert that levels of representivity and responsiveness alter according to the type of electoral system. As they observed,

"the focus of representation of legislators is not just a matter of the individual legislator's choice. It is determined for them by the electoral system through which they are chosen."⁵⁰

It is clear from the literature that a list PR system does have a detrimental effect on the representative nature of MP's in South Africa. This is due to the

⁴⁹Luce, R, op cit., p. 508.

⁵⁰Loewenberg, G and Patterson, S. Comparing Legislatures. (Toronto: Little, Brown & Co, 1979). p. 192.

fact that PR presents inherent constraints that the MP will find unavoidable. By examining firstly, the choice that the electorate has between candidates of the same party and secondly, the size and nature of constituencies one will be able to observe this negative effect on the representative-constituency relationship.⁵¹

The Choice of Candidates

A result of choosing a closed list system is that the central party leadership determines which candidates appear on each party list. This gives parties immense power over who becomes an elected candidate. Therefore, MP's are chosen for the party list in highly partisan manner. The PR list system means that the focus of the representative is not a geographic one but rather a party-orientated one. Here the political party is the dominant focus of representation due to a cohesive party structure and the nature of the list system demanding a high level of party loyalty. As Peter Pretorius, the secretary to the Western Provincial Parliament, stated,

"The negative aspect of PR is that it makes the MP loyal to party bases and not the electorate. The recruitment criteria for legislative members are money and power."⁵²

Therefore, the closed list PR system gives little choice to the electorate to choose between candidates of the same party. Since the electorate is required to hold their representatives and the government accountable for their actions, this raises the issue of accountability and to whom the representative is responsible. If the party determines who appears on the list then there will be an incentive for potential candidates to conform to party opinions and ideals. If accountability was more directed at the voter, representatives would have more incentive to follow constituency opinion. The question here is to what extent MP's in South Africa perceive that they have an electoral advantage by appearing on a list rather

⁵¹Republic of South Africa Report of the Committee for Constitutional Affairs on Proportional Polling System for South Africa in a new Constitutional Dispensation. (Republic of South Africa President's Council. Cape Town: The Government Printer, 1992).

⁵²This information was gleaned from an interview with Mr Pretorius, Secretary to the Western provincial Parliament - interviewed on 20th April 1999, Provincial Building, Wale Street, Cape Town.

than having to prove their worth directly to the electorate. Do the MP's have any incentive to fight for their party seat?

By observing the levels of participation of candidates in the election campaign of 1994 it became clear that there was inadequate participation and activity by the candidates. Party workers from most of the parties expressed criticism about the lack of enthusiasm by candidates. As one ANC worker stated,

"...everybody in the ANC structures worked very hard until the candidate list was done. Then some of those higher up on the lists stopped doing their job."⁵³

The NNP party organizers also expressed similar concerns about the lack of dedication by those candidates who featured at the top and bottom of the list. They believe the new system to be less voter-friendly as it diminishes the role of the MP as a link between the people and the National Assembly.⁵⁴ All parties seem to have witnessed a lack of commitment and dedication to the 1994-election campaign from those candidates mainly situated at the top and bottom of the party lists. Those at the top have little incentive to canvass the electorate since they are almost guaranteed a legislative seat while those at the bottom have no incentive to participate since it is highly unlikely that they will win.

South Africa's Interim Constitution provided for an additional measure of party control over its parliamentarians through the anti-defection clause.⁵⁵ This regulation became widely contested as it states that the members of representative bodies (NA & NCOP) shall lose their seats as soon as they cease to be members of the party that originally supported their candidature. It further implies that MP's are not allowed to cross the floor to join another party until the next general election. Neither can they represent a new party in the legislature or stand as an independent candidate. Where such a vacancy occurs the party that has lost a member shall replace him with the next candidate on the party list.⁵⁶

It has been attacked as being very undemocratic since a parliamentarian is certainly more likely to follow the party mandate and less likely to make inde-

⁵³De Ville, J & Steytler, N, op cit., p. 41.

⁵⁴Ibid. p. 39.

⁵⁵South African Interim Constitution. Act 200 of 1993.

⁵⁶South African Constitution Act 108 of 1996, Schedule 6, Annexure A, Section: 12.

pendent decisions based on the interests of his constituency. The implication is that the independence of MP's against their parties is substantially diminished. This makes the MP less representative with respect to the interests and desires of his constituency. If the MP's mandate is related to the party's mandate, then political power does not reside with the representatives in the legislature but with the top party leadership. Evidently, this entails a loss in accountability to the electorate who is less able to hold the party leadership accountable on a continued basis whereas an MP can offer continuous communication with his constituent which enhances democratic legitimacy. The clause has been defended as being a part of the party list system adopted. The nature of the closed list system means parties win legislative seats and not the candidates. A proposed amendment to the constitution to allow MP's to cross the floor was moved by the DP and NP but rejected by the ANC and IFP on the basis that it would not be democratic or fair to the electorate that MP's be allowed to cross the floor. Hence, the 1996 Constitution has included the clause and the status quo has been retained indefinitely.⁵⁷

Thus, in South Africa under the present list system there is no direct or individual accountability of members of parliament. A comparative survey of electoral systems demonstrates that other systems offer better opportunities for closer constituency-representative ties.⁵⁸ Thus list systems are less accountable by representatives towards the voters than in majority systems because they do not hold individuals directly accountable to a constituency.

The list system in SA deters the representative and citizen from developing a close relationship and linkage. It is difficult for MP's to keep in touch with particular constituency demands and interests and this means that it is more difficult to act as an intermediary in the legislature. The party leadership method of electing candidates makes the outcome highly partisan and introduces certain constraints on the representative. Party leaders determine the parameters of the focus and style of the MP. The tight party control of representatives has created cohesive parties and this discipline may actually promote the integration of the

⁵⁷The South African Constitution, Act 108 of 1996, Schedule 6: Section: 12 & 23.

⁵⁸The single-member constituency system provides a high level of MP accountability to his constituency. The open list system provides a higher degree of control over MP's than the closed list system.

political system by having a stronger party system.

For these reasons it is argued that this electoral feature makes the legislative system less representative and less accountable. To compensate for the perceived lack of constituency accountability parliament set aside R36 000 for each parliamentarian per year for their constituency offices. The allowance was paid to each party according to the amount of MP's they have. Despite the allowance, MP's complain that it is inadequate to meet all the constituency work requirements. MP's have to think up innovative ways to fulfill their constituency work. The National Party's Hennie Smit, the MP for George and Knysna, stated in an interview that he has contributed personal savings towards maintaining constituency work.⁵⁹

An investigation of the operation of constituency offices was carried out by IDASA in 1996.⁶⁰ It revealed that the efforts of party workers to strengthen constituency ties and redress the lack of accountability were limited by certain constraints. The lack of funding is a major issue as is the lack of clarity about the legal responsibility of MP's towards their constituents. Parliamentary meetings and sessions primarily dominate an MP's time and he has little time to spend in his constituency. Neither is an MP required to live in his designated constituency which means that his physical link with members of that community are frustrated. Mr Pretorius asserted that the main problem for the public was the lack of advertising and publication regarding the availability and role of constituency offices thus making the existing system very ineffective.⁶¹

The Institute of Democracy in South Africa (IDASA) completed a survey in their Public Opinion Service (POS) about the perceptions of citizens with respect to their MP's. The questions were aimed at finding out what the citizenry feel about their elected representatives by asking them how much contact they had with their MP's. The first question was aimed at discovering whether MP's were good at keeping in touch. Approximately 38% were satisfied, 18% felt that they did a fairly poor job and 38% said that they did a poor job. When asked about

⁵⁹'The Parliamentary Whip' Issue: 17th May 1996. (Parliamentary Information and Monitoring Service, IDASA, Cape Town). p. 2.

⁶⁰Ibid.

⁶¹This information was gleaned from an interview with Mr Pretorius, Secretary to the Western Provincial Parliament - interviewed on 20th April 1999.

the perceived responsiveness of MP's, 18% thought that he/she would be very helpful while 36% felt that they would not be helpful at all. When asked if they had had contact with an MP over the last twelve months, 31% had some form of contact while 65% had no contact.⁶² While there is always some controversy over opinion polls these empirical findings to indicate that the perceived attitude of the electorate towards his MP is relatively unsatisfactory.

The Size and Nature of Constituencies

While the elections of particular candidates is one method of achieving accountability the size and nature of constituencies will also determine the relationship between the representative and constituency. The constituencies in South Africa consist of the provinces (when using a regional list) or the country as a whole (when using a national list). These are so large that they do not serve the purpose of 'constituency representation'. It means that no particular representative can be held responsible or accountable for a particular constituency which could lead to disillusionment with the electoral process and the democratic order.

The relationship between voter and representative is at its weakest in a national party list system, which some parties in South Africa use. After analyzing the party lists it became clear that the national lists were less representative of regional interests than the regional lists. As De Ville states,

"Very few MP's from rural areas were elected to the National Assembly from national lists. This provides at least anecdotal evidence for the proposition that the more centralized party lists are drawn up under a proportional representation system, the less representative that list will be of rural interests and the weaker the link between MP's and geographical constituencies."⁶³

In 1995 the political parties (ANC, DP, NP & PAC) made submissions on electoral systems to the constitutional assembly. The general outcome of these

⁶²Opinion Poll Vol. 2 Issue 1. September 1996. Cape Town: Public Opinion Service-IDASA, 1996. p. 6.

⁶³De Ville, J & Steytler, N, op cit., p. 43.

submissions was that the accountability of MP's to the electorate needed improvement while maintaining the benefits of a PR system. This official acknowledgement in South Africa by many political parties that this feature constitutes a major drawback for democratic representivity is encouraging. All political parties agree that the present PR system does not make for strong links with the electorate.

Some parties have made arrangements for their MP's to be allocated to a specific region or 'constituency'. The ANC divided up the country into sub-region zones and allocated each MP to one zone. Winning regional list candidates were awarded a zone in their region while national list candidates also received a choice. The ANC stated that they would set up a division that could act as 'watchdog' over MP's to ensure they were fulfilling their representative function by demonstrating levels of responsiveness.

The minority parties have additional difficulties when trying to allocate their limited number of MP's to geographical constituencies across a country as large as South Africa. Minority groups are not necessarily concentrated into one contained area. For example, the Freedom Front, with only nine members in the legislature, has had to alter the way its representatives service their constituency. With no possibility of effectively servicing across the country the role of the MP has diminished and all queries and complaints are directed to the leader of the FF and then are referred to the MP's in parliament. Although each MP has been allocated a province and there are plans to open offices in all provinces the PR system has meant that the party exerts most of its energy on its existing supporters rather than trying to attract new voters.⁶⁴

The Democratic Party has expressed dissatisfaction with the state of affairs because of the lack of a formal link between the voters and MP's. In their submission to the Constitutional Assembly they recommended that 80% of National Assembly members should be elected in multi-member constituencies and 20% from national party lists. Each voter should then have two votes. The first would be for the constituency list while the second for the national party list.⁶⁵

With only seven members in the first democratic parliament it was especially

⁶⁴Ibid. p. 31.

⁶⁵Ibid. p. 3.

difficult for the DP to allocate them to areas. James Selfe, a senior member of the party in the Western Cape, confirmed that very little is done by the DP with regards to promoting constituency-MP links. He explained however that the DP has now allocated to candidates a physical bit of territory in the Western Cape. While candidates are required to raise their own financial revenue to cater for constituency services because of the noticeable gap between rich and poor areas there is a policy of pooling all resources and redistributing it on an equal basis. Selfe also observed that there is less contact now between MP's and their constituents compared to the previous electoral system and admit that the party's priority for the 1999 election is to concentrate on what it perceives as its potential constituency.⁶⁶ Consequently the DP will not be allocating MP's to those areas that are unlikely to draw votes.

Despite the efforts of some parties to tighten this linkage in order to redress the resulting lack of representivity and accountability it can be stated that these efforts are not adequate. As De Ville and Steytler conclude,

"The aim has in every single case primarily been to do party political work in the constituency and not to act as either a constituency MP or as a peoples' representative in the true sense of the word. There are no direct incentives for MP's to play the role of either constituency MP's or voter representatives. The only incentives come from party hierarchies themselves."⁶⁷

One way of addressing this shortcoming is through the list system. Any party wishing to expand its support base will have to take notice of voter interests and their diversity by incorporating such representative candidates onto their party lists. The question of whether parties are attempting this has been dealt with in Chapter Three. It is concluded that many parties are still not embracing this opportunity to become increasingly representative. However, this measure is certainly insufficient on its own. The question arises as to whether a solution can be found by a return to a more constituency-based representation combined with a PR system.

⁶⁶Mr James Selfe, Democratic Party member of the NCOP - interviewed on 7th April 1999, Ruskin House, Roeland Street, Cape Town.

⁶⁷De Ville, J & Steytler, N, op cit., p. 43.

Germany offers an interesting case of a hybrid system where constituency representation has been combined with proportional representation. German Bundestag Deputies (MdB's) are elected through a mixed voting system that combines PR with single-member constituencies. Plurality voting is used for the single-member constituencies while party lists are used for the other. This system because of the merging of the two systems allows the MdB's to retain party loyalty but also ensures more active participation in regional affairs. ⁶⁸

4.4.4 Summary

The role and behaviour of the legislator (MP) of both minority and majority parties towards their constituencies plays a part in determining if the system can be fully representative. However, the role of the individual MP is less relevant in the South African case. While the paper does delve into this issue it is less concerned with the individual level and more so with the system level for political inclusivity and integration. The limited attention paid to the individual MP's does not imply that they have no role to play in the integration of the political system. In fact, the claim that elites are more likely to cooperate than citizens in a divided society like South Africa illustrates the importance of these individuals. Lijphart depicts this claim with his theory of consociationalism, which is based upon the cooperation of elites within a divided society.

Discovering the contribution that the MP can make to political integration in South Africa has been made irrelevant to a great extent by the PR electoral system, which hampers the traditional foci and style of a representative. Therefore, this makes representational theory on the role of the representative very difficult to apply to South Africa. The style of the representative towards his constituency cannot be described as either a mandate or independence stance in South Africa. This is mainly due to the PR system and the inherent constraints of the way the list system is devised. By allowing the party leadership to determine the compilation of candidate lists it implies that the dominant role of parliamentarians will be that of partisan. His function is to promote the ideological or other aims of the party point of view rather than that of a particular constituency view. A

⁶⁸Ibid. p. 68.

further result of the closed list system is that the electorate has no opportunity to choose between candidates for the same party.

It is equally difficult to apply the traditional constituency theory based the work of Edmund Burke as there are no formal constituencies. The focus of the MP in South Africa is the national constituency and the political party has become the unit that is represented rather than the constituency. This is a trade off due the PR list system and is counteracted by other measures, like the NCOP. The incentive to assume the role of a constituency MP is retarded in South Africa. However, as mentioned previously, although the electoral system has meant that there is less linkage between the representative and a constituency it has ensured stronger parties and therefore a chance for greater integration of the political system.

The size and nature of constituencies also impacts on the constituency-representative relationship by making the constituency too large to address and interact with on a personal level. Both these factors mean that the level of accountability of MP's in South Africa is diminished significantly. Accountability is important since it ensures that the voter has some control over the actions of the representative. This lack of accountability inhibits the constituency representivity of MP's in the National Assembly since the electorate has little control.

There is an argument that asserts that representatives can only be adequately responsive to one particular constituency by being familiar with a defined area, listening to their interests and opinions and reacting on them. This argument carries some weight when considering the diversity of the needs of South Africans. What may be important to the people in the township of Khayelitsha may not be so pressing to those living in the suburb of Groot Constantia.

A critic of the pure PR system, Steytler, of the University of the Western Cape, has asserted that the present electoral system breaches constitutional principle VI which requires accountable government because MP's are only responsive to their parties. He has suggested ways of rectifying the situation to include a constituency component. These include an election based on half PR votes and half constituency votes, multi-member constituencies or dividing South Africa into 100 constituencies where people are elected on PR votes.⁶⁹

⁶⁹The Parliamentary Whip' Issue: 17th May 1996. (Parliamentary Information and Moni-

4.5 Conclusion

This section has been concerned with the inclusion of various political parties and their related interests within the decision-making processes of the South African legislature. By incorporating and representing the diversity of political interests within South Africa at the decision-making level the legislature will contribute to an arena where compromise and consensus building can occur. In a politically divided society like South Africa accommodation at the elite level can serve to promote greater political integration. The effectiveness of the legislature's integrative capacity depends on whether its design allows for opportunities for parties to express demands and influence policy outcome.

A noticeable characteristic of the South African legislature is the lack of entrenched opposition structures. Certain rules like the anti-defection clause and Rule 62 of the Standing Rules prohibiting minority reports illustrate how opposition politics is constrained. Therefore, the expectation of minority and opposition parties to influence decisional outcomes must be minimal. The committee system also hinders the ability of minority parties to influence legislation. The prohibition of minority reports, a lack of mandated cooperation and the under-representation of minority parties supports this assertion. At this level opportunities for minority parties is weak. The Committee system is highly ANC dominated, which works to the detriment of smaller opposition parties.

However, the Committee system has allowed for a great degree of party inclusivity through its structural and procedural elements. It is also evident that the committee arena does facilitate an informal process of negotiation and deliberation between party members. Here opportunities do exist for minority parties and opposition parties to express their opinion and demands and their impact on policy outcome may be higher at the informal level than is initially observable. These factors may offer a significant opportunity for political integration.

Again the Standing Rules of Procedure that oversee the activities of the House do present formal opportunities to stress sectional interests and dissatisfactions and will help to promote political integration. These include debates, questions, interpellations and Private Members Bills. These rules may also help smaller

toring Service, IDASA, Cape Town). p. 3.

parties to partially influence legislative outcomes. However, it is clear that certain procedures like Private Member's Bill submissions still need to be harnessed more effectively by opposition parties. This directs one to another area that requires improvement, which are skills being displayed by individual MP's. The DP has demonstrated its ability to affect legislation more so than other opposition parties like the NNP. This is largely because certain parties have yet to grasp the skills of debate and negotiation. It is possible that by improving negotiating and debating skills the opposition parties will become more influential in decision-making.

In South Africa the electoral system has determined both the style and foci of the representative. The closed list system has hindered close constituency ties and has forced a party-orientated style with large constituencies molding a national focus. Thus, the style and foci is difficult to define in absolute terms and creates a dilemma for the most well-intentioned representative. The linkage between representative and constituency is depleted in terms of responsiveness and representivity despite the insufficient efforts by parties to build closer constituency links. The introduction of incentives for MP's such as a return to a more constituency-based system would alleviate this lack of representivity by promoting better political inclusivity.

The concerns raised by Yung and Shapiro about the lack of opposition structures within South African democracy are relevant for the committee system in particular. Both the National Assembly and its committee system are characterized by a majoritarian style of democracy due to an overwhelming ANC legislative presence, which is juxtaposed by a lack of realistic and formal opportunities for opposition politics.

It must be borne in mind that the parliamentary structures and rules are still in their infancy and that all parties have had to go through a process of adjustment as far as their roles are concerned. The opposition parties have failed to provide ideologically distinct and realistic policy options as alternatives to the ANC position. This has affected their performance. In light of the relatively weak opposition within the legislature it will be important that the ANC recognizes its role as both party in power and the party that has strong legislative capabilities. Often the two responsibilities are confused within the ANC itself and it has been criticized for bowing to the wishes of the executive. The ANC needs to recognize

and uphold parliament's oversight function over the executive.

This chapter highlights how political integration is facilitated due to the existing formal opportunities that exist for minority parties to take part in decision-making within the legislature. However, it also illustrates how political integration is undermined to some extent by a lack of mandated co-operation between all parties. Furthermore, the ANC majority and the need for additional expressive procedural channels to both hinder opposition parties to influence the process. It is equally possible that this area will improve in the second parliament after 1999 when opportunities become increasingly harnessed and opposition parties become more organized.

Chapter 5

Conclusion

The aim of the study was to evaluate whether the legislature known as the National Assembly in South Africa is designed in such a way that it is able to promote a process of political integration. The paper therefore linked the case of South Africa with the proposed hypothesis to illustrate and give meaning to the theoretical issue of political integration. As stated at the onset an evaluation necessitates a judgement of whether the proposed theory is valid or otherwise. However, a theoretical case study of this nature is hard-pressed to validate a hypothesis completely since exceptions will exist. However, the findings presented here may go a way to substantiating the argument that the legislature can act as a vehicle for political integration.

Specific analytical tools guided the discussion. The concept of political integration was located as a maintenance activity of the political system. The pluralist approach explained how societal conflicts manifest themselves as groups giving way to a situation where society is composed of various group identities that have differing interests. The study utilized the neo-institutional perspective, which allowed for an evaluation of political integration within an institutional framework of the legislature.

The first section dealt with the theoretical aspects of the paper in order to locate the contours of the argument and show the relationship between the legislature and political integration. The political system was identified as a system of interactions within a society that performs several functions in order to maintain legitimacy and stability. Certain functions were essential for political integration and included interest articulation and aggregation. These functions

were interpreted as the representation of interests and the accommodation of interests within decision-making and legislative output. These functions assure the political system becomes integrated. Therefore certain intrinsic values, such as stability, are associated with a process of political integration making it an important maintenance activity. Therefore a process of political integration can assist the maintenance of the political system.

As these functions institutionalize societal demands and interests they enhance political integration and political stability. Therefore, the definition of political integration employed in this study referred to the institutional processes and mechanisms that allow for the bridging and combining of the disparate and often conflictual elements within a society. The integration approach adopted here refers to the institutional mechanisms available to absorb and harmonize societal conflict. By focusing on the level of political inclusivity for societal groups and their respective political parties the study demonstrated how integration is dependent on democratic representation and participation. The argument constructed here is that highly inclusive representation allows for a process of political integration to occur. The concept of representation within democratic theory asserts that it is essential that all the various social elements constituting any society must be able to have access to a process of political representation and participation. Without inclusion within the political system salient groups will reject the system as illegitimate leading to a degree of instability.

South African society was analyzed using the pluralist perspective in order to demonstrate the need for integration of societal groups at the political level. The study demonstrated that South Africa has a pluralistic political system due to the abundance of societal cleavages, which have transformed themselves into organized political parties. The prevalence of many conflicting political groupings in South Africa poses a major challenge to political integration. Using the divided society paradigm aided this analysis and aptly demonstrated the need for a process of integration to occur in South Africa. This perspective showed how societal cleavages determine political affiliations as they take on predominance creating a situation where politically salient group identities tend to determine political conflict and competition. In South Africa political tensions are apparent between various ethnic groups and their respective party supporters within the

UDM, IFP and ANC. The politically salient group identities hinder political integration not simply because of the conflict that results but also because it gives rise to permanent majorities and minorities, the latter of whom are prevalent in South Africa.

The system of contrasts and cleavages within the society were outlined to show their predominance within the political arena and to highlight their causality. The prevalent cleavages were identified as racial, ethnic, class, and rural-urban. The causal explanation rejected a reliance on one perspective and suggested that causality lies with the arguments of scholars like Mamdani and Mare who show how divisions amongst groups are often manipulated and constructed. The origin of cleavages may also be explained by the pluralist perspective, which suggests that the organization of people into groups is dependent on identities and is thus a socializing process. While this may be the case the extremity of the political salience of groups in South Africa is still largely due to identity manipulation and construction and because the divisions have been reinforced systematically through colonialism and apartheid. South Africa's main constitutional designers and key political figures correspondingly recognized the divided nature of the society by implementing a democratic system that enhanced group participation, decentralization and protecting minority rights.

The legislature was identified as an institution that can act as a vehicle for political integration because of its ability to channel disparate demands into one arena through its representational and legislative functions. It can reflect the composition of society and act as a microcosm of it. Inclusive legislative representation gives all societal segments a voice through representative democracy. The expansion of democratic political participation in South Africa has given rise to a multitude of factional parties that can all find a platform for expression with the legislature. Current parties mirror the conflicting social interests and segmental demands of various groups. This has given way to a political arena dominated by cultural, racial, class and territorial oppositions. By including a maximum number of groups and their respective parties within the legislature it helps to construct levels of co-operation and consensus among their respective elite's which in turn may result in societal groups bestowing a level of consensus and legitimacy to the political system as a whole.

The study evaluated whether the legislature assists political integration by focusing on two indicators; firstly, that of the formal representation of political parties and secondly, the levels of participation and influence within the legislative decision-making processes for these parties. The first is more symbolic activity while the latter is more concrete. They were identified as the institutional processes and mechanisms that would allow for the bridging and combining of the disparate and conflictual social elements hence a process of integration through elite accommodation.

The first indicator concentrated on the representational devices that facilitate formal representation within the legislature. The choice of the electoral system and its mechanics, participation by the electorate, party slating procedures and the party system were the factors used to evaluate how politically inclusive the South African legislature actually is.

Firstly, to evaluate the first indicator of 'formal representation' the study looked at the electoral process and its effects on political inclusivity for political parties. With respect to formal representation the PR electoral system chosen by South Africa was a suitable choice to promote political integration in that it produced a majority government with an abundance of minority party representation. Thus, PR influenced the number of parties that could be represented. The following dimensions also affected proportionality in a positive manner. The quotas and formulae used for seat allocation, the low implicit threshold and the size of the national constituency all aided this high representivity in the legislature of political alignments and resulted in a multiplicity of parties. It is clear that South Africa's PR electoral system is able to cater for the symbolic representation of many political parties in the legislature thus ensuring inclusive citizen participation through political parties.

A result of the PR system is that it has not eliminated parties that rely on support from one section of society, like the PAC or FF. This is by far one of the most valued features of the South Africa system as it grants representation to a wide variety of right and left wing parties. The lack of representation for these parties could lend itself to a situation where they resort to unconstitutional means in order to achieve their goals. It is essential that diversity of interests rather than just the majority opinion prevail. This feature makes the system legitimate in

the eyes of a greater number of people and helps to integrate demands through a single channel, namely the legislature. These factors all promote the integration of the political system and ultimately ensure some degree of political stability.

The second area of analysis dealt with the electoral system and its effects on political inclusivity for the electorate. The concern is the extent to which the electoral system allows for accessibility and participation by the electorate. This area of analysis illustrated how electoral systems are required to trade one value for another. In the South African case accessibility for the electorate was maximised by using a closed list system. However, the trade off involved less MP accountability as a result of the closed list system. The indicators show that the system is very accessible and participation is prominent. The voting system is comprehensible and the registration of voters was high in both the 1994 and 1999 elections. The method of seat allocation gave supporters of minority groups an incentive to partake. Furthermore, these features encourage the South African electorate to believe that they can influence political outcomes through electoral activity. The electoral system based on a closed list has helped participation and accessibility for the electorate. Levels of participation and accessibility in the electoral process may increase representivity and inclusivity as education and literacy improves. However, evident levels of participation and accessibility automatically increased the representivity and inclusivity of South Africa's electoral outcome. For this reason one can state that political integration has been facilitated by inclusive electoral participation. More people are represented within the legislature through parties and this will further the integration of mass opinion. However, continued voter education is still required in order to ensure that this aspect improves.

One noted criticism is the obstruction of direct participation for the voter when choosing individual candidates due to the closed list system. It has infringed upon the voters democratic right to choice and selection in the electoral process. South Africa has chosen to promote electorate accessibility by choosing a simple voting list but in turn devalued participation. This fault is important and requires revision. Several recommendations could help to overcome this problem. Either the list must be compiled under internal party democratic procedure that is made transparent or South Africa moves towards the adoption of an open list system

when political literacy improves.

Thirdly, party systems can play an integrative role by promoting inclusiveness, consensus and reconciliation between societal groups through the expansion of electorate participation. A party's ability and inclination to appeal to votes outside their particular constituencies demonstrates increased participation. Party slating procedures have been used to indicate whether parties are contributing to political integration at a parliamentary level by examining their efforts to widen support bases to attract voters from all ethnic, religious, racial and other groups. An examination of the slating procedures of various political parties in South Africa has shown that while the PR list system allows party leadership the chance to build party discipline, it also offers party leaderships the opportunity to expand electorate support bases and increase participation, thus increasing representivity. The quality of participation is especially significant in South Africa where other representative institutions are still in the process of consolidation. The more participation that political parties can muster the more representative the system becomes. Without a strong party system that can allow the representation and participation of views and opinions the stability of the political system is at stake.

It is in the interests of South African political parties and their leaders to attempt to expand political participation. In this way parties can direct political participation into electoral channels away from unconstitutional means. This will help to integrate the system and create a strong multi-party structure. The party system in South Africa is characterized by many political parties that reflect both the extreme left and right. While it is highly representative to have such a great number of parties it has also lead to the existence of sectional parties who seem reluctant to develop comprehensive values and interests. Several South African political parties still act as representatives of a small section of the community. They lack incentive to widen their support bases (participation) by appealing to groups other than their existing supporters. These political parties should ^{*} strive towards programs determined by policy and political values rather than vehicles for promoting ethnic or racial interests. This may alleviate the historical divisions and cleavages by enhancing true societal opinion on policy issues. The implications of having programs that are policy based rather than particularistic

means that there is a wider appeal to more people.

The ANC, as the dominant government party, has a historical legacy of being inclusive and reflective of South Africa's population. This representative fervour has set a precedent for other parties. The smaller opposition parties such as the FF remain to be very particularistic about their constituency base and are non-reflective as a result. Therefore some parties (namely the ANC) can be described as truly reflective, others partially reflective (NNP and DP) and others non-reflective of the South African populace. If the latter parties do not attempt to increase and expand their narrow support bases through slating procedures and integrative policy proposals they may experience a decrease in size and support scope in years to come as their existing electorate begin to move their support to more inclusive political parties. These sectional constituency bases may begin to perceive that the smaller parties are ineffective as representatives in policy making. What one can conclude is that the existing legislative diversity can be attributed to the fact that the majority of members are ANC party candidates and it was this party that chose to be most reflective on its lists.

The transformation of parties in respect to representivity has occurred to some extent. Parties that existed in the Apartheid era, such as the NNP and DP, have made some significant changes although these could be described as a simple 'window-dressing' procedure. However, in all due respect these parties are still constrained by their historical place within the Apartheid system and it will take some time before the electorate's perceptions of these parties change. A change in their policies will indicate a broad-based approach and although their policy manifesto's imply that positive change has occurred it is difficult to measure since they have had little opportunity to put them into practice. Yet, at the grassroots level both parties fail to attract mass support despite their increasingly reflective party lists.

The high presence of women is an example of how the PR list system can facilitate the presence of groups that otherwise do not necessarily get representation in parliament. However, maintaining and increasing high levels of representivity now depends primarily on the various political parties to embrace this opportunity for reflectivity on the party lists. However, it is interesting to note that the presence of women in parliament decreased by two percent after the 1999 election.

From the observations on slating procedures it is apparent that the majority party, the ANC; is more integrative in this respect than many of the other parties. The minority parties especially are less inclined to widen their support base and are thus less integrative. However, South Africa's democratic party-system is still in its infancy and only time will show how electoral pressures alter the status quo.

The fourth area of analysis examined the party system and its effects on political inclusivity. South Africa requires a party system that allows for a multitude of parties to coexist because of the diversity of opinion within the society. The PR electoral system has allowed for a multi-party system to emerge and as a result has allowed the legislature to act as an integratory mechanism. PR has allowed for the voice of minority parties to claim a presence in the legislative arena and in this way provides a secondary means of protecting these groups in society. The South African party system can be described as a pluralist party system with one predominating majority party. There are over ten parties that are ideologically distinct with the ANC as the majority government party. Since many political parties are represented the arena can be described as politically inclusive and more legitimate as a result.

While PR has ensured a highly representative party system it was suggested that party fragmentation could adversely affect political integration and the stability of the political system. A PR system can give a disproportionate amount of influence to minority parties to a point where they are able to hold the majority party to ransom over policy issues. This tends to create instability and disintegration within the parliamentary structure and has serious ramifications for the government in power.

However, the South African case is unable to verify this claim. It is clear that the high number of parties within the National Assembly have not infringed upon the government's authority to act decisively. There is a simultaneous achievement of relative stability and political representation. The ANC hold a substantial majority of the legislative seats in the legislature. They also hold a proportional amount of seats in the committee system where informal and formal decision making is processed. Even with the proliferation of political parties after the 1999 election the ANC continue to hold a substantial majority.

Due to the ANC majority the power of minority parties to influence pol-

icy outcomes or affect the government's effectiveness and authority is diminished substantially. The only method for opposition parties to affect the ANC's hegemonic position is through the use of bloc voting and informal alliances. However, this would require a greater amount of organization on behalf of these parties, which has not been illustrated to date. Therefore small parties should be seen in a positive light and as a fundamental part of the legitimate system. Without these smaller parties representing small-constituency interests one cannot claim that the system promotes political integration at the legislative level. They stand as proof that the system can integrate various interests and represent them at a national level. It is their insignificant size that should be interpreted as the strength of the integratory capacity of the legislature. Additionally, a decrease in opposition parties may lead to a lack of opposition politics in South Africa, which may invite the danger of ANC hegemony. Therefore, the process of political integration has not been derailed by the high presence of parties and may even promote political stability. Furthermore, the government of South Africa is relatively stable due to ANC domination and can act without undue hindrance or interference.

The second indicator was concerned with the levels of participation and influence within the legislative decision-making processes for both the majority and opposition parties. The analysis of the decisional processes concentrated on the structures, rules and procedures and internal functioning to evaluate whether the legislature promotes political integration.

The committee system has allowed for a great degree of party inclusivity through its structural and procedural elements. The large number of specialized committees has created a dynamic arena for productivity and independence. However, the size of committees has detracted from adequate minority party representation. The proportional allocation of seats has nevertheless insured inclusivity for minority parties albeit to a limited extent. The control of a committee's business is dictated to a large degree by the chairperson. In South Africa the selection of chairs is highly partisan giving the ANC control of the committees' agendas. Opposition parties rarely hold chair positions. This inadequacy of opposition party representation at the chair level is offset to some extent by high levels of public participation within the committee process, which includes an

array of societal opinions. However, the negative result of this open decision-making arena is that it tends towards party mandate assertions by legislators rather than compromise between parties, which tends to occur more frequently behind closed doors.

However, the early stage in the deliberation process shows evidence that the committee arena does facilitate an informal process of negotiation and bargaining between the various parties. Opportunities exist for opposition parties to express their opinion and demands and their impact on policy outcome may be higher at the informal level than is initially observable. These factors may offer a significant opportunity for political integration.

The lack of a procedure for minority reports as a channel for discontent does not bode well but is alleviated slightly by the ability to note within the committee report if consensus was not reached. However, evidence suggests that this is not widely practiced and is regarded as a meaningless gesture by the main opposition parties. Directly related to this concern is the evidence that suggests a high degree of policy consensus building exists within the early stages of informal deliberation within the committees. Furthermore, the power vested to the committees' means that they are able to authoritatively initiate and revise legislation. However, the ANC majority within the committees clouds the importance of these powers since it can be argued that committees act merely to assert the party executive mandate.

The rules and procedures of the National Assembly allow for several opportunities for smaller parties to initiate and question legislation and assembly business. Private Members Bills demonstrated that effective opposition parties might be capable of impacting on the legislative process. However, the scarcity of Private Members Bills submitted by the opposition and the low level of acceptance of those submitted by the ANC dominated committees indicates that this procedure is largely ineffective.

Statements, questions and interpellations are utilized widely by most opposition parties and seem to constitute the more popular means of disputing ANC policy. Most of the socio-economic questions posed are by opposition parties rather than ANC members, despite their large numbers, which indicates that the ANC party line is rarely disputed by its own members and secondly, that

socio-economic matters are the divisive issues among parties at present.

These factors point to the realization that while formal procedures and rules are available, affecting policy outcome and the decision-making process also depends largely on the ability of opposition legislators to grasp opportunities that present themselves. Additionally, those legislators who are ready to utilize their personal skills are more likely to impact on the internal parliamentary processes and enhance their party's participation. The majority of the opposition parties have been slow to adopt this pro-active approach but this is partly due to the early life of South African parliamentary democracy. The second parliament following the 1999 elections may show more positive results as parties settle into their now-established role as opposition.

The role and behaviour of the legislator (MP) of both minority and majority parties towards their constituencies plays a part in determining if the system can be fully representative. However, the role of the individual MP is less relevant in the South African case. The system level rather than the individual level was the main focal point when examining political inclusivity and integration. Yet, the limited attention paid to the individual MP's does not imply that they have no role to play in the integration of the political system. In fact, the claim that elite's are more likely to cooperate than citizens in a divided society like South Africa illustrates the importance of these individuals.

Discovering the contribution that the MP can make to political integration in South Africa has been made irrelevant to a great extent by the PR electoral system, which hampers the traditional foci and style of a representative. This is mainly due to the constraints of PR in the way that closed list systems are devised. By allowing the party leadership to determine the compilation of candidate lists it implies that the dominant role of parliamentarians will be that of partisan. His function is to promote the ideological or other aims of the party point of view rather than that of a particular constituency view. As there are no formal constituencies the focus of the MP in South Africa is the national constituency and the political party has become the unit that is represented rather than the constituency. This is a trade off due the PR list system and is counteracted by other measures, like the NCOP. The incentive to assume the role of a constituency MP is retarded in South Africa and implies that constituency interests are not

integrated effectively into the legislative arena. However, although the electoral system has meant that there is less linkage between the representative and a constituency it has ensured stronger parties and therefore a chance for greater integration of the political system.

The study suggested that two fundamental conditions have to be met for the South African legislature to contribute to political integration. Firstly, the system must ensure inclusive formal representation of all societal groups in the form of political parties within the legislature. Secondly, that the legislature must afford a degree of influence and participation to the represented political parties at the decision making level where disparate demands can be channeled, given expression and some degree of persuasion in order to facilitate compromise over policy outcomes. These mechanisms and devices need to be developed before conflict can be mediated among contending groups.

The formal representation of diverse groups and interests is very high and provides adequate symbolic and tangible reasons for most groups to mutually participate within the arena. Proportional representation has contributed in a significant and positive manner while other electoral systems would not have been able to accomplish this. This is demonstrated by the link established between inclusive representation and political integration. By having such a diversity of groups within parliament political integration is facilitated in South Africa to a great extent.

The success of the legislature to perform its integrative functions also depends on the quality of opportunities for the groups to participate in decision making. The section dealing with the inclusion of political parties within the decision-making processes of the South African legislature throws up perplexing and disconcerting implications for political integration. By incorporating and representing the diversity of political interests within South Africa at the decision-making level the legislature contributes to an arena where compromise and consensus can occur over policy issues. In a politically divided society like South Africa accommodation of this nature will serve political integration. However, the effectiveness of the legislature's integrative capacity also depends on whether its design allows for opposition parties to express demands and influence policy outcomes. Several negative aspects point to the realization that while

structures and procedures do exist, they are either made redundant by the ANC dominance within parliament and by the lack of skill and organization displayed by opposition parties.

While the committee system is designed to accommodate all the political parties, it also hinders the minority parties ability to influence legislation. This assertion is supported by the prohibition of minority reports, a lack of mandated co-operation and the under-representation of minority parties. At this level opportunities for minority parties are weak. The Committee system is highly ANC dominated, which works to the detriment of smaller opposition parties. Furthermore, South African legislature is known for its lack of entrenched opposition structures. The anti-defection clause and Rule 62 of the Standing Rules prohibiting minority reports illustrate how opposition politics is constrained. The expectation of minority and opposition parties to influence decisional outcomes must therefore be minimal.

The South African legislature can be identified as an institution that maximizes its representative and policy making functions to promote a process of political integration. The functions of interest articulation and aggregation that the political system must carry out for political integration are well executed by the National Assembly. Interest articulation occurs through the numerous parties while aggregation occurs when demands are combined at the decision making level. When the channels for participation for groups is institutionalized it promotes political stability. If political integration is defined as the 'institutionalization of social conflicts' then this process is certainly occurring. South Africa has achieved relative stability since the democratic transition in 1994. This success may be partly due to the ability of institutional mechanisms, like the National Assembly, to absorb and harmonize potential conflict.

Yet, to stop at this assumption would be most inappropriate since challenges to integration still exist. Considering South Africa's history and its divisive society, the current importance of the integration issue cannot be overstated. Since the electoral and party systems have been central to this evaluation it is pertinent to conclude that potential dangers lie here. The country is still characterized by an organized pluralistic political system. This stems from the divided nature of the society. The first caution is that all parties should attempt to develop ideolog-

ical and policy-orientated programs. This will maintain effective opposition and enhance integration rather than mobilizing identities that have become politically contaminated. By this one refers to those identities that were manipulated by oppressive structures like apartheid and colonialism. These identities are associated with these undemocratic regimes and were mobilized for conflictual politics. The most prominent conflictual identities in South Africa include ethnicity and race. These are the social identities that require depoliticization. This is largely dependent on the behaviour of elites to be more integrative and less reliant on specific identities to muster political support.

It remains to be seen if the political parties will be good vehicles for overcoming the existing politicized identities of race and ethnicity. Yet, the evidence indicates that there is a potential in South Africa for political parties to widen their support base by using slating procedures and policy. One integrative aspect that is apparent is that the ANC's large majority contributes to integration due to the party's internal slating procedures. While many parties exist the dominant party ensures a high degree of representivity. The support bases of smaller minority parties who resist transformation will remain static or diminish as other parties widen their support bases.

There is a need in South Africa to locate new group identities and organizations to represent society at the legislative level. This relies on the ability of people in South Africa to recognize how their identities were manipulated in struggles for power by apartheid's elites. The constant cleavages and divisions may give way to other factors like socio-economic status thereby a strengthening of horizontal interests. This will undermine the assertion that South Africa is a divided society with permanent and enduring divisions. Rejecting the notion of 'a divided society' is crucial to political integration.

The depoliticization of these identities also relies to an extent on the economic relations, which may trigger their mobilization. This highlights the next challenge to integration within South Africa, the development issue. This is possibly the largest obstacle to integration. Economic development and social upliftment of the population is a crucial goal for successful political integration. While the relationship between class status and colour is widespread people will continue to identify with racially politicized identities. The assumption that class can

penetrate other more durable identities is feasible. If South Africa's historical cleavages can become masked by cross cutting class orientated cleavages it may mean that people are less likely to place political support with those parties that appeal to narrow, sectional interests. Fortunately, the ANC legislative majority and the lack of a strong opposition ensure that the government can institute development-orientated legislation. ANC policy is geared towards socio-economic transformation at present. If policies are implemented successfully they may address the developmental concerns.

Lastly, it is interesting to note that a criticism previously raised referred to the disintegrative effects of the PR electoral system. However, the ANC majority has overcome any threats presented by multi-partism and high representivity of parties. The ability of the political system to function effectively is not affected in a visible manner. Instead, the South African case shows how the political system of a conflictual society, aided by a process of integration, can achieve satisfactory levels of governability, representivity, and stability.

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