

OPENERS ■

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# Wake-up call for electoral reform

*Current system a disincentive for honest people*

**THE CONTRADICTION** between names included in the top 100 of the African National Congress's election list and the party's persistent proclamations about how a Jacob Zuma-led government won't tolerate the corrupt and incompetent is reviving debate about changing South Africa's electoral laws to give voters a direct say in who represents them.

Human Sciences Research Council research confirms the paradox between a proportional list and political utterance is a key reason why public trust in Government and Parliament dropped 20% between 2004 and 2008, says Helen Suzman Foundation director Raenette Taljaard. "This (contradiction) is a wake-up call for electoral reform. It proves what leaders can get away with in this electoral system without being held accountable. It's the ultimate debasement of our politics."

On the hustings, ANC party president Zuma repeatedly reminds audiences that "the process of formulating election lists has been rigorous so that we choose the best among ourselves to deliver on our promises". Zuma spokesman Zizi Kodwa says the message and the point of difference between the Zuma-led regime and the previous one led by Thabo Mbeki is that "in the past we might have allowed a situation where people would tolerate those who weren't delivering, but that's about to come to an end".

And yet the election list includes and prominently ranks (fifth place) Winnie Madikizela-Mandela. Her sentence for fraud was reduced on appeal to three-and-a-half years' imprisonment (without option of a fine) and suspended for five years.

Apart from the fact that Zuma himself is likely to spend the first year as state president shuttling between the Union Buildings in Pretoria and court to defend himself against the corruption charges he faces, Minister of Correctional Services Ngconde Balfour is 63rd on the list. Balfour has yet to answer uncomfortable questions about his links with a company that's won, allegedly irregularly, prison catering contracts.

ANC Chief Whip Nyami Boo, who still has to answer fraud charges in the "Travelgate"

scandal, has been placed 65th on the list.

While many of those who made it on to the list protest they're innocent until proven guilty, Taljaard says the question is whether their inclusion adds to the trust deficit in public representatives. And what about another former MP – Ruth Bhengu – who left Parliament in 2005 after pleading guilty to charges of abusing Parliamentary travel vouchers? She's 96th on the national list and tops the list in the Ugu district of KwaZulu-Natal.

The ANC broadens the cover provided by the "innocent until proven guilty" principle by pointing out that only people who have been sentenced to 12 months or more without an option of a fine are precluded from being an MP. Hence the response to Bhengu's inclusion. The party's KZN spokesman – Senzo Mchunu – says no law was broken to put Bhengu on the list. He challenges anyone "who hasn't sinned" to throw stones.

While legal boundaries governing who may and may not become a public representative grant convenient shelter from ethical questions, Centre for Policy Studies' Thabo Rapoo says politics isn't just about ethics. "The list speaks more to the state of play in the ANC alliance," says Rapoo, who stresses people are included to pay them back for support or for the pulling power they have (or claim to have) when it comes to specific constituencies. Non-performers – such as former Cape Town mayor Nomaindia Mfeketo, who left the city in some serious debt and administrative trouble – who are included (Mfeketo's 22nd on the list) fall into that category.

Then there are those Zuma had to include, like it or not. Former Health Minister turned Minister in the Presidency, Manto Tshabalala-Msimang – who was closely aligned to and protected by Mbeki and who also has a criminal record in Botswana – is an example. Says Rapoo: "For her to exist (25th on the list) right in the centre of power during the Zuma era without any protest from the alliance partners who were among her most ardent critics means one thing – a deal has been struck."

For Taljaard, the bottom line is that "if it were up to voters" names with questionable – or even criminal – track records wouldn't be on the list.



Zuma's spokesman.  
Zizi Kodwa



Trust deficit in public representatives.  
Raenette Taljaard

Most opposition parties can't point fingers either. COPE has included convicted but pardoned fraudster Allan Boesak; and the Democratic Alliance's list sports Erik Marais, who pleaded guilty to contravening foreign exchange laws in the Jurgen Harksen scandal.

While the electoral reform debate at the ANC's Luthuli House is said to be gaining momentum, a Zuma government is going to be no different to the Mbeki regime unless it makes drastic changes to an electoral system that's becoming a disincentive for honest people who would go into politics if it were not for the crass moral deficit (and double speak) that's increasingly associated with public office. Upping the say voters have in between elections provides critical constraint for the grubby old game of politics.

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