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UNIVERSITY OF THE
WITWATERSRAND,
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DISSERTATION

"THE EFFECTS OF REDISTRICTING ON SOUTH AFRICA'S ELECTORAL PROCESSES: THE CASE OF GAUTENG"

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ABBREVIATIONS:

ANC	African National Congress
DA	Democratic Alliance
GCRO	Gauteng City Region Observatory
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
MDB	Municipal Demarcations Board
NP	Nationalist Party
SA	South Africa
SACP	South African Communist Party
SMP	Single Member Plurality
UK	United Kingdom
US	United States
VD	Voting District

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CHAPTER 1: INTRODUCTION

1.1 Introduction and Historical Background:

Modern South African political history begins in 1948 when the National Party (NP) was elected into power. The NP sought to strengthen racial segregation, which was developed under the Dutch and British colonial rule.[1] The Nationalist government classified all people into three main race groups and developed rights and limitations for each of them. "Apartheid" was the system of governance set up under this racial regime that allowed the white minority to rule and effectively control the black majority. This system was upheld through several laws that sought to exclude the black population from politics and place them in an inferior complex social and economic position.[2]

One of the main methods for systematically controlling the black population is found in the Nationalist Party's exclusion of the black majority from taking part in voting. This became controversial in the 1950s and 1960s. Racial segregation as formulated by the Apartheid government began receiving strong criticism and challenge within the country, by the African National Congress (ANC) and several other liberation movements. The liberation movement adopted the Freedom Charter in 1955, which sets out that the people shall govern. This was declared to mean that every man and women shall have the right to vote for and stand as a candidate for all bodies which makes laws.[3] A number of protests both domestically and internationally began applying pressure on the Nationalist government to rethink the future prospects of the Apartheid state and subsequently enact the values of the freedom charter. After several decades of struggle, in the early 1990s, the Nationalist government negotiated the end of the apartheid state with the ANC leader Nelson Mandela and other opposition figures.[4] In the first open and democratic election in South Africa, held in 1994, the ANC was elected into power. This election began the process of building a democratic South Africa,

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[1] Terreblanche, S. J. (2002). A history of inequality in South Africa, 1652-2002, University of Kwazulu Natal Press.

[2] Feinstein, C. H. (2005). An Economic History of South Africa: conquest, discrimination, and development, Cambridge University Press.

[3] Ibid,

[4] Alexander, N. (2002). An ordinary country: Issues in the transition from apartheid to democracy in South Africa, University of Natal Press.

which was both non-racial and non-discriminatory. This new political order brought with it new political systems, practices, and potential controversies. This thesis is an attempt to tackle the complex set of systems and practices that ground the post-apartheid electoral system and ensure the continuance of free and fair elections.

1.2 Problem Statement:

One of the key pillars of the democratic South African state is the idea of free and fair elections. It has been noted that for far too long the election process favoured the white minority. In post-apartheid South Africa, the independence and integrity of the new electoral system needed to be protected. Elections have been suggested to be a fundamental aspect of any democratic state and coincide with the idea that institutional integrity ensures a strong democracy. The post-1994 government of South Africa thus established the Independent Electoral Commission (IEC) of South Africa, which was tasked with ensuring that South Africa conducted free and fair elections that ensured equal competition between political parties.[5] South Africa had a mixed electoral system, which uses a national proportional representation count to establish the membership of the National Assembly. This mixed system, though also includes a partial constituency based system at local municipal levels. This partial constituency based system has received relatively little scholarly attention.

In the context of constituency-based systems, many countries have displayed elements of using the process of redistricting to gain political advantage over another party. The act of redistricting manipulation was later referred to as Gerrymandering, which is the manipulation of district lines by one political party to gain an advantage over another. In the post-apartheid context, South Africa conducts redistricting under the administration of the Municipal Demarcations Board, yet very little research has been conducted on South Africa's redistricting processes. This thesis begins with the idea that it is important to consider the relationship between redistricting and electoral processes in assessing our electoral system.

1.3 Aim of the Study:

It is within the context of a post-apartheid South Africa that this research presents itself. Elections are the fundamental legitimizer of any political parties claim to rule. In a South

[5] Reynolds, A. (1999). Electoral systems and democratization in Southern Africa, Oxford University Press.

Africa where many opposition parties are emerging and significant resistance to the ruling party is being experienced, it is fundamental to consider the role of electoral processes and the acts of redistricting on local and municipal electoral contests.

The following research seeks to analyse the effects of redistricting on South Africa's electoral processes, with a specific focus on the region of Gauteng and three metropolitan municipalities within it. Although there is significant research that has been conducted on South Africa's electoral system, which has helped frame this research, however, there is a lack of research on the redistricting processes in South Africa. It is important to note that the redistricting processes generally directly affects the electoral processes. Having noted that electoral processes are directly affected by redistricting, there has been no research conducted regarding the direct effects or relationship regarding South Africa. The act of gerrymandering is not the main issue this research seeks to deal with, but rather the effects of redistricting on electoral processes.

1.4 Research Question:

What are the effects of redistricting on the electoral outcomes in South Africa: A case study of three metropolitan municipalities in Gauteng?

1.5 Redistricting:

It is important to define these key terms. The first that needs to be considered is the idea of "redistricting". This research paper will look at redistricting as a mechanism used to address past inequalities and imbalances and establish boundaries that are reflective of the new democratic dispensation. It is important to note that while the primary role of redistricting should be to redress the inequalities and imbalances of the past, it has been taken further and used through careful manipulation as a tool for gaining political advantage in electoral processes. The specific term used to characterise the use of redistricting for political gain is 'gerrymandering'. It may prove beneficial to discuss the demarcation processes that have been adopted in South Africa during the apartheid years; this will allow one to identify similarities and differences in approaches. In looking at the process of redistricting, this thesis will study and observe the works of Michael McDonald and Ron Johnston who have significantly shaped the literature on redistricting. These authors provide a solid literature platform on which the redistricting can be understood both as a theory and as a tool. The

literature on redistricting will also need to draw understanding from examples presented in the literature, which help shape the practical implementation of redistricting measures. In this case, this work will look at the examples of redistricting in the United States (US), the United Kingdom (UK) and India. However, the Indian example provides a case study more like the South African experience, given the shared historical context.

1.6 Legislated Racial Demarcation in South Africa:

Important to note that there were two laws that shaped the historical background of South Africa's spatial and political demarcation. The first was the Native Land Act 27 of 1913 and the second, the Native Trust and Land Act 18 of 1936. The chapter on Apartheid-era demarcations will illustrate how laws such as these were passed as a direct response to pressure from white South Africans focused mainly on controlling the movement of black South Africans. Black South African's continue to make up most of South Africa's population, yet were being guaranteed only a small percentage of the land. There is a long history in South Africa regarding the discriminatory allocation of land and land rights to groups who did not form part of the generally dominant (white) population.

More specifically, the 1923 Native Land Act gave local authorities the power to restrict non-whites to townships and compounds, though the power remained limited, and many contemplated legislation to provide more substantial segregatory powers, most proposals were simply withdrawn or defeated in the House of Assemblies.[6] Many attempts at introducing legislation that was explicitly racist and had a fundamental goal of separating the minority whites from the black majority were all ultimately defeated. The late 1930s saw the introduction of a less racist 'framed' legislation, that did not compromise the governments integrity being put forward by the newly elected Nationalist Party. This thesis will return to these questions in Chapter Five, when we consider Apartheid-era legislation in more detail.

1.7 Research Methodology:

The original contribution of this thesis lies primarily in its investigation into the effects of redistricting on electoral processes, which make use of a multiple case study research design

[6] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Journal of Southern African Studies **18**(2): 405-429.

to identify redistricting and demarcation tools and techniques aimed at resolving the past inequalities and ensuring effective elections. This approach has been adopted because multiple cases allow for a wide-range of perspectives on the study to be gathered and establishes a platform for comprehensive generalisations. Repeated evidence from multiple case studies assists in better supporting these generalised findings. Complementary to the multiple case study approach, this thesis makes use of qualitative data obtained from the Independent Electoral Commission and Municipal Demarcations Board.

Maps, data of a cadastral nature, spatial information, election data, journals, newspaper articles, and public books were all used as primary data sources to support the research findings. Fifteen case studies were employed to investigate the effects of redistricting on electoral processes. The fifteen case studies were all similar in that they were all newly established wards making use of existing Voting Districts during the two demarcation phases. In each case study, changes to voter turnout and population size formed a distinct unit of analysis. The fifteen cases studies were randomly selected out of a basket of suitable case studies.

1.8 Thesis Structure:

Chapter One: Introduction

This chapter introduces the research question and provides a detailed yet brief outline of the entire thesis. It makes general statements regarding the aims of the research, as well as the literature informing the problem statement. The chapter provides an overview of the direction of the thesis and highlights the key objectives. The research question is outlined and located within a theoretical framework. The scope and constraints are dealt with, and the structure and layout are outlined.

Chapter Two: Literature Review

The existing literature on research methods is discussed with focus given to case study approaches to understanding redistricting. The chapter progresses to discuss the specific theory of redistricting and presents the causes for disputes and manipulation broadly. The chapter also presents the literature on electoral systems present in the work of Andrew Reynold. The literature review highlights the need to investigate the relationship between redistricting and electoral processes.

Chapter Three: Theory of Research Methods

The chapter begins by detailing the importance of methodological approaches for research and the reasons for making use of a qualitative approach to understanding the research question. The chapter discusses the research methods in relation to how the research is conducted and what tools will be utilised by the researcher.

Chapter Four: Examples and Mechanisms of Redistricting

Chapter four makes use of the multiple case study approach by looking at the three countries of the US, UK, and India. These three case studies illustrate clearly different approaches of redistricting, with the Indian example representing the closest resemblance to the South African approach. Further, these case studies illustrate the various mechanism available to demarcation bodies for redistricting. This will allow the thesis to contextualise the South African experience – which will be the subject of the following chapters.

Chapter Five: Apartheid-era Redistricting Processes

The chapter begins by detailing the introduction of the Group Areas Act as a means of demarcating land, giving licence to compulsory segregation and the establishment of the Land Tenure Board. It illustrates how the use of legislation to manipulate both redistricting and electoral processes is not a new phenomenon but a long-standing one.

Chapter Six: The Demarcations Board and Electoral Commission in South Africa

Chapter Six discusses the approach of the post-apartheid Municipal Demarcations Board to redistricting. It highlights how the board was established through the constitution and how it relates to the Electoral Commission of South Africa. Finally, there is a discussion of the Independent Electoral Commission in South Africa and how it functions and relates to the Demarcations Board.

Chapter Seven: Presentation of Data

In this chapter, the data obtained from the Municipal Demarcations Board and Independent Electoral Commission is presented with the aim of identifying broad trends. The data is presented in individual Municipalities with five wards under each. The approach allows for a holistic view of what occurred when the Demarcations Board establishes new wards.

Chapter Eight: Analysis of Data

Chapter eight analyses in detail the patterns observed in the previous chapter and attempts to apply reason and theory to understand the patterns and trends. This chapter also considers external variables that could have led to the data outcomes and trends.

Chapter Nine: Conclusion

The final chapter is an attempt at concluding the main arguments present in the thesis. The aim here is not to provide a summary of the arguments but rather to synthesise these arguments. The chapter also highlights possible areas for further focus and research.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction:

Lawrence Neuman argues that an early and essential step in conducting research or a study is to review the combined knowledge on the research question. Four main goals arise from Neuman's work around reviewing literature[7]. The first aim of a literature review is intended to illustrate to the reader that the researcher is familiar with the general body of knowledge, thereby establishing a degree of credibility. Secondly, the literature review is intended to illustrate the path of prior research and display how the current research was linked and shaped by the literature that was reviewed. The third and perhaps most important goal of a literature review is its ability to summarise and integrate what is known about the area of focus to illustrate the importance of the question. Finally, a literature review should strive to learn from and stimulate new ideas regarding the research topic. John Creswell illustrates in Chapter two of his book on Research Design the importance of a literature review for assisting in determining whether a topic is worth studying by providing insights into ways in which a researcher can limit the scope to a needed area of enquiry[8].

In this context, the following literature review will first begun by tracing the literature on the state of South Africa's shift from an Apartheid state to a democratic one, thereby laying the foundation for a discussion of redistricting as a concept. The literature on redistricting has been studied in relation to understanding how different theorists understood and defined the act of redistricting. This will establish a working definition for what redistricting can be understood as, while simultaneously seeking to understand the methods of redistricting. This illustrates to the reader that the research has a concrete understanding of redistricting, allowing that understanding to be extended into a consideration of the methods of manipulating the processes of redistricting. The literature on manipulation of redistricting process illustrates a vast array of arguments present on how redistricting can be manipulated both by political and non-political entities to achieve certain desired outcomes.

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[7] Neuman, W. L. (2006). Social Research Methods: Qualitative and Quantitative Approaches, Pearson.

[8] Creswell, J. W. (2013). Research design: Qualitative, quantitative, and mixed methods approaches, Sage publications.

Understanding redistricting only paints one side of the picture regarding the research of this paper. The literature and deeply contested views regarding electoral systems lay the firm foundation on which the importance of the question becomes apparent. The literature on electoral systems illustrates quite simply why there is a link between electoral systems and redistricting mechanisms and how the link has been under-developed in much scholarly work. In reviewing the literature, the main question that one must seek to answer is: what does the link between electoral systems and redistricting mechanisms mean for the South African case? It is worth mentioning at the onset that there is not a large body of literature that focuses on redistricting in South Africa, especially not regarding the link between the elections and electoral systems. The literature that exists for South Africa's political districting and electoral outcomes mainly revolves around the area of traditional authority structures, and therefore this research would extend and hopefully add to the knowledge base on redistricting and electoral systems in South Africa.

2.2 Apartheid to Democracy

During the years leading up to the collapse of apartheid, the Nationalist Party (NP) experimented with several reforms designed to adjust apartheid to the ever-changing social and political circumstances, but still with the main aim of retaining full political control. During the decline of the Apartheid state, international pressure began increasing condemning the apartheid state, which led to an increase in economic sanctions from the International Community.

In response to what the Apartheid government referred to as a threat of 'total onslaught' by liberation forces, a state-led programme termed 'total strategy' was developed, however, the resistance of the mid-1980s destroyed this strategy completely. Tricameralism and the idea of African Urban councils were completely rejected by the people, and calls for 'Peoples Power' began intensifying. Furthermore, by the late 1980s a stalemate existed and many scholars began describing the events as one in which the dissidents where incapable of overthrowing the hegemony of the state and therefore is countered by the incapability of the state to eliminate dissidence present in the state. In other words, neither of the parties were able or willing to make a move. Nigel Worden argues that not only had the state lost the

initiative, but no other element existed that could reasonably take control of the state[9]. The breakthrough in this stalemate came when President Botha was asked to step down and hand the reigns over to a new leader of the NP F.W De Klerk.

In the opening of the Parliament in February 1990, De Klerk made an unprecedented move by unbanning the ANC, the Pan Africanist Congress, and the South African Communist Party (SACP) and the subsequent release of many political prisoners. In 1991, Parliament repealed several Apartheid laws, such as the Group Areas Act, the Land Act, and the Population Registration Act and later that year the government began the formal negotiation process, which led to the agreement of establishing a democratic state and the creation of the constitution that would provide all South Africans with equal rights in a unitary state. It has been widely debated as to what the exact causes for this agreement were. Many have agreed that the international condemnation and popular protest certainly contributed, while other historians have argued that it was a combination of these coupled with a misunderstanding by the National Party government that it could hold onto power by controlling the ANC and regaining some lost ground through the support it would receive from the Inkatha Freedom Party (IFP). Others have suggested that one of the main determinants that contributed to the exact timing was the international events that were taking place such as the fall of the Berlin Wall and the collapse of the communist states throughout the Soviet Union creating a belief that the ANC and its communist alliance the SACP would be significantly weakened.

However, the events that took place from the unbanning of these political parties and the occasion of the first democratic elections reveal some of the main contributing forces that caused things to unfold the way they did. Firstly, there were significant tensions present in the state between the left and right wings, which could at any point lead to increased violent action. These tensions were influenced by a lack of certainty in the direction of both sides.

The right-wing elements were arguing against a majoritarian state, while the left was being accused of selling out black interests and the ANC acting as a bourgeoisie. The debate between right and left wing advocates centred around the adoption of a system that was either inclusive or exclusive. On the one hand, a system that excluded the majority of illiterate black

[9] Worden, N. (1996). "The making of modern South Africa: Conquest, segregation and apartheid." The English Historical Review **111**(443): 1016-1018.

South Africans, and on the other, a system that favoured literate white South Africans. However, it was the ANC that later rejected the idea of a single transferable vote system in favour of the proportional representative system, arguing that it would be a fairer approach to the first democratic elections in South Africa.

Finally, an election date was set for April 1994 with the agreement that the state would be ruled by a democratically elected government of national unity for a period of 5 years to ensure a smooth transition of power. This agreement represents the NPs recognition that the polls would not favour them come election date and they would ultimately loose power therefore a last attempt would be made at retaining power. Worden reminds the reader that while international media predicted that the election day would be marred by violence, it failed to materialise, and election day was filled with a great sense of euphoria and patient voters waiting to cast their first democratic vote.

2.3 Electoral Systems

Elections are a key institution in modern liberal democracies. Although several scholars have argued that elections themselves do not present the only means through which political representation is obtained, there is little contestation around the argument that they are necessary to achieve representation[10]. While most theorists would not argue that elections don't form an integral part of the democratic state or system, only few would reduce democracy to the presence of competitive elections.

Given that there exist various forms of elections throughout the world it is often difficult to generalise what the roles and functions of elections are. The adoption of liberal-democratic elections has often been associated with the increase in democratization during the 1980s and 1990s. The main characterisation of democratization during this period were principles of universal suffrage, the secret ballot and electoral competition. One of the main views regarding elections was that they provided a mechanism through which politicians can be made accountable and simultaneously forced to introduce policies that represent the publics opinion.

[10] Rehfeld, A. (2006). "Towards a general theory of political representation." The Journal of Politics **68**(1): 1-21.

More broadly, Andrew Heywood identifies an electoral system as a set of rules that govern the conduct of elections [11]. These rules vary from country to country and have also been the subject of heated discussions. The rules of an electoral system can vary in several ways, however, some of the main ones can be understood as the following. Firstly, voters can be asked to choose between parties or candidates. Secondly, voters may either select a single candidate or vote in order of preference, thus ranking there vote for a candidate in order of preference. Thirdly, the electorate may or may not be grouped into electoral units or constituencies. Fourth, constituencies may return a single member of several members. Finally, the level of support needed to be elected as a candidate varies from a plurality to an overall or absolute majority, to a quota of some kind[12].

Heywood divides the electoral system up into two broad systems based on how they convert votes into seats. The one system is a majority system in which the majority party will be allocated the majority of the seats in a parliament or legislature. Therefore, in a majority system, the party typically gains a higher proportion of seats when compared with the proportion of votes. The second system is referred to as a proportional system in which the number of seats received by a political party is proportional to the number of votes obtained in elections. Interestingly, in a proportional representation system, single-party majority is less likely and the thus it is more commonly associated with multi-party systems and coalition governments.

2.3.1 Criteria of Electoral Systems:

Andrew Reynolds argues that all electoral systems should complete three main objectives[13]. First, electoral systems should convert the votes cast by the citizens into seats in an assembly. Second, an electoral system provides a mechanism through which elected representatives are held accountable to the people who voted them into power. Third, the electoral system establishes the boundaries of acceptable political discourse and encourages a degree of competitiveness.

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[11] Heywood, A. (2002). "Politics. Houndsmills." Hampshire: Palgrave MacMillan.

[12] Ibid.

[13] Reynolds, A. (1999). Electoral systems and democratization in Southern Africa, Oxford University Press.
, Heywood, A. (2002). "Politics. Houndsmills." Hampshire: Palgrave MacMillan.

Reynolds argues that there are six main criteria for electoral systems to exist. While the criteria may not be mutually compatible and some electoral systems will appear to perform better in some categories than in others, nonetheless divided societies and those with weak democratic histories are particularly vulnerable to a level of instability if these criteria are not fulfilled[14].

The first criterion of an electoral system is representativeness. An electoral system should at the basic level fairly reflect the opinions of the electorate and therefore not just represent the views of only the majority but also the views of the minority[15]. This criterion also illustrates how representativeness ensures the legitimacy of any assembly or parliament is upheld because it is seen to represent the views of the entire nation. The second criterion is that parliament is only representative in so far as it ensures the inclusion of the people into its functioning[16]. Accessibility causes the electorate to feel their individual vote has the potential to impact the outcome of an election. Accessibility also refers to the ease through which voting is conducted and the level to which voters are educated about the rights of voting. The third criterion maintains that the electoral system should promote compromise and reconciliation within a country in a manner that advocates for nation building and continuity[17].

The fourth criterion highlighted is that electoral systems should ensure that there is a degree of accountability between the public representatives and the people who voted them into power[18]. Elections are said to be more successful if the fifth criterion of the electoral system - encouraging the formation of political parties that are differentiated based on political values and national concerns rather than division based on race, ethnicity and linguistic differences is maintained. The final criterion relates to ensuring the stability of the government in which it should continue to interpret the will of the people to establish a government that has

[14] Reynolds, A. (1999). Electoral systems and democratization in Southern Africa, Oxford University Press.

[15] Rehfeld, A. (2006). "Towards a general theory of political representation." The Journal of Politics **68**(1): 1-21.

[16] Reynolds, A. (1999). Electoral systems and democratization in Southern Africa, Oxford University Press.

[17] Ibid.

[18] Ibid.

support from the majority of the electorate[19]. Reynolds summarises by arguing that an electoral system is only successful if the elected government can enact legislation, maintain law and order, and regulate shifts in public opinion. Furthermore, any system selected should encourage the formation of opposition formations that continuously and critically assess the performance of governments.

The most familiar electoral system has been the Single Member Plurality systems (SMP), which is an electoral system that divides the country into single member constituencies – usually of equal size. Voters select a single candidate by means of marking a cross next to the candidate's name on the ballot paper. The winning candidate then only needs to achieve plurality of votes or in other words, needs to be 'the first past the post' to be successfully elected. Advocates of the SMP system argue that it possesses several advantages, namely that it establishes a clear link between the representatives and constituents, ensuring the constituency duties are carried out. Secondly, it is said that this system offers the electorate a clear choice of possible parties of government and allows the formation of governments that are characterised by having a clear mandate from the electorate, albeit often based on plurality support amongst the electorate[20]. Finally, several scholars have argued that the SMP system keeps extremism at bay by making it more difficult for small radical parties to obtain seats and credibility.[21]

On the other hand, opponents of the SMP system argue that it wastes many votes, especially those cast for losing candidates and therefore, distorts electoral preferences through under-representing smaller parties and its constituents. They have also argued that the electoral system offers limited choice given its dualistic nature and undermines the legitimacy of government, given that governments often enjoy only minority support which leads to governments that are unaccountable because the legislature is subordinate to the executive. Finally, numerous scholars argue that the SMP system has the potential to create instability because often a change in leadership also leads to a change in policies and direction. This

[19] Ibid.

[20] Heywood, A. (2002). "Politics. Houndsmills." Hampshire: Palgrave MacMillan.

[21] Reynolds, A. (1999). Electoral systems and democratization in Southern Africa, Oxford University Press.

electoral system represents the majoritarian approach to elections. The party-list system, on the other hand, represents a proportional representation approach.

Several solutions to the potential problems with the SMP system have been proposed. These included Alternate Voting systems – which retain constituencies, but seek to reduce the wastage of votes and proportionate representation systems, which largely eschew constituencies. The most common version of the proportional representation system is the so-called "party-list system".

The party-list system approach features either the entire country representing a constituency or in some cases there are regional lists which establish many multi-member constituencies. In this system, the parties compile lists of candidates which are then presented to the electorate; these lists are compiled in order of preference. Furthermore, unlike in the SMP system, the electorate votes for a party rather than a candidate and the party is then allocated seats proportional to the number of votes received. In some countries, a threshold is imposed to exclude smaller parties from representation. Proponents of this electoral system argue that it represents the only potentially pure system of representation and therefore remains fair to all political parties. Furthermore, they argue that the system promotes the unity because it encourages political parties to associate with their nation or region, rather than directly with their constituency. Finally, several scholars argue that the system makes it easier for minority and generally discriminated groups to be elected.

On the other side, the system does possess some disadvantages, some of which include the argument that the presence of many small parties often leads to weak and unstable governments, and the link between constituencies and representatives is severed. The main argument against this form of electoral system argues that the parties often become highly centralised given that leaders draft party lists causing juniors to be loyal in the hope of moving up the list.

2.3.2 South Africa's electoral process:

Andrew Reynold's work on Electoral systems and democratization in South Africa poses a question which is highly relevant for this study. Reynolds asks: "which institutional arrangements will best facilitate effective representation, political stability and ethnic

accommodation in the emerging democracies of southern Africa?"[22] Larry Diamond, Juan Linz, and Seymour Martin Lipset all provide various accounts for the importance of institutions[23]. It is important to note that political institutions play an important role for democracies in Southern Africa, in that they facilitate discussion between different groups and thus prevent a hostile environment. Reynolds further discusses the importance of an electoral system and later contextualizes it within South Africa.

It has been argued that the set of democratic institutions a nation adopts are integral to the long-term success of any new regime because they structure the rules of the game of political competition. Rein Taagepera argues that an electoral system has three main functions.[24] The first is to translate the votes cast in an election into seats won in a representative chamber. The second function allows the people to hold their elected representatives accountable through any electoral system. Finally, the electoral system structures the boundaries of suitable political discourse, and gives incentives to these competing political parties for power to express their petitions to the electorate in distinct ways.[25] No electoral system or constitutional mechanism provides a solution to all the problems being experienced by a country. Therefore, it should be the task to select the less imperfect system and tailor it to the needs of the country.

In South Africa, the 1994 general elections were held under the form of a national Proportional Representative (PR) system. While the PR system was adopted in South Africa as its official electoral system, it received several criticisms. The Democratic Party (DP) considered the idea of the single transferable vote as a voting method under David Welsh.[26] The DP argued that this system provided all the advantages of the PR system, but would also build consensus and encourage moderation through its preference voting incentives. The ANC rejected the proposal brought forward by the DP arguing that they did not want to adopt

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[22] Ibid.

[23] Diamond, L., et al. (1989). "Democracy in Developing Countries, Volume 3: Asia." Boulder, CO: Lynne Rienner.

[24] Taagepera, R. (1998). "How electoral systems matter for democratization." Democratization **5**(3): 68-91.

[25] Ibid.

[26] Reynolds, A. (1999). Electoral systems and democratization in Southern Africa, Oxford University Press.

a system that was so complex it would advantage literate and educated voters over the illiterate and less formally educated voters.

However, a different system has been adopted at local and municipal level. The local and municipal electoral system is one that makes use of both the ward system of elections and the proportional representative system. This is referred to as a mixed electoral system. This contrasted to other systems illustrates that there is the presence of constituencies in the South African system.

Reynolds argues that contrary to the predictions that the suggested societal breakdowns across southern Africa, those countries with institutional mechanisms that created an inclusionary atmosphere were doing considerably better those who opted for exclusionary mechanisms.[27] Furthermore, Reynolds argues that South Africa and Namibia best exemplify the inclusive typology and have both performed well on several fronts since the adoption of multiparty democracy in 1989 and 1994 respectively.[28]

Taagepera argues that while the importance of electoral systems should not be ignored, it is fundamental to simultaneously focus on electoral rules.[29] In his research, Taagepera suggests that one could view the electoral process in the same way one views a chess game.[30] In the game of chess, the rules of the game are incremental to a successful outcome. Therefore, in chess, the game is only as strong as the rules that underpin it.

Thus, in electoral systems, the choice of an electoral system is only as strong as the electoral rules underpinning it. One important issue to consider is that in South Africa the IEC which is responsible for ensuring credible elections is subject to the decisions of other institutions. An example of this is with the redistricting processes in South Africa. The IEC has made clear that it structures its electoral districts in line with the recommendations of the MDB, which

[27] Ibid.

[28] Ibid.

[29] Taagepera, R. (1998). "How electoral systems matter for democratization." Democratization **5**(3): 68-91.

[30] Ibid.

ultimately means that if there is manipulation (intentional or unintentional) in the one institution, it will have a knock-on effect and affect the credibility of another institution.

2.4 Redistricting:

2.4.1 Definitions

Bernard Grofman and Lisa Handley define redistricting as the process by which lines on maps get drawn portioning a territory into a set of discrete electoral constituencies from which one or more representatives are to be elected[31]. From this definition of redistricting, one can argue that the act of redistricting appears to be an esoteric topic, particularly in the South African experience. In reviewing literature around redistricting processes in South Africa, only a few pages within a book is devoted to discussing the processes. This is because (a) the National elections are PR, and thus districting appears irrelevant, but (b) local and municipal elections are not - and the control of metropolitan areas is of significant political interest. It is becoming more relevant among political scientists that the concept of redistricting is becoming an increasingly more important one, particularly for those studying politics, democracy, or questions around the rule of law.

It has been suggested that redistricting can be considered as politics in a microcosm. Struggles regarding redistricting have often been fought on various levels that in some way reflect both the politics of ideas and the politics of naked power. The study of redistricting often causes political scientists to reflect on the fundamental bases of political representation and the related underlying issues attributed to democratic theory. Some authors such as Grofman believe that redistricting represent politics in its most raw format, in that it is a search for both personal and collective advantage, a fight about who wins and who loses power[32]. In this understanding of redistricting, we are thus lead to believe that the act of redistricting is not the mere drawing of lines and establishing of boundaries but also a political act through which the totality of politics is empowered.

Handley argues that for one to really understand how redistricting is completed one needs to look at the depth of political geography, such as the overlaps in boundaries of different types

[31] L Handley and B. Grofman (2008). Redistricting in Comparative Perspective, Oxford University Press.

[32] Ibid.

of political and administrative jurisdictions and the distribution of racial and ethnic groups as well as partisan voting strength across a country[33]. Handley further argues that the practices of redistricting varies from country to country and that it is therefore important for the researcher to focus on the institutional and legal constraints and how they structure the redistricting process.

Chris Swain and associates make the arguments that we should consider that it is necessarily any single election but rather the redistricting process in America that can most likely determine the chances for policy change[34]. In America, Republicans argue that the way you draw district lines controls and directs the advocacy of representatives. Thus, redistricting is a "complex multi-faceted process that often comes down to the common denominator of who has the power to control the process and how those in control translate their power into favourable electoral outcomes".[35]

An important section on the literature around redistricting focuses on the normative and theoretical implications of redistricting for the health of democratic systems. Arguments suggest that the character of democracy is at stake in how representatives are elected in the same way as which representatives are elected and thus which laws are enacted. Some have even stretched the argument further to suggest that democracy could not exist without the presence of elections and that for a democracy to endure it must be comprised of elections that take place on a regular basis. This may not hold equally true for the South African mixed electoral system, but the global literature and experience of democratisation has had a significant impact on the shape and form of South Africa's democratic path and the form of democracy it now enjoys.

Furthermore, these elections need to be characterised by certain characteristics which therefore ensure the legitimacy and credibility of electoral processes. Concern therefore exists around the ability of voters to control their democracy. Redistricting in this sense presents itself as one of the concerns with the basic fear that elections may be made a process

[33] Ibid.

[34] Swain, C., et al. (2008). "The redistricting game."

[35] Winburn, J. (2008). The realities of redistricting: Following the rules and limiting gerrymandering in state legislative redistricting, Lexington Books.

in which representatives have chosen the people, rather than one in which the people have choose the representatives.[36]

2.4.2 Manipulating Redistricting Processes:

In 1812, Elbridge Gerry supported and signed a bill to allow redistricting in Massachusetts, a state in the United States of America.[37] Redistricting involves the redrawing of boundaries that separate districts. Governor Gerry signed the bill with the intention of redrawing district lines to benefit his Democratic-Republican party. It later emerged that when the redistricting was complete the shape resembled that of a salamander. These factors lead to the emergence of the term gerrymander – combining Gerry's name with that of the salamander – which first appeared in the Boston Gazette.[38] Ron Johnston in his article on the manipulation of maps and winning elections provides a useful definition of gerrymandering. Johnston explains that gerrymandering involves the careful drawing of boundaries by a party with the intention of winning more seats or an area.[39]

One can distinguish from Johnston two main forms of gerrymandering. *Stacking (also known as Packing)* involves arranging the constituencies in a way that opposing party wins a small number of constituencies by large majorities.[40] Furthermore, in a stacked gerrymander the constituencies are arranged to ensure that even if the opposing party experienced a significant shift in voter support, it should not affect the desired outcome of the election. If more districts equal more votes, then the fewer districts there are, the fewer votes your opponent will get. Packing then decreases the opponent's voter strength and influence.

The second form of gerrymandering involves *Cracking* a district or constituency. Cracking is the process of selecting a single district and cracking it into several different pieces and is

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[36] Ibid.

[37] Lehman, H. P. (2007). "Deepening democracy?: Demarcation, traditional authorities, and municipal elections in South Africa." The Social Science Journal **44**(2): 301-317.

[38] Ibid.

[39] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[40] Ibid.

usually done in districts where your opponent has a significantly large voter base. When you have many people that would usually vote for one type of party in a specific area, it can be referred to as a voting bloc. Cracking is a method of gerrymandering that allows the opposition to break a voting bloc up.

Both malapportionment and gerrymandering are acts that are carried out with the sole purpose of promoting a party's electoral advantage. Morrill's study which uses the Washington state illustrates a typical example of how gerrymandering is a deliberate attempt to promote a parties electoral advantage.[41] However, as Johnston illustrates the act of gaining such an advantage can also emerge when there is no deliberate attempt (unintentionally) because while the districting is executed by independent bodies, one party is advantaged over another due to the geography of support for the two parties.[42] Gudgin and Taylor argue that these circumstances represent forms of non-partisan gerrymandering.[43] The work of Ciricione, Darling, and O'Rourke has built on the theory of non-partisan gerrymandering.[44] Their work provides a mechanism that identifies the probability of reaching a coincidental result.

An important aspect of gerrymandering is the emergence of three types of electoral abuses. These electoral abuses are created by the act of drawing constituency boundaries in a place. The three electoral abuses are discussed in detail in the work of Johnston and Michael McDonald and have generally categorized each party's votes into three types; wasted, surplus, and effective.[45] It is argued that votes obtained in constituencies in which a party loses are considered *wasted votes* as they deliver no representation for that party. McDonald argues that *Surplus* votes similarly carry no representation because they represent additional

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[41] Morrill, R. L. (1973). "Ideal and reality in reapportionment." Annals of the Association of American Geographers **63**(4): 463-477.

[42] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[43] Gudgin, G. and P. J. Taylor (2012). Seats, votes, and the spatial organisation of elections, ECPR Press.

[44] Cirincione, C., et al. (2000). "Assessing South Carolina's 1990s congressional districting." Political Geography **19**(2): 189-211.

[45] McDonald, M. D. and R. Engstrom (1990). "Detecting gerrymandering." Poticical Gerrymandering and the Courts. Agathon: New York.

votes to the required votes in constituencies that it wins.[46] *Effective* votes represent the votes needed by a political party over and above the surplus number of votes that party has. Given these factors, it is important to recognise that a party that controls the districting process or has influence in it, will seek to minimize its surplus and wasted votes and essentially maximize its effective votes. Gerrymandering facilitates this process in that a stacked gerrymander for one's opponent means that it has a small number of effective vote percentage, while it piles up large numbers of surplus votes. Where there is a cracked gerrymander in one party's favour, that party will have a limited number of surplus votes, while the opposing party will have many wasted votes.[47]

2.4.3 Districting in South Africa

In South Africa, the Municipal Demarcation Board (MDB) carries out the redistricting process. The MDB was established in 2000, it represents and independent body and is protected by the Municipal Demarcations Act of 1998 and various other judgments by the constitutional court. The Independent Electoral Commission (IEC) is the authority in charge of the electoral processes in South Africa. The IEC has been tasked to consider the demarcations set out by the MDB when drafting its voting districts for elections. The demarcations process therefore informs the electoral process of South Africa. To understand the implications of gerrymandering it is necessary to review the literature on South Africa's electoral processes.

The Municipal Demarcations Board (MDB) is mandated to eradicate the spatial layout of the apartheid legacy and to demarcate municipal boundaries in creating new municipal areas of jurisdiction, which are not racially biased.[48] This was clearly set out in the Municipal Demarcations Act 27 of 1998. The aim of the demarcations board is to redress the imbalances of the past and the inequalities in public service through ensuring adequate access to public resources and facilities. Griggs argues that in addition to this the role of the demarcations

[46] Ibid.

[47] Brookes, R. H. (1959). "Electoral distortion in new zealand." Australian Journal of Politics & History **5**(2): 218-223.

[48] Nxumalo, C. and J. Whittal (2014). "Municipal Boundary Demarcation in South Africa: Processes and Effects on Governance in Traditional Rural Areas." South African Journal of Geomatics **2**(4): 326-341.

board is to ensure the creation of new municipal areas that are designed to help address the rural/urban divide and integrated economic and social development[49].

Howard Lehman argues that demarcations are significant not only because they establish the territorial basis of elected representatives, but also illustrate important characteristics of electoral management through the criteria and decision-making in the demarcations process.[50] The demarcation process had several objectives. Firstly, to help relieve the backlog of services to rural areas, which led to the attempts to include rural areas into the municipal administrative structure. Other objectives included the reorganization of local communities into democratically elected municipalities, which would make these local governments more importantly. Furthermore, the MDB sought to reduce the number of municipalities for financial reasons.

Redistricting is therefore not an unfamiliar process in South Africa and has become a common part of democracy in several countries. What is important is that the redistricting process should be aimed at attaining better representation of the people and attempt to redress historical inequalities in terms of districts. The issue with the redistricting and demarcation processes lies in the abuse of these institutions to benefit or gain an advantage in electoral processes. It is therefore important to consider the literature on gerrymandering which established the links between redistricting and electoral processes.

2.5 Conclusion:

The aim of this literature review has been to locate the research question within a body of literature. The literature that traced the transition of the South African state from an Apartheid to a Democratic state illustrated how the change in state was not the result of a revolutionary struggle but rather the result of a negotiated agreement between the left and right in South Africa. Furthermore, it laid the foundation for understanding the nature of the state in which elections arose making it clear that it was not on the back of a peaceful and smooth transition but rather an uncertain and erratic one. With the change from Apartheid to

[49] Griggs, R. A. (1998). "The security costs of party-political boundary demarcations: The case of South Africa." African Security Review **7**(2): 22-32.

[50] Lehman, H. P. (2007). "Deepening democracy?: Demarcation, traditional authorities, and municipal elections in South Africa." The Social Science Journal **44**(2): 301-317.

Democracy came the need for free and fair elections that would usher in the new democratic dispensation in a formal manner. Therefore, those pre-existing municipal boundaries would need to eventually be redistricted and altered to meet the strategic aims of the state according to the MDB.

The electoral systems of South Africa, on the other hand, have been widely studied and numerous scholarly articles exist. Andrew Reynolds remains one of the foremost academic scholars on the subject and provides a comparative analysis of electoral systems including the South African Public Representative System. The work of Reynolds and others has helped provide a basic understanding of the form of electoral systems that exist and the debates regarding the strengths and weaknesses of each system. These debates have shaped the understanding of electoral systems and characterised the greater need for establishing the effects of redistricting on electoral outcomes.

The literature review then traces the different understandings and definitions of redistricting with the understanding that it would shape the researcher's view of the entire process. In reviewing the literature, a clear definition for redistricting becomes apparent in the work of Ron Johnston which can be simplified as the process through which district lines and borders are constructed with the outcome being the creation of constituencies. If the literature illustrates that the act of redistricting leads to the establishment of constituencies, then one must consider to what extent the process remains neutral.

The literature on redistricting not only provides the basis for understanding redistricting but also establishes a foundation for understanding the manipulation of redistricting process. It is here that the work of Michael McDonald became of great importance. McDonald was a pioneering scholar in understanding manipulation of redistricting processes and opened a wide range of literature for realising the importance of redistricting for elections. However, the literature was limited to mainly case studies in the America's and European countries and thus not much is available for the South African case.

In reviewing the literature on redistricting, I understood that the process is not one that has always been characterised by independence and efficiency but rather has been a site of significant political influence and contestation. The lack of research regarding redistricting processes in South Africa led me to question what the link was between the act of

redistricting and the outcomes of electoral systems, thereby raising the research question that shaped this paper.

In summary, the research question arises from a lack of direct research regarding the effects of redistricting on electoral outcomes, especially in the South African case. The literature review establishes a loose link between the two topics through the systematic reviewing of literature, but there doesn't exist much research or knowledge on the topic, thereby illustrating the importance of this research paper.

Importantly, this literature review has assisted in establishing numerous working definitions for assessing what the effects of redistricting are on electoral outcomes within the South African case. The effects of redistricting will be assessed based on a change in the electoral outcomes as a direct result of a change in the municipal and ward boundaries or composition. The following will shape the research project.

Redistricting is viewed as a change to the municipal boundary or composition of a ward through the moving or altering of Voting Districts within pre-existing wards. The changes to district lines inevitably results in the direct change of constituencies which constitutes the electoral population.

CHAPTER 3: THEORETICAL APPROACH AND RESEARCH METHODS

3.1 Introduction

This chapter focuses on the research methods adopted as well as the ethical considerations that needed to be considered to conduct research. This chapter first describes the methodological approach and gives a detailed account of the location of the study. Thereafter, the research instruments are described to present the methods adopted for this research to commence. Finally, while this research did not involve human participants, a brief discussion of ethical research is provided, which describes how this research was conducted.

3.2 Methodological Approach and Location of the Study

One of the key methods of qualitative research is the identification of case studies. Neuman highlights that case study research examines many features from a small number of cases[51]. The cases can vary from being individuals, groups, organisations, movements to being events or geographical units. Data related to the cases are often detailed, varied and extensive and mainly focuses on a specific point in time or a duration in time. Neuman argues that most case study research is qualitative, however, it can also be quantitative. One of the main aims of case study research is to investigate a single or set of cases, primarily focusing on many details within each case and the context. Importantly, case studies enable the researcher to link the actions individuals to large-scale processes or structures or in simpler terms establish a link between the micro level and the macro level. Vaughan argues that the fundamental idea behind case study research is the aim of establishing or demonstrating an argument regarding how general social forces help shape and produce results in particular settings[52].

Several scholars have suggested that case-study research has some important strengths from which research can benefit from when utilised for data collection. One of the most important strengths of this approach is that it allows the researcher to think more clearly about the link between abstract ideas and concrete specifics of a case. Walton argued that when conducting case study research, the likely result was the establishment of a concrete theory that is strong

[51] Neuman, W. L. (2006). Social Research Methods: Qualitative and Quantitative Approaches, Pearson.

[52] Vaughan, D. (1992). "Theory elaboration: The heuristics of case analysis." What is a case **173202**.

in character, which is established because of three main aspects[53]. Firstly, when the researcher conducts case study research, s/he becomes highly familiar with the detail of specific cases thereby reshaping and rebuilding existing theories. When the researcher looks at case studies, it is almost inevitable that relationships such as cause and effect become clearer. Finally, evidence derived from case study research depicts more effectively the complex, multiple factor event that takes place over time and space.

The case-study area chosen for this research was Gauteng. Gauteng was selected for the following reasons. Firstly, the data available for Gauteng was more accessible, than that of other provinces. The main reason for this was that the GIS data for Gauteng was located within a subsidiary department of the university at the Gauteng City-Region Observatory (GCRO). The second reason was that there appeared to be greater detailed redistricting done within the Gauteng region than any other region in South Africa. This meant that Gauteng represents a particularly rich case for the study of the impact of redistricting on municipal elections in South Africa given the in-depth level of data available and the resources at hand.

It was important that the research methodology adopt a method for selecting the wards that would be discussed that appreciated the variations of the data. Therefore, given that the data varied from ward to ward, the research adopted a process of random selection. Thus, all the changes and addition to wards were thrown into a hat and randomly selected to get a total of 15 wards which were presented and analysed.

3.5 Research Methods:

The research instruments are Geographic Information Systems (GIS) (maps and electoral data), which will be analysed regarding the election results to determine the relationship between redistricting and electoral processes in Gauteng. Geographic Information Systems (GIS) can be defined as a set of methods, software, and technologies developed for the storage and mapping of geographic information. GIS software is widely used in governmental departments and institutions. The demarcations board in South Africa uses GIS mapping software to determine redistricting and demarcations for municipalities. These tools are an effective method for tracking the changes to areas and boundaries. There are two main

[53] Walton, J. Ibid."Making the theoretical case." 121-137.

methods that were explored with regards to the research method. The first was the use of software programmes in the form of ARCGIS which is obtained through the University of the Witwatersrand in consultation with the Geography department on campus, which will be used to track changes in the wards if the data can be interpreted. The second form was to manually track the changes to wards, through the assessment of Voting Districts (VDs).

This first phase of the research made use of GIS software, which was obtained from GCRO, to track the changes to districts by the demarcations board. The research was obtained in the form of shape files, which was processed using ARCGIS software. The significant importance of ARCGIS is that it allowed the researcher to overlay maps from different years and track changes in real-time.[54] The advantages of using this data is that it provides detailed and reliable results, which can be confirmed by manually comparing the data.[55] The disadvantage of this approach was that it was highly reliant on the data available, which if not correct has the potential to render the approach invalid.

Once the maps relevant to this study were located, the research began to trace changes to boundaries by overlaying two sets of years. For example, the base year was the 2006 municipal maps for the three metropolitan municipalities, while the comparison year was the 2011 municipal maps. In doing this, the objective was to identify where there have been changes to the ward boundaries through demarcations. The process is not complex and can also be performed manually, however the manual tracing of changes proves difficult for this study as the use of a professional cartographer would need to be employed to illustrate the changes, and therefore this thesis will narrate the changes. The process relies heavily on the data that can be obtained from the Municipal Demarcations Board or the Gauteng City Region Observatory (GCRO). If data is not obtainable in the format needed or is unobtainable in totality, the research manually tracks the changes through the assessment of data.

[54] Verd, J. M. and S. Porcel (2012). An application of qualitative Geographic Information Systems (GIS) in the field of urban sociology using ATLAS. ti: Uses and reflections. Forum Qualitative Sozialforschung/Forum: Qualitative Social Research.

[55] Ibid.

The second phase of the research involves manually going through the data which has been obtained from the MDB in the form of Ward Delimitation Data. This is data that the MDB publishes when it is looking to change or make amendments to current wards within a municipality. The data illustrates what the changes to a ward would be and the effect on the boundary would look like. This method ultimately proved most useful in identifying the changes that were being made to wards and the boundaries. For the reader to understand more effectively what is meant by wards and voting districts the following definitions form a critical part of the research going forward. A ward refers to geographical subdivisions of municipal boundaries for elections. This divides the municipality into certain constituencies. Each ward is further divided into voting districts which directly relates to where an individual will vote. A person will vote for a ward councillor within his/her respective voting district within a ward. Chapter six discusses in more detail what the characteristics of a voting district and ward are as well as the requirements set out by the constitution of South Africa.

Once the changes were identified it was necessary to trace what the effects of those changes were, if any, on the electoral outcomes. This was done with the use of IEC data concerning elections results. It should be noted that while an area may have remained in the same municipality, the ward and district names have been subjected to significant changes. Therefore, to trace the changes one needed to manually locate the area on the election map results. This was done for the major changes identified and attempt to locate various trends within the data. The aim of this was to determine what the relationship is between redistricting and electoral processes. It was the aim of this thesis to determine whether the changing of boundaries had a significant impact on the electoral outcomes. To ascertain this, it was necessary to consider a few issues. One needs to consider the change in voter registration and voter turnout. For a probable outcome to occur, voter turnout would need to remain relatively constant. If voter turnout changes too significantly, it would question whether a change in political support was derived from the changes in boundaries or a change in voter turnout. It is also important to consider if the population size of the district changes significantly. While this is an important consideration, it does not necessarily influence the outcomes, primarily because this could be an unintentional act.

On a final note, one needs to consider the guidelines in which the MDB needs to act. If it is found that there are changes made that do not fall within the guidelines set out – it questions the intention. If for example an area is significantly changed because of the demarcations

process and subsequently that causes a change in the political outcome, and where the change was not within the guidelines, possible conclusions can be made as to whether the change was intentional. Furthermore, once all the data has been analysed and placed within a framework it would be easier to ascertain whether such actions constitute acts of gerrymandering.

In summary, the primary data used was GIS data, which was been obtained from GCRO and the MDB as well as the electoral results which were obtained from the IEC. This data was then analysed using ARCGIS software or manually depending on the availability and accuracy of the shape files and data and the results recorded. The results were then used to determine what the effects of redistricting were on the electoral outcome.

3.6 Ethics:

To be ethical in social research means conducting one's research and oneself in a manner that does not discredit both the researcher and participants involved or chosen to participate in the study.[56] This research is primarily concerned with the workings of institutions and not individual persons. The research does not include formal questionnaires.

A formal application was made to the Universities board of ethics committee, by presenting the proposal, outlining what the study entails and the procedures taken in the collection of data. The data used within the research abides by all copyright laws outlined, and the necessary approval obtained before using the data in the final dissertation.

3.7 Conclusion

In summary, this chapter has highlighted the important research methodological considerations that have shaped and moulded the research agenda of this paper. The chapter aimed at discussing the need to adopt a case study approach to identifying possible trends in the redistricting of ward boundaries and voting districts. The chapter displayed its understanding of ethical considerations. In conclusion, this chapter paved the way forward for the research to commence on solid ground and ensure its research was based on tried and tested practices within the academia.

[56] Neuman, W. L. (2006). "Social research methods: Qualitative and quantitative approaches."

CHAPTER 4: EXAMPLES AND MECHANISMS OF REDISTRICING

4.1 Introduction:

The following chapter seeks to discuss in depth the issues and concepts around redistricting. It is worth making note that the approach adopted in this chapter is a generalised one, which does not seek to provide a detailed account of gerrymandering, but rather aims at providing one with a clear understanding of the following important points. Firstly, the process of redistricting at a high level, which will discuss at length the work of Ron Johnston who provided a concise and accurate account of the importance of the redistricting process. Secondly, this chapter will provide an overall account of gerrymandering, which will contextualise this research more than anything else. The section on gerrymandering aims to outline two basic, yet important concepts of a 'stacked' and 'packed' gerrymander.

The final section of this chapter will provide two examples of redistricting processes from two distinct countries, the first being the United Kingdom and the second being the United States. The United Kingdom is a constitutional monarchy characterised by a multi-party parliament founded on the Westminster principles of parliamentary composition. The United States, a far more complex and detailed political system, which is characterised by fifty individual states each of which has its own unique functioning. The political landscape of the United States is a competition between the Republican Party and the Democratic, thus it is dominated by a two-party system. The Indian case-study however, represents a very similar example to the South African experience, given the shared historical experience.

It is fundamental at this point to highlight the importance of this chapter in relation to the research topic. The research topic, as stated at several points in this thesis, does not seek to identify whether elements of gerrymandering can be traced to the South African demarcation process. What this research does however seek to understand, is what the relationship between the municipal demarcations process/redistricting process and electoral outcomes is. Therefore, for this research to effectively understand the relationship as posed above it must have a theoretically grounded understanding of the redistricting process as it pertains to other countries. While a significant amount of the literature answers the question of whether there is a relationship between the redistricting process and the outcomes of the election processes,

it has not been analysed in the South African context. Therefore, the chapter will establish the basis on which literature can be established for the South African case.

Fundamentally, this chapter illustrates one main point, which is that the redistricting process is different in all countries and no two countries have the exact same process for redistricting. Although the South African political system is significantly different to those of the UK, USA, and India, the comparative examples will help illuminate the particularities of redistricting within the local context.

4.2 Redistricting:

Over the past few years the concerns around redistricting have significantly increased internationally. This is probably due to the increase in stronger party attachments and computer technology, which have conspired to allow map-makers to draft districts to precise specifications based on political considerations[57]. One of the fundamental arguments of this thesis was that when political actors intentionally draw districts to help their party gain an advantage, it is done at the expense of electoral competition[58].

Josh Ryan argues that there is no reason to be sceptical that redistricting does, in fact, achieve its desired outcomes[59]. Similarly, while the theoretical story that partisan redistricting causes extremity is an attractive one, research on competitiveness and ideology because of gerrymandering has failed to find a clear connection. It is important to note that Gelman and King illustrate that the protection of incumbents and the maximisation in the number of seats for a party are achieved through the incentives created in partisan redistricting.[60] This is what Cain refers to as maximising the 'efficiency of majority party strength'. [61] Legislators use strategies such as 'packing' or 'cracking' voters of the opposition party into districts when

[57] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[58] Ryan, J. M. and J. Lyons (2015). "The Effect of Redistricting Commissions on District Bipartisanship and Member Ideology." Journal of Elections, Public Opinion & Parties **25**(2): 234-263.

[59] Ibid.

[60] Gelman, A. and G. King (1994). "Enhancing Democracy Through Legislative Redistricting." American Political Science Review **88**(03): 541-559.

[61] Cain, B. E. (1985). "Assessing the partisan effects of redistricting." Ibid. **79**(02): 320-333.

their goal is securing additional seats for their own party. Furthermore, legislators may create districts designed to protect incumbents, especially if neither party has a monopoly on redistricting.

Ron Johnston argues that geography is a central part of all electoral systems, through the interaction of two maps – the punctiform distribution of voters (and their political choice) and the territorial division of national space into constituencies[62]. It is possible to argue that the interaction consistently results in election outcomes that are both disproportionate and biased – with the distribution of votes across parties being unequal to the allocation of seats. Johnston argues that while such disproportionalities and biases can be generated through the partisan strategies of malapportionment and gerrymandering, they are not limited to the partisan strategies, but that similar results can also appear when the method for defining constituencies is non-partisan.

So, then the process of redistricting refers to the use of maps, which are demarcated in a manner that produces constituencies, wards, or electoral boundaries. What is significant about this process is that it relies on the use of geographical data to produce a certain outcome. It does not take much consideration to identify how one can either intentionally or non-intentionally manipulate this process to achieve certain desired outcomes. In the work of Lisa Handley and Bernard Grofman, a rather neat and concise definition of the redistricting process has proved useful for this thesis[63]. The authors argue that: "redistricting, also known as boundary delimitation is the process by which lines on a map get drawn partitioning a territory into a set of discrete electoral constituencies from which one or more representatives are to be elected"[64].

What is particularly important about this definition is that it provides one with a clear understanding of the relationship between redistricting and elections. Therefore, this links to a section discussed later in this work, on how the redistricting process if not transparent and democratic impacts on the overall legitimacy of electoral results. And so while this paper set

[62] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[63] Grofman, L. H. B. (2008). Redistricting in Comparative Perspective, Oxford University Press.

[64] Ibid.

out to determine the relationship between redistricting and electoral outcomes in the Gauteng province of South Africa, it inevitably leads to a more serious issue being uncovered. This is the issue of a non-universal or lack of universally democratic principles governing redistricting processes worldwide.

4.2.1 The production of electoral bias:

There is a general recognition of how disproportionality can be produced in single member, first-past-the-post electoral systems dominated by two political parties. This consensus emerged from two electoral cartographic abuses that have been widely practiced in the United States, namely malapportionment and gerrymandering[65]. One should note that in each of these examples the fundamental goal is to maximize a party's return from the votes that it obtains, in an effort of obtaining a high number of seats to votes ratio.

Malapportionment produces electoral bias when (a) there are substantial variations in constituency size, and (b) when one of the parties is strongest in the smaller, whereas the other is strongest in the larger seats[66]. These results can emerge either through deliberate intent or a subtle creeping in of malapportionment. Deliberate intent is where one party controls the districting process and creates larger constituencies in the area where one's opponent is strong, while creeping malapportionment is where changes to constituency sizes over-time creates smaller seats where one party is strong.

Gerrymandering, on the other hand, requires the careful drawing of constituency boundaries so that a party wins a seat, or more generally, wins more seats than its opponent[67]. There are currently two main methods of gerrymandering. In a 'packed' gerrymander, the constituencies are organised so that the opposing party wins a small number of constituencies by large minorities, and has a low chance of winning any others even if it were to benefit from a significant shift of voter support[68]. In a 'cracked' gerrymander, on the other hand, as

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[65] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[66] Ibid.

[67] Ibid.

[68] Sherstyuk, K. (1998). "How to gerrymander: A formal analysis." Public Choice **95**(1-2): 27-49.

many sets as possible are created in areas in which the party controlling the boundary drawing process has a majority, although this may be damaging if the majorities are too small and the party loses votes to its opponent[69].

One of the main academics of redistricting theory, Michael McDonald argues that gerrymandering is the drawing of electoral district lines to assign unequal voting weights to cognizable political groups[70]. McDonald further argued that it is a noxious political practice that can be carried out in one of two ways: either by *packing* or *cracking*[71]. Packing involves the strategic placing of group's members into a relatively small number of districts so that the group is virtually assured of winning with an overwhelmingly large majority in those few districts but losing in others. The second form of gerrymandering is arranged by cracking group's members so that it has large but ineffective minorities in most or all the districts. It is only when we have defined the two forms of gerrymandering that the inherent conflict is alluded to. One could argue that when packed, the group members are too concentrated, and therefore when cracked they are too dispersed. Attempts to combat one form of gerrymandering are made by moving in the direction of the other[72]. This creates a self-defeating process or eternal loop. The concentration versus dispersion is but one of the many examples involved in the gerrymandering issue.

Johnston argues that apart from these two forms of abuses, there is a third abuse, which is not sufficiently discussed in the literature of redistricting[73]. Johnston argues that the third form can be termed *reactive malapportionment,* because the effects are much the same as those of 'classical' malapportionment[74]. Even with equal-sized constituencies, the equivalent of malapportionment can result if there is differential turnout and one party is strongest in the

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[69] Ibid.

[70] McDonald, M. D. and R. Engstrom (1990). "Detecting gerrymandering." Poticical Gerrymandering and the Courts. Agathon: New York.

[71] Ibid.

[72] Ibid.

[73] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[74] Friedman, J. N. and R. Holden (2005). "Towards a Theory of Optimal Partisan Gerrymandering." Mimeograph, Harvard University.

areas where abstention rates are the highest[75]. Therefore, the larger the rate of abstention, less votes are needed to win a constituency, thus the winning party in areas of low turnout gets a better return from its votes because it is strongest in an area of smaller constituencies.

However, it is important that we note electoral advantages caused by redistricting can occur unintentionally, because while the districting is executed by independent bodies, one party is advantaged over another due to the geography of support for the two parties[76]. Gudgin and Taylor demonstrate the existence of these non-partisan effects, in what they call non-partisan gerrymandering[77]. Johnston therefore suggests that the entire process of redistricting is one that will inevitably – whether intentionally or not – favour a certain political party, given the geography of support[78].

4.2.2 Wasted, Surplus, and Effective votes:

All three of these 'abuses' are cartographic abuses in that they are created out of the act of drawing constituency boundaries places, and can be further appreciated by categorizing each party's votes into three types: wasted, surplus, and effective[79].

Votes obtained in constituencies in which a party loses are considered *wasted votes* as they deliver no representation for that party. *Surplus* votes similarly carry no representation because they represent additional votes to the required votes in constituencies that it wins.[80] Effective votes are therefore those that influence the outcome of an election.

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[75] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[76] Morrill, R. L. (1973). "Ideal and reality in reapportionment." Annals of the Association of American Geographers **63**(4): 463-477.

[77] Gudgin, G. and P. J. Taylor (2012). Seats, votes, and the spatial organisation of elections, ECPR Press.

[78] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[79] Ibid.

[80] Ibid.

Significantly, where a party controls the districting process, its goal is to significantly reduce its number of surplus and wasted votes, thereby maximising its effective vote proportion[81].

Malapportionment and reactive malapportionment both allow a party to do this, the smaller the constituency a party wins, the larger the constituency the opponent wins, thus the smaller your number of effective votes per seat won[82]. Gerrymandering also allows this to occur, because a packed gerrymander for one's opponent means that it has a small number of effective vote percentage, while it collects large numbers of surplus votes. Whereas in a cracked gerrymander in one's own favour means that you will have few surplus votes while the opponent retains larger wasted votes[83].

4.3 Redistricting across the globe:

For this chapter to effectively illustrate the concept of redistricting and gerrymandering, several examples will be used to highlight the issue at hand. Therefore, the example of redistricting in the United Kingdom will be used to illustrate the above-mentioned discussions. Similarly, there is a significant amount of literature on redistricting examples and processes in the United States, which will be used in the remainder of this chapter to highlight the processes. Furthermore, examples of gerrymandering in the United States will be analysed to illustrate the concept of gerrymandering, given the significant literature around gerrymandering in the United States. The final section will elaborate on ward delimitation in India.

4.3.1 Redistricting in the United Kingdom:

It is important to note from the onset that the United Kingdom's (UK) parliamentary constituencies have only been redrawn on nine occasions since the 1832 Great Reform Act[84].

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[81] Cirincione, C., et al. (2000). "Assessing South Carolina's 1990s congressional districting." Ibid. **19**(2): 189-211.

[82] Ibid.

[83] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Ibid. **21**(1): 1-31.

[84] Rossiter, D. J., et al. (1997). "Estimating the partisan impact of redistricting in Great Britain." British Journal of Political Science **27**(02): 299-331.

The first four of these cartographic changes were mainly political exercises with the political parties strongly influencing the outcome, through close political involvement and direction.

In 1994, the UK Parliament embarked on a process of instituting a system of regular reviews of the number of boundaries of constituencies. Independent boundary commissions, comprised of a senior Judge who would chair the process, and guided by the rules of the Parliament, would undertake this process[85].

An important aspect of the commissions in the UK was the requirement that they respect the organic and arithmetic principles when undertaking redistricting processes[86]. While each commission operated differently, the basic procedures were the same across all commissions. It was argued that the first step in defining an electoral quota was to divide the current national electorate by the number of seats, which was used to allocate seats to each local government area and further determine whether it was necessary to combine adjacent areas to avoid inequalities[87]. Once this was completed each constituency is defined as a group of contagious wards or electoral areas for local governments.

Having established the above, the commissions published the provisional results for public comments. The public could make representations, which were either positive or negative, however, if there were negative ones the commissioners would have to launch an enquiry into the matter[88]. The enquiry considered possible alternatives if the evidence supporting a negative representation was strong enough. The commission then responded again by publishing either the final redistricting plans or with a second draft of the initial ones. It would now be beneficial for this chapter to assess an example of gerrymandering in the United Kingdom, as it would better illustrate the concept of redistricting.

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[85] Johnston, R., et al. (1999). "Integrating and decomposing the sources of partisan bias: Brookes' method and the impact of redistricting in Great Britain." Electoral Studies **18**(3): 367-378.

[86] Ibid.

[87] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[88] Johnston, R. J. (1982). "Redistricting by independent commissions: a perspective from Britain." Annals of the Association of American Geographers **72**(4): 457-470.

The gerrymandering bias component favoured Conservatives at 12 out of the 14 elections, which several individuals argue occurred mainly because the Labour's vote distribution is spatially more concentrated than the Conservatives, both across the country and within the individual local government areas to which constituencies are allocated[89]. Given the above composition of the voting distribution, the Labour party tends to win by a significantly larger margin in areas of strength than the Conservatives do in their homelands – but Conservatives win more seats overall.

One could argue that the above produces an infrastructural gerrymander in the sense that it where the Labour party is the largest party it tends to amass many surplus votes per seat won in the equivalent of stacked gerrymanders, with the Conservatives getting relatively few wasted votes per seat lost[90]. The second form of the structural gerrymander emerges from the areas where the Conservatives are the largest party, which causes them to collect significantly fewer surplus votes per seat won in what appears as a cracked gerrymander, which causes the Labour party to get a rather large number of wasted votes per seat[91].

Johnston provides data analysis, which illustrates a general pattern throughout the United Kingdom, where the Labour Party collecting surplus votes where it wins and wasted votes where it loses to a significantly greater extent than the Conservatives[92]. Therefore, the Conservative party attains a much greater effective vote percentage in areas where they are the strongest party, than the Labour party does in its areas. Thus, Johnston argues that: "the geographies of both party support and Boundary commissions seat allocation interact to produce a Pro-Conservative infrastructural led gerrymander[93].

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[89] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[90] Ibid.

[91] Rossiter, D. J., et al. (1997). "Estimating the partisan impact of redistricting in Great Britain." British Journal of Political Science **27**(02): 299-331.

[92] Johnston, R. (2002). "Manipulating maps and winning elections: measuring the impact of malapportionment and gerrymandering." Political Geography **21**(1): 1-31.

[93] Ibid.

4.3.2 Redistricting in the United States:

The following section will discuss redistricting in the United States, which is a far more complex example, given that there are 50 'independent states' that each has their own unique method for redistricting. Throughout the discussion on redistricting the trends across all states will become clear, and some of the important aspects such as which entity has authority over the redistricting process will assist in elevating the discussion on redistricting and methods of manipulating the system. The work of McDonald has formed the basis for this discussion given the unique approach adopted, which is a comparative analysis of redistricting across all 50 states in the United States[94].

Michael McDonald provides a useful account of the redistricting process in the United States. He argues that it is a unique example because overall the redistricting process in the United States in that it is both decentralized and highly political. The United States Constitution delegates powers to the state legislatures to run federal elections, and while these laws have been amended and supplemented to make the process more constitutional, one thing remains constant among all the 50 states – the politicization of the process[95]. This section will discuss the redistricting processes that have been adopted in the various states. Furthermore, while this section discusses the processes adopted it also explores the relationship between the type of process adopted and the likelihood of adopting plans that favour one political party over another.

In the United States, the most common form of redistricting follows the same path of adopting or introducing new legislation. This means that maps are brought before the legislature, which are then sent to the governor for signing. The process is thus subject mainly to the will of the ruling party, which enjoys the 'democratic' right of majority rule.

When there is divided control of the upper and lower houses of a state legislature, either a compromise is struck, or the matter is referred to the court for comment. The norm that legislators draw their own districts extends to the Congress of the United States, though at

[94] Grofman, L. H. B. (2008). Redistricting in Comparative Perspective, Oxford University Press.

[95] McDonald, M. (2008). United States Redistricting: A comparative Look at 50 States in Historical Perspective. Redistricting in Comparative Perspective, Oxford University Press.

congress, congressmen are not directly involved in the process. Congressmen are and can however be indirectly involved in the process by proposing redistricting plans to their state's redistricting authority[96].

While the legislative or commission approach is the most widely used approach in the United State, some states have opted for other approaches. In North Carolina, the legislature has sole redistricting authority, which means that not even the Governor could Veto a redistricting bill that is sent to the legislature for adoption. In Maryland, the legislative process is vastly different with the Governor having the sole authority over the redistricting process, and proposing congressional and state legislative districts to the legislature[97]. Thus, in Maryland, while the legislature is still the vehicle which implements the restricting plans that have been adopted, it is the Governor who is responsible for proposing the changes that should be made[98].

In Kansas and Florida, the process has opted for a process that is characterised by a greater deal of neutrality and oversight. In both states, the legislature drafts its legislation and submits it to the State Supreme Court, which will have full authority to either reject or adopt the redistricting proposals[99]. While the State Supreme Court makes the determination on the validity of the redistricting plans proposed by the legislative branch of the state is responsible for auctioning the redistricting legislation.

In the controversial state of Iowa, which has often been referred to as the 'commission state', the process of redistricting takes a different approach. McDonald argues that it should not be classified as a state, which uses the commission process because the commissions only exist under state statue and the legislature can assume the authority of redistricting within the context of this statue. In Iowa, the commission is not appointed with the sole purpose of redistricting, but is a non-partisan legislative support staff office known as the Legislative

[96] Ibid.

[97] Ibid.

[98] Grofman, L. H. B. (2008). Redistricting in Comparative Perspective, Oxford University Press.

[99] McDonald, M. (2008). United States Redistricting: A comparative Look at 50 States in Historical Perspective. Redistricting in Comparative Perspective, Oxford University Press.

Bureau (LSB)[100]. Therefore, one can argue that in Iowa, commissions are structured in a similar manner to what is referred to as 'civil service boundary commission'.

These civil service commissions involve a process of bureaucrats drafting boundaries as opposed to politicians being involved in the process. Typically, in Iowa, the process, which is conducted by the LSB, includes presenting three maps that have been drafted and redistricted to the legislature of which the legislature must adopt the most viable option[101]. If a commission can present three maps to a legislature, then one must assume there was no clear guideline informs the process to ensure correct application of the redistricting process.
Thus, one can see that in the United States the process of redistricting is a highly controversial one that does not have a sense of coherence, and will always be open to possibilities of gerrymandering or manipulation of boundaries.

The relevance of this section relates to the manipulation of the boundaries in the United States. While it does not exactly explain how elections may be manipulated in the South African context given the stark differences between the electoral and political systems, it does, however, illustrate how boundaries are altered in such a way that there is political advantage provided to a certain political party while depriving other political parties, which is relevant for the research agenda of this paper.

4.3.3 Delimitation in India:

While the exact methods and procedures are not the same, the case of delimitation in India has remarkable similarities to the South African case. The importance of the Indian example is that the history of its boundary and municipal structures are a result of its colonial history, which saw the British colonise the country in a similar way to that of South Africa. Therefore, the demarcation challenges experienced in South Africa would find expression in the Indian case. For this reason, it is a particularly important example to consider.

[100] Ryan, J. M. and J. Lyons (2015). "The Effect of Redistricting Commissions on District Bipartisanship and Member Ideology." Journal of Elections, Public Opinion & Parties **25**(2): 234-263.

[101] McDonald, M. (2008). United States Redistricting: A comparative Look at 50 States in Historical Perspective. Redistricting in Comparative Perspective, Oxford University Press.

The Constitution of India outlines some of the basic principles that govern the delimitation process in India. Article 81, Section (2) states the following[102]:

a) There shall be allotted to each state a number of seats in the House of the People in such a manner that the ratio between that number and the population of the state is, so far as practicable, the same for all states: and
b) Each state shall be divided into territorial constituencies in such a manner that the ratio between that the number of seats allotted to it is, so far as practicable, the same throughout the state.

The first section of article 81 also provides a guideline on the number of Members of Parliament (MPs) that should be elected to the Lok Sabha, which based on the population numbers that are to be determined by the national census[103].

While there have been some significant amendments to the constitution, specifically to section 81; the majority of the section has remained the same. In article 82 states that delimitation shall be carried out 'by such an authority and in such a manner as Parliament may by law determine.' Ivor Jennings argues that the lack of constitutional entrenchment relating to the practice of delimitation is irregular, and is further in contradiction with the countries structure and authority of its Electoral Commission[104]. By leaving the process of delimitation in the hands of politicians, this system has opened it up to the charge of political manipulation. This can be seen in the history of the delimitation process in India which has attempted to present itself as an open and fair process but also includes the temptation by politicians to control the process.

In India, the first delimitation process was carried out by the office of the President, with the groundwork being done by the Electoral commission, whose proposals were presented before parliament. These proposals were not adopted, and the entire process was viewed as being highly unsatisfactory. This led to the adoption of the Delimitation Commissions Act of 1952, which established a three-member Delimitation Commission made up of two judges

[102] McMillan, A. (2008). Delimitation in India. Redistricting In Comparative Perspective, Oxford University Press.

[103] Ibid.

[104] Laski, H. J., et al. (1978). A century of municipal progress, 1835-1935, Greenwood Pub Group.

(current/former) and the Chairman of the Electoral Commission[105]. The fundamental aim of this Commission was an attempt by the Indian Parliament to judicially legitimise the process.

The Delimitation Commission is bound by the constitutional stipulation that the population of each constituency should be, "as far as predictable, the same throughout the state"[106]. The Delimitation Act provides further requirements that relate to the geographical features, which needs to take into consideration the physical features, existing boundaries of administrative units, facilities of communication, and public communication and convenience.

An important point that should be noted is the fact that these criteria are often inter-determinate or conflicting leaves the outcomes open to challenge, and the process open to gerrymandering as McMillan argues[107]. Butler et al. argue that an effective gerrymander requires some stability of voting patterns, and given that in most Indian states, there is a lack of voting stability it is unlikely that anyone or any party could significantly influence the outcomes in any systematic manner[108].

The Delimitation Commissions non-justiciable application and decisions taken in India has meant that in order for there to be a degree of openness and fairness in the process, public hearings were introduced. However, the level of deviance from states has been far too high and a lack of coherency in the numbers remains a challenge for the Delimitation Commission. It was suggested that the Delimitation Act include a level of deviance, which is set as a fixed percentage of around 5 per cent[109].

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[105] McMillan, A. (2008). Delimitation in India. Redistricting In Comparative Perspective, Oxford University Press.

[106] Grofman, L. H. B. (2008). Redistricting in Comparative Perspective, Oxford University Press.

[107] McMillan, A. (2008). Delimitation in India. Redistricting In Comparative Perspective, Oxford University Press.

[108] Butler, K. I. (1995). "Affirmative Racial Gerrymandering: Rhetoric and Reality." Cumb. L. Rev. **26**: 313.

[109] McMillan, A. (2008). Delimitation in India. Redistricting In Comparative Perspective, Oxford University Press.

Balinski and Young's work on the history and principles of apportionment examines the different approaches to the proportionate allocation of constituencies to state[110]. As highlighted in the discussion of redistricting in the United States, the method of apportionment has been a significant source of political contestation. This has impacted the Indian delimitation process significantly in a similar manner. Overall the Indian Delimitation is a highly contentious and political issue that has negatively impacted on the legitimacy of electoral outcomes. The laws and legislation governing delimitation in India remain vague, and the lack of an oversight mechanism has left the process vulnerable to political influence.

The Indian example is perhaps one of the most relevant examples for this theses research is that the composition of the Indian electoral system is relatively like South Africa's. The main reason for this being the colonial history shared by both the countries, which resulted in similar approaches to ensure transformation amongst various classes. Therefore, using the case study of delimitation in India will help this research identify whether there is a similar pattern in South Africa.

4.5 Conclusion:

The redistricting process is at the heart of the free and fair functioning of the electoral system. This will be further illustrated in Chapter 6, which discussed the Municipal Demarcations Board in South Africa and the Independent Electoral Commission of South Africa. As seen in the Indian case, the constitutional guidelines provide a detailed framework for delimitation but have been strategically manipulated to remove inherent flexibility and capacity for unbiased allocation of seats to states.

In the American example, one can clearly see how the redistricting process is an intense battle for partisan gain for the political parties, career security for their incumbents and representation for minority groups. The redistricting institutions in America and the political actors deployed within these institutions structure the types of maps that is eventually produced within a given state, whether it is a partisan gerrymander, a bipartisan gerrymander, or an action by the courts.

[110] Balinski, M. and V. R. Gonzalez (1996). "A case study of electoral manipulation: The Mexican laws of 1989 and 1994." Electoral Studies **15**(2): 203-217.

The act of redistricting has often been viewed as being undemocratic given that it provides politicians with an opportunity to influence the outcomes of an election whether intentionally or unintentionally. Similarly, any process of delimitation is bound to be a controversial issue given that the winners and losers are obvious and tend to wield some political power and influence[111]. Overall this chapter has provided the reader with a comparative analysis of the redistricting process, while not neglecting the theoretical underpinnings related to redistricting. This chapter provides the basis on which the results of this study will be based and thus while there is a significant amount of literature both in agreement and in opposition this thesis has limited itself to a highly theoretical understanding of the redistricting process which includes the issue of gerrymandering and manipulation.

[111] Grofman, L. H. B. (2008). Redistricting in Comparative Perspective, Oxford University Press.

CHAPTER 5: APARTHEID ERA DEMARCATION AND REDISTRICTING PROCESS

5.1 Introduction:

During the Apartheid era, redistricting served a number of key political purposes – and this history has shaped how the contemporary, post-apartheid, system of redistricting and demarcation works. The following chapter will discuss in detail the origins of the Group Areas Act, which was first introduced in the late 1950s. The importance of discussing the Group Areas Act relates not to the introduction and formalisation of the Apartheid system of racial segregation but rather to a more inherent argument related to this thesis.

In looking at the Group Areas Act, one can note that this was the first major attempt in South Africa to segregate people with the use of geographic data and legislative Acts to achieve a predetermined end goal. The Group Areas Act set in motion the formalisation for compulsory segregation without within the legal framework of the country. Furthermore, it legitimised the establishment of the Land Tenure Advisory Board that would be the sole institution responsible for determining group areas based on studies and surveys it conducted. Within the context of the previous section that sought to discuss examples of redistricting and highlight the mechanisms through which this was achieved, as well as how possible gerrymandering could be conducted, this chapter aims to draw similarities between the processes.

Fundamentally this chapter will give the reader a clear understanding of how geographical data and maps have been used and manipulated both by internal and external stakeholders to achieve a certain outcome. The discussion around the Land Tenure Advisory Board clearly illustrates the manipulation of procedures as well as government by powerful and sometimes opportunistic corporations and relates to this thesis in that it illustrates how the demarcations of South Africa have for the most been subject to manipulation. In essence, it clearly illustrates how the use of both demarcations and planners to achieve a specific outcome is not a new phenomenon and can be traced back to the 1900s. Maps and geographic data have always been subject of contention, whether under an abusive regime such as Apartheid or a democratic entity such as the United States redistricting institution.

5.2 The origins of the Group Areas Act:

The Group Areas Act was first introduced in the late 1950s by Dr T.E Dönges in the House of Assembly but was met with significant criticism, and Dönges had to chase around to collect evidence, which could support the need for compulsory urban racial segregation.[112] It is possible for one to suggest that the adoption of the Group Areas Act marked the starting point of the formalisation of the Apartheid state. Wolpe has argued that by defining what the Group Areas Act sought to achieve and what it changed is the key to understanding the origins and early implementation of the Act.[113]

An attempt to understand what the Act sought to change is a complex task, however some main arguments can be identified. The first main element the Act sought to achieve was in part an attempt to codify and strengthen the attack on some Indian property rights in Natal, which has not been at the centre of the controversy.[114] However, what is in dispute is a logic that suggests this was the primary objective of the act and therefore the Durban City Council is the fundamental agitator. It is justifiable to argue that the Group Areas Act afforded Indians property rights to narrowly defined areas, and gave birth to a status quo, which suggested Indians were entitled to property rights.

The implementation of the act essentially extended compulsory general segregation of 'coloureds,' centralised control over racial segregation, which effectively undermined municipal autonomy, laid the basis for long-range and widespread land allocation planning, and essentially provided for retroactive segregation.[115] The Municipal Demarcations Board was explicitly established at the start of the new era to redress the injustices of this legislative segregation. Therefore, an in-depth discussion of compulsory segregation in the period before the Second World War will provide useful to an analysis of the apartheid era demarcation processes.

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[112] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Journal of Southern African Studies **18**(2): 405-429.

[113] Wolpe, H. (1995). "The uneven transition from apartheid in South Africa." Transformation(27).

[114] Adler, G. (1990). Trying not to be cruel, local government resistance to application of the group areas act in Uitenhage 1945-1962. Collected Seminar Papers. Institute of Commonwealth Studies, Institute of Commonwealth Studies.

[115] Christopher, A. J. (1987). "Apartheid planning in South Africa: the case of Port Elizabeth." Geographical Journal: 195-204.

5.2.1 Compulsory Segregation:

There is a long history in South Africa of the allocation of limited land and land rights to groups who did not form part of the generally dominant (white) population. In the early 20th century, the government sought to demarcate areas, which would be strictly for minority groups. Subsequently, the Housing Act adopted in 1920 led to the establishment of the central housing board which explicitly dealt with the demarcation and allocation of housing for non-white groups, which ultimately entrenched segregation through the allocation of housing.[116]

The 1923 Native Land Act gave local authorities the power to restrict non-whites to townships and compounds, though the power remained limited, and the then political assembly (National House) contemplated legislation to provide more substantial segregatory powers, most proposals were simply withdrawn or defeated in the House of Assemblies.[117] Many attempts at introducing legislation that was explicitly racist and had a fundamental goal of separating the minority whites from the black majority were ultimately defeated in this period.

In March 1939, that Hertzog committed his newly-elected National Party administration to the idea of social segregation, which largely came in response to the pressure being received from Malan – a more radical nationalist politician.[118] The legislation put forward pushed for segregation of all new townships, and a means of segregating established areas. Later that year, the minister of Interior Affairs introduced several bills which ultimately froze any further Indian ownership of land in the Transvaal and referred to the drafting of longer-term measures. To determine whether three-quarters of the population of a neighbourhood wanted total segregation, a referendum or magisterial enquiry was suggested. If it were determined that they did, it would be achieved by a blanket insertion of restrictive racial 'servitudes' in all the title deeds of the area.

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[116] Ibid.

[117] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Journal of Southern African Studies **18**(2): 405-429.

[118] Pirie, G. H. (1984). "Race zoning in South Africa: board, court, parliament, public." Political Geography Quarterly **3**(3): 207-221.

The Smuts administration later defeated the Hertzog administration, did not significantly change the legislation but did reaffirm its commitment both to a servitude measure and the need for national policy in the 1940s.[119] The material realities of proletarianising, industrialising, and warring South Africa ensured that the national legislation on segregation disappeared from the Smuts administration's immediate agenda.[120]

The late 1930s and early 1940s saw an accelerated position on urbanisation and industrialisation in the years leading up to the Second World War. Interestingly, local authorities could produce volumes of material while struggling to meet the demands of increased levels of industrialisation and urbanisation and ensuring they fostered development within their local jurisdictions. In 1939, the central government was presented with a report that suggested amongst other things that few powers existed that could effectively control 'irregular' urbanisation by non-Africans: a committee identified the following:

> *… Need for preventing the establishment of further uncontrolled areas. The vast majority of witnesses who appeared before [the] committee stressed the need for the prevention of further uncontrolled peri-urban settlements… [L]ocal authorities pointed out that… there would be nothing to prevent [irregular] settlements arising beyond [their] boundaries. Your committee agrees … and considers that the first essential should be to prevent the creation of similar areas in the future. As far as Natives are concerned the matter is sufficiently provided for [if s.6 of the 1923 Native Urban Areas Act were enforced] … About other classes of the community the position is not so well safe guarded.*[121]

While the commission did not make it especially clear that it had intentions to control the activities and settlements of the Coloured and Indian population. The general view of the committee was that there was an urgent need for there to be formal segregation between blacks and whites, which revealed the horror at the occupation of land and buildings irrespective of race with the result that Europeans were found to be occupying premises and living together with non-Europeans.

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[119] Maylam, P. (1995). "Explaining the apartheid city: 20 years of South African urban historiography." Journal of Southern African Studies **21**(1): 19-38.

[120] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Ibid. **18**(2): 405-429.

[121] Ibid.

A clear policy position on ensuring compulsory urban segregation in the National Party's manifesto led to it taking power in May 1948, and one clear difference between the National Party and the United Party government that it replaced was the NPs commitment to the ideology that segregation should be made retroactive for everyone. Therefore, implying that people should be deprived of tenurial rights and bodily moved out of any 'mixed' areas they occupied.[122]

For this compulsory segregation to be set into motion, the National Party erected two committees; one for the Transvaal and one for Natal. Both committees had almost identical membership and were chaired by the same person.[123] It is important to consider that both these committees produced a joint report, which sought to analyse the future of the 'Asiatic land laws', and laid the foundation for the drafting of the Group Areas Bill. The committee finalised its report in March 1950, and while only the last two of the five chapters were published, the report had clear recommendations to Parliament.[124]

The report argued for the replacement of the 1946 Act with a more comprehensive measure that would impact at a national level. The report argued that there should be a division of the South African population into racial groups and categories.[125] Further, the report recommended that proclamations of areas be done under the continuation of the Land Tenure Advisory Board.[126] It was clear the stage was being set for the introduction of the Group Areas Act, given that the bulk of the report spoke directly to the formation of the Act itself.

5.2.2 The Land Tenure Advisory Board:

The Land Tenure Advisory Board began the process of by which 'group areas' would be established, was and placed urban planners who would be at the centre of this process.

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[122] Lodge, T. (1983). Black politics in South Africa since 1945, Longman Publishing Group.

[123] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Journal of Southern African Studies **18**(2): 405-429.

[124] McCarthy, J. J. and D. P. Smit (1984). South African city: theory in analysis and planning, Juta & Company.

[125] Maylam, P. (1995). "Explaining the apartheid city: 20 years of South African urban historiography." Journal of Southern African Studies **21**(1): 19-38.

[126] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Ibid. **18**(2): 405-429.

Municipal town planners were also expected to assist in the planning for 'group areas'. The Group Areas Act established two prerequisites on the planning phases. The first was deciding on the allocation of racially zoned areas across the country, while the second and related requirement was that the board needed to decide and recommend on how it would be possible to achieve multi-racial areas where many groups lived and worked.[127]

Alan Mabin argues that the latter aspect worked better in real terms than the former, suggesting that a significant part of the planning was primarily concerned not only with what new allocations would be made and what restrictions could be applied but rather with 'problems of non-conforming existing uses', or with 'eliminating' them.[128] It is therefore worth noting that the act of planning in this context not only sought to prevent the future use of private property but also at times made attempts to re-arrange the existing uses of this private property.[129]

For the Land Tenure Board to carry out the mammoth task of establishing group areas that are racially divided, it relocated to Pretoria and sent out notices to all governmental departments stating that it should embark on a process of doing racial surveys. These racial surveys aimed to map and accurately establish where racial groups were established. The Land Tenure Board further instructed municipalities that:

> *Once they group survey is complete the local authorities should have little difficulty in formulating its proposals for the demarcation of 'group areas'. These proposals should then be forwarded to the Land Tenure Advisory Board for consideration. Such proposals will be advertised in order that every interested person or group of persons may be afforded every opportunity to make representations to the Board. The Board will then hear the applicants for 'group areas' as such persons who have made representation on the application. Thereafter the Board will make its recommendations to the Minister… [L]ocal authorities are most intimately concerned with the implementation of 'group areas' inside their own areas and … they are the people who should primarily be consulted about the matter. They are also in a better position to*

[127] Rousseau, F. P. (1960). Handbook on the Group Areas Act:(Act No. 77 of 1957), Juta.

[128] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Journal of Southern African Studies **18**(2): 405-429.

[129] Ibid.

assist with the implementation of the Act than anybody else … it is advisable that in these matters the local authority concerned should take the initiative. [130]

The Land Tenure Advisory Board's approach to planning for group areas was not significantly different from that of the general approach to Town Planning adopted. It was also the case that provincial authorities pressurised local authorities to establish town-planning models, which remained subject to the approval of the provincial authority given that they needed to be aligned with the provincial planning model.[131]

One aspect the Land Tenure Advisory Board did not predict, as being a challenge to the process was the reluctance of local authorities. This reluctance largely stemmed from most local authorities not agreeing with the Land Tenure Advisory Boards approach to planning appropriate 'group areas'.[132] These local authorities either refused to cooperate with the Land Tenure Advisory Board stating that they did not agree with the comprehensive compulsory segregation as it appeared in the Group Areas Act.

The Land Tenure Advisory Board's suggested model for group areas was a radial pattern, which accommodated for outward growth in each area, with the provision of buffers that were either natural or constructed to avoid inter-growth between areas. There was also the recommendation that the fundamental principle should be to establish large concentrated areas of racial groups within an urban area, rather than several smaller ones, which would entail more complex planning and monitoring. One should note that there is no explicit evidence to support this model in explicit policy of the Land Tenure Advisory Board and is believed to be more of a general understanding and policy.

The model as developed by the Land Tenure Advisory Board led to a situation where there was a slow progress of developing schemes that would establish 'group areas', and gave rise to these processes taking place outside the public domain, which some have argued was an

[130] Ibid.

[131] Christopher, A. J. (1987). "Apartheid planning in South Africa: the case of Port Elizabeth." Geographical Journal: 195-204.

[132] Ibid.

intention consequence to avoid public participation in the process.[133] Furthermore, the model and surrounding circumstances allowed the Land Tenure Board to pressurise municipalities into conforming with the desires of the Board, thus elevating the powers of the Land Tenure Advisory Board to a level of determining the outcomes of various policies. The lack of formal powers and jurisdiction with regards to the Land Tenure Advisory Board, therefore, did not prohibit the Board itself from using its informal power and influence to achieve a pre-determined outcome.

Some of this informal power was increased through the state with various financial directions being put forward. Most notably was the decision taken that without a 'group areas' plan for their area, municipalities could not raise funds through the National Housing Office for housing Africans.[134] This basically forced municipalities into conforming to the Act or being faced with the challenge of raising funds to house Africans though alternative local means.

The implementation of the Group Areas Act created much need for additional considerations and exceptions. The establishment of 'group areas' most significantly gave many planners in the country the power to embark on the 'social reform' aspects of their profession, which had been stalled for a significant time under the Smuts government.[135] However, this consideration and proposal was mainly implemented by the state to ensure planners were on board with the Group Areas Act itself. Furthermore, the Group Areas Act went further and allowed the government to essentially prohibit certain 'undesirable' activities, and pursue the resolutions taken in the 1920s and 1930s that aimed at clearing slums and sorting out the geographical chaos.

Amongst several government departments, there was a growing consensus that began emerging that suggested the centralisation that was ushered in with the Group Areas Act strengthened the hand of the planners as well as any groups associated with demarcations. There were calls being made even amongst those in opposition to the Group Areas Act that

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[133] Adler, G. (1990). Trying not to be cruel, local government resistance to application of the group areas act in Uitenhage 1945-1962. Collected Seminar Papers. Institute of Commonwealth Studies, Institute of Commonwealth Studies.

[134] Lodge, T. (1983). Black politics in South Africa since 1945, Longman Publishing Group.

[135] Mabin, A. (1992). "Comprehensive segregation: the origins of the Group Areas Act and its planning apparatuses." Journal of Southern African Studies **18**(2): 405-429.

the centralised powers of the Land Tenure Advisory Board could assist with many challenges planners were faced with. One of these challenges was the large corporations, who generally defeated the proposals of planners if they were not in line with expected outcomes. Therefore, in respect to the powers of the board provided the nearest equivalent to a centralised planning council, which has been on the cards since 1944, but never realised give the dynamics associated.[136]

The government was successful in removing all criticism and opposition to the centralisation of the Land Tenure Advisory Board, and as time passed most municipalities and councils began cooperating given the pressure being placed on them by the Treasury and other entities. Opposition to the Group Areas Act and the development of these new planning techniques did and always would exist, however, what was interesting during this period was how the government dealt with the opposition to the 'group areas' act by whites who felt the Act was a threat to them.[137] Generally, when there was opposition brought by the white population either to a recommendation under the Group Areas Act, the Land Tenure Advisory Board generally accepted and approved resulting in changes. However, when there were proposals brought by members of any other race, the proposals were generally dismissed if it didn't benefit or align with the Boards expectations or outcomes.[138]

5.2 Conclusion:

The above discussion around the emergence of the Group Areas Act has assisted this thesis in several ways. The discussion of pre-1994 methods of redistricting though limited, reveals how the segregationist and apartheid governments established entities that would drive political change through the demarcation of geographic areas. It is also clear that within this context one can see how there was an extensive process of consultation and changes to structures assisted in the implementation of a plan to formally segregate groups of people.

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[136] Rousseau, F. P. (1960). Handbook on the Group Areas Act:(Act No. 77 of 1957), Juta.

[137] Maylam, P. (1995). "Explaining the apartheid city: 20 years of South African urban historiography." Journal of Southern African Studies **21**(1): 19-38.

[138] Smith, D. M. (2003). The apartheid city and beyond: urbanization and social change in South Africa, Routledge.

One important point that should be noted is that the comprehensive urban residential segregation under the Group Areas Act was only part the grand plan imposed by apartheid, along with the influx control. Bantu education and the prohibiting of interracial sex and marriage was at the heart of this Act, one could argue that it was what ushered in the racial segregation in a more formal manner. It was an intention of this chapter to display that the introduction of the Group Areas Act emerged from several threads of previous segregatory measures and pressures, which had found ways of ensuring the segregation was done while not claiming a specific consequence because of its ownership.

This chapter highlights how entities within the state – in particular entities concerned with the political demarcation of land – can be used for political ends. Furthermore, the importance of this chapter is that it clearly illustrates how the use of both demarcations and planners to achieve a specific outcome is not a new phenomenon and can be traced back to the 1900s. Maps and geographic data have always been a subject of contention, whether under an abusive regime such as Apartheid or a democratic entity such as the United States redistricting institution. This chapter established the foundation for the discussions around the findings, which will be presented in chapter 7.

CHAPTER 6: THE MUNICIPAL DEMARCATIONS BOARD AND ELECTORAL COMMISSION IN SOUTH AFRICA

6.1 Introduction

The following chapter seeks to trace the process of establishing the Municipal Demarcations Board (MDB) in South Africa as an independent body responsible for the determining of all boundaries within South Africa. The chapter will begin by tracking the process of redistricting from the dawn of the democratic state, which established the conditions for the establishment of the demarcations board. The process of following redistricting in South Africa coincides with the constitutional process. Ultimately, it is possible to summarise the demarcations phases into three unique phases. The first phase (pre-interim phase) dealt with demarcations leading up to the 1994 national elections, while the second phase (interim phase) was focused on the period leading up to the 1995/96 local and municipal elections. The final phase was focused on redistricting leading up to the 2000 local elections, with the final constitution as the guiding law.

It is only possible to fully understand the complexity of the Municipal Demarcation Board when looking at the entire demarcation process in South Africa. The chapter will then discuss the function of ward delimination, which directly impacts on the electoral system of South Africa. While the delimitation system was initially a function of the Independent Electoral Commission (IEC), it was later shifted to the MDB, which meant the MDB was responsible for determining the number of wards in a specific province and thus the number of councillors.

6.2 Interim Demarcation phase in South Africa

6.2.1 Demarcation for the 1995 elections:

Considering that the issue of boundaries will always remain a highly-contested issue, and the purpose of this thesis is not to fall into the trap of political analysis of the demarcations board, rather it provides the basis for discussing redistricting processes in South Africa. The importance of this thesis as highlighted in the introduction relates to the direct impact boundary redistricting has on the ability of communities to access those basic services outlined in the constitution of South Africa, however the focus of this thesis relates more to the effects on political representation than to access of basic services.

As mentioned at several points in this thesis, the fundamental link between the redistricting process in South Africa and the electoral outcomes, highlights the importance and uniqueness of redistricting in South Africa.

The fall of the apartheid state led to the emergence of a challenge for the first democratic elections in 1994. The Local Government Negotiating Forum (LGNF) was established with the aim of facilitating the process leading up to the first democratic elections[139]. The LGNF proposed that three phases be implemented to ensure that the elections were carried out in a coordinated manner. The first phase was known as the pre-interim phase, which would cover the years leading up to and including the first local government elections in 1995/96.

The interim phase would follow the first democratic local government elections in 1995/96, focused on the introduction of the final constitution of South Africa. The final phase begun with the final adoption of the constitution in 1997 and would follow into the early 2000s when all the constitutional provisions would have been implemented following the 2000 local government elections[140].

These phases were ultimately outlined in detail in the final constitution of South Africa and formed the basis for the transition period of South Africa. The 1995 local government elections were based on three categories of local government as outlined in the 1993 interim constitution of South Africa. These three categories were classified as Metropolitan, Urban, and Rural.

The electoral system for local government was first focused on the amalgamation of former apartheid structures present in local governments. These structures include the demarcation of the outer boundaries. It is within the context of the unique electoral system, which was comprised of both a Ward and Proportional Representation system, that the amalgamation became a pivotal point for the success of the local government elections. These preparations

[139] Cameron, R. (1996). "The democratisation of South African local government." Local Government Studies **22**(1): 19-39.

[140] Cameron, R. (2006). "Local government boundary reorganization." Democracy and delivery: urban policy in South Africa: 76-106.

included the process of ward delimitation, which will be discussed in greater detail as the chapter progresses.

In addition to the complex task of ward delimitation, there was a need to establish a voters' roll, thus postponing the local government elections by some 17 months. In these 17 months, a political agreement was reached which established how the electoral system would determine the seats for councillors[141]. The agreement set out that 40 per cent of the councillors would come from the proportional representation system, while the other 60 per cent would be elected on a ward basis[142]. The 60 per cent ward representation was further divided to specify that half of those councillors elected by the ward representation system represented traditional white local authorities, including coloured and Indian areas (category A wards)[143]. The other half of the 60 per cent of directly elected ward councillors would represent the areas outside the jurisdiction of white local authorities (category B wards).

The *Local Government Transition Act 209 of 1993* led to the individual provinces being responsible for the demarcating of local municipalities[144]. Most importantly, these provinces would be responsible for ensuring that spatial transformation took place in their respective jurisdictions[145]. The Act further led to the establishment of provincial committees as well as the Local Government Demarcation Boards in each of the provinces. These demarcation boards had mainly advisory powers and sought to advise the minister of local governments on suggested demarcations. This would be done in conjunction with the provincial committees, which played a crucial role in the demarcation process.

The provincial committees were tasked with the responsibility of oversight on the process of spatial transformation and were comprised of both statutory and non-statutory entities. The

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[141] Alexander, N. (2002). An ordinary country: Issues in the transition from apartheid to democracy in South Africa, University of Natal Press.

[142] Cameron, R. (2006). "Local government boundary reorganization." Democracy and delivery: urban policy in South Africa: 76-106.

[143] Ibid.

[144] RSA (1993). Local Government Transition Act 209 of 1993. Parliament. Cape Town.

[145] Cloete, F. (1995). Local Government transformation in South Africa. Pretoria, Van Schaik.

provincial committees were the first attempt by the government to ensure that an independent body oversaw how spatial transformation took place within the outlined framework.

For the demarcation of a certain district's or municipalities to be effective there needed to be a consensus at the presentation of the proposed delimitation or boundary adjustments. In a number of provinces, achieving general consensus was a challenge, and often there were situations where the meetings reached a deadlock. To mitigate instances of a deadlock, all matters, which could not be agreed on, or matters that had reached a deadlock, would be forwarded to special electoral courts for resolution and mediation.

However, during these challenges by the end of September 1994, all committees in all provinces were fully operational, and the process appeared to be functioning somewhat optimally, notwithstanding the challenges mentioned above. To ensure the process was increasingly democratic, municipalities established a two-tier system for demarcating, which consisted of Transitional Metropolitan Councils (TMCs), and Transitional Metropolitan Structures[146]. The establishment of this two-tier system ensured there were constant checks and balances in place, to ensure spatial transformation met its ultimate objectives.

Provincial Committees were tasked with considering certain statutory criteria when beginning a process of demarcating boundaries. This criterion was established to ensure that all the boards achieved the ultimate goal of combining apartheid boundaries into single municipalities. One of the most difficult challenges experienced during the demarcation process was the inconsistency of reports from various local municipal boards[147]. It was mentioned and highlighted in the work of the Human Social Science Council that the reports received from various provinces were often uncoordinated, and while some of the reports from provinces were of a high-quality other reports did not meet the minimum requirements[148]. It highlighted further, the unequal distribution of resources some provinces had highly skilled technical support, while others had none.

Pillay, U. (1999). Demarcating South Africa's metro areas: A cautionary lesson from the Durban Metropolitan area. Democratisation of South African local government: A tale of three cities. R. Cameron. Pretoria, Van Schiak.

[147] Cameron, R. (1997). A framework for Local Government Boundary Demarcation. Research study for Local Government Green Paper process.

[148] Ibid.

This led to boundaries being poorly designed and often led to boundaries not being approved, within the context of the viability of these new municipalities. This coincided with the further challenge of a rising attempt to manipulate boundaries to achieve desired political ends. Several studies reveal that during the demarcation processes leading up to the 1995 elections, a number of attempts at 'gerrymandering' were made[149]. Three major studies revealed that gerrymandering was attempted in Johannesburg, Cape Town, and Durban, which is a significant finding within the context of this thesis, because it highlights that the presence and will to gerrymander has been present since the establishment of the democratic state in South Africa, and is therefore, not a profoundly new phenomena[150]. This was in clear opposition to the main objectives of the demarcation process, which sought to transform and integrate the apartheid spatial landscape into the democratic South Africa.

In the process of adopting the finalised constitution for the new democratic South Africa, the constitution required that there was a clear need to identify the types of municipalities for the 2000 election year. The final constitution was adopted in 1996, with Section 155 (1) making provision for defining three different types of municipalities. The constitution defined municipalities to be the following:[151]

a) Category A: a municipality that has exclusive municipal executive and legislative authority in its area. (A single-tier system)
b) Category B: a municipality that shares municipal executive and legislative authority with a Category C municipality within whose area it falls. (A two-tier system)
c) Category C: a municipality that has municipal executive and legislative authority in an area that includes more than one municipality.

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[149] Cameron, R. (2006). "Local government boundary reorganization." Democracy and delivery: urban policy in South Africa: 76-106.

[150] Cameron, R. (1999). An overview of the Local Government Municipal Demarcations Act 27 of 1998. Johannesburg, The Electoral Institute of South Africa.

[151] RSA (1996). The Constitution of the Republic of South Africa. Act 108 of 1996. Cape Town, Government Printers.

The most important challenge with the definition given by the constitution regarding the categories of municipalities was that it was unclear what the difference between metropolitan and stand-alone municipalities was. In response to this, the drafters of the constitution developed the more flexible and accommodating A/B/C system of determining a municipality, which made demarcations of local governments more flexible in turn.

Metropolitan Municipalities:

The idea of a metropolitan municipality is a relatively new concept that emerged in the late 1990s in the new democratic South Africa. It was not until 1994 that the first of these were established, and in the Gauteng region Johannesburg was one of the first to be demarcated as a metropolitan area. It was argued by the ANC that the single tier system was a more effective manner of redistributing the services and resources than the two-tier system.

White Paper on Local Government stated that:

> *Metropolitan government created a basis for equitable and just metropolitan governance; provided a strategic land-use planning; and is able to develop a citywide framework for economic and social development, which can enhance the economic competitiveness and well being of cities.*[152]

During this phase of establishing local government several conflicts emerged between the single and two-tier system and in the end legislation was passed that eradicated the two-tier system with the single-tier authority system, known as a category A municipality.

District and local Municipalities:

The interim boundary delimitation – which drew upon older apartheid spatial practices - led to the division of settlements in an irrational manner, which highlighted the need to establish an entity that would be able to understand and appreciate the complex nature of the linkages between rural and urban divides. The White Paper on Local Government argued that almost

[152] Cameron, R. (1999). An overview of the Local Government Municipal Demarcations Act 27 of 1998. Johannesburg, The Electoral Institute of South Africa.

all town were in some way linked to rural areas, and attempting to separate the two would almost certainly lead to decrease in service provision for rural areas[153].

The Local Government Municipal Structures Act of 1998 undid the recommendations of the White Paper mentioned above, provisioning for a two-tier local government that was more hierarchal in character, but that could also be established in non-metropolitan areas[154]. This new legislation led to district councils being called district municipalities (Category C), which now formed part of the upper-tier authority and structure, with the main changes being to the functions of those district municipalities. The structural changes led to district municipalities assuming a greater level of authority, now having jurisdiction over larger urban towns and some primary functions such as environmental health and planning.

The lower category was classified as Category B municipal structures with the most important challenge being that the Structures Act (1998) definition or characterisation of the differences between urban and rural local government being limited and at times non-existent[155]. To this end, the legislation aimed to establish one integrated form of non-metropolitan local government characterised by strengthened roles and responsibilities. This had a significant impact on the demarcating process, which will be further detailed later in the chapter.

It is possible to summarise the outcomes of this phase of demarcation as reflected in table 1.1, which saw a decrease in the number of local governments from 843 to 284 structures, thus significantly reducing the total local government structures.

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[153] Pillay, U. (1999). Demarcating South Africa's metro areas: A cautionary lesson from the Durban Metropolitan area. Democratisation of South African local government: A tale of three cities. R. Cameron. Pretoria, Van Schiak.

[154] RSA (2000). Local Government Muncipal Structures Act. Act 117 of 1998. Cape Town, Government Printers.

[155] Bulletin, L. G. (1999). Provices vs Structures Act Demarcation Board walks off with the spoils. **1**.
, Cameron, R. (2006). "Local government boundary reorganization." Democracy and delivery: urban policy in South Africa: 76-106.

Table 1.1

Types of Municipalities	Number of Municipalities
Category A	6
Category B	232
Category C	46
Total	284

(Municipal Demarcations Board: 2000)

6.3 The Municipal Demarcations Board

The finalised constitution of the new democratic South Africa insisted that a centralised and independent body demarcate all municipal boundaries. This was further emphasised in the Demarcations Act, which led to the subsequent establishment of the Municipal Demarcations Board, ushering in a shift from the old system of nine separate provincial demarcations boards[156].

The aim of the newly established demarcations board was to ensure uniformity and better coordination, allow concentration of the limited expertise regarding demarcations, lower costs of demarcating on the state, and prevent any possible gerrymandering at a provincial level. The ANC also argued that the establishment of the Municipal Demarcations Board would help realise and achieve its strategic objective of transformation[157].

The appointment to the demarcation board was run similarly to that of other independent bodies, with posts being advertised to general public and applications being processed according to specified requirements[158].

The significant difference between the MDB and the provincial demarcations boards was that the MDB was the final decision-making body when it came to demarcating boundaries.

[156] RSA (1996). The Constitution of the Republic of South Africa. Act 108 of 1996. Cape Town, Government Printers.

[157] Cameron, R. (2006). "Local government boundary reorganization." Democracy and delivery: urban policy in South Africa: 76-106.

[158] RSA (1998b). Local Government Municipal Demarcations Act. Act 27 of 1998. Cape Town, Government Printers.

Furthermore, the establishment of the MDB led to the decision-making process being more effective and efficient, unlike with the provincial boards which almost always found themselves in a deadlock around proposed boundary changes.

Section 21 of the Municipal Demarcations Act states that the Municipal Demarcations Board should determine and re-determine the municipal boundaries of South Africa[159]. The Act further states that any person who is negatively impacted by the demarcations process has the option to object to the Board. If the board receives an objection to the demarcation, it must consider the objection and should either confirm, vary, or withdraw the determination.

Sections 24 and 25 of the Municipal Demarcations Act sets out the specific criteria that should be considered when a demarcation process begins. It similarly states what the objectives of the demarcation process should be and what factors need to be considered when the board determines a municipal boundary. These sections state that the fundamental objective of the municipal demarcation process is:[160]

I. To provide a democratic and accountable government for local communities
II. To provide sustainable basic services
III. To promote social and economic development.

The process of determining a municipal boundary begins with notifying stakeholders and the public in general of the board's intention to allow them to consider the matter and submit their respective views on the matter. Once the period for written representations has lapsed, the board will have to consider all the submissions on an individual basis, and decide on the demarcations process. Before this decision is made, the board has the option to hold public meetings or conduct a formal investigation.

The Municipal Demarcations Board must always strive to ensure that the entire process of demarcating is as inclusive as possible. It is for this reason the board should strive to hold National stakeholder workshops, which highlight the demarcations process and make presentations on the research undertaken by the board. Furthermore, the board should include

[159] Ibid.

[160] Ibid.

discussion of policy and discussion documents in their overall analysis. There should be ad-hoc meetings established by the board to consult with all interested parties such as businesses, resident associations, religious leaders, etc. Finally, to ensure the process is inclusive, the board should appoint a dedicated team to thoroughly assess all submissions and provide feedback to the board at board meetings, thus ensuring all submissions are tracked.

The process for demarcating metropolitan municipal boundaries (Category A), and district municipal boundaries (Category C) began with the release of a policy statement by the Municipal Demarcations Board in late 1999 [161]. The policy statement identifies "metropolitan and district municipality nodal, and contains the board's preliminary views on the possible number and location of both metropolitan and district municipalities in South Africa".[162] In the Municipal Demarcations Boards process of establishing metropolitan and district municipalities in South Africa, a constitutional process gave greater expression as to what the core functions of either a metropolitan or district municipality constitutes.

The Constitutional Court of South Africa found that Metropolitan municipalities are defined as having exclusive municipal and executive and legislative competence in their areas.[163] The board developed a preliminary framework for demarcating metropolitan and district municipalities, which in addition to applicable legislation guided the overall process for these two categories of municipalities.[164]

In identifying the boundaries of metropolitan municipalities, the board applies Section 2 of the Municipal Structures Act, which details specific criteria for determining whether an area can be regarded as a metropolitan municipality. Section 2 of the Municipal Structures Act argues that for an area to constitute a metropolitan municipality it should be described by the following characteristics:[165]

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[161] MDB (1999a). Nodal Points for metropolitan and district council areas in South Africa. Pretoria.

[162] Ibid.

[163] Cameron, R. (2006). "Local government boundary reorganization." Democracy and delivery: urban policy in South Africa: 76-106.

[164] MDB (1999a). Nodal Points for metropolitan and district council areas in South Africa. Pretoria.

[165] RSA (2000). Local Government Muncipal Structures Act. Act 117 of 1998. Cape Town, Government Printers.

1. A conurbation featuring areas of high population density, an intense movement of people, goods and services, extensive development, and multiple business districts and industrial areas.
2. A centre of economic activity with a complex and diverse economy.
3. A single area for which integrated development planning is desirable.
4. Strong interdependent social and economic linkages between its constituent units.

The MDB believed that the most effective way of determining truly bounded communities was by studying the commuter patterns of a specific area. In studying the commuting patterns the board believed it could effectively gauge the relationship between human settlements and employment, spending, etc.

In demarcating for district boundaries, the MDB established a district-working group, which studied the characteristics that would best, describe a Category C municipal authority. In this the MDB proposed that the following are the main characteristics that concretely define a district municipality:[166]

1. Functional linkages showing a coherent social and economic base around which the district would coalesce.
2. Districts should not be too large, but rather manageable in size.
3. The population should not be too large but require a minimum of 100 000 persons.
4. There should be some level of coherence between the economic and social base of districts.

The final municipality was the lowest tier being local municipalities. A study conducted by the MDB found that some of the main characteristics that make up a category B municipal authority are:[167]

1. Geographical continuity and coherence.
2. Capacity development and resource sharing

[166] MDB (1999b). The determination of metropolitan and district council boundaries. Pretoria.

[167] MDB (1999d). The Boards approach to determination of catagory B municipalities. Pretoria.

3. Manageable in size and functionality

However, in reality, the MDB argued only two factors were particularly important when determining boundaries of local governments. The first being international and local experience on commuting, which gave a clear indication of where people belonged in terms of boundary demarcations. And the second being the consideration of the Group Areas Act which resulted in weakened settlement patterns around urban areas, but was viewed as a reliable indicator of the spatial dislocations caused by Apartheid.

It is therefore clear that a concerted effort to simply and enhance the demarcations process was made by the government. Interestingly, the government steered clear of directly involving itself in the mandate of the MDB and related legislation, in an attempt to ensure the process was independent and gerrymandering or manipulation was avoided. However, the relationship between the MDB and the Electoral Commission of South Africa is somewhat more complicated. The remainder of this section will discuss the relationship between these two entities, with the aim of understanding how manipulation could occur.

6.3 Independent Electoral Commission and Ward Delimitation

One of the least contentious issues during the entire negotiation process was the agreement to use the Proportional Representation electoral system, which was a shift away from the previous electoral system[168]. The whites-only parliament had inherited the British Single Member Plurality (SMP) system, which many had thought the ANC would want to maintain given the benefits it possessed. However, the ANC explained that the PR electoral system, while not in their interest, was the fairest electoral system[169].

However, the final phase of local government ward delimitation was based on a combination of the PR system and ward-based formula[170]. The specific formula suggested that in metropolitan authorities' councillors would be elected based on the 50/50 formula, which meant that 50 per cent were elected under the proportional representation system and the

[168] Reynolds, A. (1999). Electoral systems and democratization in Southern Africa, Oxford University Press.

[169] Ibid.

[170] Cameron, R. (1995). "The history of devolution of powers to local authorities in South Africa: The shifting sands of state control." Local Government Studies **21**(3): 396-417.

other 50 per cent would be elected directly from the wards based on a candidate list. In districts the system was the same, however, the formula was based on 40 per cent being elected through the PR system and 60 per cent directly from wards.

In the final phase leading up to the local elections in 2000, the responsibility of ward delimitation was under the IEC, which made use of Geographic Information System (GIS) dividing the country into 86000 enumerated areas, each containing between 120-180 households. This led to the establishment of 14 484 districts in South Africa during the final phase of these elections[171].

But in the Municipal Demarcations Act of 2000 removed the responsibility of ward delimitation away from the IEC and made it the function of the MDB. This led to the establishment of criteria for ward delimitation that was cognisant of the constitutional laws regarding the characteristics of boundary delimitation in South Africa. Several factors were considered by the MDB; however, the main deciding factors for delimitation were[172]:

1. The number of registered voters in a ward could not vary by more than 15 per cent from the norm.
2. Fragmentation of communities should be avoided where possible.

The minister of finance developed the "councillor formula," which would inform the ward delimitation process to be undertaken by the MDB. In a draft policy framework (2000), the minister argued that there was a total of 11 883 councillors in South Africa, and the biggest challenge is that there was no regulation outlining the norm in terms of votes per councillor. The draft policy framework made two proposals to deal with this challenge[173].

The first was that the MDB develop and identify a specific proportion by which the overall number of councillors of municipalities should be reduced, while the second option suggested that an approach be developed that made provision for national norms, however the second option was found to be more favourable. Regarding metropolitan areas of authority, there

[171] Pycroft, C. (2000). "Democracy and delivery: the rationalization of local government in South Africa." International Review of Administrative Sciences **66**(1): 143-160.

[172] MDB (2000a). The delimination of Wards. Pretoria.

[173] MDB (2000b). Memorandum: Municipal Demarcations Board response to Department of Finance. Pretoria.

were three options identified for selecting the total number of councillors, namely; the maximum, middle-range, and minimum models. This formula would also be applied to district municipalities'. The minister's final formula was published in April 2000, and ultimately opted for the middle-range formula, which meant the cut in the total number of councillors was less than the cut in number of municipalities. It is possible to summarise the councillor breakdown as depicted in table 1.2.

Table 1.2

Province	**Wards 1996**	**Proportional Representation 1996**	**Total 1996**	**Total 2000**	**Wards 2000**
Eastern Cape	789	1146	1935	1149	602
Free State	844	464	1308	732	291
Gauteng	559	484	1043	983	446
Mpumalanga	598	504	1102	912	393
Northern Cape	466	345	811	388	162
Northern Province	364	195	559	112	448
North West	380	375	755	828	337
Western Cape	959	695	1654	781	330
Kwa-Zulu Natal	993	1208	2201	1776	742
Totals	5952	5416	11368	8951	3751

(Municipal Demarcations Board: 2000)

The process of ward delimitation was a lengthy one, with the main challenge to the MDB being the need to avoid splitting existing voting districts, which would mean voters would need to re-register. This combined with the pre-requisite that wards not differ by more than 15 per cent of the norm, made the process a complex one. It is possible to argue that because

the system was ultimately determined proportionally, there was little room for manipulation or gerrymandering of boundaries[174].

Nevertheless, the MDB was accused of gerrymandering in favour of the ANC by opposition parties and media in South Africa, however, in reality, it was more of a case of putting a jigsaw puzzle together, and finding what worked[175]. Robert Cameron argues that the process of ward delimitation was not, nor could it be a rational process. It made no reference to international models of ward redistricting.

The IECs enumerator areas and the 15 per cent deviation formula mean that it was almost impossible not to split existing communities, and thus it was more of a trial and error process.

The second major demarcation process commenced in 2004, with the focus being on whether to establish more metropolitan authorities. This is highlighted in Gauteng's push to shed its rural areas to neighbouring provinces and establish a province of metropolitan authorities only. This is the process of ward delimitation examined in the final sections of this thesis.

The ward delimitation process is deeply entrenched in the electoral system of South Africa, and thus the electoral system falls prey to the outcomes of the MDB. The two are almost directly linked, given that the process of ward delimitation is on-going, and is usually conducted prior to elections. The system remains largely unchanged in current terms, with much of the criteria still being used to delimitate wards.

6.4 Conclusion

In conclusion, this chapter has analysed and discussed the Municipal Demarcations Board and the process of redistricting in South Africa since the fall of the Apartheid system. The environment in which redistricting took place was a complex one with deep segregation and inequalities.

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[174] Cameron, R. (2006). "Local government boundary reorganization." Democracy and delivery: urban policy in South Africa: 76-106.

[175] Ibid.

While the redistricting process was initially a function of provincial demarcation boards, for logistical reasons, the government of South Africa decided to establish a centralised body that would have the final decision-making authority. The aim was also to prevent the manipulation by provincial bodies of the demarcation processes and ensure the independence of the overall process.

The establishment of the MDB, saw the reduction in the total number of wards, and a more coherent system of redistricting, however, it also further entrenched the MDB in the electoral system of South Africa when legislation shifted the responsibility of ward delimitation away from the IEC. The consequence being that the IEC cannot function as an independent body, as it is reliant on the outcomes of ward delimitation. The impact of this shift in responsibilities is the sole focus of this thesis, and the proceeding chapter will closely study the effects of the MDBs ward delimitations on election outcomes, primarily focusing on the Gauteng region.

CHAPTER 7: PRESENTATION OF DATA

7.1 Introduction

The following chapter seeks to present the data available with regards to the changes in ward boundaries and voting districts to understand what effect ward changes has on the outcome of elections. While there is not sufficient data presented to make a solid conclusion as to whether the relationship exists either positively or negatively, the data presented is intended to form the basis for further analysis. Therefore, while some remarks will be provided based on an analysis of the data, it would not be sufficient to draw conclusive findings.

As mentioned throughout this paper, the area this thesis will place focus on is the Gauteng region, which is comprised of 12 Municipalities. These municipalities are broken down into metropolitan, district and local municipalities. While sufficient data was available for the three metropolitan municipalities, there has not been sufficient coverage in terms of voting district results for the district and local municipalities. This thesis argues that while the district and local areas are of great importance in relation to this study, they remain semi-urban areas and the intent of this study is to analyse already developed areas in which a high concentration of voters would be present. Thus, given that the three metropolitan municipalities namely, Johannesburg, Ekurhuleni, and Tshwane all have the highest concentration of voters, and are highly contested political areas, this thesis will analyse data in relation to these three areas.

The cases presented in this thesis were a process of random selection. The random selection of wards was based only on those wards where changes to boundaries had taken place. These changes included the re-drawing of boundaries and the creation of entirely new wards. This chapter therefore, does not – unless clearly stated – use cases where there were no changes to the boundaries.

The data that will be presented in a systematic manner, in which each metropolitan area's data will be presented individually and then compared to identify broad trends or themes. Lawrence Neuman describes the process of analysing data, as a process of systematically organizing, integrating, and examining in search of patterns and relationships among the

specific details[176]. Neuman further argues that in analysing, one connects data to concepts, advance generalization's, and identifies broad trends and themes. Analysis therefore, assists in improving the understanding, expands the theory, and advances knowledge[177].

Therefore, the data identified as relevant to this theory is the changes in municipal boundaries as published by the Municipal Demarcations Board, as well as the electoral results for independent wards as published by the Independent Electoral Commission.

This section will first provide the GIS data obtained from the Municipal Demarcations Board, which is aimed at visually illustrating the composition of the ward - including all the voting districts included within it, followed by the electoral results over a two-year period. The base year for electoral results will be the 2006 Local Government Elections Results followed by the current electoral outcome of 2011. In comparing the electoral results, the changes to the two main political parties participating in the elections at the time, namely the African National Congress (ANC), the Democratic Alliance (DA), in Gauteng, the ANC is the majority party followed by the DA as the official opposition. The first set of data presented will be the Johannesburg Metropolitan municipality, in which five wards will be identified.

7.2 Johannesburg Region:

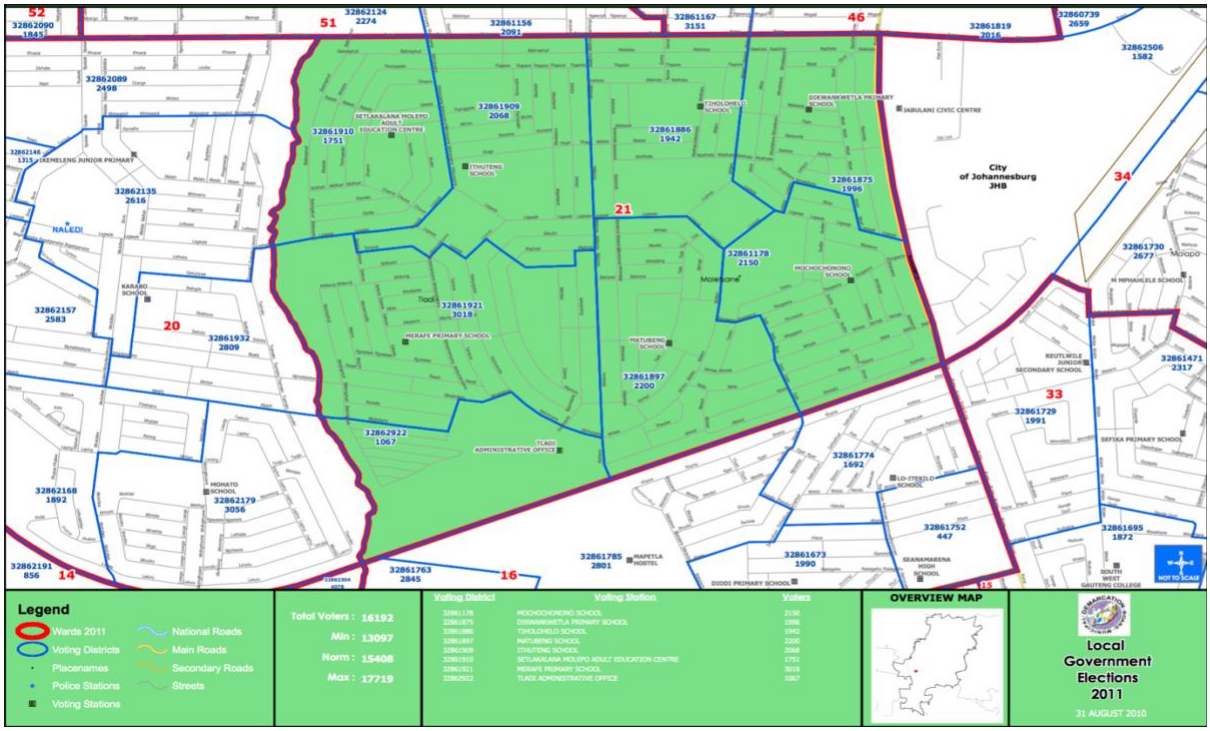
The Johannesburg Region is comprised of 130 wards each consisting of an average of 5 to 10 Voting districts within a ward. Given the scope of this thesis, all 130 wards in the Johannesburg region could not be analysed; therefore, a random selection of five wards was made, each ward in different regions within the Johannesburg area.

7.2.1 Johannesburg Ward 21:

The map below (Fig 7.1) illustrates the map as delimitated by the Municipal Demarcations Board before the 2011 Local Government Elections.

[176] Neuman, W. L. (2006). Social Research Methods: Qualitative and Quantitative Approaches, Pearson.

[177] Ibid.



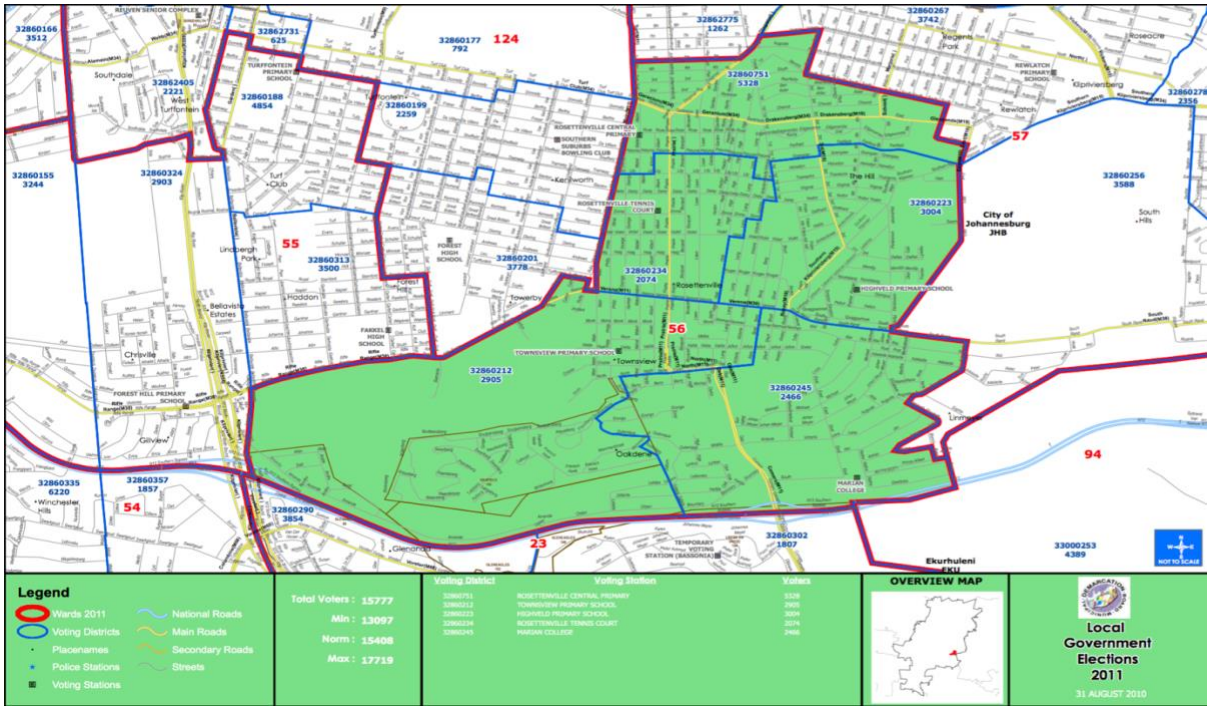
(Figure 7.1)

It is important to note that the map for Ward 21 in Johannesburg shows the significant reduction of voting districts located within this ward. In the 2006 Local Government Elections, ward 21 had a total of 12 Voting districts. However, by the 2011 Local Government Elections, the Municipal Demarcations Board had reduced the number of voting districts to 8.

The election results however, remain largely the same with the ANC dropping from around 94% in 2006 to 90.01% in the 2011 Local Government Elections. The Democratic Alliance on the other hand significantly increased their share in the vote from just over 2% to 4.25%. The decrease in the majority party vote share was thus to the increase in the vote share of the official opposition party. However, when including other factors, such a voter turnout one notes that there was a significant decline in voter turnout – which may also play an explanatory role.

7.2.2 Johannesburg Ward 56:

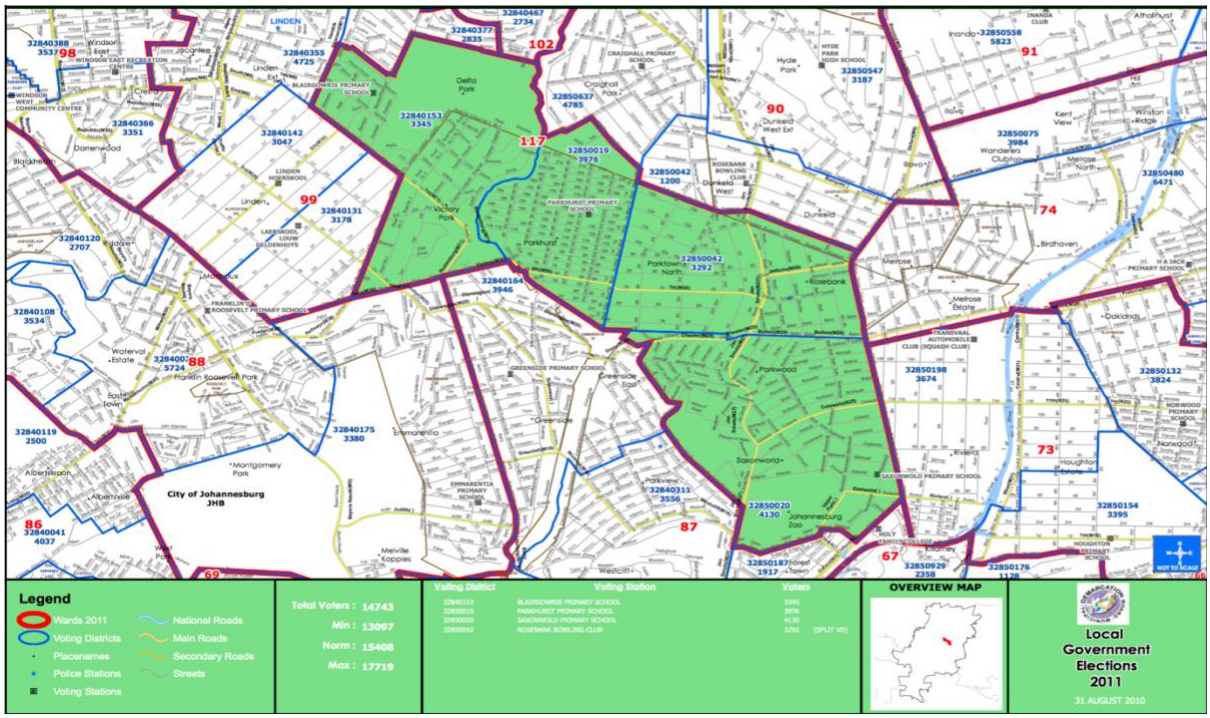
Figure 7.2 below illustrates the ward demarcation and voting districts located within ward 56 located in the Johannesburg Metropolitan City.



(Figure 7.2)

While the shape of the ward has not been significantly altered since 2006, there was a decrease in the total number of voting districts from 7 in 2006 to 5 in 2011. The difference with this ward is that the largest voter share in this ward belongs to the official opposition (DA), which noted an increase of around 2% in the ward in 2011. However, the ANC also registered an increase of around 8% from 2006 to 2011. These increases were likely attributed to the increase in voter turnout in the ward.

7.2.3 Johannesburg Ward 117:



(Figure 7.3)

This ward did not exist prior to the 2011 Ward delimitations and thus came to be established through a process of removing certain voting districts from existing wards, thereby establishing a new ward. The importance of this would relate to the electoral outcome, given that these are not entirely new voting districts, and the voters would have always been there- thus the voting patterns would remain largely intact. Therefore, through looking at the individual voting performance of each Voting district one will be able to establish whether these voting districts voted in the same patterns throughout.

The first of these four voting districts, Voting District 328 500 42 was formerly under ward 90, and the DA obtained a 54.81% win in the voting district. The Voting district was then removed from ward 90 and placed under a newly established ward 117 in the 2011 Local Government Elections demarcations. The DA obtained a result of 65.76% in the same voting district under the new ward 117.

The second voting district to form part of the newly demarcated ward was 328 401 53, where the DA had previously obtained a 74.75% win. The DA won 84.56% of the electorate in this district under the newly established ward 117.

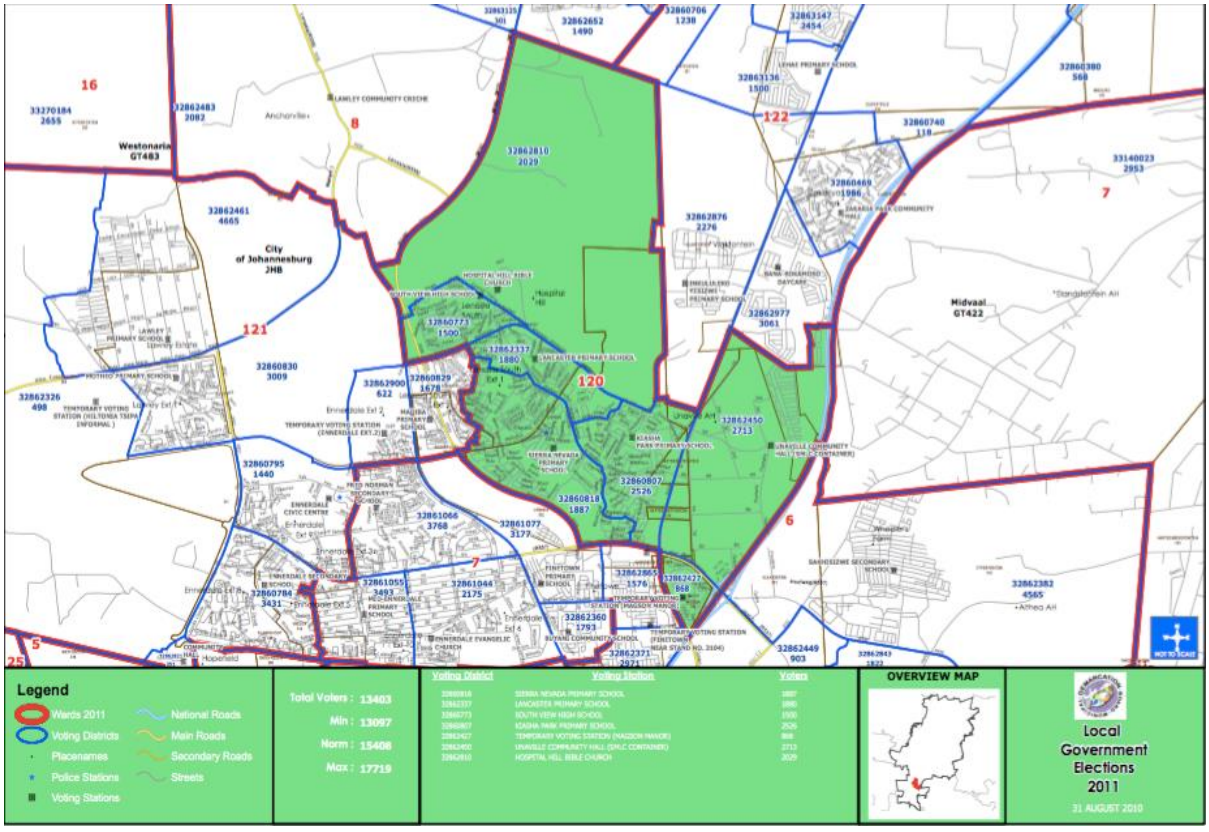
The third voting district to be removed from its original ward to the new ward 117 was 328 500 19. In this voting district registered that the DA had achieved 74.86% of the vote in the 2006 Local Government Elections. Once moved from ward 87 to ward 117 it increased its win to 85.83%.

The final Voting District to form part of ward 117 was 328 500 20, formerly part of ward 73. The DA obtained a 68.23% of the vote under ward 73 in 2006, but increased this to 74.15% of the vote in 2011, when integrated into ward 117.

These four voting districts combined resulted in the DA achieving the majority of the votes (82.29%) for Ward 117.

7.2.4 Johannesburg Ward 120

Figure 7.4 illustrates the new ward established by the demarcations board since the 2006 Local Government Elections.



(Figure 7.4)

Ward 120 illustrates a noticeable shift in the outcome of an election following the establishment of a new ward, however, the trend of removing voting districts to form a new ward remains present. Ward 120 is comprised of seven Voting Districts each removed from their original wards to establish ward 120.

The first Voting District to form part of the newly established ward is 328 608 18. The ANC had won the district in 2006, with a 64.72% win under ward 7. However, the DA won the same district with a 50.99% win in 2011.

The second district to be included into ward 120 was 328 623 37. In 2006, the ANC had won the district with 43.54% of the vote share in 2006, however after the district was included into ward 120, the ward became a DA stronghold in 2011 – achieving 67.80% of the vote – up from 39.68% in 2006.

The third district – 328 607 73, formerly part of ward 7 – recorded that a DA victory, with a 42.78% majority in 2006. When moved from ward 7 to ward 120, the DA increased its majority to 69.69% in the 2011 election.

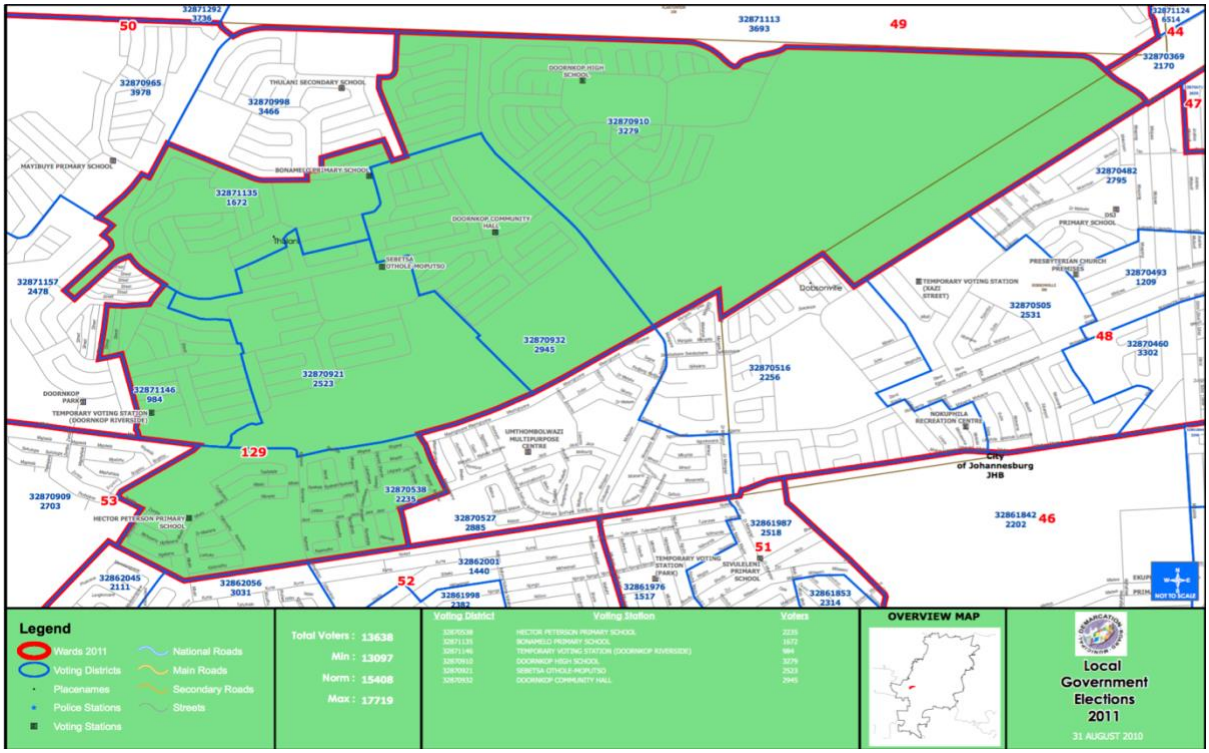
The following four districts (328 608 07; 328624 27; 328 624 50; 328 628 10) were all removed from their original wards and included into ward 120. All four of these districts were ANC strongholds – however (as illustrated in the Annexures) once incorporated into the new ward, all four districts reported a significantly decline in the ANC vote share and, subsequently, an increase in the DA vote share.

What is significantly different in ward 120 is that while the establishment of the ward did not lead to a complete change in the electoral changes, ANC strongholds were significantly weakened. The possible causes for this will be discussed in the chapter to follow.

7.2.5 Johannesburg Ward 129:

Figure 7.5 below illustrates the final delimitation of the newly established ward 129 located in the west of Johannesburg. Ward 129 is comprised of six voting districts all removed from their original wards to form the new ward. The election results of each individual district revealed that all the districts were originally ANC strongholds – but that once these districts

had been incorporated into the new ward, the percentage the ANC's percentage share increased significantly in all six voting districts.



(Figure 7.5)

Four districts (328 711 35; 328 711 46; 328 709 21; 328 709 32) were all removed from the same original ward 50, where the ANC received 63.82% of the vote, 63.34%, 52.75%, and 58.72% in the respective wards. In 2011, after being incorporated into ward 129, the following results were recorded in each district for the ANC: 89.15%, 91.11%, 91.01%, and 87.79%. There is a sharp and visible increase in the number of votes the ANC receives.

In addition to these, the fifth district included into ward 129 was 328 705 38, which originally formed part of Ward 53 with the majority (83.65%) of votes belonging to the ANC. The final district - 328 709 10 – was removed from ward 44 and included into ward 129. This district, much like the rest of the districts in the new ward, was an ANC stronghold, and the party increased its vote share from 86.85% in 2006 to 87.99% in 2011. The combined electoral results led to the ANC claiming a significant majority in ward 129 (89.13%).

7.3 Tshwane Region:

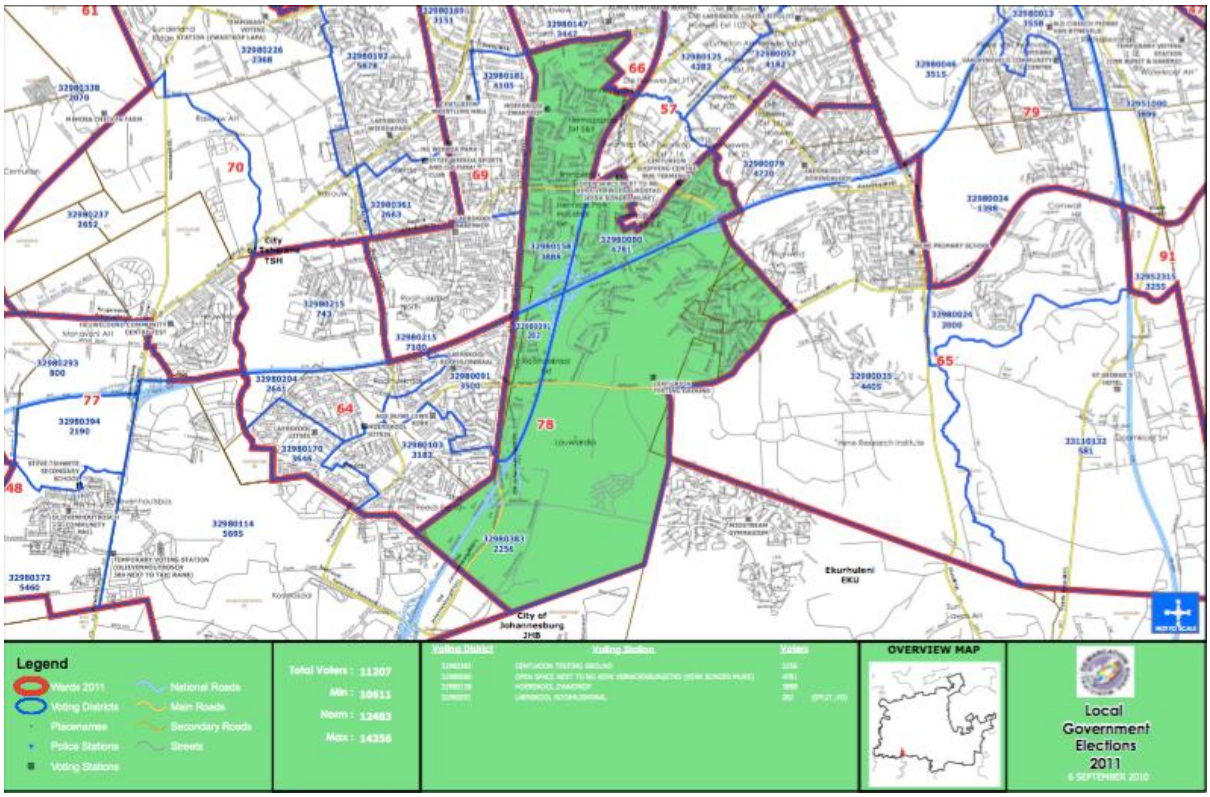
The following section will present the data in relation to the City of Tshwane, which will attempt to follow the same approach as the one adopted in the Johannesburg Municipality with the intention of identifying a possible trend in the establishment of new wards by the Municipal Demarcations Board.

In 2006, the city of Tshwane had a total of 76 wards within the metropolitan municipality. Prior to the 2011 local government elections, however, the Municipal Demarcations Board later included 29 new wards into the municipality.

This section seeks to focus solely on those wards created by the Municipal Demarcations Board. Furthermore, this section will, through a process of random selection, select five wards from those newly established ones, and present findings.

7.3.1 Tshwane Ward 78:

Figure 7.6 illustrates the Municipal Demarcation Board's final delimitation and establishment of ward 78, located in the South of the Tshwane region.



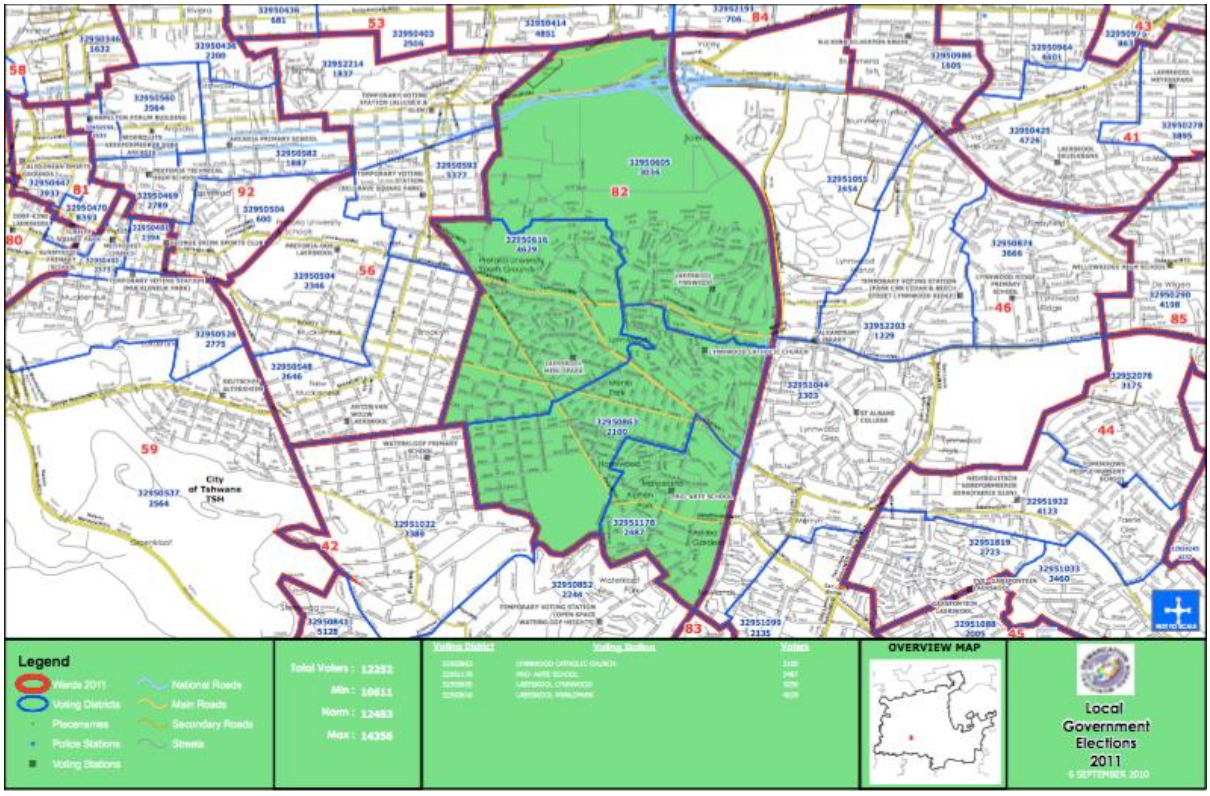
(Figure 7.6)

Ward 78 is comprised of four voting districts and is a relatively small ward. Two voting districts were removed from their original location in ward 69 and included into the new ward: the first of these, district 329 800 80 registered a DA majority of 72.13% in 2006, which increased to an 85.35% majority in 2011 once the district was re-located under ward 78. Similarly, the district 329 801 58 reported that the DA achieved a 72.56% majority vote in 2006, and in 2011 the same party increased its majority to 89.52%.

The second two voting districts were each removed from ward 64, formally also a DA ward with a significantly less stronghold was included into the newly established ward 78. In 2006, district 329 803 83 reported the majority party as the DA – which obtained 67.20% of the vote. In 2011, increased to 72.96%, after the district was incorporated into ward 78. The DA dominated the final district - 329 800 91 - with 75.65% of the vote share in 2006, which later increased to 84.43% in 2011. The combined electoral outcomes of these four districts established a single DA stronghold Ward in the Tshwane region, with DA winning the ward with 84.24% majority.

7.3.2 Tshwane Ward 82:

Figure 7.7 illustrates the final determinations of the Municipal Demarcations Board for the establishment of the new ward 82 in the Tshwane Municipality for the 2011 Local Government Elections.



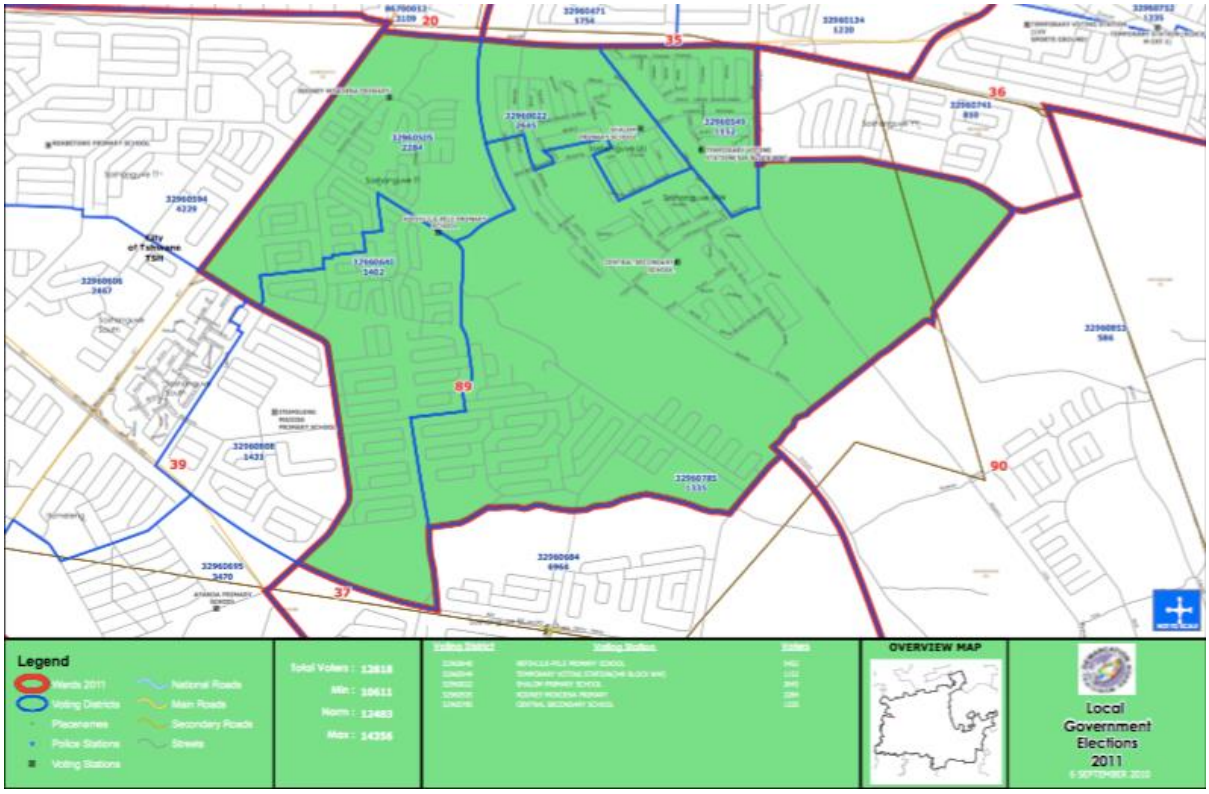
(Figure 7.7)

The above ward is a compilation of four different voting districts, three of which come from ward 42 and one from ward 56. The first district (329 508 63) was relocated from ward 42, and was won by the DA in 2006 with 74.75%. This share subsequently rose to 89.72% in 2011 under ward 82. The second district (329 511 78) follows the same trend and saw increases in the DA's vote share from 74.41% in 2006 to 86.57% in 2011. The third district (329 506 16) also saw a DA increase – from 67.04% in 2006 to 87.01% in 2011.

The final district (329 506 05) was removed from ward 56, where the DA obtained 67.04% of the vote in 2006. It was subsequently won again by the DA at 87.01% in 2011. The combined average of votes in 2011 for ward 82 was 87.69% for the DA, thus establishing a possible new stronghold.

7.3.3 Tshwane Ward 89:

The map below represents the final ward boundary delimitation for the newly established ward 89. The ward was won by the ANC in 2011, which achieved 93.12% majority vote share.



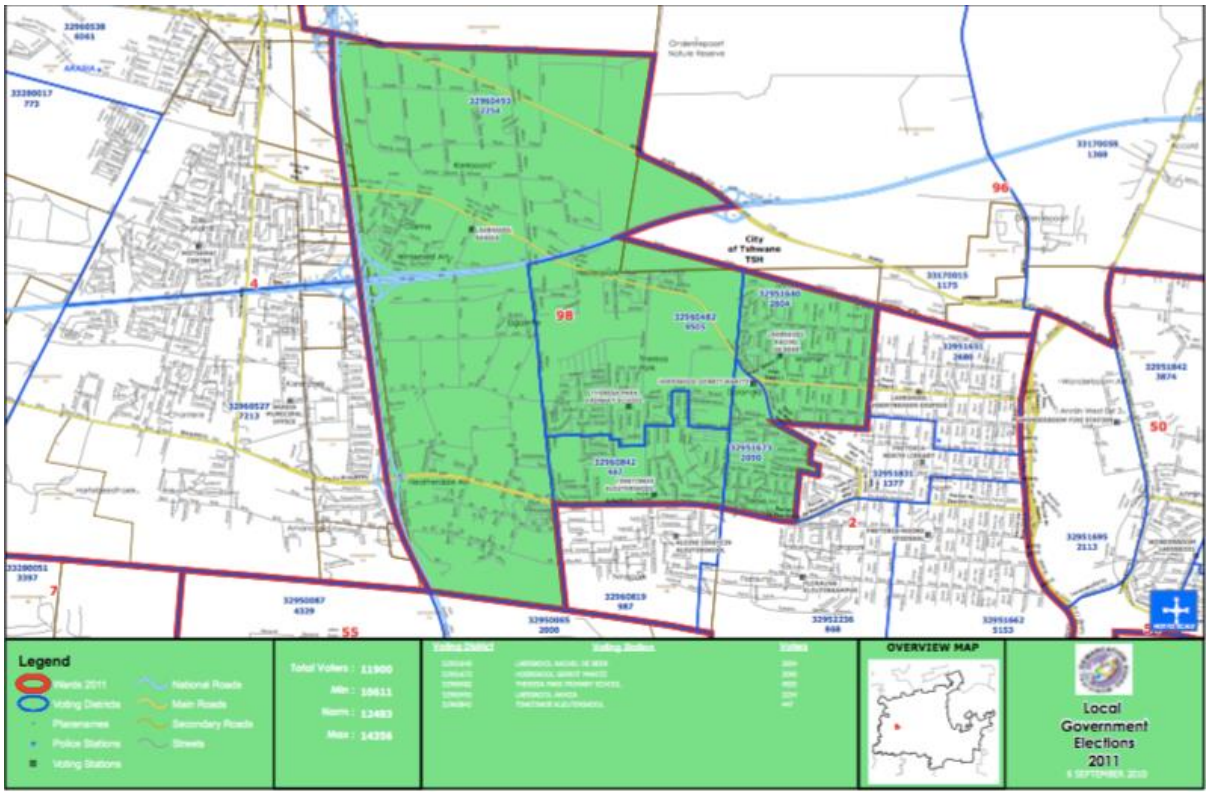
(Figure 7.8)

Voting district (329 606 40) was previously under ward 39, where the ANC registered a victory with 76.71% of the vote in 2006. When it was moved to the newly established ward 89, the ANC won the district with an increased 95.45% of the vote share. District (329 605 49) was previously under ward 36, where the ANC won with 88.73% of the vote in 2006. In 2011, after being moved into ward 89, the ANC maintained its vote share with 89.09%. The third district (328 600 22) was also won by the ANC (82.94%) in 2006 and (88.17%) in 2011.

The fourth district was won by the ANC with 86.91% of the vote in 2006, when it fell under ward 39, and was again dominated by the ANC (95.06%) in 2011, when it fell in ward 89. The final district to form part of ward 89 was 329 607 85 and was won by the ANC in both elections with 78.96% in 2006 and 89.63% in 2011 registering a 10.67% increase being achieved by the party in 2011. Therefore, as mentioned above, the ward was claimed by the majority party in the 2011 elections after being established by the Municipal Demarcations Board.

7.3.4 Tshwane Ward 98

The figure below represents the final agreed ward boundary for ward 98, established by the Municipal Demarcations Board in 2011.



(Figure 7.9)

Ward 98 represents a slight change in relation to the above trend. In this ward, the five voting districts were all DA strongholds before being combined to form a single ward. However, unlike in all the other cases, this ward is the only ward where in the individual voting districts (with the exception of one) both the ANC and DA registered increases in the number of votes they received. This is likely attributed to the sharp increase in voter turn out at all four of the wards where both political parties attained increases in votes.

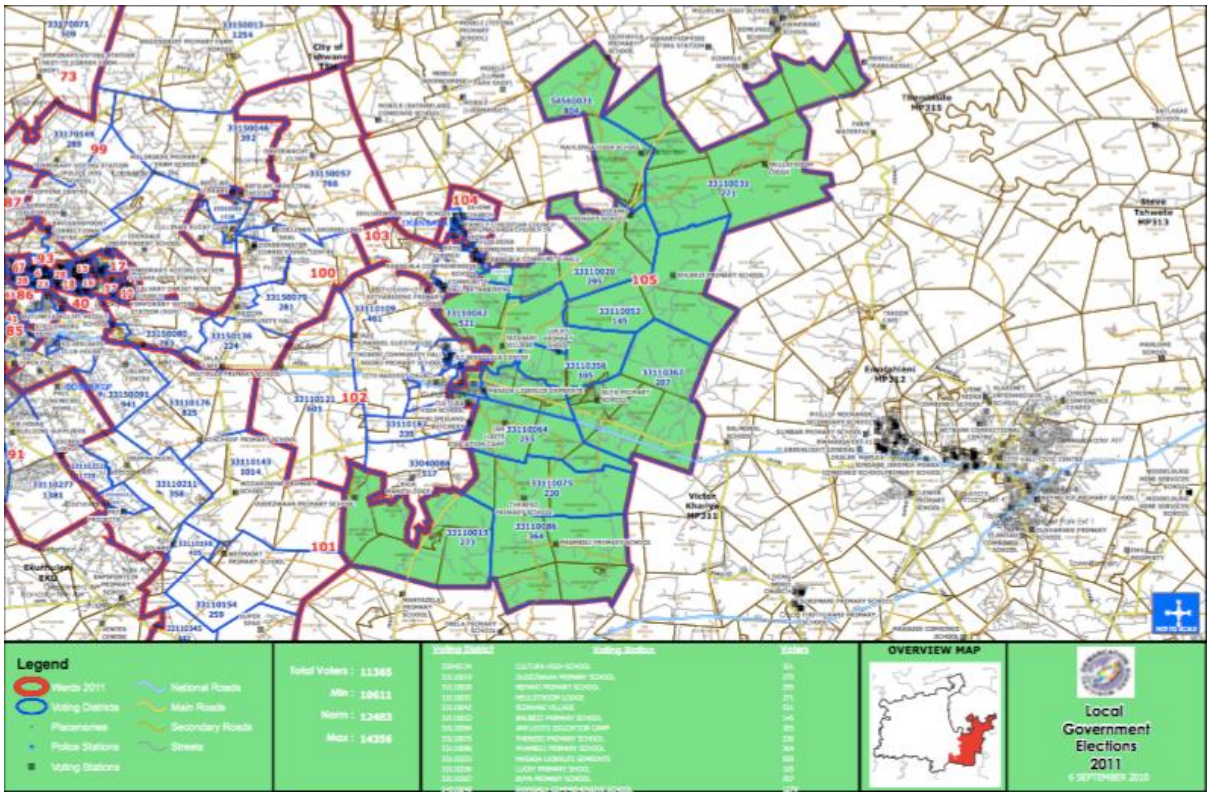
The first district 329 516 40, originally under ward 49, remained a DA stronghold with the party showing an increase of 7.08% from 2006 to 2011. The second set of districts both came from ward 2 (329 516 73; 329 608 42) and, once being included into ward 98, the DA registered very minor increases in votes in both wards of 1.2% and 0.79% respectively. The fourth district came from ward 4 (329 604 93), where the DA received a decrease in votes from 64.08% in 2006 to 55.85% in 2011 – this is the first case study where after being

removed from other wards a stronghold lost votes. The final district was 329 604 82, and the DA increased its votes by a marginal 0.39% in 2011.

The DA managed to therefore secure Ward 98 with an average of 75.27%, which is still enough to be considered a stronghold for the political party.

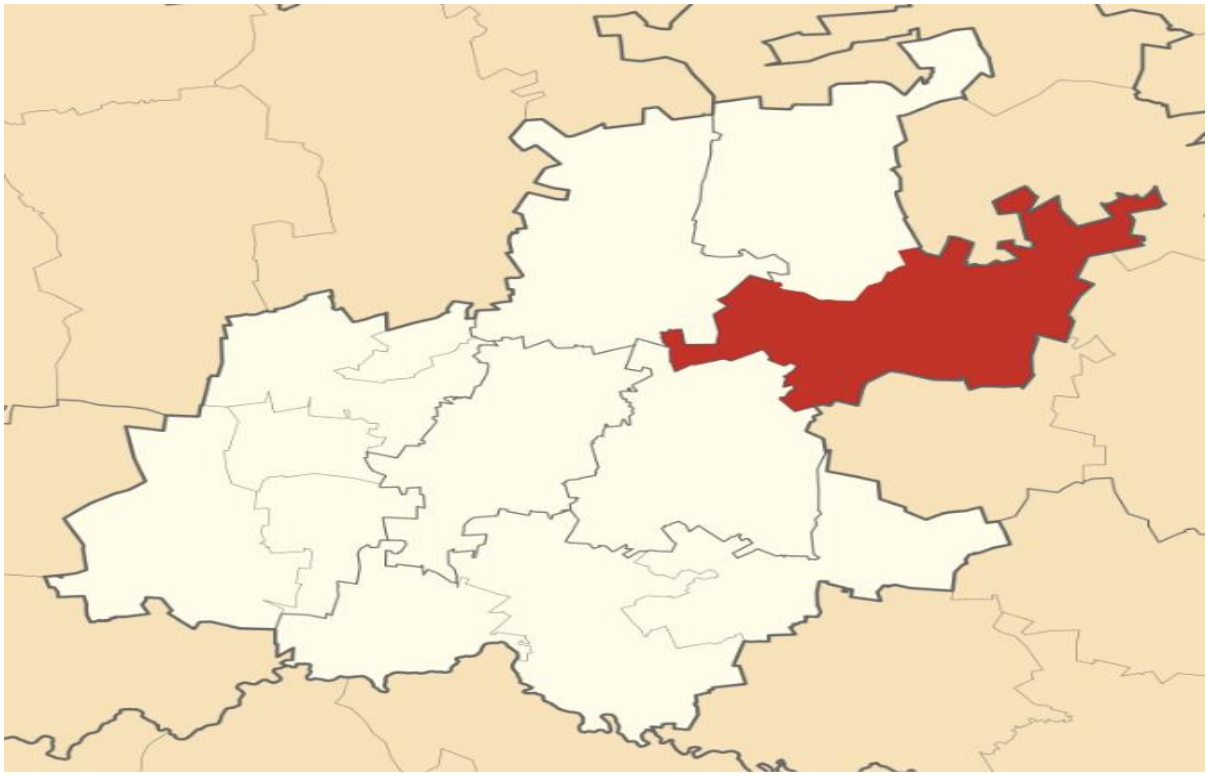
7.3.5 Tshwane Ward 105:

The below map illustrates the changes to the Municipal Demarcations Board in relation to the Tshwane municipality ward 105 as completed by the Municipal Demarcations.



(Figure 7.10)

This specific ward is different to the above examples provided. In this case study, the ward 105 is not a compilation of existing voting districts within the Tshwane region but rather represents the inclusion of a neighbouring municipality into the Tshwane Municipality.



(Figure 7.11)

The above image illustrates the inclusion of the Kungwini Local Municipality (Red Area) into the Tshwane municipality. The reasons for this will be discussed in the chapter to follow, however, The Kungwini Local Municipality was an ANC stronghold prior to the 2011 local government elections and remained an ANC stronghold even after its inclusion into the Tshwane metropolitan municipality, with the entire ward being won by the ANC with a reduced majority of 63.12% (down from around 70% when the ward was its own municipality in 2006).

7.4 Ekurhuleni Region

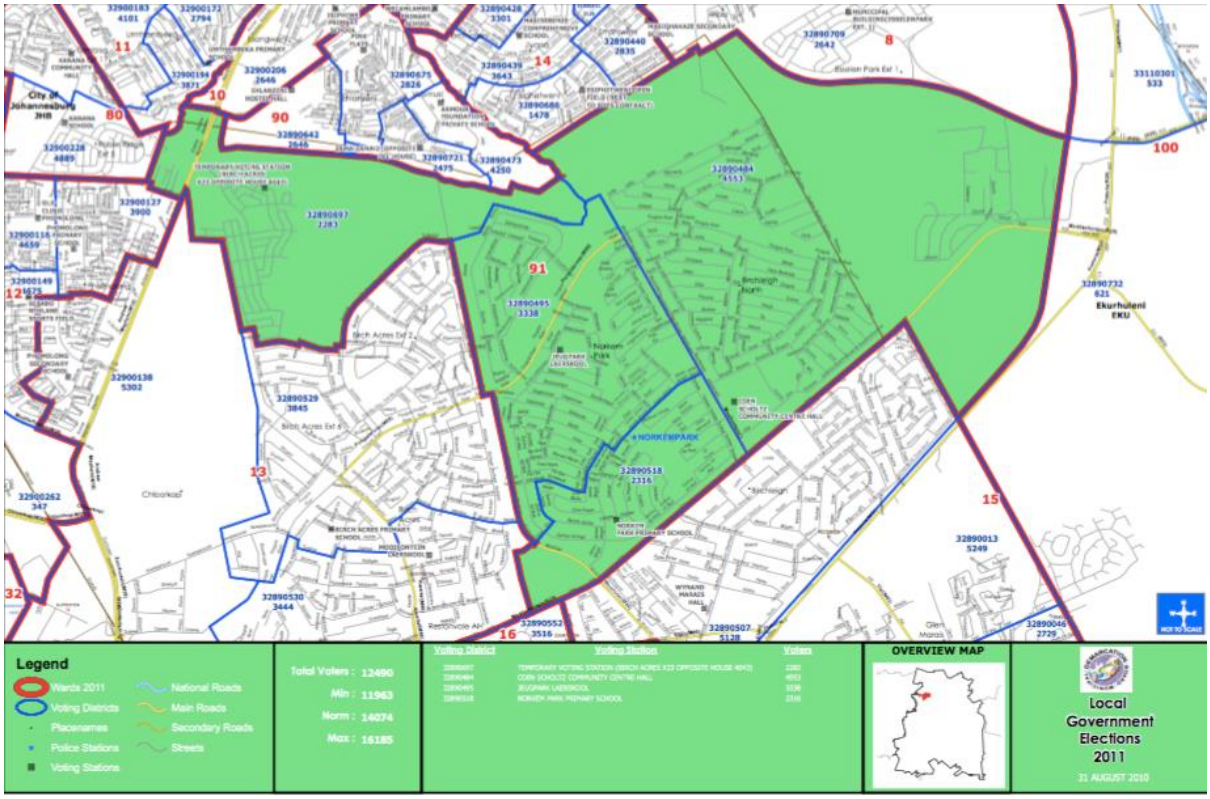
The following section will focus on presenting the data in relation to the Ekurhuleni Metropolitan Municipality located in the East of Gauteng. The Ekhuruleni municipality was comprised of 88 wards in 2006, but the Municipal Demarcations Board later included an addition 13 new wards before the 2011 Local Government Elections.

Therefore, this section will place focus on those 13 new wards, and through a process of random selection, five wards will be identified and presented. These five wards represent

almost half of all the new wards established in the region by the Municipal Demarcations Board.

7.4.1 Ekurhuleni Ward 91:

Figure 7.12 illustrates the final demarcations of the newly established ward 91 in the Ekurhuleni municipality.

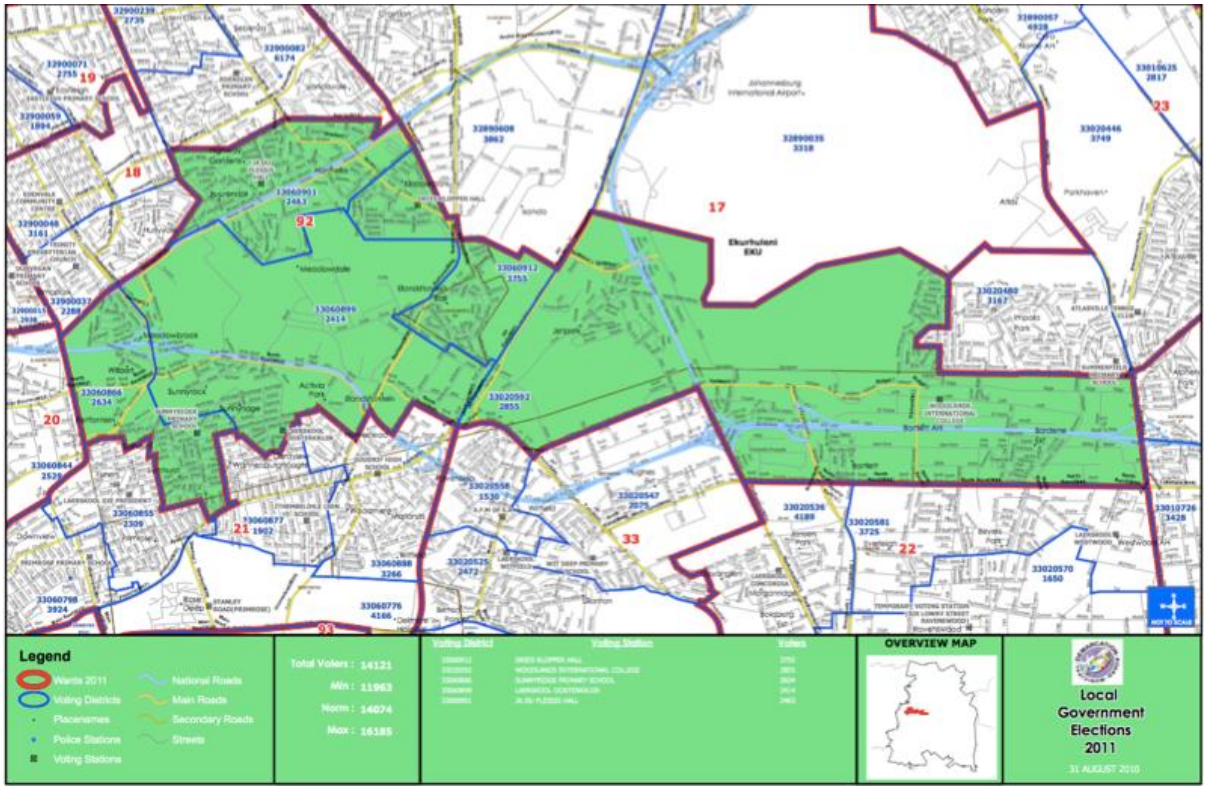


(Figure 7.12)

Ward 91 is comprised of four voting districts, of which three were DA strongholds and one (328 906 97 an ANC stronghold – where the party achieved 86.40% of the vote share in the 2011 Local Government Elections). The other three districts (328 904 84; 328 904 95; 328 905 18) all reported that the DA increased their vote share since being added to ward 91 in 2011. The DA thus claimed ward 91 with 54% of the vote.

7.4.2 Ekurhuleni Ward 92:

Ward 92, as illustrated in the map below was established prior to the 2011 Local Government Elections. The ward is comprised of five voting districts all of which were and remained DA strongholds for both 2006 and the 2011 Local Government Elections.



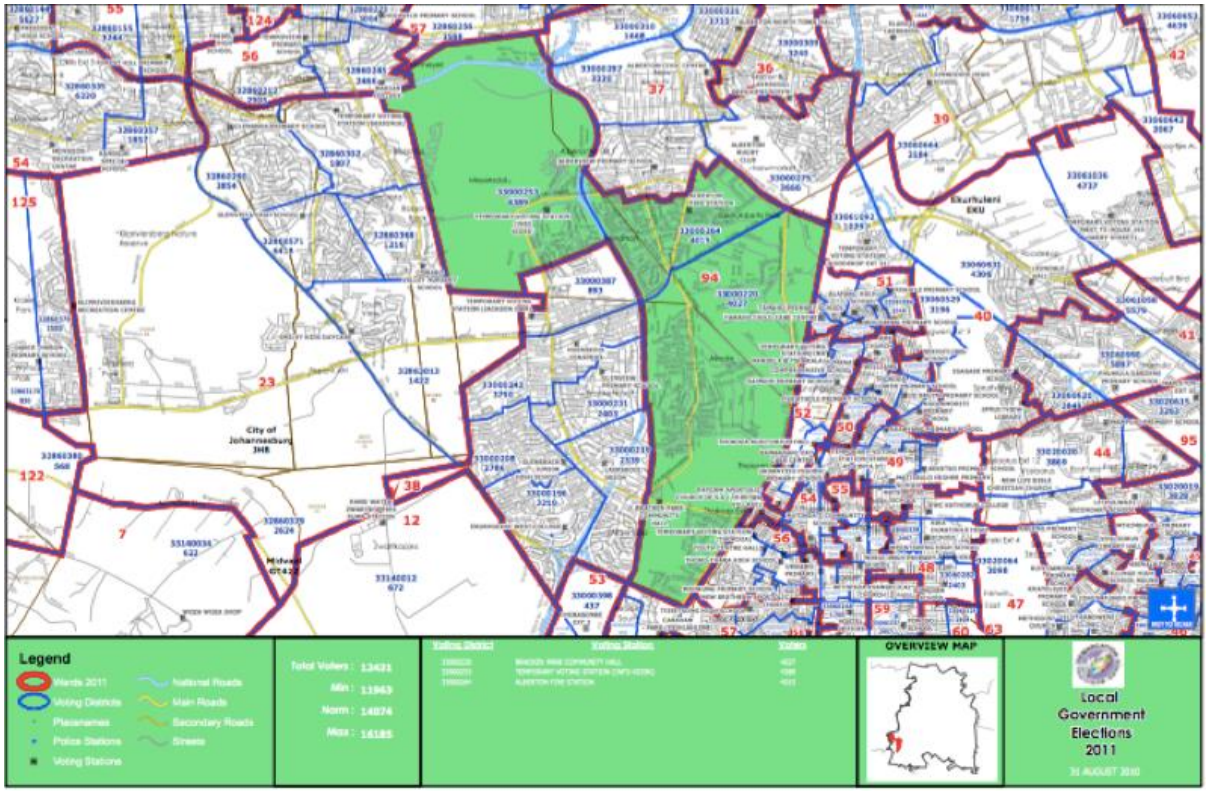
(Figure 7.13)

The first district to form part of this ward was 330 609 12, which had previously reported a DA majority in 2006 (60.56%). However, in 2011 the district reported that the DA's majority weakened at 51.59%. This was likely attributed to the decrease in voter turnout during the 2011 elections. The second district (330 205 92) reported that in 2006 the DA won with 85.03% of the vote, and yet after being added to the newly established ward 92 in 2011, the same district reported the DA increased to 92.61% - even with a lower voter turnout in 2011. The same was true for district 330 608 66 which when moved from ward 17 to ward 92, saw an increase in the DA's vote share from 82.75% in 2006 to 91.48% in 2011.

The fourth district illustrates the same trend. In district 330 608 99 reported the DA won 85.49% of the vote in 2006, and 90.93% in 2011 once under ward 92. The fifth integrated district (330 609 01) reported that once moved to ward 92 in 2011; the DA increased its vote share from 83.14% to 90.33% with a lower voter turnout than in previous years. Therefore, the combination of these five DA stronghold districts resulted in the DA achieving 83.16% of the vote for ward 92 in 2011.

7.4.3 Ekurhuleni Ward 94:

The following image illustrates the newly established Ward 94 by the Municipal Demarcations Board in 2011. This ward is made up of three voting districts all of which were DA strongholds prior to 2011. It is worth noting that in two of the districts (330 002 53; 330 002 64), the DA increased its majority to 80.53% and 77.23% respectively once forming part of ward 94 in 2011. The third district (330 002 20) registered that the DA still claimed the VD with a slightly reduced majority of 64.37% in 2011, down from 66.41% in 2006.



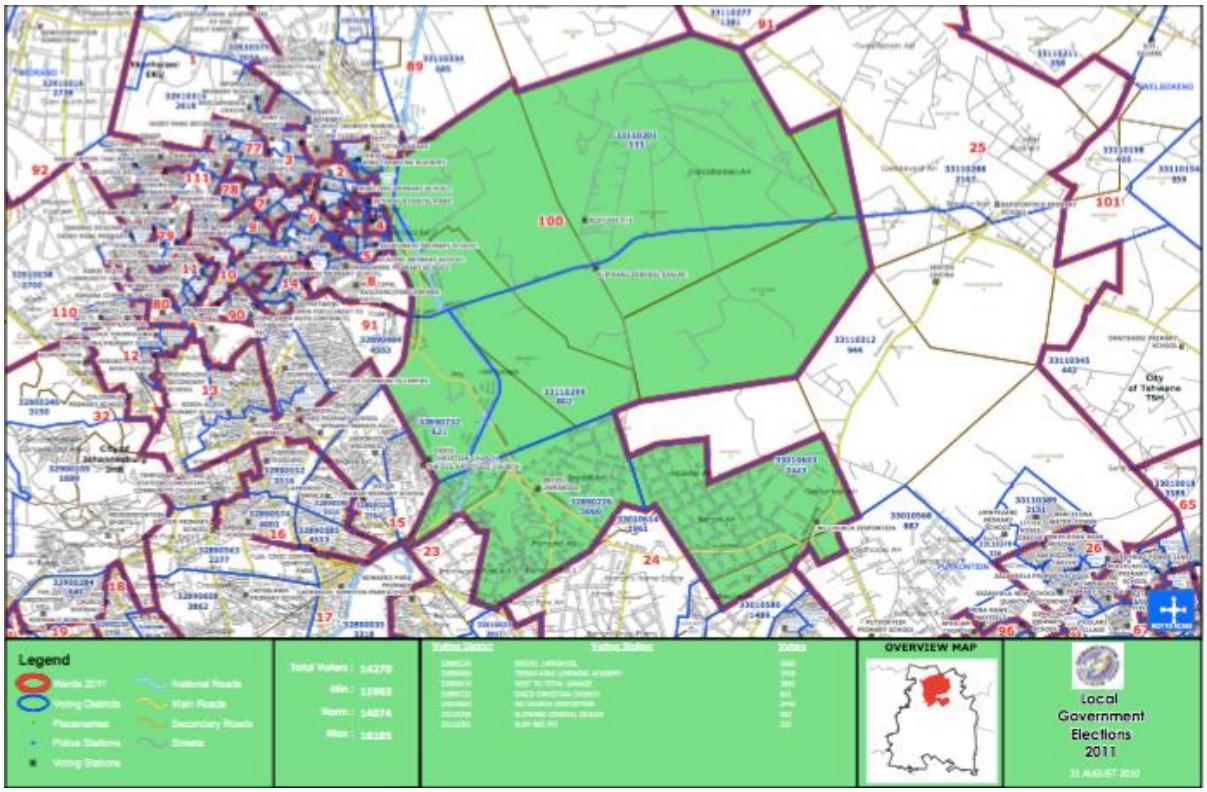
(Figure 7.14)

The combined effect of these three districts led to the ward being won by the DA with an average vote share of 74.88% in 2011.

7.4.4 Ekurhuleni Ward 100:

At first glance Ward 100 appears to follow the same trends as the above examples, but when going through the data from the IEC, it became clear that this is the first example of the creation of both a new ward and new voting districts. All the previous examples showed how new wards could be created out of existing districts. In this case, the new ward was

constructed from both existing districts – and two newly created ones. The creation of these two new voting districts, however, effectively changed the outcome of the ward elections.



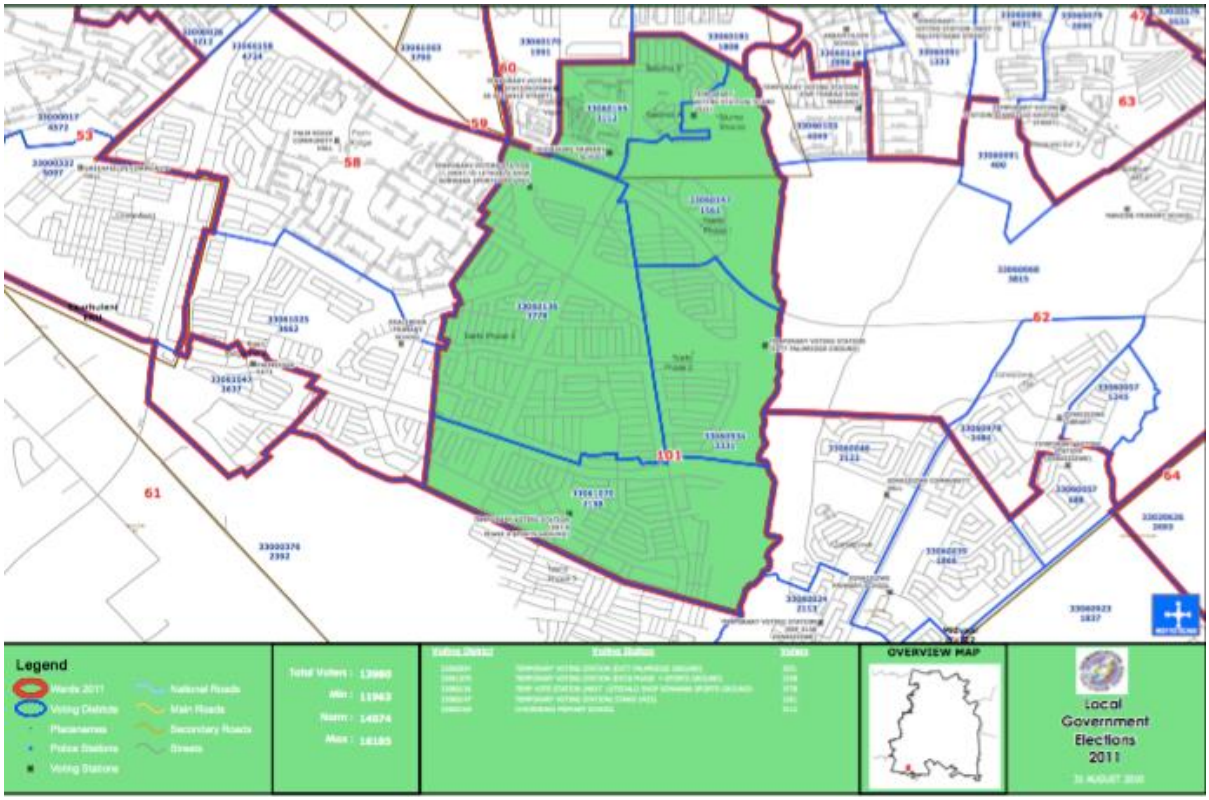
(Figure 7.15)

Four existing districts were incorporated in ward 100, and remained ANC strongholds: districts 328 904 06 and 328 906 19 from ward 1, and districts 331 102 99 and 331 103 01 from ward 15. The ANC achieving an average of 80.35% of votes in these districts in the 2011 elections. However, the inclusion of district 328 902 26 in which the DA achieved 77.80% of the vote in 2011, and the establishment of two new districts (328 907 32; 331 106 03) in which the DA achieved 80.71% and 78.88% altered the outcome. The DA ended up winning this ward with 54.75% of the vote.

7.4.5 Ekurhuleni Ward 101:

the final ward of this study, ward 101, consists of five voting districts, all of which went to the ANC, which then claimed the ward with 87.98% of the vote in their favour. The creation of ward 101 illustrates the same pattern as the majority of case studies provided by the Ekurhuleni Municipality illustrate.

All five districts (as depicted in Figure 7.16) were ANC strongholds before being included to ward 101, and all remained ANC strongholds with no significant changes to note. The increase in the ANC's share of votes from 2006 to 2011 is likely attributed to the increase in voter turnout.



(Figure 7.16)

7.5 Conclusion:

This chapter has presented the data on the changes to Municipal boundaries for the Gauteng region with specific focus given to the three Metropolitan Municipalities. The first municipality to be assessed was the City of Johannesburg, in which five wards were analysed. Three of these wards had existed prior to the 2011 municipal demarcations process, but saw changes in their composition, while the remaining two were created in 2011. The changes in voting districts had little impact on the overall trend in these wards, instead reinforcing existing patterns. The majority party – ANC – won four of the five wards while the official opposition – the DA- claimed one of the wards.

The second metropolitan municipality to be assessed was the City of Tshwane, previously known as Pretoria. In the City of Tshwane, there were a total of 29 new wards established by the Municipal Demarcations Board in 2011, leaving the total number of wards at 105. The section on Tshwane focused only on those newly established. Three of these newly created

wards were won by the official opposition, and two being claimed by the ANC. When considering the previous history of the voting districts, it appeared that the results of these new wards were largely determined by the earlier history of the districts. There were significant exceptions however: It was also in Tshwane that the first example of the effects of the inclusion of a neighbouring municipality was identified and presented.

The final municipality to be assessed was Ekurhuleni in the East of Gauteng. In Ekhurleni the same pattern witnessed under the Tshwane examples is present in the five case studies where the results of the new wards were largely determined by the earlier history of the districts. However, the fundamental difference is that in the Ekurhuleni cases there were four out of the five wards claimed by the official opposition and one ward claimed by the ANC in 2011. Furthermore, in Ekurhuleni ward 100, the first case illustrating the effects of the creation of new VDs is presented.

Thus, in conclusion, this chapter has presented the data relating to changes in ward demarcations. The data will now permit a further analysis to assess whether any general trends can be established and whether these would constitute empirically a serious case for gerrymandering. Alternatively, whether the data observed only illustrate an unintentional consequence – with potentially far reaching implications – of the process of ward delimitation on redistricting. The subsequent chapter will focus on answering the above questions.

CHAPTER 8: ANALYSIS OF DATA

8.1 Introduction

For this thesis to be completed, the presentation of the data needs to be analysed in a coherent and concise manner. Therefore, this chapter will focus solely on attempting to apply the theory discussed in chapters one to six to the data presented in chapter seven. It is thus worth mentioning that this section will focus on identifying whether the trends and patterns identified in chapter seven amount to gerrymandering.

Firstly, the data presented in the previous chapter highlights that in every case where the Municipal Demarcations Board established new wards, they essentially created strongholds either for the ANC or the DA. Therefore, what needs to be answered is whether this was an intentional act or an unintended consequence of the establishment of a new ward. The only way to effectively answer this question without reducing this section to a journalistic investigation is to study what relevance the voting districts selected had in their previous wards before being moved to form a new stronghold. If the voting districts consistently had little to no relevance on the electoral outcomes in their previous wards, and as illustrated now play a crucial role in the new wards, it may be possible to suggest that this is of general significance.

Furthermore, the character of the establishment of new wards needs to be tested against the theory surrounding gerrymandering. As highlighted in chapter four, there are two main methods of gerrymandering: the first is a packed gerrymander in which constituencies are arranged to ensure that opposing parties win a small number of constituencies by a significantly large margin. While the second form is a cracked gerrymander which implies the creation of many sets of constituencies, breaking up existing majorities.

Finally, this section will need to consider the possibility of malapportionment, which would bring in factors surrounding the size of constituencies and whether they vary significantly from ward to ward. It is again important to mention that the theory of gerrymandering is not an entirely new phenomenon to the South African political landscape. In the demarcations period leading up to the 1996 Local Government Elections, three major case studies highlighted attempts at gerrymandering. However, the context of the establishment of the contemporary Municipal Demarcations Board changed this. The ruling party and the

government opted to steer clear of controlling both the mandate and functioning of the Municipal Demarcations Board, to ensure that the entity remained independent. When the official opposition appears to be a 'beneficiary' of the establishment of new wards, the question of whether it has enough influence to control the demarcations process is thus raised.

A noteworthy remark for the preceding discussions is that in all the cases voter turn-out remained relatively unchanged. However, where it has been thought to be a possible cause for a change in the electoral outcomes, the thesis makes a special note.

8.2 Assessing the Legitimacy of the Ward Delimitation:

The following section will attempt to trace whether the Municipal Demarcations Board acted within the confines of the laws and regulations guiding the process of ward delimitation in South Africa.

The Municipal Demarcations Board demarcates wards in all municipalities that qualify. The purpose to deepen local democracy and promote local governance. It is important to note that once all the boundaries have been delimited by the Board, the preparations for local government elections commence, thus making the Board a crucial part of the electoral system of South Africa. The electoral system provides for the election of ward councillors, and it is thus the fundamental responsibility of the MDB to delimit such wards within which ward councillors can be elected.

As mentioned in chapter six, various stakeholders play their roles in the demarcation process. One of the main stakeholders is the Independent Electoral Commission (IEC), which divides the voter's role into municipal segments. A second stakeholder is the Minister of local government who takes the segmented voters' roll and develops a formula for Provincial Government MECs to use to determine the number of councillors for their respective provinces. This is completed within the framework of Section 20(3) of the Structures Act of 1998.

Once this information has been published the Municipal Demarcations Board uses its own formula to determine the number of wards per province. Simply put, the MDB takes the

number of councillors published in the Provincial Gazette and divides it by two to get the number of wards. Therefore, for the Gauteng region in 2006 there were 846 councillors announced in the Gazette, and therefore 423 wards. And in 2011 there were 1016 councillors and 508 wards.

The Municipal Demarcations Act removed the responsibility of ward delimitation away from the IEC and made it a function of the MDB. This led to the establishment of criteria for ward delimitation that was cognisant of the constitutional laws regarding the characteristics of boundary delimitation in South Africa. Several factors are considered by the MDB; however, the main deciding factors for delimitation are[178]:

1. The number of registered voters in a ward cannot vary by more than 15 per cent from the norm. And,
2. Fragmentation of communities should be avoided where possible.

The legislation gives the MDB license to create new wards based on voter registration statistics, and the number of ward councillors determined by the Minister's formula. The data as presented in the previous chapter is consistent with the idea that the MDB acted within its legal constraints when establishing the new wards. There can therefore be no question that the MDB was correct in establishing the new wards. This chapter thus only seeks to illustrate more clearly the patterns and trends present within the data.

8.3 The effect of the creation of new wards:

This section will analyse what the data indicate are the inherent patterns and trends that are associated with the establishment of the new wards by the MBD, following the Minister's and the MECs formula.

The combined total of new wards for all three metropolitan municipalities is 63 for the 2011 demarcations. Therefore, the sample size of this study is one-third of the entire sample, thus providing an indication of general patterns and trends.

[178] MDB (2000a). The delimination of Wards. Pretoria.

8.3.1 Johannesburg Metropolitan case studies:

The data presented for this section looked at a total of five wards established before the 2011 local government elections. The data was presented in a manner that sought to identify what the effect of grouping existing voting districts into new wards had on the electoral outcomes in 2011.

The Johannesburg case studies first looked at two existing wards and analysed the trends in these wards. Wards 21 and 56 illustrated that the removal of existing voting districts caused a decrease in the margins of victory at around 5% for the ANC, while the same decrease in voting districts caused an increase in the vote share of the DA. This trend appeared in both existing wards. However, more information and further analysis would need to be done to establish whether the decrease in voting districts lead directly to an increase in the official opposition's vote share in these other wards.

Fundamentally, the intention of presenting these two case studies – of wards that lost some voting districts, but were otherwise unchanged - was not to illustrate that the trend mentioned above, but rather to serve as a basis for identifying new trends in the establishment of new wards by the Municipal Demarcations Board. This finding is suggestive, but nothing more than that.

The principal focus of this thesis is on analysing the trends within those newly established wards in the Johannesburg region. The following discussion therefore looks at wards 117, 120, and 129. One must remain cognisant of the process followed by the Demarcations Board, in which the removal of voting districts from existing wards to create a new ward is the main area of importance. If one was to analyse the data at the level of the ward and its establishment it is likely that it would not be immediately clear as to what the importance of entire process is. Further, analysing the data at the level of the ward may neglect or disregard important detail that can only be made clearer when looking at the level of the voting district.

Therefore, in the context of the above-mentioned considerations, when analysing the data both at the ward and voting district level the following is noteworthy. Firstly, among all three wards in the Johannesburg metropolitan municipality, the voting districts used to establish new wards are not entirely new voting districts, but have rather been reassigned to new

wards, and can all be traced back to their original wards. These voting districts have a common characteristic amongst all of them – they all had little relevance in determining the outcome of the ward in elections. Each of these districts was a stronghold for one or another of the two principal political parties, and each of these districts was incorporated into wards that were also strongholds for the same party. This is an important finding because it leads one to question to what extent this trend is present throughout all the voting districts of all wards assessed in this thesis.

Secondly, when looking at the individual voting patterns of the voting districts removed from their existing wards, the change in ward allocations did not lead to a change in the voting patterns. Rather, they established continuity and strengthened the voting districts' existing trends. This is evident in all three wards analysed in the Johannesburg metropolitan municipality. Ward 117 was comprised of four voting districts, which had all previously voted in favour of the DA, and continued voting for the same political party once being relocated. A similar pattern could be seen in ward 120. The voting districts were all ANC strongholds prior to being allocated to the new ward and remained strongholds for the ANC once forming part of the new ward.

Therefore, one can argue that the change in which ward the voting district is located did not lead to a change in the way voting districts voted, and there was continuity in the voting patterns of voting districts throughout the case studies for the Johannesburg region.

Finally, the most important trend identified amongst the Johannesburg case studies was that while there was no change in the voting districts voting patterns, the careful selection of which voting districts to remove from those existing wards led to the creation of what this paper believes are 'super-strongholds'. The term aims to describe the process of identifying existing voting districts, which voted in a certain manner and grouping them together to form a ward that can be considered a stronghold of a political party.

Strongholds are considered areas in which the majority of the votes belong to a particular party contesting elections against other parties. In the South African context, a stronghold would be a specific geographical area in which a political party holds the majority share of votes. Ward 117 led to the establishment of a new stronghold for the DA in which they currently enjoy 82.29% of the vote, whereas the establishment of ward 129 created an ANC

stronghold in which the party obtains 89.12% of the vote. This was the first indication that there is a link between the establishment of new wards and the creation of strongholds. The subsequent section will analyse the data for the City of Tshwane, in which the data illustrates a continuation of the trend.

8.3.2 Tshwane Metropolitan Case Studies:

In this section, the Tshwane Metropolitan cases will be analysed to identify whether there are any concrete patterns in the case studies. This section did not look at cases where there were existing wards. The main reason for this was that those cases used in Johannesburg did not indicate there was sufficient reason to continue with the process.

Therefore, this section has looked at the establishment of five new wards, all of which are comprised of existing voting districts removed from their original wards and grouped together to form the new wards, some of which are discussed in this section.

The first case study was ward 78 located in the south west of Tshwane. The data traced all the previous wards of the voting districts used to establish this ward. The data obtained from the IEC, which was used to trace voting districts original wards, illustrated that there had not been a significant change in the number of registered voters in the respective voting districts. Significantly, there was not a major change to the voting patterns of each voting districts. Voting districts that had previously voted for the Democratic Alliance within African National Congress stronghold wards now continued voting for the DA in the new DA stronghold wards.

An example of this is Ward 82, which was the second case study randomly selected for the Tshwane region. This ward illustrates much the same outcome as above. The ward is currently comprised of four voting districts, which all had relatively unchanged voter numbers and patterns. All the voting districts had previously voted for the DA with ANC strongholds, except for one voting district, which was removed from a DA stronghold. These voting districts continued to vote for the DA in ward 82, leading to the establishment of a new DA stronghold were the DA obtained 87.68% of the vote.

The third case study from the Tshwane region was the ward 89, located in the west of the municipality, bordering on the West Rand. This is the first case study in the Tshwane region where the voting patterns of all the voting district remained largely unchanged, and the number of registered voters largely unchanged. The outcomes resulted in the ANC voting districts establishing an ANC stronghold. Perhaps the most interesting point of this case study relates to the origins of the voting districts and the change in pattern identified. Unlike, with the cases above, the voting districts from this stronghold came from the same political party dominated stronghold as it currently is presented under. Therefore, the voting districts that were used to establish this ANC stronghold, all came from previous ANC strongholds thus not significantly changing the dynamics.

The third case to be assessed is ward 98, from the west of the Tshwane region. This case study illustrated a continuation of patterns identified in all the other cases presented thus far. Significantly, there were no notable changes to any of the external considerations such as the number of registered voters, as well as the voting patterns of the voting district both before and after the demarcation changes. The ward is comprised of around five voting districts all of which are DA aligned voting districts, which grouped together created a ward in which the DA obtained 75.27% vote share.

The final ward is 105, which has a total of thirteen voting districts, all of which were previously not part of the Tshwane Metropolitan Municipality. Ward 105 is comprised of a significant portion of the Kungwini Local Municipality, which was later merged into Tshwane. Kungwini Local Municipality was a significant stronghold of the ANC and remained –albeit slightly weakened- an ANC stronghold when falling part of the Tshwane Metropolitan Municipality. The voting patterns and the number of registered voters also remained largely unchanged by the municipal boundary delimitation.

The Tshwane region case studies illustrate a possible pattern that has emerged through the establishment of additional wards. The removal of certain voting districts from wards may be, either intentionally or unintentionally creating strongholds for voting districts that had previously been marginalised.

The following section will look at five case studies from the Ekurhuleni Metropolitan Municipality.

8.3.3 Ekurhuleni Metropolitan Case Studies:

The following section aims to discuss the data relating the Ekurhuleni case studies identified in the previous chapter. The fundamental aim here is an attempt at locating the various trends identified in the Johannesburg and Tshwane Metropolitan municipalities within the Ekurhuleni Metropolitan municipality. The data presented five wards, which were randomly selected and identified the following trends in the municipality.

Ward 91 was established during the 2011 municipal demarcations and ward delimitation process. It was one of the 13 new wards established in the metropolitan municipality. Fundamentally, the Municipal Demarcations Board would have been within the legal requirements to establish this ward within the bounds of the minister's formula published.

However, as with some of the case studies identified in the Tshwane regions, a similar pattern emerges in Ekurhuleni ward 91. In this ward, most of the voting districts had all been removed from ANC strongholds to form a DA ward, which had previously not existed. There is only one voting district indicated that was an ANC stronghold and remained an ANC voting district –albeit with its majority slightly reduced. In ward 91 the DA did not have a significant majority, given the presence of the one ANC voting district, and therefore only achieved 54% of the vote.

The second ward, ward 92, represents a slightly starker continuation of the pattern. The DA claimed this ward in the 2011 Local Government Elections with 83.16% of the vote. In this ward, there were a total of 5 voting districts identified in the case study, all of which had been removed from ANC strongholds to form a DA 'super-stronghold'. The voting patterns and the number of registered voters both remained largely unchanged and relatively constant throughout the elections.

The third ward forming part of the Ekurhuleni case studies is ward 94. Again, the DA claimed this ward since being established for the 2011 local government elections. This case study once again illustrated the removal of DA voting districts from previous ANC strongholds wards to form a new DA-voting ward. The three DA voting districts which were removed to form part of ward 94, led to the DA achieving 74.88% of the vote in ward 94, within the context of relatively unchanged voting patterns and registered voting numbers.

The fourth ward to be established was ward 100. Unlike other wards discussed, this ward is made up of seven voting districts, which were not all strongholds of the DA. Ward 100 was made up of two new voting districts, which had previously not existed, as well as five previously-existing districts. These two new voting districts each recorded an overwhelming support for the DA [78-80%], while the existing districts registered smaller majorities for the ANC. It is possible to suggest that had these two new voting districts not been established, the voters would have likely fallen part of other wards, and ward 100 would likely have gone to the ANC. In practice, however, the presence of ANC stronghold voting districts thus reduced the support the DA across the ward – giving it a narrow victory, rather than establishing a new stronghold. This is the only case study in which there have been new voting districts established and suggests that further analysis, focusing explicitly on the outcome of the establishment of new voting districts would prove useful.

The final ward case study in this thesis was ward 101, which the ANC effectively won with 97.98% of the vote share. The creation of this ward illustrates much the same pattern as the case studies discussed where the delimitation process led to the creation of a 'super-stronghold'. The significant increase in the ANCs vote share is likely attributed to the rise in the number of registered voters who turned out to vote on the day of voting.

8.4 The case for cracking of municipal wards in Gauteng:

The preceding chapter has sought to analyse the data presented in chapter seven with regards to the delimitation of municipal boundaries in preparation for the 2011 local government elections. It was discussed earlier on in the chapter that the Municipal Demarcations Board derives its mandate from the Constitution of the republic as well as from various other pieces of legislation.

The primary regulation that determines the delimitation of wards and the number of registered voters for wards is the Minister's formula, which as discussed is the primary method of working out and determining the number of ward councillors per municipality. It was further noted that within this context the Municipal Demarcations Board established several new wards through a process of removing and grouping together a number of voting districts to form these new wards.

Therefore, two processes inform the delimitation of municipal and ward boundaries. The first is the minister's formula, which calculates the total number of councillors for each province; this number is then used by the Municipal Demarcations Board to determine the number of wards. The second relates to the number of voters registered, which completed by the IEC, who takes the voters roll and segments it per municipality. This thus establishes an average number of voters per ward and voting district. It also establishes the minimum and maximum number of voting districts, in which the Municipal Demarcations Board must structure the new wards.

Therefore, the two processes which ultimately determine the number of wards and voting districts to be established do not dictate the way the Municipal Demarcations Board establishes these. There is no clear legislation regarding how wards are to be established other than to suggest that wards must be created within the limitations of the above two processes and that the principles of public participation should be followed.

This chapter has detailed the patterns and general observations in relation to the case studies and data presented in the previous chapter. This chapter would thus argue that the process of determining the municipal boundaries and geographic location of the new wards is not an independent process. It is subject to significant external variables as detailed in the chapter. More than this, though, the fundamental pattern that has been prevalent throughout all the case studies and the data is either intentional or unintended consequences of establishing wards through a process of removing voting districts from surrounding wards to establish a single ward almost always has political consequences.

Furthermore, the pattern identified that in all the cases the establishment of wards based on analysis done in this chapter and previous chapters illustrates that one did not necessarily have to wait for the election results to be released before being able to decide as to which political party would have been the most successful. This argument put forward illustrates that the process of tracing voting districts and their voting patterns could be a useful measurement for identifying the neutrality of the system.

The majority of case identified in this chapter illustrate that the voting districts aligned to the DA were initially located in ANC-aligned wards, thus diffusing their electoral impact. When these districts were used to establish the new wards, they became DA stronghold wards that

had not previously existed. This concentrated the electoral impact of these previously-diffused voting districts. Therefore, these voting districts were always removed from a position of insignificance to a position in which they have a direct link to the outcome of the election.

By contrast, the ANC-aligned wards established through the process of ward delimitation were created out of districts that had always voted for that party in wards already dominated by that party. This thus led to a continuation in the significance of these voting districts, and minimal difference in potential electoral outcomes.

Michael McDonald argues that gerrymandering is the drawing of electoral district lines so as to assign unequal voting weights to cognizable political groups[179]. McDonald further argues that it is noxious political practice, and can be carried out in two ways; either by *packing* or *cracking*[180]. Packing involves the strategic placing of group's members into a relatively small number of districts so that the group is virtually assured of winning with an overwhelmingly large majority in those few districts but losing in others. The second form of gerrymandering is arranged by cracking group's members so that it has large but ineffective minorities in most or all of the districts. It is only when we have defined the two forms of gerrymandering that the inherent conflict is alluded to. One could argue that when packed the group members are too concentrated, and when cracked they are too dispersed. Attempts to combat one form of gerrymandering are made by moving in the direction of the other[181]. The concentration versus dispersion is but one of the many examples involved in the gerrymandering issue.

8.5 Concluding Remarks:

Some of the main arguments that can be observed in this chapter relate to the patterns identified throughout the case studies. During the period under analysis the IEC did not report significant changes to the overall number of registered voters in the province, however, the changes to municipal boundaries are staggering.

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[179] McDonald, M. D. and R. Engstrom (1990). "Detecting gerrymandering." Poticical Gerrymandering and the Courts. Agathon: New York.

[180] Ibid.

[181] Ibid.

The process of establishing new wards by the Municipal Demarcations Board has regularly led to the creation or the establishment of a new stronghold wards for either the ANC or DA. In only three of the cases studied was the vote share in the new wards less than 55% for the winning party. In all others, the winning party was dominant. In some instances the percentage by which a political party claims some of the new wards so large that it is sufficient enough to make a case for the establishment of super-strongholds. These wards are unlikely to see significant changes in outcome in further elections, and establish long-term political stability of outcomes.

The chapter attempts to argue that the general observations of the data would indicate that the redistricting process in cracking existing strongholds through a process of carefully selecting voting districts tends to favour the opposition party [DA], by creating winnable wards where no such ward existed before. This however cannot be fully proven given that the case studies are done through a process of random sampling given that the scope of this research paper is not wide enough to allow for analysis of all the wards established in the Gauteng region. There are also counter-examples of the creation of stronghold wards for the dominant party, the consequence of which may only appear over multiple electoral cycles.

In conclusion, this chapter has analysed the data presented in the previous chapter. It further attempted to apply the theoretical underpinnings established earlier in this thesis to the data in pursuit of identifying possible trends and patterns. This chapter discussed and detailed how the establishment of new wards generally led to the establishment of a new stronghold either for the ANC or DA, which as mentioned before constitute the two major political parties in South Africa in the years under review.

The main actors in the ward delimitation process were the MDB and the IEC. Although the section did not seek to analyse whether the process of ward delimitation met the legal requirements alone, but rather what the consequences of ward delimitation might be, the data indicates that in all respects the MDB acted within the legal confines of ward delimitation. It was also worth noting that it is generally accepted that gerrymandering is not necessarily viewed as an illegal act. As noted with the United States examples provided, the acts of gerrymandering always met the legal requirements and could be viewed rather as a strategic manipulation of electoral boundaries with the aim of pre-determining electoral outcomes. Therefore, the act of gerrymandering has not been viewed as an illegal act but rather the

effects are almost always in contradiction to the objectives of the electoral codes and acts. There is no data to suggest that the alteration in wards was driven by any such intentions – but these are not incompatible with legality and the outcomes as described in this thesis.

This chapter further discussed and analysed the effects of the establishment of these new wards was the overall electoral outcomes. Some general patterns were noted within the three metropolitan municipalities. Furthermore, it is fundamental to note that the data did not fundamentally only focus on assessing the overall outcomes at the level of the ward but took a deeper look at the level of the voting district. It was noted that if the data were only to assess what was taking place at the level of the ward it would possibly neglect what was taking place at the level of the voting districts, which ultimately formed the basis for the emergence of these patterns.

One of these patterns came from assessing the establishment of the new wards, where it was clearly noted that the overwhelming majority of the voting districts used to establish these wards were not new and had already existed. On close inspection, it was noted that these voting districts were removed from already existing wards to form new wards.

The second pattern that emerges in the data was that the change in location of these voting districts did not lead to a change in their voting patterns. In all the voting districts the voting patterns remained largely intact. This coincided with the pattern that emerged when looking at what the effect of the grouping of these voting districts had on the electoral outcome of the ward.

In almost all the cases studied and wards selected the 'unintentional'[i] selection of these voting districts led to the establishment of what this paper terms super strongholds. These super-strongholds aggressively minimize the impact of an oppositional vote and suggests that it would take a significant change in voting patterns to lead to a change in the outcomes. These super-strongholds would likely withstand the test of time and creates a sense of certainty for a political party.

While the evidence and data presented in this paper is not sufficient to argue that there is the presence of gerrymandering in the delimitation of South Africa's wards, it does point to a serious consequence within the current approach to ward delimitation.

For there to be more conclusive assumptions made regarding the presence of gerrymandering, further research would need to be conducted. This research would need to consider a larger sample, which did not fall within the scope of this paper's research. However, this paper and this chapter point to some possible avenues for further research, which could indicate that the process of ward delimitation is either strengthening or weakening certain political parties. It was however indicated that further research using a wider approach of case studies would indicate whether there is a solid case for identifying the potential manipulation of ward boundaries and perhaps further prove a case for causality.

CHAPTER 9: CONCLUSION

This thesis aimed to discuss the effects of redistricting on South Africa's electoral processes with a central focus on the three municipalities of the Gauteng province. It was this fundamental quest that has shaped the final outcomes of this project, which highlight some significant observations. The aim of this chapter is to conclude the thesis by way of providing a synthesis of the main arguments and debates present throughout the paper.

The literature review section of this paper was an attempt at understanding the theory around the research question. It was aimed at locating the research question within an existing body of literature. The literature on redistricting, particularly in South Africa proved to be significantly limited and there is little to no literature present on specific cases of manipulation of boundaries within South Africa. The literature reviews thus focused on discussing the local and international literature available with regards to redistricting and gerrymandering.

The literature highlighted that the MDB was established with the purpose of dissolving the spatial layout which was described as a reflection of the apartheid legacy. Thus, the spatial characteristics of South Africa's boundaries and municipalities were to be one which was not racially reflective. Articles written by Griggs and others illustrated how the MDB was also tasked with addressing the rural-urban divide.

Fundamentally, the literature around redistricting illustrated two important points: Firstly, the purpose of redistricting for the South African case was to augment and restructure existing boundaries in such a way that they were presented as being radically transformed. Transformation meant that borders would no longer be racially motivated or reflective. The second point the literature illustrated was that the establishment of the MDB was an attempt at creating an 'independent' authority that would be 'solely' responsible for redistricting of all borders within South Africa as per the guidelines and recommendations of the South African constitution.

The literature around its central characteristics. Two common forms of gerrymandering are generally agreed as the main methods for implementing the theory. The two theories of

gerrymandering are either packing or cracking a constituency with the fundamental aim of achieving desired political outcomes during an election. The literature review further pointed toward a possible definition for the act of gerrymandering through the work of Ron Johnston. Johnston's description of gerrymandering went further than most of the definitions reviewed in that it argued that the advantage gained could also emerge even when there was no deliberate attempt to manipulate the system, because even though it was undertaken by independent bodies, the geography of support for the two parties meant that one party would be advantaged over another. This is reminiscent of this thesis's research outcomes.

The literature review assisted in understanding the electoral process of South Africa, which given the historical context proved to be an extremely complex process. In the context of increased political contestation, understanding the functioning of the current political system was fundamental to answering the research question. The new democratic dispensation argued that for the state to be effective and efficient democratic state, there must always be the presence of free and fair elections. These elections would be the mandate of the Independent Elections Commission of South Africa, and the Constitution is clear on what constitutes free and fair elections.

Fundamentally, the literature review identified that there is an important case for understanding the process of redistricting as one that forms a fundamental part of the elections processes in several countries. It has also been at the centre of stark controversy. Redistricting is the mechanism through which political parties have typically committed acts of gerrymandering, and without the mechanism of redistricting the production of a gerrymander would be impossible.

Similarly, gerrymandering is a fundamental challenge to the independent and transparent process through which elections are either free of interference or political manipulations. Without free and fair elections, the possibility of a thriving democratic state would seem doomed from the start. While the literature review did not explicitly deal with the complex question of what constitutes free and fair elections, later chapters discuss it in greater detail.

Having established the research question within a significant body of literature, the thesis had to consider the importance of its methodological approach. This research paper adopted a qualitative methodological approach. The fundamental research instrument used was a

comparison of maps obtained from the MDB with the election results obtained from the IEC. These two research instruments ultimately were used in chapter eight of this research paper. One of the main strengths of adopting this methodological approach was that it provided an in-depth contextual perspective on the events, processes, actions and phenomenon. It further made use of explanatory research methods to identify issues other methods may have ignored or even missed.

However, there were also some weaknesses regarding this approach with the main one being that small sample sizes raising the issue of generalisations. The other weaknesses that are attributed to this methodological approach is that the research outcomes, whether successful or not, are highly dependent on the individual skills of the researcher, thus making the approach a time consuming and demanding one on the personal time of the researcher.

The area of focus as mentioned previously was the province of Gauteng, however due to data constraints not all the 12 municipalities could be assessed. Therefore, the study chose rather to analyse the three major municipalities in Gauteng, which were also the most densely populated and urbanised areas. These three areas all fell under the category C municipalities which were called metropolitan areas. The main issue regarding the data was the lack of GIS data available for the smaller category A and B municipalities from the MBD and the IEC, which was not the case of category C municipalities.

The research methodology initially aimed at using the GIS data (maps) for the three category C municipalities over various years to track the changes in wards and boundary lines. When initially beginning the process of overlaying maps of the various years, it became clear the something was not being accurately captured and was not capturing the detailed changes that were taking place at the voting district level.

The detail and changes were added once the research began analysing the ward changes from a voting district level, which pointed toward the broader changes to wards and municipal boundaries. It later became evident that the changes to wards in the three category C municipalities exceeded the scope of the research and thus all the changes could not be discussed in such detail. Therefore, it was important that the research methodology adopt a method for selecting the wards that would be discussed that appreciated the variations of the data. Therefore, given that the data varied from ward to ward, the research adopted a process

of random selection. Thus, all the changes and addition to wards were thrown into a hat and randomly selected to get a total of 15 wards which would be presented and analysed.

The research methodology considered several factors which would form part of the analysis of data in chapter eight. These factors included considerations around the changes to voter turnout as a possible explanation for any changes in the ward election outcomes, the change in population size as a possible reason for a change in the ward boundary and finally, what were the actual guidelines expressed in the constitution for the delimitation of the wards by the MDB.

Having identified the methodological considerations in chapter three, the research moved on to discuss in depth the literature on redistricting both as a theoretical concept and tool. The discussion was aimed at identifying the processes of redistricting as well as discussing some of the main examples of how redistricting has been undertaken in other countries. It was noted that over the past few years the concerns around redistricting have significantly increased. One of the clearest definitions to arise from the discussions for redistricting argued that: In essence the process of redistricting refers to the use of maps, which are demarcated in a manner that produces constituencies, wards or electoral boundaries[182]. What was significant about this process was that it relies heavily on the use of geographical data to produce a certain outcome. Grofman argued that redistricting, also known as boundary delimitation is the process by which lines on maps get drawn, partitioning a territory into a set of discrete electoral constituencies from which one or more representatives are to be elected.

One important consideration was that within the literature around the principles of redistricting there is the lack of universally democratic principles governing redistricting processes worldwide. It was within the above understanding of redistricting that the possibility of gerrymandering becomes present. A solid working definition of gerrymandering was found in the work of Michael McDonald who argued that gerrymandering was the drawing of electoral district lines so as to assign unequal voting weight to cognizable political groups. McDonald held the view that this political practice that can be carried out in one of two ways. The first way is through a process of *Packing* which

[182] Swain, C., et al. (2008). "The redistricting game."

involved the strategic placing of groups of members into a relatively small number of districts with the aim or intention of ensuring an outright victory. The second way is through a process of *Cracking* which involved splitting up a group's members so that it has large but ineffective minorities in most or all constituencies.

These are not the only forms of electoral abuses. Ron Johnston argues that there exists a third form that can be classified as a cartographic abuse. This is done through the manipulation of constituencies with the aim of categorizing each party's votes into three types: wasted, surplus and effective. David Samuels argued that at the broadest level, the electoral system can be described as either being perfectly apportioned or malapportioned. In a perfectly apportioned system, no citizen's vote weighs more than another's, while on the other hand, a malapportioned system is an electoral system in which some citizen's votes weigh more than others.

The central theme brought out in the review of redistricting literature was that geography in almost all electoral systems plays an important role because of the interaction of two sets of maps. The interaction between the distribution of voters and the territorial divisions of national space into constituencies is what leads to the emergence of elections that are both disproportional and biased causing the unequal distribution of votes across parties. Malapportionment and gerrymandering are the central strategies adopted by partisans aimed at establishing such disproportionality and bias.

The example of redistricting in the United Kingdom makes clear the above arguments. The case study illustrates the use of malapportionment strategies in a manner that positively impacted the Conservative party, while negatively impacting the Labour party, in what Johnston refers to as an infrastructural gerrymander. The case study of redistricting in the United States provides a useful account of the redistricting processed undertaken. It was highlighted in the work of Michael McDonald how gerrymandering is achieved and what some of the central characteristics are of a gerrymander. The work of McDonald is useful because it adopts a comparative analysis approach, which strengthens the readers understanding of redistricting as a theory. It is now clear that the process of redistricting in the US is similar to the process of adopting or enacting new legislation. It was however noted that the case studies of the UK and US were based on electoral systems that emerged from a different historical context and thus a case study more relevant to that of the South African

experience would need to be included. India represented a suitable case study given that the historical experience was similar to that of the South African case and the electoral systems were highly similar in composition and functionality. The Indian delimitation process is one that is marred by laws and regulations that remain vague with little to no oversight present leaving it vulnerable to significant political influence.

Overall Chapter four provided a concise understanding of the redistricting process through the discussion of theory and use of case studies. It was noted that the process of redistricting and delimitation are central to the functioning of an electoral system and thus can affect the overall outcomes if not managed correctly. This chapter laid the groundwork for the discussion in chapter five, which sought to understand and track the changes in redistricting since the apartheid era in South Africa.

Chapter five discusses the importance of the Group Areas Act in relation to pre-apartheid redistricting. After briefly contextualising the events leading up to the final adoption of the Group Areas Act and subsequently the formalisation of racial based segregation the chapter summarises some of the main achievements of adopting such an approach. The chapter illustrates how the introduction of the Group Areas Act emerged from a number of threads of previous segregatory measures and pressures, which found ways of ensuring the segregation was done while not claiming a specific consequence as a result of its ownership.

The chapter highlights not only how entities within the state can be used and manipulated by both the state and its internal forces but also how these same institutions are open to manipulation by external forces who supposedly had no control over these institutions. The Land Tenure Board, for example, was subjected to influence by corporates who wielded significant influence at the time. Finally, this chapter illustrates how demarcations and planners were used by the pre-1994 government to achieve a desired set of outcomes, illustrating that the manipulation of this arm of government is not a centrally new feature but rather one that pre-dates the dawn of the democratic state. The use of demarcations processes to achieve macro-political ends, too, is sometimes uncontroversial. Thus, laying the foundation for the discussion of the institutions tasked with demarcating and the running elections in South Africa in the democratic state.

The following chapter sought to achieve two fundamental objectives. The first was to track the processes of demarcations since the fall of the apartheid state, and argue that it was these factors that created the necessary conditions for the establishment of the MDB. Secondly, it aimed at summarising the demarcations process into three phases, namely the pre-interim, interim and final phase, which emphasised and illustrated the process of demarcating and thus provided an understanding of the process in its entirety.

The section noted that demarcations initially were part of the functions of provincial boards and were only later shifted to be a responsibility of the IEC. It is the links between redistricting and electoral outcomes and the provision of basic service delivery to local communities that highlights the uniqueness of the redistricting process in the case of South Africa. In the pre-interim phase of demarcations, the main aim was ensuring the country was able to hold its first democratic elections. Therefore, the amalgamation of former apartheid structures became a pivotal point to the success of these first democratic elections, which highlights broadly the link between demarcations and electoral outcomes.

This section further illustrates how in the pre-interim phase it was the Local Government bodies which were responsible for the successful demarcations, which left the process hanging on confusion and a lack of coordination between provinces due to skills deficits and a lack of resources. Often these challenges led to boundaries being poorly designed and at times not approved at all. Even more concerning was that it was during this phase that significant attempts at boundary manipulation were recorded, thus characterising the demarcations process in the pre-interim phase as one marred by political confusion, lack of coordination and significantly open to manipulation.

The interim phase witnessed attempts to ensure greater regulation and detail through constitutional programmes and considerations. The drafters of the constitution argued that in addition to the requirement that demarcations be carried out by an independent body, there should further be emphasis given to detailing what constituted a municipality. This led to sections being established within the constitution explicitly categorising municipalities into three types and requiring the functions of demarcating be shifted to an independent body, leading the later establishment of the MDB. The fundamental aim of the MDB was to ensure uniformity and better coordination, and it was argued that this would be the final independent body responsible for demarcating. The constitution gave rise to the establishment of the

Municipal Demarcations Act which provided three main criteria which must be considered when demarcating. However, in practice, the MDB does not mention these criteria as important for demarcating but rather quotes its own internal criteria in contrast to the requirements of the constitutional criteria.

The majority of the literature on demarcations focuses on the differences between the current MDB and its predecessor the Provincial bodies. There is little focus given to the differences between the MDB and the IEC both of which are 'independent' bodies. The function of demarcating was already in the realm of an independent body when moved from provincial bodies to the IEC, and so one must consider the following questions as important. Firstly, could the capacity for demarcating not have been improved within the IEC without creating a completely new 'independent body', and secondly can the IEC continue to be independent if it now relies on data obtained from an external body to effectively conduct elections?

The chapter concludes by noting that ward and boundary delimitation has been moved from body to body until the establishment of the MDB. The reasons for the shifting of functions are unclear and could have been as a result of a lack of understanding or political will. However, what is clear is that the process of demarcating has by no means been a smooth one, and is subject to significant questions. Furthermore, it would seem the MDB is functioning outside its constitutional obligations through the establishment of its own set of criteria for demarcating. Thus creating a solid foundation on which the data would be presented and later analysed.

Presentation of data provides the basis for analysing the data and its results. It was therefore the fundamental aim of chapter seven to present the data in a manner that was both logical and concise. Bearing in mind that the analysis would seek to understand what the effects of redistricting is on electoral outcomes, the data obtained related mainly to that of changes in ward boundaries. The geographical data obtained highlighted the fundamental changes to ward boundaries from the 2006 to the 2011 local government elections for a total of fifteen wards from the three metropolitan municipalities. It is worth mentioning again that given the scope of this research paper, it was not possible for all the data to be presented, therefore a random sample of these additional wards was surveyed.

The data highlighted the changes to geographic boundaries as well as the election results. The data here identifies what the reasons for the establishment of the new ward were, and whether the voting districts used to form the new ward were new or pre-existing. The voting districts highlight significant characteristics of a ward's establishment, thus making them an integral part of boundary demarcation. Given that ward boundaries are formed by the geographical location and size of wards, the districts form an integral part of the data, meaning that any change to districts will lead to the change in a boundary.

The Constitution and the IEC determine certain guidelines detailing the population size of a specific ward and the number of registered voters that can be present in a ward. Therefore, the research looked at data available to determine the changes to voting population and number of registered voters in both years under review, which would assist in understanding if the change in numbers of voters was a possible reason for the change to a ward. As noted the research questions aimed fundamentally at understanding the effects of redistricting on electoral outcomes. To answer the question the data would need to consider what the effect of a change to a ward had on the electoral outcomes assuming the voters remained unchanged. The data presented formed the basis for analysis which would seek to apply the theory obtained in literature to data obtained.

The data analysed in the chapter focused on identifying whether the trends and patterns present in the data provided possible answers for the research question posed. Some of the main observations within the data were discussed at length with attempts being made at explaining the patterns. The analysis of the data indicated that looking at the data at the level of the ward was excluding a large portion of the changes taking place at the level of the voting district, therefore making it fundamental that the data took into consideration the changes to wards by looking at the changes to districts.

This indicated how the wards themselves were constantly being changed through the process of removing and changing the location of pre-existing districts. It became clear that the voting districts used were not newly created, but rather in almost all the cases they were pre-existing and had formed part of pre-existing wards. One common characteristic among all of these districts was that they all had very little importance in determining the outcome of electoral results in their previous wards, before forming part of the newly established wards.

The data highlighted that there was no direct change in the voting behaviour in a district that was reallocated to a new ward and when forming part of the new ward and that there is also no notable changes to the level of voter turnout and population size within the districts. In almost all of the cases, the result of selecting districts to form part of these new wards was the creation or establishment of either stronghold or super-stronghold wards. The data further points toward a possible argument in support of the existence of gerrymandering within the redistricting process of South Africa in the form of a cracked gerrymander. However, the data does not out demonstrate the existence of a direct intention to gerrymander on the part of the Municipal Demarcations Board but rather points to significant oddities within the current redistricting processes.

This thesis therefore makes two fundamental arguments regarding the effects of redistricting on South Africa's electoral processes. Firstly, that the changes to wards through the process of redistricting in the South African case has on occasion lead to a change in the electoral outcomes because the significance of voting districts can be altered through the changing of their location. Secondly, having considered external factors such as a change in voting patterns and voter turnout and found no empirical reasons for above mentioned experiences it would seem necessary for further research to be conducted which could highlight the possibility of gerrymandering, given that it is clear that redistricting processes do effect the electoral processes within South Africa.

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[i] The word unintentional is used because the data cannot prove the intentional selection of these wards but can only analyze what the effect of the grouping of these specific voting districts had on the overall outcome. It does not suggest that it was not intentional or unintentional.