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SCHOOL OF GRADUATE STUDIES**

**CHOOSING AN ELECTORAL SYSTEM TO THE
ETHIOPIAN MULTI-ETHNIC FEDERATION:
ISSUES AND ALTERNATIVES**

**BY
GEBREMESKEL HAILU**

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ISSUES AND ALTERNATIVES**

**By
G/meskel Hailu**

**Advisor
Yared Legesse (S.J.D)**

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Masters of Law (LL.M) in Constitutional and Public law Stream**

Declaration

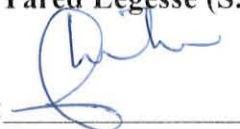
Gebremeskel Hailu, hereby declare that this dissertation is original and has never been presented in any other institution. To the best of my knowledge and belief, I also declare that any information used has been duly acknowledged.

Name: Gebremeskel Hailu

Signature: 

This dissertation has been submitted for examination with my approval as University advisor:

Advisor: Yared Legesse (S.J.D)

Signature:  30th Dec., 2010

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Abstract

In modern democracy parliamentary representatives need to be selected through free, fair and genuine elections. However, this by itself cannot guarantee all inclusive, fair and legitimate election results which sustain the whole democratic process unless the electoral system, which translates the votes in to seats, is rightfully crafted by taking into account the countries' real contexts. In this watch, designing electoral systems to encourage cooperation, fairness, bargaining, conciliation, legitimacy, and interdependence among rival politicians and the groups they represent is becoming attractive for promoting all inclusive and trust worthy democracy. This is especially true in divided societies, like ours. In view of this, this research reviews the debate over the various dimensions of the electoral systems. It then presents the major options and the main empirical and normative arguments in support and against each of the systems. Accordingly, this research calls the current Ethiopian electoral system in to question, arguing that it has hampered representation, fairness, legitimacy, multi-partism, and the behavior of the political parties. As a result, it contends that mixed electoral systems, combining plurality elections with list proportional representation, the so called Mixed Member Proportional (MMP) system, which combines the "best of both the worlds" with regards to several aspects of political representation and accountability among others, surpasses any realistic measurement to be the best choice to the Ethiopian multi-ethnic federation.

Key words: *electoral systems, proportional representation, first-past-the-post, mixed member proportional and majoritarian systems.*

List of Abbreviations

AEUP	All Ethiopian Unity Party
ANDM	Amhara National Democratic Movement
ANDO	Argoba National Democratic Organization
ANDP	Afar National Democratic Party
AV	Alternative Vote
BGPDUF	Benshangul-Gumuz Peoples Democratic Unity Front
BPR	Business Process Re-engineering
BV	Block Vote
CAFPD	Council of Alternative Forces for Peace and Democracy in Ethiopia
CUD	Coalition for Unity and Democracy
EDUP	Ethiopian Democratic Unity Party
EPRDF	Ethiopian People's Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
FPTP	First-Past-the-Post
GPDM	Gambela Peoples Democratic Movement
HNL	Harrari National League
HoF	House of Federation
HPR	House of Peoples' Representatives
IDEA	International institute for Democracy and Electoral Assistance
List PR	List Proportional Representation
MMP	Mixed Member Proportional

MPs	Members of Parliament
NEBE	National Election Board of Ethiopia
OFDM	Oromo Federalist Democratic Movement
ONC	Oromo National Congress
OPDO	Oromo Peoples' Democratic Organization
SEPDC	Southern Ethiopia People's Democratic Coalition
SEPDM	Southern Ethiopian Peoples' Democratic Movement
SMPDUO	Shecko Mejenger Peoples Democratic Unity Organization
SNTV	Single Non-Transferable Vote
STV	Single Transferable Vote
TPLF	Tigray Peoples' Liberation Front
TRS	Two Round Systems
UEDF	United Ethiopian Democratic Forces

CHAPTER ONE

INTRODUCTION AND OVERVIEW OF THE STUDY

1.1 Introduction

Democratic institutions including the legislature are central to the structuring of stability, particularly in ethnically heterogeneous and emergent democracies. Political institutions capture a great importance, since they become the most prominent and often the only channel of communication between dissimilar groups. Hence, the way how these institutions are organized and how their personnel's are elected are crucial for them to be respected by the general public.

As we all know except in very small communities, democracy in a modern system necessarily means representative democracy in which elected officials make decisions on behalf of the people. But the question remains as to how these representatives are elected? This task is usually performed by the electoral systems which put the set of methods for translating votes in to representative seats. Within the range of democratic institutions, many scholars have argued that there is no more important choice than which electoral system to be used. Hence, electoral systems have long been recognized as one of the most important institutional mechanisms for shaping the nature of political competition. Electoral systems are pivotal since they help determine the number of parties, the ease of forming a stable government and the degree of citizens' interest in the politics. Therefore, Electoral systems are powerful instruments for shaping the content and practice of politics, especially in pluralistic societies, such as ours. So, their design needs to be closely studied and linked to the context.

In this connection, one writer has said that the whole purpose of conducting an election is to build up public confidence within a state. In this regard, although an electoral system is not an end in itself, it is an important preliminary step towards genuine democratization and the realization of the right to take part in the government of one's own county.¹

¹ Tafesse Olika, and Aklilu Abraham, *infra* note 115.

However, the choice of an electoral system is usually a contested issue among different stake holders.² This is because from the very commencement electoral systems are not neutral. The way votes are translated in to seats means that some groups, parties and representatives are ruled in to the policy making process and some are ruled out.³ The core debate therefore concerns whether countries should adopt majoritarian systems which prioritize government effectiveness and accountability or proportional systems which promote greater fairness to minority parties and more diversity in social representation.⁴

For advocates of majoritarian systems the ruling party should be empowered to try to execute their programs during their full term of office, without depending up on the support of minority parties. The government and individual MPs, remain accountable for their actions to the public. And at periodic intervals the electorate should be allowed to judge their record, and vote for alternative parties accordingly.⁵ Minor parties are discriminated against for the sake of governability.

In contrast, proponents of proportional systems argue that the electoral systems should promote a process of conciliation and coalition building within the government.⁶ Parties above a minimum threshold should be included in the legislature in rough proportion to their level of electoral support.⁷ The parties in government should therefore craft policies based on a consensus among the coalition partners. Moreover, the composition of parliament should reflect the main divisions in the social composition of the electorate so that all citizens have voices articulating their interests in the legislature.

In this view, majoritarian systems over reward the winner, producing “an elected dictatorship” where the government can implement its programs without the need for consultation and

² Andre Blais, *infra* note 66 p. 239-260.

³ Ibid.

⁴ The values involved are numerous, such as, stability, accountability, fairness, legitimacy, order and responsiveness. The general functions of representation are popular control, leadership and system maintenance: the specific ones include responsiveness, accountability, peaceful change, leadership, legitimating, consent and relief of pressure. These similarities highlight the fact that the debate over electoral system is very much about what democratic representation is or should be.

⁵ Joel D. Barkan, et al., *infra* note 20 p. 926.

⁶ Ibid.

⁷ Ibid.

compromise with other parties in parliament.⁸The unfairness and disproportionate results of the electoral system outside of the major parties means that some voices in the electorate are systematically excluded from representative bodies.

Hence, there is no single “best” system which fits all situations at the same time.⁹ These arguments see to result in irresolvable value conflicts. But some writers like Arend Lijphart recommended that for societies who have deep rooted ethnic, religious or other divisions, the proportional system may prove more inclusive. Nevertheless, for states which are highly centralized like Britain, majoritarian systems can insulate the government from the need for broader consultation and democratic checks and balances. From this general introduction, the problem of the study is depicted as follows:

1.2 Statement of the Problem

The 1995 Constitution came with a view to solve the question of nationalities. To this effect while clarifying its major objectives the preamble of the constitution clearly demonstrates its commitment to rectify historically unjust relationships and further promote shared interests to serve the common destiny of the nation, nationalities and peoples of Ethiopia.¹⁰ This constitution further reorganized the unitary state by introducing for the first time in the history of Ethiopia, a federal system not only to decentralize power but also to accommodate the diverse ethno-linguistic groups. According to Fassil Nahum, one of the salient features of the constitution is the utmost significance given to the ethno-linguistic groups of the society.¹¹ This is because the constitution divides the states primarily based on concentration of ethnic population.¹² Furthermore, our constitution gives elevated prominence to nation nationalities and peoples as

⁸Tafesse Olika and Aklilu Abraham, *infra* note 115 p. 98.

⁹Shaheen Mozaffar, Electoral Institutions, Ethno Political Cleavages, and Party Systems in Africa’s Emerging Democracies, *the American Journal of Political Science Review* Vol. 97 No.3, 2003 p. 380.

¹⁰*The Federal Democratic Republic of Ethiopian Constitution, Federal Negarit Gazeta, Proclamation No. 1/1995* August 21, 1995, paragraph 4 of its preamble.

¹¹ Fassil Nahum, *Constitution for Nation of Nations, the Ethiopian Prospect*, Asmara, the Red Sea Press, 1977.

¹² *Supra* note 10, article 46.

envisaged from the preamble, art- 8 and art- 39.¹³ For this reason, the ethno-linguistic groups are the champions of the constitution as they win the hearts of the constitutional framers of the time.

From this understanding, one expects that these ethno-linguistic peoples have realistic representation in all government organs including the law making organ. To this effect art-39(3) of the same constitution explains that the nation, nationalities and peoples shall have equitable representation in state and federal governments.

On the other scenario, from the clear reading of the constitution art-54(2) the principle of pluralist democracy is enshrined which does not need to pass a minimum threshold of votes nor do they require an absolute majority to be elected. Rather, all they need is a simple plurality that is one more vote than their closest rival. Therefore, in seats where the vote splits almost equally in 4 parts, the winning candidate may have 26 percent votes while the others may have 25, 25 and 24 each. Consequently, although 3/4th of the vote supported other candidates, the plurality of votes is decisive. So, one may question the legitimacy of a government with only 27% support. As I have already stated in the upcoming discussion, this system is paradoxical to fair representation rather is fame in compromising representation on the pretext of creating an effective government.¹⁴

Besides, our system encourages "multi-party" democracy. Accordingly, nowadays (as of 2010) we have almost 65 parties who have taken part in the 2010 election each representing the diverse ethnic groups. But the problem is, it is the dominant party that took all the governing powers as the system follows "winner take all" principle.

In a multi-party system, opting for plurality election favors the strong party by way of determining election results on the basis of relative majority and reduces the chance of smaller and weaker parties to be elected. The system exaggerates the representation of the winning party but fails to reflect the various opinions of the voter in the elected assemblies. In other words election results may be decided on the basis of very few votes compared to the total votes cast.

¹³The preamble of the FDRE Constitution begins by stating "We the Nation, Nationalities and Peoples of Ethiopia", while article 8 grants sovereign power to such groups. Besides, article 39 entitles unconditional self determination up to secession to the ethno-linguistic groups.

¹⁴Practical experience reveals that for the last four elections the EPRDF, which is the dominant party in Ethiopia, has won with great majorities. However, the votes are not as many as the seats it has won in the parliament.

So, this system is unfair to smaller political parties, since it denies a share of parliamentary seats more equal to their share of the total votes. It is hard to defend such system which produces governing representatives from very small votes cast compared to the total votes. If this is the aspiration of our system: why we are encouraging “multi-party” democracy theoretically? Our constitution encourages multiparty democracy but the question is do we have enough space to encourage their durability? Many studies point out that the first-past-the-post electoral system is intrinsically against multiparty democracy, as it denies fair representation and hence results in one dominant and others fragile contesting parties. The smaller parties get demolished through time as they lack the political space to be represented in proportion to the vote they secured.

Therefore, even where the numbers of parties amplify, it is a virtue to the leading government because votes are going to be divided among the diverse parties, and for sure the strong party is becoming better off compared to the others. On top of that, as I have stated above there is no minimum threshold, i.e. even a government can be formed securing less than 20% votes, if the remaining 80% votes are equally shared among the remaining contenders. Then the legitimacy of government fashioned with votes less than 50% must be as a matter of fact questioned from a democratic view point, as it contradicts the rule of the majority.

Peter Hein, For instance argues that the winner takes all procedure meant that over half of those who turned out to vote in British in 1983, have stayed at home in the next election because their vote made no difference to final result in their constituency.¹⁵ In this regard, the plurality system has the power of creating not only tyranny of the majority but even tyranny of the minority as the case may be.

On the same vein, the first-past-the-post electoral system is facilitator of conflicts between and among the competing political parties as the system fosters win-lose scenario. For this reason, in this kind of electoral system there is no spirit of cooperation and compromise between political parties and the electorate behind them. Rather, every one strives to win even at the cost of others.

¹⁵ Andre Blais, *infra* note 66 p. 243.

This sort of electoral system promotes post election conflict, violence and boycott as its norms rather than exceptions. This is one scenario showing the illegitimacy of governments elected on such state of affair, no matter how small the violence may be.

The emphasis given to plurality system is tied with political stability. That is the system helps to bring about and maintain a strong government with the advantage of administrative efficiency. Most valued is therefore, political stability. Tafesse Olika and Aklilu Abraham, on attacking this assertion claimed that political stability could better be achieved by authoritarian regimes at the cost of equal representation of all social forces. All in all, they confirm that this electoral system is not crafted in a way to fit the current situations of the country. In conjunction to this issue, Lijphart for instance argues that PR is more appropriate to pluralistic societies, particularly where ethnic and cultural divisions have led to the formation of ethnic political parties.¹⁶

By and large, this system is blamed for hampering fair representation, degrading multi-party system, misbehaving political parties, producing disproportional election results, hindering legitimacy and stability and minimizing the level of turnouts. Therefore, this paper attempts to assess these claims by taking the Ethiopian experience.

Owing to the above arguments, this paper further intends to explore the appropriateness of our electoral system, first-past-the-post, in light of the nation's political system, social plurality and the constitutional framework. To address these and other issues, the research is fascinated to formulate the discontents of the existing electoral system and then tries to put some solutions to avert the discontents.

In due consideration to the above problems, the main question that should be addressed in this research is **whether Ethiopia needs a reform to its electoral system? If yes which alternative is best?** To tackle this inquiry a number of subsequent questions are inscribed. Among others;

1. Does the Ethiopian electoral system established on a rational basis having in to consideration the current realities?

¹⁶Burt L. Monroe, Electoral Systems and Unimagined Consequences, *American Journal of Political Science*, Vol. 46 No.1, Midwest political science association, 2002 p.70.

2. How much is the electoral system consistent with the whole spirit of the constitutional frame work?
3. What are the strengths and shortcomings of the various electoral systems, in particular the first-past-the-post system?
4. Does the existing electoral system produce disproportional results when changing votes to seats at the expense of the smaller parties?
5. How is the electoral system affecting the democratization process in Ethiopia?
6. What alternative electoral system should be devised to the Ethiopian federation to evade all the flaws of the current system? Are some of them?

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of this study is to explore the ramifications of the first-past-the-post system in the context of Ethiopia and dig out a better electoral system to this multi-ethnic nation. In doing so, an effort is made to scrutinize the current Ethiopian electoral system both from its normative and practical arguments and the experiences of other countries.

1.3.2 Specific Objectives

The specific objectives of this research are the following;

- Assessing the main electoral systems in the world,
- Analyzing their positive and negative effects with special emphasis to our electoral system,
- Showing the effects of electoral systems in general and the plurality system in particular on; party systems, disproportionality, the behavior of political parties, legitimacy, multi-party system and voter turnout,
- Examining the discontents of our electoral system,
- Crafting criteria's on how to choose the best electoral system and

- Analyzing the best alternative systems to the Ethiopian federation.

1.4 Significance of the Study

The study will have a significant contribution to the policy farmers and all concerned stake holders to have an insight in to the study to analyze which electoral system works better in the Ethiopian state. Hence, this study can contribute to the existing debate over the choice of electoral systems in Ethiopia and try to put some specific recommendations toward the improvement of the existing electoral system. It can also helpful to show how electoral systems interact with institutional, political and social context in the country by addressing the practical experiences we faced during the last two decades. Then, this research might serve as an initial idea to concerned stake holders who wish to contemplate the issue of electoral systems and initiate proposals to look in to policy alternatives. Furthermore, the general public lacks awareness on what electoral systems are all about. Hence, it can contribute a lot at creating public understanding as to the necessity of an alternative system to the Ethiopian multi-ethnic federation.

1.5 Scope and Limitation of the Study

The electoral system which is going to be studied is the national electoral system for the house of people's representatives. Hence all sub-national elections despite similar to the former are not points of this study. The heart of the research is therefore analyzing the electoral system with particular focus on the elections to the HPR. As electoral systems are not highly popularized in Ethiopia, the views of the citizen's are not included in the study and hence this is a limitation to this research.

1.6 Research Methodology

This study was conducted through the data which was gathered from both primary and secondary sources. The study depends on a qualitative data. To a reasonable degree, however, quantitative data have been used especially to analyze and interpret the results of the 2005 and 2010 general elections to review the allocation of seats on contrast to the popular votes. The 2005 national elections for the whole country and the 2010 national election for Addis Ababa are considered for they show a better result to contrast with various electoral systems than the previous two

elections and the 2010 election for the nation, except the capital city, which gave overwhelming victory to the EPRDF. Furthermore, an interview is conducted with the EPRDF higher officials and the opposition leaders mainly to substantiate some issues concerning the Ethiopian electoral system. Still, the researchers own observation and the election results of the previous time are undertaken.

1.7 Structure of the Study

The structure of the study is as follows: chapter one discussed the background of the study, statement of the problem, objectives, scope and limitation of the study and methodology of the study.

Chapter two addressed the theoretical framework as to what electoral systems are and the basic dichotomies within them. It further dealt the advantages and disadvantages of each system and closed its task by paying some attention on some conclusions.

Chapter three tried to analyze the problems associated with the first-past-the-post electoral system and to do so it included the views of the existing political parties and the historical context of the country and then sorted out the discontents of the system one by one using concrete evidences mainly from the experiences we had. It then concluded that Ethiopia needs a new electoral system as of necessity to avert the prevailing problems.

In view of the available options we have in chapter one and the problems identified in chapter three, chapter four has crafted certain criteria for choosing an alternative electoral system and then evaluated each possible alternative against these criteria. As a result, it discovered a best electoral system to our federation.

Finally chapter five which deals with conclusions and recommendations has summarized the main findings and then put forward certain critical recommendations.

CHAPTER TWO

ELECTORAL SYSTEMS, DICHOTOMIES AND CONSEQUENCES

2.1 Preliminary Issues

In modern complex society, democracy necessarily means representative democracy in which elected officials make decisions on behalf of the people. Then the question remains, how are these representatives elected? This indispensable task in democracy is performed by the electoral system. The civilized way of selecting individuals as the representatives of the citizens of a country is through free, fair and genuine elections. However, the translation of the results of an election into seats depends considerably on a combination of provisions and procedures known as the electoral systems. Thus, the choice of an electoral system has a direct effect on the electoral results and bears serious political consequences on representation and political stability. That means electoral systems are set of mechanisms by which the citizens' votes are converted in to representative seats.¹⁷ To say it in another form, electoral systems are combination of provisions and procedures, which translate the results of an election in to seats. Thus, the choice of an electoral system has a straightforward consequence on the electoral outcomes and bears serious political consequences. Therefore, its choice is the most important institutional decision for any democracy. Political institutions shape the rules of the game under which democracy is practiced and it is often argued that the easiest political institution to manipulate, for good or bad is the electoral system.¹⁸

In translating the votes cast in general election in to seats in the legislature, the choice of electoral system can effectively determine who is elected and which party gains power.

¹⁷Denis K. Kadima, *Choosing an Electoral System: Alternatives for the Post-War Democratic Republic of Congo*, Paper Presented for the Workshop on Electoral Perspectives and the Process of Democratization in the DRC: Lessons from SADC countries, Kinshasa 21-25 October, 2001 P. 1 retrieved from http://www.eisa.org.za/PDF/Conference_DRC_kadima_eng.pdf as accessed on 29 October 2010. See also, Timothy D Sisk, *Elections in Fragile States: Between Voice and Violence*, retrieved from http://www.humansecuritygateway.com/documents/ISA_electionsinfragilestates.pdf as accessed on 29 October 2010, p. 2, Khabele Matlosa, *Electoral Systems, Constitutionalism and Conflict Management in Southern Africa*, retrieved from <http://aceproject.org/ero-en/regions/africa/regional-resources-africa/53.pdf> as accessed 29 October 2010.

¹⁸Andrew Reynolds, et al. *Electoral System Design*, the New International Idea Handbook, International Institute for Democracy and Electoral Assistance, 2005 p. 2.

Furthermore, in almost all cases the choice of a particular electoral system has an enormous effect on the future political life of a country.¹⁹ Therefore, their design and redesign must be consciously made. However, traditionally, it has been rare for electoral systems to be considered deliberately. Often the choice was essentially made with the impact of colonialism.²⁰ But nowadays, decisions to change or indeed to keep in place, an electoral system are often affected by one of the following two reasons.²¹

- Either political actors lack basic knowledge and information so that the choices and consequences of different electoral systems are not fully recognized.
- Or conversely, political actors use their knowledge of electoral systems to promote designs which they think will work to their own partisan advantage.

The choice of electoral system may have consequences which were unanticipated when they are designed as well as effects which were predicted. The upshot is, the choice of an electoral system may not always be the best one for the long term political health of a country. Therefore, countries should always open their doors to changing situations.

While the contexts in which emerging and established democracies make institutional choices can vary extremely, their long term purpose is almost always the same; which is to adopt institutions strong enough to uphold stable democracy but flexible enough to react to changing circumstances.²² To achieve this task, taking lessons one from the other is inevitable, as each type of democracy has much to learn from the experiences of others.

¹⁹Joseph M Colomer, *Multiparty Systems* "International Encyclopedia of the Social Sciences" Journal Vol. 5, (2nd ed.) Detroit: Macmillan, USA, 2008. Pp. 321-323.

²⁰ Andrew Reynolds et al. *Supra* note 18 pp. 9-17. Political leaders and electoral administrators in emerging democracies have rarely considered the likely outcome of alternative forms of electoral systems when choosing a system for their countries. The choice of electoral system in most transitional polities has usually been made on the basis of what is familiar and or convenient and not on the basis of what system is most likely to sustain the democratic process. Most Anglo-phone countries in Africa, Asia and the Caribbean reverted to the plurality system of "first-past-the-post" that was introduced by British towards the end of the colonization. Similarly, near half of the Franco-phone African countries reverted to the two round runoff system of single member district established prior to their independence from France. See also Joel D. Barkan et al., Space Matters: Designing Better Electoral Systems for Emerging Democracies, *American Journal of Political Science*, Vol. 50 No. 4, 2006, pp. 926 -927, retrieved from <http://www.Jstor.org/stable/4122924> as accessed 27/01/2010.

²¹ Joseph M. Colomer et al. *supra* note 19.

²²Ibid.

Nevertheless, it is important to realize that a given electoral system will not necessarily work in the same manner in different countries. Although there are some common experiences in different regions of the world, the effect of a particular type of electoral system depends to a great extent on the socio-political context in which it is used. More broadly, the consequences of the choice of electoral systems depend on factors such as how a society is structured in terms of ideological, religious, ethnic, racial, regional, linguistic or class divisions; or whether the country is an established democracy, a transitional democracy or a new democracy; or whether there is an established party system or parties are embryonic or unformed and how many 'serious' parties there are and whether a particular party's supporters are geographically concentrated or dispersed over a wide area.²³

Further, it is also crucial not to see electoral systems in isolation. Their design and effects are heavily contingent upon other structures within and outside the constitution. Successful electoral system design comes from looking at the framework of political institutions as a whole; changing one part of this framework is likely to cause adjustments in the way other institutions within it work.²⁴

Having said this much about general issues on electoral systems as a stepping stone to the next discussion, now it is time to deal with the fundamental dichotomies of electoral systems. In the choice of an electoral system the first question that comes to mind is what to choose. Then discussing the electoral systems will inform us how many options there are for countries which opt to change or choose electoral systems. Besides, it is groundwork in selecting the best choice for the reason that we are as well going to explore their merits and demerits jointly with the discussion.

²³Andrew Reynolds, et al. *Supra* note 18 P. 7.

²⁴For example, how does the chosen electoral system facilitate or encourage conflict resolution between party leaders and activists on the ground, How much control do party leaders have over the party's elected representatives, And how much is the electoral system consistent with the whole spirit of the constitutional frame work, Are some of the issues which we have to pay attention in designing electoral systems.

2.2 The Basic Dichotomies of Electoral Systems, Their Advantages and Disadvantages

There are many different electoral systems in the world. The variations between systems result from factors, such as history, the culture, the practices and the roles of key actors in each country.²⁵

Many writers try to classify electoral systems on criteria which they seem accurate. However, one of the most common trends of classifying electoral systems is based on their proportionality. That is how closely the number of seats in the legislature won by party mirrors that party's share of the popular vote. Besides, one needs to look at the votes-seats relationship and the level of wasted votes.

Using these criteria, Andrew Reynolds and other writers on the area categorized them in to the following families: plurality-majority systems, proportional representation systems, mixed systems and others.²⁶

2.2.1 Majoritarian Electoral Systems

In a recent world wide survey (as of 2006) just under half of the independent states 91 or 46 percent) which have direct parliamentary elections use plurality-majority systems, which includes first-past-the-post (FPTP), Block vote (BV), alternative vote (AV) and the two round system (TRS).²⁷

This is the oldest electoral system dating back at least to the twelfth century and also the simplest.²⁸ This category can be sub-divided in to those requiring candidates to win a plurality or an absolute majority quota to be elected. An instance to the former could be the first-past-the-post electoral system while to the latter could be the two round electoral system.

²⁵Denis K. Kadima, *supra* note 17.

²⁶The Law Commission of Canada, *Electoral Reform for Canada*, Vol. 30, 2004, retrieved from: <http://www.Heinonline.lawreform.gov> as accessed on 5 June 2010.

²⁷Andrew Reynolds, *Electoral Systems and the Protection and Participation of Minorities*, Minority Rights Groups International, 2006 p. 8.

²⁸Pippa Norris. Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems, *International Political Science Review*, Vol. 18. No. 3, Sage Publications Ltd. 1997 P. 299, available on the internet at <http://www.hks.harvard.edu/fs/pnorris/Acrobat/Political%20Studies%20Twilight.pdf> as accessed on 10 September 2010.

2.2.1.1 First-Past-the-Post (FPTP)

The plurality system otherwise known as “First-past-the-post” is used for elections to the lower chamber in 43 countries including the United Kingdom, Canada, India, United States and many commonwealth states. The aim of plurality system is to create a “manufactured majority” that is to exaggerate the share of seats for the leading party in order to produce an effective working parliamentary majority for the government, while simultaneously penalizing minor parties, especially those whose support is spatially dispersed.²⁹ In the “Winner take all” the leading party boosts its legislative base, while the trailing parties get scanty rewards. The focus is effective government not representative government.³⁰ But the argument later addressed is: Whether a government could be effective in the absence of fair representation.

The basic system of plurality voting in parliamentary general elections is widely familiar; countries are divided in to territorial single member constituencies; voters within each constituency cast a single ballot (marked by an “x”) for one candidate; the candidate with the largest share of the vote in each seat is returned to office and in turn the party with an overall majority of seats forms the government.

Under this system candidates usually do not need to pass a minimum threshold of votes³¹ nor do they require an absolute majority to be elected; instead, all they need is a simple plurality that is one more vote than their closest rival. In this system the parties share of parliamentary seats, not their share of the popular vote, counts for the formation of government.

Government may also be elected without plurality quotas, so long as it has a parliamentary majority.³² Moreover, under FPTP governments are commonly returned with less than majority

²⁹ Ibid, see also Andrew Reynolds et al. *Supra* note 18, Dr. Heather M., *Proportional and Semi-Proportional Electoral Systems Their Potential Effects on Canadian Politics*, University of Windsor, 1999.

³⁰ Whether FPTP is better in effective governance is doubtful as it excludes some part of the society on policy making which ultimately may destabilize the political system. See also a discussion on arguments against FPTP herein below.

³¹ Threshold is, the minimum level of support which a party needs to gain representation, thresholds can be legally imposed which are referred to as formal threshold or exist as a mathematical property of electoral systems which is normally said (effective or natural threshold, for more information on this regard, see *infra* note 83 and 84).

³² For instance, in 1951, the British conservative party has won the government with a 16 seat majority in parliament based on 48.0 percent of popular vote, although labor won slightly more 48.8 percent of the total vote. In February 1974 the reverse pattern had occurred. See, Pippa Norris, *supra* note 28 p. 301.

of the votes.³³ In this system the spatial concentration of supporters is decisive to the outcome of the election. That is parties with spatially concentrated supporters are more beneficiary than those with spatially dispersed.³⁴

Having this skeleton on FPTP, it is time to reshuffle the merits and demerits of this system, in view to inform readers how much the system is preferable?

2.2.1.1.1 Merits of first-past-the-post

This system is primarily defended on the grounds of simplicity and its tendency to produce winners who are representatives beholden to defined geographic area. But as to whether such representatives are really representatives of the specified geographic area is questionable. Assume for instance in a specified constituency party-A has won a seat with 30% votes. Then the question is what will happen to the rest 70% votes who opposed party A? Does A represent these voters? Definitely no, then how can this candidate be considered as representative of this geographic area as the majority of whom opposed him?³⁵ Therefore, the primary defense of the proponents of this system is not as such convincing as regards representation.

The system is also praised for it gives single party governments. The seat bonus for the largest party common under FPTP means that coalition governments are the exception rather than the rule. This state of affair is praised for providing cabinets which are not shackled by the restraints of having to bargain with a minority coalition partner.³⁶

The other advantage claimed by proponents is, it excludes extremist parties from representation in the legislature.³⁷ However, this is only an advantage when the extremist party's supporters are geographically dispersed. But, in situations like ours where ethnic groups are concentrated in one

³³Taking the case of UK, no governing party in UK has won as much as half of the popular vote since 1935. for example in 1983 Margaret was returned with a landslide seats, producing a substantial parliamentary majority of 144, yet with the support of less than a third of the total electorate (30.8 percent) see, Pippa Norris, *ibid*.

³⁴For instance, in the 1993 Canadian election the effect of spatial concentration was vivid. The progressive concentrative with dispersed supporter won 16.1 percent of the total vote but suffered a chronic meltdown to only two MPs. In contrast the Bloc Quebecois got 18.1 percent of the total vote but with 54 MPs. And the new Democratic Party even won fewer votes (6.6 percent) but emerged with 9 MPs far more than the conserves. See Pippa Norris, *ibid*.

³⁵Mandefro Eshete, *Electoral Principles and Systems as Envisaged in Proclamation No. 64/ 1993: Comparative Analysis*, Addis Ababa University, Unpublished Senior Essay, 1994, p. 28.

³⁶Andrew Reynolds, et al. *Supra* note 18 p. 36.

³⁷*Ibid*.

area, its danger is outstanding. So, in regionally concentrated ethnic groups who wish to be centrifugal, FPTP is facilitator of this deed. Then, political elites who lack governing position may exploit this opportunity to disintegrate a country.

All in all, the advantages of this system which cannot be compromised are: that it is simple to use and understand and can make single party government. A valid vote requires only one mark beside the name or symbol of one candidate and the count is easy for electoral officials. However, the system is criticized for a number of reasons; some of them are hereunder discussed.

2.2.1.1.2 Demerits of the first-past-the-post

The first demerit is that it excludes smaller parties from fair representation,³⁸ in the sense that a party which wins approximately say 15 percent of the votes should win approximately 15 percent of the legislature. However, FPTP excludes minorities from fair representation³⁹ and women from the legislature. The 'most broadly acceptable candidate' pattern also affects the ability of women to be elected to legislative office because they are often less likely to be selected as candidates by male-dominated party structures. Evidence across the world suggests that women are less likely to be elected to the legislature under plurality/majority systems than under PR ones.⁴⁰

The second demerit is, it can encourage the development of political parties based on clan, ethnicity or region which may base their campaigns and policy platforms on conceptions that are attractive to the majority of people in their district or region but exclude or are hostile to the

³⁸To take an instance, in 1993 Federal election in Canada the progressive conservatives won 16 percent of the votes but only 0.7 percent of the seats, and in the 1998 general election in Lesotho the Basotho national party won 24 percent of the votes but only one percent of the seats. This is a pattern repeated time and time again under FPTP. See, Andrew Reynolds et al. *Supra* note 18 P. 37.

³⁹As a rule under FPTP parties put up the most broadly acceptable candidate in a particular district so as to avoid alienating the majority electoral presentation. Hence this may destabilize the political system as a whole since voting behavior would go along side ethnic divisions.

⁴⁰In search for the most broadly acceptable candidate women are less likely to be selected as candidates in male dominated party structures. The inter parliamentary union's study of women in parliament found that, as of June 2004, on average comparing established democracies using FPTP there were 14.4 percent of women in legislature on average while in PR using countries it is double which is 27.6 percent. See, Andrew Reynolds *supra* note 18 p. 37.

other.⁴¹ This has been an ongoing problem in African countries like Malawi, Kenya and Ethiopia where large communal groups tend to be regionally concentrated.

Thirdly, it leaves large number of wasted votes which do not go towards the election of any candidate. This can be dangerous if minority party in some region always defeated because they feel that they have no realistic hope of ever electing a candidate of their choice.⁴² It can be also dangerous where alienation from the political system increases the likelihood that extremists will be able to mobilize anti-system movements.

Finally, the system is criticized for it gives raise to minority government with the support of minority votes. This is against the well established democratic principle of 'majority rule'. Besides, in such government the system may lack legitimacy as the majorities have been voted out from governing position in favor of the minority despite the fact that the former have got majority votes. To conclude, these are the main demerits of the system. But still there are also other demerits which will be discussed exhaustively in the next chapter.

2.2.1.2 The Block Vote (BV)

When first-past-the-post system is used in multi-member districts it becomes the block vote. Voters have as many votes as there are seats to be filled and the highest polling candidates fill the positions regardless of the percentage of the vote they achieved. In this system voters are free to vote for individual candidates regardless of party affiliation. In most block vote systems voters may use as many or as few, of their votes as they wish.⁴³ Voting can be either candidate-centered or party-centered. Counting is identical to a First-Past-the-Post system, the candidates with the highest vote totals winning the seats. To illustrate the situation of this electoral system let's take the following table as an example:

⁴¹Denis K. Kadima, *supra* note 17, See also, Simon Hix et al. *Choosing an Electoral System*, British Academy Policy Center, 2010 pp. 40-48.

⁴² Ibid.

⁴³ Gerard Newman, as Revised by Scott Bennett, *Electoral Systems, Commonwealth of Australia*, 2006 p, 8, See also, Andrew Reynolds et al. *supra* note 18 pp. 27-43.

Table 2.1 How the Block Vote electoral system works, assuming with 5 seats, 1000 voters, 5000 valid votes each voter having five votes.

Candidates	Party A	party B	Party C	party D
candidate 1	20	25	10	150
candidate 2	10	65	550	200
candidate 3	300	900	40	290
candidate 4	40	20	1200	100
candidate 5	460	260	200	160
total votes	830	1270	2000	900

In this case the candidates with the highest votes are elected in the same manner to the first past the post electoral system. Then, candidate 4 and 2 of party C, candidate 3 of party B, candidate 5 and 3 of party A are the winners. Therefore, party A and C will have 2 representatives each, and party B has 1 representative while party D, has none. However, the parties' share of the votes is not the same with the seat distribution which manifests the character of the plurality electoral system. For instance, party D which has far exceeding votes than party A has not got any seat while party A has got 2 seats. Moreover, party B which has much more votes than party A has secured less seats than the latter.

The Block vote is common in countries with weak or nonexistence political parties. In recent years however, a number of countries are abandoning it as a result of unease with the results it produced.⁴⁴

This system is advantageous for retaining the voters' ability to vote for individual candidates and allowing for reasonable sized geographical district. However, its disadvantage is more exceeding. The system can produce undesirable outcome; when all the voters give their votes for a candidates of single party, its disproportionality is more than we expected from FPTP.⁴⁵ In addition to this, it can result in party fragmentation, because it enables electors to vote for candidates of more than one party in the same district, then members of the same party may be encouraged to compete against each other for support. The BV is thus sometimes seen as being a contributor to internal party factionalism and corruption.

⁴⁴Ibid.

⁴⁵In Mauritius in 1982 and 1995, for example, the party in opposition has won the election of every seat in the legislature with only 64 percent and 65 percent of votes respectively. This created sever difficulties for the effective functioning of a parliamentary system based on concepts of government and opposition, *ibid.*

2.2.1.3 The Second Ballot or Two Round Systems (TRS)

This system is designed to tackle some of the harsh consequences of the first-past-the-post.⁴⁶ In second ballot system two FPTP elections are scheduled. To ensure majority rule, candidates who receive more than half of the votes are declared elected. But where no candidate receives more than half of the votes, there will be a second runoff, ballot slip.⁴⁷ This may be between the top two candidates on the first count or it may be among candidates who receive a certain percentage of the votes. Hence, this system can avoid one problem of the first-past-the-post system as candidates are compelled to secure a majority support to be elected.

This system prevents a candidate from being elected without having majority support. In this case it alienates one defect of the FPTP which invite minority government. However, this election system is most likely used for presidential elections rather than legislative ones. The details of how the second round is conducted vary in practice from case to case. The most common method is for it to be straight run-off contest between the two highest vote winners from the first round; this is called majority run-off two round systems. It produces a result that is truly majoritarian in that one of the two participants will necessarily achieve an absolute majority of votes and be declared winner.

In France a two round system is used with some divergence from the normal trend. That is any candidate who received votes over 12.5 percent of the registered electorate in the first round can stand in the second round. Then whosoever wins the second round with the highest votes is declared winner, apart from whether they have won an absolute majority or not.⁴⁸ Hence this system is not truly majoritarian but is merely two first-past-the-post elections. This being as it is, now let's turn to the merits and demerits of this system.

⁴⁶Mandefro Eshete, *supra* note 35 p. 30.

⁴⁷Two round systems are used to elect 22 national legislatures and are the most common method used worldwide for direct election of presidents. Alongside France, many of the other countries which use TRS are territorially dependencies of the former French republic or have been historically influenced in some way by the French. See, Andrew Reynolds, *supra* note 18.

⁴⁸*Ibid.*

2.2.1.3.1 Merits of Two Round Systems

This system allows voters to have a second chance to vote for their chosen candidate or even to change their minds between the first and the second rounds.⁴⁹ Hence, it enables voters to put a completely fresh choice in the second round. Besides, this system encourages that the winner would have majority vote support unlike the FPTP and this goes in favor of the majority rule democratic principle. It also avoids the problem of vote splitting which always happens in the FPTP.

2.2.1.3.2 Demerits of Two Round Systems

The first problem it faces is that it consumes extra time and money for conducting two successive elections. Then its cost is double to the first-past-the-post election system. Furthermore, it produces a sharp decline in voter turnout in the second round compared to the first round. Moreover, this kind of electoral system is ill devised in divided society as it results in a loser and winner situation.⁵⁰

2.2.1.4 The Alternative Vote (AV)

This type of voting is similar to the second round system. The only difference is that it avoids a second or other subsequent voting's. Like the FPTP and the TRS, this system is conducted in single member districts.⁵¹

However, the difference lies in that AV gives voters more options than the former when marking their ballot paper. In AV rather than putting one favorable candidate, electors rank the candidates in order of their choice by putting "1" in their first choice and "2" in their second choice etc.⁵² The system thus enables voters to express their preferences between candidates rather than simply their first choice. AV also differs in the way votes are counted. Like all majoritarian

⁴⁹Ibid.

⁵⁰In Angola in 1992, in what was supposed to be a peace making election, rebel leader Janos came second in the first round of a presidential election to Jos do Santos with 49 percent. As it was clear that he lose the run-off phase, he has little incentive to play the democratic opposition game and immediately re-started the civil war which went on for another decade. In Congo (Brazzaville) in 1993, prospects of government landslide in the second round, the opposition boycott and stand arms. In both cases, the clear signal that one side would probably lose the election was the trigger of violence, *ibid*.

⁵¹Mandefro Eshete *Supra* note 35.

⁵²Andrew Reynolds, et al. *supra* note 18 pp. 47-48.

systems, if there is a candidate who secured beyond absolute majority with no need of other procedures, he/she is directly elected. Nevertheless, if no one reaches this result, the counting system continues like this; the candidate with the lowest votes is eliminated from the count and his/her ballots are distributed for their second preferences. Each ballot is then transferred to which ever remaining candidate with the highest preference as marked on the ballot paper. This process is continued until one candidate has an absolute majority and is declared duly elected.⁵³ In view of this discussion, the next venture is concerned with the merits and demerits of this electoral system.

2.2.1.4.1 Merits of Alternative Vote

This system is less cumbersome than the second round system in that it permits the voter to indicate how he/she would vote in the event of his/her first choice defeated, and of the voter having to choose again from the remaining candidates.⁵⁴ Therefore, voters are relieved from going twice to the electoral district contrary to what happens in the second round system and is less expensive, in terms of time and money compared to the two round systems.

One advantage of transferring ballot is it enables the votes of several candidates to combine to win representation. To attract second preference, candidates must make broadly based appeals rather than focusing on narrower issues.

The major parties try to bargain with minor parties for the second preferences of their supporters' prior to an election.⁵⁵ Furthermore, because of majority support requirement, AV increases the consent given to elected members and thus can enhance perceived legitimacy.

2.2.1.4.2 Demerits of Alternative Vote

Despite its advantages, it has also a number of disadvantages some of which are illustrated as general problems of majoritarian systems in the above discussion. Besides, AV requires a

⁵³ Ibid.

⁵⁴The majority principle has been praised for being the only system that achieves decisiveness but only when there are no more than two alternatives. See, Mill John Stuart, *Considerations on Representative Government*, London, 1986. However, through time it has been clear that the majoritarian systems, one of whom is AV are counterproductive when issues and alternatives got diversified.

⁵⁵Andrew Reynolds, *supra* note 18 p. 49.

reasonable degree of literacy and numeracy to use it effectively⁵⁶ and because it operates in single member districts, it is more disproportional compared to PR systems.

2.2.2 Proportional Electoral Systems (PR systems)

Duncan Black defines proportional representation as an attempt to select a political assembly that is a reflection of the shades of political opinion in society as a whole.⁵⁷ We have three completely different interpretations of democracy and the voting process. For instance, according to the utilitarian interpretation of democracy, the goal of political institutions including voting system is to maximize social utility that is to select the alternative for which the sum of individual utilities is the greatest. Under this interpretation “misrepresentation” is equivalent to “disutility”.⁵⁸

From these understandings, proportional representation is invented to achieve real representation at the national level which the majority system of representation failed to discharge and is a remedy to the excesses of majority rule.

⁵⁶Ibid.

⁵⁷Black Duncan, *the Theory of Committees and Elections*, Cambridge University Press, 1958.

⁵⁸ On the same vein under the minimum-coercion interpretation, democracy is justified as a method for the maximization of individual liberty. Democratic outcomes are those that force the fewest people to act against their will. Democratic choices and the selection of choice mechanisms are difficult because people disagree. In the case of an election among candidates of equal a priori standing, a choice must be made even if people cannot reach a consensus. Once a choice has been made using some voting mechanism, the group has acted as if it had reached some level of agreement. Requiring citizens to abide by democratic choice (or at least expecting them to do so), then requires at least implicit coercion of those that originally disagreed. The appropriate voting system under this interpretation is then the one that minimizes the total extent of individual coercion required to make collective decisions. Contrasted with utilitarianism that seeks to satisfy wants, this "liberal" interpretation of democracy seeks to protect rights. Furthermore, the epistemic interpretation of democracy is based on the assumption that democracy is an instrument for the revelation of the common good. Here, democracy is valued not for the satisfaction of wants or the protection of rights but for its ability to produce that which is collectively "good." Under this interpretation, the task of a voting system is to determine which alternative has the maximum likelihood of being the objective best, given the expressed judgments of individuals who disagree. A voting system is, in other words, nothing but a statistical device. "Misrepresentation" reflects not disutility or coercion but the voter-judge's assessment of the probability that a candidate is the wrong one. All of them suggest the same underlying goal. When a decision is to be made, the goal is to locate the alternative that would be the misrepresentation minimizer, as defined in the particular interpretation, if votes were sincere. When m representatives are to be elected, the goal is to find the M alternatives that would minimize misrepresentation in M equally sized voter coalitions. This goal recognizes the value of all preference information, as well as the value of letting voters segment themselves. At a minimum it would seem we have plausible justification for the more detailed examination of PR systems. See, Burt L. Monroe, Fully Proportional Representation, *the American political science review* Vol. 89 No. 4 91995) p. 930 retrieved from <http://www.jstor.org/stable/12082518> accessed on 21/01/2010.

Representative government implies two stages of decision making; election by voters and decisions made by elected representatives in the parliament. If the two stages are decided by majority vote, the winner is a majority of the majority who may be and often are minority of the whole. In contrast if voters' election is held with proportional representation and the elected representatives make decisions by majority rule in the parliament, typically of forming multiparty parliaments and cabinet coalitions, the system will generally produce a close fit between electoral and legislative majority. Non majoritarian electoral systems, like the proportional representation, are thus necessary to guarantee public satisfaction in government decisions.⁵⁹

Despite some counter arguments, the general perception reflects that majoritarian systems focus on governability while proportional systems focus on the inclusion of minority voices. The rationale at the bottom of all PR systems is the conscious translation of a party's share of votes into a corresponding proportion of seats in the legislature. PR requires the use of electoral districts with more than one as it is not possible to divide a single seat elected on a single occasion proportionally.⁶⁰ PR systems have their own different ways of making electoral districts. In some, the whole country is one electoral district while in others there are some divisions.⁶¹

In some countries there is the so called "electoral threshold" to avoid candidates' election with very small votes. This is the vote that a candidate or party must exceed in order to gain parliamentary representation. Examples include 5 percent in Germany, 4 percent in Italy and 1.5 percent in Israel.⁶² Political parties that fail to pass these electoral thresholds are excluded from having parliamentary representation.

In addition to the electoral threshold, district magnitude, the numbers of choices given to the voters and assembly sizes have their own impacts on the proportionality of PR systems. Voters'

⁵⁹ Ibid.

⁶⁰ Gerard Newman *supra* note 27 p. 12, see also Pippa Norris, *supra* note 28.

⁶¹ For example in Israel, the whole country is one electorate, but in New South Wales it is divided in regions. While in Western Australia such as the six legislative councils it is divided into parts of a region and this has effects on the level of threshold necessary. If the whole country is one electoral district the threshold needs to be reduced. However, if the threshold is increased, it would be discouraging and unfair to smaller parties. Gerard Newman, *Ibid* p.15. On the other hand, having one electoral district will have some advantages, see chapter four of this paper for better clarification on this latter issue section 4.5.4 .

⁶² Ibid.

preference shall mean in this case whether voters can choose between political parties, individual candidates or both.

Broadly speaking, PR electoral systems can be sub-divided into two; list PR systems and single transferable vote (STV).

2.2.2.1 List Proportional Representation (List PR)

In its simplest form, list PR involves each party presenting a list of candidates to the electorate in each multi-member electoral district. Voters vote for a party and parties receive seats in proportion to their overall share of the votes in electoral district. Winning candidates are taken from the lists prepared by parties. However, if the lists are open or free the voters can influence the order of the candidates by making individual choices.⁶³

This electoral system uses two methods to calculate the allocation of seats after the votes have been counted. These are either the largest remainder (LR)⁶⁴ or the highest average⁶⁵ methods. As

⁶³ Ibid.

⁶⁴ The operation of the largest remainder method entails the calculation of a quota based on the number of seats at stake and the number of votes cast. Each party is then awarded as many seats as it has full quotas. If however, this leaves some seats unallocated, each party's remainder is calculated by deducting from its vote total the number of quotas it has already used up by winning seats. The unallocated seats are therefore allocated to the parties with the largest remainder. Within this largest remainder there are different variants. The difference lies in the quota they use. One variant is the largest remainder Hare (LR-Hare) which employs the Hare or natural quota, which equals the number of votes divided by the number of seats. A second largest remainder (LR-droop) uses the droop quota which involves dividing the number of votes not by the number of seats but by the number of seats plus one. The third largest remainder (LR-imperiali) divides the number of votes by the number of seats plus two. For better understanding assume the following hypothetical case; in an electorate of 100,000 voters, party A has won 60,000 votes, party B, 28,000 votes while party C 12,000 votes. The district is with magnitude of 5 MPs. Then how could we allocate these five seats to the three parties using the above explained three formulas? The first thing that we should understand is identifying the quotas. Accordingly, using the droop quota, the quota would be 100,000 divided by the number of seats plus one which is of 16,667. Then dividing each parties vote by this quota would give that party-A secured 3 seats with remainder of 10,000 votes. Party-B secured 1 seat with 11,333 remainder votes while party-C's vote is below the quota. Then the largest remainder principle comes to existence as there is still one seat unallocated. For that reason, party-C which has the largest remainder which is of 12,000 would benefit from this analysis of securing one seat. On the other scenario if LR-Hare was used in this case the quota would be 100,000 divided by the number of seats (5) which is 20,000 votes. But the outcome is the same with the LR-droop quota as the remainder of C is still greater than the only other remainder of B (8,000). Furthermore, if LR-imperiali method is used, the quota would be 14, 286 (100,000 divided by the number of seats plus two) and accordingly, all five seats are allocated without the need to consider remainders, since A has over four full quotas and B over one full quota. This time C would lost out. This imperiali method is not always this straightforward, since it can happen, especially if there are few parties, that the number of full quota exceeds the number of seats. For example in the above case if there were only three seats while all things remain constant. Then party-A would have exactly three quotas (100,000 divided by 3+2) which are 20,000. Subsequently 60,000 divided by 20,000 equals 3. In this case party-B would have 1.4 quotas. When this problem happens, different countries switch off to the droop quota. For instance, in Italy where the imperiali quota is used to allocate the constituency seats, this problem occasionally occurs, and in such

usual, for full discussion of this topic, the advantages and disadvantages of this system are simplified as follows:

2.2.2.1.1 Advantages of the Proportional Representation systems

The main argument in favor of PR is that the system has avoided the pitfalls of the plurality-majority systems and is better able to produce a representative legislature. Particularly PR is a panacea, for countries which face societal divisions of any kind, as the inclusion of all views in the legislature is one way of addressing the differences. Besides, PR is praised for its faithfully translates votes cast in to seats won and thus avoids some of the more destabilizing and unfair results thrown by the majoritarian electoral systems.⁶⁶

Besides, in PR electoral systems, almost all votes cast are going towards a candidate choice, i.e. there is no wastage of votes. This increases voter turnout as voters would be confident that their vote can make a difference no matter how small it is.

cases the operation is replaced by the droop quota. The droop quota is the lowest value that guarantees the number of full quotas possessed by the various parties cannot be larger than the number of seats. The general agreement regarding quotient is, the larger the party, the more it suffers from an increase in quota. Conversely, the larger the party, the more they benefit from a decrease in the quota. Because a low quota helps larger parties to swallow the seats at the first stage and no remainders will be awarded. On the contrary if quota is increased, the remainder of a party whose vote total is less than the quota is not reduced at all, whereas the remainder of larger parties is reduced. Michael Gallagher, *Comparing Proportional Representation Electoral Systems; Quotas, Thresholds, Paradoxes and Majorities*, British Journal of Political Science Vol. 22 No. 4, Cambridge University Press 1992 p. 471 retrieved from <http://www.Jstor.org/stable/1994023> Accessed on 27/01/2010.

⁶⁵ From the above discussion we can observe one limitation of the largest remainder method which is ensuring proportional representation. The system favors small parties over larger parties when using the Hare quota. However, lower quotas are able to reduce this problem. Lower quotas result in more seats being allocated on the basis of parties receiving a full quota and fewer being allocated by remainders. However, the use of lower quota does not always overcome the proportionality problem of the largest remainder system. Therefore, it is to overcome this problem that the highest average system has devised. The object of the highest average is to ensure that the average number of seats shall be as near as possible the same to each party when all seats are being allocated.⁶⁵ Under the system each parties vote are divided by a series of divisors to produce an average vote. The party with the highest average vote after each stage of the process is allocated a seat. This system further has variations depending on the divisors they employ. For Instance the d'Hondt version uses the numbers 1,2,3,4 etc as its divisors. A comparison of the d'Hondt method with the largest remainder reveals that the former is suitable to larger parties at the expense of the minor ones. To reduce this effect other methods are employed which increased the divisors. Such as the saint-lague and the modified saint-lague versions which increase the size of the divisor, thus making more difficult for larger parties to win each additional seat. The saint-lague divisors are odd numbers beginning at one (1, 3, 5, 7 etc.) and the modified saint-lague divisors are 1.4, 3, 5, and 7 etc. The saint-lague divisors make it harder for larger parties to gain each additional seat while the modified one maintained this character, and make it more difficult for small parties to gain representation through the first divisor (1.4). Michael Gallagher, *ibid* pp. 473-478.

⁶⁶ Andre Blais, the Debate over Electoral Systems, *International Political Science Review*, Vol.12 No. 3, 1991, p. 243 retrieved from <http://www.Jstor.org/stable/1601505> accessed on 27/01/2010.

PR system leads to greater continuity and stability of policy. The western experience suggests that parliamentary PR systems score better with regard to governmental longevity, voter participation and economic performance. The rationale behind this claim is that regular switches in government between two ideologically polarized parties, as can happen in FPTP systems, make long term economic planning more difficult, while broad PR coalition governments help engender a stability and coherence in decision making which allow for national development.⁶⁷ Besides, this system enhances power sharing between parties and interest groups more visible.

In addition to the advantages attached to PR in general, list PR specifically plays great role in enhancing representation of minority groups because parties are encouraged to craft balanced candidate lists which appeal to the whole spectrum of voters. It also helps for women candidates to be elected in the race.

2.2.2.1.2 Disadvantages of the Proportional Representation Systems

There are some usual arguments forwarded against PR:

PR most likely gives rise to coalition governments, which in turn lead to legislative deadlock and consequent instability to carry out coherent policies.

It also gives small parties disproportionally large amount of power, as large parties may be compelled to form coalition with the former.⁶⁸ Moreover, the inability of a voter to enforce accountability by throwing a party out of a power is another criticism. This is because as PR uses multi-member districts, the constituency link between the representatives and the constituencies is lost and hence the electorate is challenged to enforce accountability.⁶⁹

In addition to this general criticism, list PR is also criticized for it creates a weak link between elected legislatures and constituencies.⁷⁰ When list PR is used and seats are allocated in one single national district, the system is blamed for destroying the link between voters and their

⁶⁷Andrew Reynolds, *Supra* note 18 p. 58.

⁶⁸Ibid.

⁶⁹Under a PR system it may be very difficult to remove reasonably sized center party from power. When governments are usually coalitions, some political parties are ever present in government, despite weak electoral performances from time to time. The Free Democratic Party (FDP) in German was a member of governing coalition for all but 8 of the 50 years from 1949 to 1998, although it never gained more than 12 percent of the vote, *ibid*.

⁷⁰Andrew Reynolds, *supra* note 18 p. 7.

representatives. Where lists are closed voters have no opportunity to determine the identity of the persons who will represent them.

It is also criticized for it gives excessive entrenchment of power to the senior party leaders, especially in closed list PR.⁷¹

2.2.2.2 The Single Transferable Vote (STV)

STV has long been advocated for by political scientists as one of the most attractive electoral systems, though its use for legislative elections has been limited to a few cases.⁷²

This system employ's multi member districts and voters rank candidates in order of preference on the ballot paper in the same manner as under the alternative vote system. In most cases this preference making is optional and voters are not required to rank order all candidates; if they wish they can make only one.

After the total number of first preferences is tallied, the count then begins by establishing the quota of voters required for the election of a single candidate.⁷³ The quota used is normally the droop quota calculated by the simple formula:⁷⁴

$$\text{Quota} = \frac{\text{votes}}{\text{Seats} + 1} + 1$$

By a complicated method of counting preferences, vacancies are filled as candidates reach the quota. Any candidate whose first preference votes equal or exceed the quota is declared elected. Votes surplus to the quota that have been cast for successful candidates are transferred at a reduced value to the remaining candidates according to the second preferences recorded by the voters.⁷⁵ For fairness the entire candidate's ballot papers are redistributed, but each at a fractional

⁷¹ Ibid.

⁷² Countries which have been used STV are; the Republic of Ireland since 1921, Malta since 1947 and once in Estonia in 1990. It is also used for elections to the Australian federal senate and in several Australian states, and for European and local election in Northern Ireland. It has been adopted for local elections in Scotland and in some authorities in New Zealand. It was also chosen as the recommendation of the British Columbia citizen's Assembly. See Andrew Reynolds, *supra* note 18 p. 71.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ *Guide to Ireland's PR-STV Electoral System*, Heritage and local government 2007 p.1 retrieved from <http://www.environ.ie/en/localgovernment>, accessed on July 5, 2010.

percentage of one vote equal to the candidates' surplus.⁷⁶ For instance, if a candidate had 100 votes and the surplus was five votes, then each ballot paper would be redistributed at the value of $5/100$, which is $1/20^{\text{th}}$. Then $1/20$ multiplied by 100 is equal to 5 votes which is the surplus.

After conducting the counting process, if we find no candidate exceeding the quota, then the candidate with the lowest votes is eliminated and his/her votes are distributed to the other candidates whose vote is below the quota required to win a seat. The process continues up until all seats are filled by the candidates who have received the quota, or the number of candidates left in the count is only one more than the number of seats to be filled, in which case all remaining candidates bar one elected without receiving a full quota.⁷⁷ Generally, this system has the subsequent advantages and disadvantages:

2.2.2.2.1 Advantages of the Single Transferable Vote

Keeping all the advantages claimed for PR, STV is perhaps the most sophisticated of all electoral systems allowing for choice between parties and candidates within parties. The multi-member districts in this electoral system are small and hence this helps to retain the linkage between voters and representatives. Furthermore, voters can influence the composition of post election option and the system provides incentives for inter-party accommodation through the reciprocal exchange of preferences between parties.⁷⁸ It also encourages the election of popular independent candidates because candidate's choice is between candidates not between parties.

2.2.2.2.2 Disadvantages of the Single Transferable Vote

Retaining all the disadvantages claimed for PR in general, STV is specifically criticized for some disadvantages. The system is unfamiliar in many societies and it demands a great degree of literacy and numeracy. Still, the counting process is very complex.⁷⁹

⁷⁶The number of surplus calculation is so detailed and complicated. Therefore, this kind of electoral system is best preferred in literate and minimum society, *Ibid*.

⁷⁷*Ibid* p. 6.

⁷⁸Andrew Reynolds, et al., *supra* note 18, p. 76.

⁷⁹This has been cited as one of the reasons why Estonia decided to abandon the system after its first election. STV requires continued recalculations of surplus transfer values and the like. Because of this, voters under STV need to be counted at counting centers instead of directly at the polling place where election integrity is a salient issue, counting in the actual places may be necessary to ensure legitimacy of the vote and there will be a need to choose the electoral system accordingly. See, Simon Hix et al. *supra* note 41 p. 76.

Furthermore, the system can give rise to fragmentation of parties internally, for the reason that members of the same party are effectively competing against each other, as well as against the opposition for votes. This could promote 'clientelistic' politics where politicians offer bribes to groups of defined voters.⁸⁰ Hence, the system encourages corruption, as candidates compete by advancing money to the voters to secure their election from the government funds.

2.2.2.3 Issues Related to Proportional Representation

A discussion on PR does not only revolve around its dichotomies but rather there are also another issues of contemplation which make PR more proportional and at times not. Among others, the district magnitude and the threshold are the determinant ones. Then, to make our discussion complete, as of necessity we have to pay some concentration to the next issues.

2.2.2.3.1 District Magnitude

There is a near universal agreement among electoral specialists that the crucial determinant of electoral systems' ability to translate votes cast in to seats won proportionally is the district magnitude, which is the number of candidates to be elected in each district.⁸¹

Under the majoritarian systems, there is only one district magnitude. However, in all PR electoral systems multiple district magnitude is a must in order to ensure proportionality. Under any PR system, the number of members to be chosen in each district determines, to a significant extent, how proportional the election results are.

As I have tried to sketch out in the aforementioned discussion, the greater the district magnitude, the more proportional the electoral result is. Such districts are able to ensure representation even to very small parties. However, as districts get smaller, their representation likewise decreases. This is because, as district magnitude decreases the effective threshold increases. Under a system such as FPTP, AV, or the Two-Round System, there is a district magnitude of one; voters are electing a single representative. By contrast, all PR systems require electoral districts which elect more than one member. Under any proportional system, the number of members to be chosen in each district determines, to a significant extent, how proportional the election results will be. The

⁸⁰ Andrew Reynolds, et al. *Supra* note 18 p. 77.

⁸¹ *Ibid.*

systems which achieve the greatest degree of proportionality will use very large districts, because such districts are able to ensure that even very small parties are represented in the legislature. In smaller districts, the effective threshold is higher.

The problem claimed against large districts is concerning the linkage of candidates with the electorate. That is, if districts are made larger in terms of size of the numbers elected and geographic size, the linkage between an elected member and his/her constituency grows weaker. Because of this there has been a lively debate about the best district magnitude. Most scholars agree district magnitude of between three and seven works quite well.⁸²

2.2.2.3.2 The Thresholds

Another issue which impacts the proportionality of PR system is the kind of threshold it applies. The threshold is the minimum level of support which a party needs to gain representation.

Thresholds can be legally imposed (formal thresholds)⁸³ or exist as a mathematical property of the electoral system (effective or natural threshold).⁸⁴

⁸²Most of these scholars further agree that odd numbers such as three, five and seven work better in practice than even numbers, particularly in two party systems. However, they also agreed that there is only a rough guide and there are many situations in which a higher number 9 may be both desirable and necessary to ensure satisfactory representation and proportionality. In many countries, the electoral districts follow pre-existing administrative divisions which means that there may be wide variations in their size. See Andrew Reynolds, et al. *Supra* note 18 p. 82.

⁸³Formal Thresholds are written in to the constitutional or legal provisions which define the PR system. For instance New Zealand and Russia have 5 percent thresholds in their PR section. This means parties who fail to secure 5 percent of the nationwide vote are ineligible to be awarded seats from the PR lists. Elsewhere, legal thresholds range from 0.67 percent in Netherlands to 10 percent in Turkey.

⁸⁴The effective threshold is a valuable concept in the analysis of electoral systems and their effects, but it is also an elusive one. The concept derives from the fact that all electoral systems impose some kind of threshold that a party must exceed in order to gain representation. Sometimes this is explicit: the 5 per cent national-level threshold that a party must reach in Slovakia before it can earn any seats, or the 3 per cent constituency-level threshold imposed in Spain. Some countries do not use explicit thresholds, but nonetheless their electoral system imposes an implicit threshold, based mainly on the district magnitude (number of seats per constituency). While there is no precise relationship between the two, the formulation proposed by Arend Lijphart is generally accepted as being as near as we are likely to get:

Eff. thresh = $75\% / (m + 1)$, Where m, equals district magnitude. The rationale, simplifying somewhat, is that this is approximately midway between the threshold of representation (the lowest level of support with which a party could win a seat under the most favorable conditions) and the threshold of exclusion (the highest level of support with which a party could fail to win a seat under the most unfavorable conditions). Thus, in a 4-seat constituency, we estimate the effective threshold to be $75\% / 5$, or 15% of the votes. A district magnitude of 4 seats is approximately as forbidding to a small party as an explicit threshold of 15 per cent of the votes. Andrew Reynolds, *Supra* note 18.

The existence of formal threshold tends to increase disproportionality, because votes for those parties which would otherwise have gained representation are wasted.⁸⁵ However, natural thresholds are created as mathematical by-products of features of electoral systems of which district magnitude is the most important. Therefore, the latter is more flexible than the former.

2.2.3 Mixed Electoral Systems

Mixed electoral system is designed to avoid the disadvantages of the two systems, namely the majority system and the PR. It is intended to combine the best result of the two systems. Logic may also suggest that the best electoral system should consist of combination of these two individual systems so that the disadvantage of one system might be overcome by the advantage of the other.

In a mixed system there are two electoral systems using different formula running alongside each other. The votes are cast by the same voters and contribute to the election of representatives under both systems. One of those systems is a majority system using single member district and the other is a list PR. There are two forms of mixed systems when the results of the two types of elections are linked, with seat allocations at the PR level being dependent on what happens in the majority district seats and compensating for any disproportionality that arises there, the system is called a Mixed Member Proportional (MMP) system. However when the two sets of elections are detached and distinct and are not dependent on each other for seat allocations, the system is called parallel system.⁸⁶

While MMP system generally result in proportional outcomes, a parallel system is likely to give results of which the proportionality falls somewhere between that of majority and that of PR systems.⁸⁷

⁸⁵ A striking example of this was the 2002 Turkish election, in which so many parties failed to clear up the 10 percent threshold and as a consequence 46 percent of the total votes were wasted. See, Andrew Reynolds, et al. *supra* note 18 pp. 83-84.

⁸⁶ Pippa Norris, *supra* note 28 p. 304.

⁸⁷ Gerard New Man, *supra* note 43 p. 22.

2.2.3.1 Mixed Member Proportional (MMP)

Mixed member proportional which is commonly abbreviated as MMP is an additional member voting system used to elect representatives to numerous legislatures around the world. MMP is similar to other forms of PR in that the total party members in the elected body is intended to mirror the overall proportion of votes received, it differs by including a set of members elected by geographic constituency who are deducted from the party totals so as to maintain overall proportionality.⁸⁸ Therefore, the additional party seats are compensatory; they top up the total results.

MMP is used in Germany, Italy and New Zealand. Part of the parliament (50 percent in Germany, 25 percent in Italy and 42 percent in New Zealand) is elected by plurality methods, usually from single member districts. The remainder of the legislature is chosen from closed party lists so as to ensure that party's proportion of the national votes is matched in the national parliament.⁸⁹ Thus, if a party were to fail to win a single seat despite gaining 15 percent of national vote, it would be granted a number of list seats to bring its representation to approximately 15 percent of the legislature.⁹⁰ If the party, however, wins more individual seats than its national vote entitles it, then it keeps these seats in the legislature and no need of compensatory seats from the national list.

MMP is designed to produce proportional results. It is possible that the disproportionality in the single member district results is so great that the lists cannot compensate for it. This is more likely when the PR electoral districts are defined not at national level but at regional or provincial level. A party can then win more plurality/majority seats in a region or province than its party vote in the region would entitle to it. To deal with this, proportionality can be closely approached if the size of the legislature is slightly increased,⁹¹ meaning, if the size of the

⁸⁸Mathew S. and Martin Wattenberg P. *Mixed Member Electoral Systems; the Best of Both Worlds?* Oxford University Press, 2000, pp. 9-24.

⁸⁹Gerard Newman, *supra* note 43 p. 22.

⁹⁰For instance in New Zealand, National Party (NP) first won no electorate seats but its 5.7 percent countrywide vote qualified it for a "topping up" of 7 seats. By contrast, the Maori party managed to win four electorate seats but gained no topping up seats because its vote was narrowly based on a few seats, retrieved from <http://www.electionresults.govt.nz> as accessed on 17/07/2010.

⁹¹Andrew Reynolds, et al *supra* note 18 p. 95.

legislature is not sharply fixed. This electoral system is the best seller in the present electoral system charts, having the next advantages and disadvantages:

2.2.3.1.1 Advantages of the Mixed Member Proportional

While MMP retains the proportionality benefits of PR systems, it also ensures that elected representatives are linked to geographical districts. Additionally, MMP can create two classes of legislatures, one group primarily responsible and beholden to a constituency and another from the national party list without geographical ties and beholden to the party.⁹² This may have implications for the cohesiveness of groups elected by party representatives

2.2.3.1.2 Disadvantages of the Mixed Member Proportional

MMP is sometimes less preferable than list PR as it can give rise to what is called “strategic voting anomalies”.⁹³ Moreover, this system is blamed for it creates two classes of legislatures. According to some people this can create fragmentation within a party.⁹⁴ This is further discussed extensively in chapter four of this paper.

2.2.3.2 Parallel Systems

Like MMP, the parallel system also uses both PR and plurality or majority components. Conversely, unlike MMP systems, the PR component of the system does not compensate for any disproportionality within the plurality/majority districts. In this system, like the MMP, each voter may receive a ballot paper which is used to cast a vote both for a candidate and for his /her party.⁹⁵ But the difference lies that this system fail to compensate for the disproportionalities that arise in the process.

⁹²Ibid.

⁹³For instance in New Zealand in 1996, some national party strategists urged voters not to vote for the national party candidate because they had calculated that under MMP his election would not give the national party another seat but simply replace an MP who would be elected from their party list. It was therefore better for the national party to see candidate elected from another party, providing that candidate was in sympathy with the national party's idea and ideology, than votes to waste in support of their own candidate. See, Andrew Reynolds et al., *Supra* note 18 p. 95.

⁹⁴Mathew S. and Martin P. Wattenberg, *supra* note 88.

⁹⁵Ibid.

2.2.3.2.1 Advantages of the Parallel Systems

When there are enough PR seats, small minority parties which have been unsuccessful in the plurality-majority election can still be rewarded seats by winning in the PR electoral system. Furthermore, it is claimed that parallel system produces less fragmentation of party system than the PR.⁹⁶

2.2.3.2.2 Disadvantages of the Parallel Systems

The most widely advocated problems of this system are: First, it produces two classes of parliamentarians and second the system does not guarantee overall representation,⁹⁷ as the two electoral systems operate independently. Third, the system is relatively confusing or complex to voters relative to other PR systems excepting the STV.

2.2.4 Other Electoral Systems

In addition to the electoral systems discussed above, there are other systems that do not fall neatly in to any of the categories. Among these are the single non-transferable vote and limited vote. These systems tend to translate votes cast in to seats in a way that falls somewhere between the proportionality of PR systems and the results of plurality or majority systems because despite voters have a single vote, they use multimember districts.⁹⁸As a result of this, these electoral systems fall in the borderlines of the plurality and PR systems.

2.2.4.1 The Single Non-Transferable Vote (SNTV)

Under the SNTV each voter casts one vote for a candidate but unlike FPTP there is more than one seat to be filled in each electoral district and it is those candidates with the highest vote totals that they fill the these positions. In this system, voters vote for candidates rather than for political parties.⁹⁹

Therefore, since it applies in multi-member districts, its proportionality is better than the majority systems. However, still it is not as proportional as the PR system as it has the feature of

⁹⁶Simon Hix et al. *supra* note 41 pp. 83-104.

⁹⁷Ibid.

⁹⁸Ibid p. 83.

⁹⁹Andrew Reynolds et al., *supra* note 18 p. 113.

FPTP. Meanwhile, if the district magnitude is increased substantially, it definitely increases proportionality. However, small parties whose vote is dispersed may not win any seats.

SNTV can face political parties with a challenge.¹⁰⁰ For example, in a four member district, a candidate with just 20 percent of the vote is guaranteed election. A party with 50 percent of the vote could thus expect to win two seats in a four member district, if candidate polls 25 percent each. However, if one candidate polls 40 percent and the other 10 percent, the second candidate may not be elected. Therefore, the danger of vote splitting makes a party not to win a proportional number of seats to votes.

2.2.4.1.1 Advantages of the Single Non-Transferable Vote

The first advantage that is claimed in favor of this system is that it is more proportional than the FPTP while retaining all the advantages of FPTP including simplicity and easy understanding. Secondly, some says, the system fragments party systems less than the pure PR systems do and it encourages parties to become highly organized and instruct their voters to allocate their votes to candidates in a way which maximizes a party's likely seat winning potential.¹⁰¹

2.2.4.1.2 Disadvantages of the Single Non-Transferable Vote

Although the proportionality of the system can be increased by increasing the district magnitude, still the system is not in favor of small parties whose supporters are widely dispersed as they experience some features of the FPTP electoral system. Besides, as multiple candidates from a single party can compete in the same district, this exacerbates internal party fragmentation and advances clientelistic behavior.

SNTV gives voters one vote as a result the system gives less incentive for political parties to appeal to a broad spectrum of voters in an accommodatory manner. As long as they have a reasonable core vote, they can win seats without the need to appeal to outsiders.¹⁰²

¹⁰⁰ Ibid.

¹⁰¹ Arend Lijphart, et al., *Electoral Systems and Party Systems, Comparative European Politics*, Oxford University Press, 1994 pp. 40-46.

¹⁰² Ibid.

2.2.4.2 The Limited Vote (LV)

Likewise, the LV is applied with plurality-majority systems in multi-member districts. But, unlike SNTV, electors have more than one vote but fewer votes than there are candidates to be elected. Counting is identical to SNTV; the candidates with the highest vote totals win the seat.¹⁰³ The system is blamed for it produces less proportional results than the SNTV, however, many of the advantages and disadvantages claimed for SNTV also applies to this system.

Conclusion

An electoral system is a set of electoral laws, principles and mechanisms that specify the methods by which votes are translated into seats in the process of electing representatives into public office. There are various electoral systems in the world. The variations between the systems result from factors, such as the history, the culture, the practices and the roles of key actors in each country. However, this section focuses on the main types of electoral systems used in the world, namely, the majoritarian, proportional representation, mixed electoral systems and the other electoral systems which fall in neither of the above categories.

Electoral systems are important in at least two ways. First, they have significant political consequences; electoral systems shape the nature of parties and party systems, and they affect the behavior of politicians and the strategies of voters. For example, in single member district plurality systems, voters have a strong incentive to select one of the two strongest candidates, and politicians have an incentive not to form third parties. Consequently, electoral systems have a strong effect on the number of parties and hence on the nature of competition in the party system. Although the issue has been explored less, electoral systems also affect the ways parties organize and function internally.

Second, electoral systems also reveal interesting information about the predilections of politicians. Once instituted, electoral systems shape politicians' behavior, but politicians may have occasional opportunities to revise electoral legislation, which seem more to their liking.

¹⁰³This system is used for various local elections, but its application at the national level is restricted to Gibraltar and to Spain, where it has been used to elect the Spanish upper house, the senate, since 1977. In this case, with large multi-member districts, each voter has one vote less than the number of members to be elected. See, Andrew Reynolds, *supra* note 18 p. 117, Khabele Matlosa, *supra* note 17.

Politicians' preferences about electoral legislation indicate a great deal about how they operate and how they perceive the political system.

Having discussed various types of electoral systems and their consequence on variables, such as political stability, representation and fairness to political parties and the electorate, it is clear that there is no perfect electoral system. Moreover, the same electoral system would have different political consequences in different countries because it is affected by each country's specific political context, institutions, culture and actors. Therefore, their design must be consciously made by taking in to account county's specific features.

CHAPTER THREE

THE ETHIOPIAN ELECTORAL SYSTEM: ISSUES AND REALITIES; A REFLECTION OF PROBLEMS

3.1 Introductory Overview

As we have talked before, the kind of electoral system employed in a country plays a vital role in determining the outcome of an election. Besides, it has an effect on the behavior of political parties, the flourishing or demise of multi-partism, the legitimacy of a government and voter turnout.¹⁰⁴ In an election where voters have casted exactly the same number of votes for each party, one electoral system may direct to a coalition government while another may allow a single party to hold the majority control. This can accurately show that electoral systems basically determine the outcomes of elections even contrary to the popular vote's caste when converting votes in to seats. What's more, changing an electoral system can change the shape of electoral politics, party system, behavior of parties and voter turnout.

The electoral system influences what kinds of parties are formed. For instance in Britain, the system of FPTP works against the formation of new parties, except when they have the potential for a strong base in a particular territory.¹⁰⁵ This was illustrated by Reeve and Ware as follows:

Electoral systems should not be thought of as a secondary element of electoral politics. Duverger was surely correct in arguing that plurality voting in a single ballot system does tend to frustrate the development of multi-parties.¹⁰⁶

Electoral systems have a titanic consequence on the overall democratization of a country. For instance countries who aspire to encourage multi-party politics do not need to have a plurality electoral system as it frustrates the development of multi-parties. The makeup of parties themselves is characterized by an electoral system. Therefore, the design of an electoral system has to be carefully studied to meet the unique needs of a country.

¹⁰⁴ Andrew Reynolds et al. *supra* note 18 pp 5-6.

¹⁰⁵ Reeve A and ware A., *Electoral systems: A comparative and Theoretical Introduction*, London and New York Biddless Ltd. 1992, p. 9.

¹⁰⁶ *Ibid.*

In this connection, the Ethiopian electoral system is the so called the first-past-the-post system. This is explained in the constitution which pronounces that Members of the House of Peoples Representatives shall be elected from candidates in each electoral district by a plurality of the votes cast (FDRE constitution article 54(2)) and the electoral law of Ethiopia (Proclamation No 532/2007) further affirms the spirit of the constitution under its article 25(1) by stating that a candidate who received more votes than other candidates within a constituency shall be declared the winner.

Consequently, this chapter is interested to screen out the discontents attached to this electoral system using an empirical study. Since conscious discussion on the actual deficiency of our system will help us to propose a certain way out which averts the setbacks identified.

While this is our primary point of discussion in the forthcoming sub-topics, before that a brief historical overview of the political context of the country is in order, as this will have something to demonstrate what should be done having the historical political context.

3.2 Looking Back: Brief Historical Overview of the Political Context in Ethiopia

The design of an electoral system is usually influenced by each country's particular state of affairs, including its history, culture, politics, demographic composition and the views of the key actors.¹⁰⁷ In view of this, it is so crucial to have a bird's eye view inspection of the Ethiopian political context.

To put it shortly, the past Ethiopian history shows that power has been dominated either through heredity, as it was during the time of the emperors, or by force as during the Derg era. Political opposition was never permitted and no matter what type of such opposition had either to be clandestine or violent. Whatever elections took place at those times meant nothing except for the ruling elite's decorative value. Therefore, one can speak that there was no political history of tolerance and living peacefully together with political differences. Thus, the political journey of the country may leave its traces on the current political culture? Not only that there was nil experience of democratic elections but also power was assumed as "God given" or for a group

¹⁰⁷ Denis K. Kadima, *supra* note 17.

with arms, denying the spirit of the people. Authoritarian and hierarchical attitudes are deeply entrenched in the Ethiopian political ambience.¹⁰⁸

As a result of this backdrop, Ethiopia currently needs a type of political system that encourages consensus, tolerance and undermines egotism or selfishness. Besides, it needs an electoral system that facilitates the existence of a political system where minority voices are heard and peaceful dissent is encouraged.

In elections of divided societies, groups will lineup behind ethnically based political parties representing their respective groups. Hence, in societies where citizens are divided by socio-cultural characteristics such as race, ethnicity, language, religion or region, there are considerations beyond representation in choosing the best electoral system. One of these considerations is choosing an electoral system which contributes to the peaceful co-existence of different social groups within the same democratic polity.¹⁰⁹

In diverse societies, like ours, plurality elections may have gigantic political consequences.¹¹⁰ Plurality elections return permanent, fixed, political ethnic majorities and minorities.¹¹¹ This could therefore be backfiring against the widely recognized diversities within our polity.

Nowadays, there appears a growing scholarly consensus that plurality elections in single member districts, whatever their other virtues, are not the appropriate electoral system for heterogeneous societies. Despite all their differences, the two leading scholars of democracy in divided societies, Arend Iijphart and Donald Horowitz, agree against FPTP in polarized societies. They both speak the same language quoting Arthur Lewis 'dictum' that "the surest way to kill the idea of democracy in plural society is to adopt the Anglo American electoral system of first-past-the-

¹⁰⁸ Clapham, Ethiopia since the Derg: in Sieggried et al. (Ed.) *A Decade of Democratic Pretension and Performances*, London Books, 2002 P. XVII.

¹⁰⁹ Mattijs Bogaards, *Electoral Choices for Divided Societies: Moderation through Constituency Pooling and Vote Pooling*, paper presented for the 29th joint session of workshops in Grenoble, France, 6-11 April, 2000 p. 2 retrieved from http://aceproject.org/ero-en/topics/elections-security/bogaards.pdf/at_download/file as accessed on 4 may 2010.

¹¹⁰ For example in Northern Ireland first-past-the-post elections helped Protestants to convert their numerical majority into political dominance. See, Mattijs Bogaards, *ibid.*

¹¹¹ *Ibid.*

post”.¹¹² Concomitantly, Andrew Reynolds claim that for ethnically divided societies, the prevailing academic wind clearly blows in favor of proportional representation and against plurality.¹¹³

All in all, there is a harmony against FPTP in diversified societies. Then the next question is why this is so? In this regard, the study will try to advance an empirical study to refute or buildup the hypothesized criticisms laid out in the previous chapter.

3.3 The Discontents of the Ethiopian Electoral System in Action

In the preceding sub-topic, we stated that electoral systems have immense political consequences on various issues.¹¹⁴ As a result of these consequences, political parties have varying and at times conflicting interests based on how it promotes their political preference and overall dream to take power. In this regard, before addressing these issues we shall explore the views of political parties in Ethiopia on the existing electoral system.

3.3.1 The Views of Ethiopian Political Parties on the Current Electoral System

In exactly the same way to our hypothesis, the general preference of our political parties to the existing electoral system is dependent on the merits of the system to their partisan advantage. In this view EPRDF’s position is lucid:

Dawit Yohans, one of the architects of the Constitution, once simplified the suitability of plurality election to the Ethiopian polity in an interview with the Norwegian institute of human rights as follows:

We debated a proportional system, but in the state that Ethiopia is today, we need a strong Government which can handle enormous problems facing us in an effective manner. If we had chosen a proportional system, we would have got a weak government

¹¹²W. Arthur. Lewis, *Politics in West Africa*, London, 1965 p 71, quoted in Mattijs Bogaards *supra* not 109.

¹¹³Andrew Reynolds, *Electoral Systems and Democratization in South Africa*, Oxford University Press 1999 p.97, in Mattijs Bogaards *supra* note 109.

¹¹⁴Among others, they have prevailing effects on who takes power, the growth of political parties, behavior of political parties, voter turnout etc.

and unnecessary problems. We therefore decided on a constituency (majority based) system as preferable.¹¹⁵

From this, it is clear that EPRDF boldly believes that the existing electoral system enables the country to have a clear winner party which can form a government which can straightforwardly go into deed. According to EPRDF, Ethiopia needs a government that do not entail an extensive time for concession where it is time to fight against poverty by the time. They add further that the country needs a drastic change in action to change every aspect of its problems. Moreover, the little political culture of the parties to concession and compromise has re-enforced the argument that FPTP is healthily devised for the country. EPRDF affirms that the opposition forces are observed in compromising national interests to narrow partisan agendas and hence thinking of proportional representation in this situation is in effect compromising the highly wanted efficient government by the day.¹¹⁶

On the other scenario, EPRDF believes that the nation, nationalities and peoples of the country are fairly represented in the political arena of the country. Their argument goes on stating that the constitution has already approved a special representation by allocating 20 more seats to minorities who may be short of forming a constituency owing to their small number of population. It also argues that it has even made a special quota arrangement for women's participation to guarantee that women are represented in the legislative body.¹¹⁷

For these and other reasons EPRDF powerfully supports the existing electoral system where all elections shall generate a clear winner whoever it is, that does not misuse time in negotiations to form a government rather goes to action promptly. Hence, this is most likely possible in a pluralist electoral system where a candidate who got one more vote than its competitors will be given primacy over the others to represent that certain constituency. For the moment, the party

¹¹⁵Tafesse Olike, and Aklilu Abraham, legislation, Institution and the Post 1991 Elections, in Kssahun et al.(Ed.), *Electoral Politics, Decentralized Governance and Constitutionalism in Ethiopia*, AAU printing press (YEAR) p. 10.

¹¹⁶Interview with Tefera Wolwa, Ministry of Capacity Building of the Federal Democratic Republic of Ethiopia and Member of the Executive Committee of EPRDF Addis Ababa 13 April 2008, taken from Abrha Kahsay, *Alternative Mechanisms of Electoral Systems for Vibrant Democracy and All Inclusive Representation in Ethiopia*, Un Published Master's Thesis in the Public Administration and Development Management, Addis Ababa University 2008, p. 70.

¹¹⁷ Ibid.

who got the majority through the above mechanism will directly form a government to administer the country up until another election is held. In case of absence of clear majority in the HPR, the prime minister of the day has once said that the EPRDF wants to leave power than to form a coalition with the existing political parties.¹¹⁸ This shows the level of mistrust among our political parties which is not yet dissimilar from the proceeds of arrogant outlooks.

Contrary to what is said above, the opposition parties urge for the introduction of proportional representation electoral system. They think that the existing electoral system benefits the big party, EPRDF, awarding it more seats than it deserves comparing to the total vote secured by it. However, this electoral system punishes the relatively small parties by denying them the chance of receiving seats proportional to the popular votes they secured but had the system been a PR one the smaller parties would have got a proportional seat to their vote which would enable them to pervade the wider political space. In their belief, the existing electoral system leads to the frustration of the parties and the electorate behind the parties, they argue that a pluralist system is a system that may work in the developed democracies where the rules of the game are plain and contesting parties have trivial differences on policies.¹¹⁹

The opposition parties recognize the unavoidable pitfalls of the PR but they consider the high diversity of the nation and the yet fragmented and not consolidated political groupings in the country to be crucial factors for bringing a PR electoral system as an appropriate one. It is also their conviction that the lack of culture of compromise can be overcome through time by implementing PR. Otherwise, with the existing electoral system, how the political differences could be narrowed down short of compromises and negotiations.¹²⁰

To oversimplify, all believe that the different electoral systems are apparatuses for promoting democracy but hold opposing views in the type of electoral system that fits the current situations

¹¹⁸Interview with Anonymous Member of the Central Committees of the EPRDF, Addis Ababa, 28 September 2010.

¹¹⁹Interview with Merera Gudina(PhD), Assistant Professor of Political Science and International Relations(Addis Ababa University)Chair man of the Oromo People's Congress(OPC), Member of the Central Committee of Medrek, and He was the Chair man of the Coalition Political Party Called Medrek prior to the 2010 election for four months, Addis Ababa 16 October,2010.

¹²⁰Interview with Professor Beyene Petros, a Professor in Addis Ababa University, Chair man of the United Ethiopian Democratic Forces (UEDF) the Southern Ethiopian Peoples' Democratic Coalition and Hadiya National Democratic Organization, Member of the Central Committee of Medrek and he was Chair man of this coalition at the 2010 election for four months, Addis Ababa 12 October 2010.

of the country. In general, the micro mega rule applies: the large prefer the small and the small prefer the large. Specifically, dominant and large parties prefer small assemblies and single member districts that are able to exclude others from competition. In contrast, small parties prefer large assemblies and large districts with proportional representation that can include them.¹²¹

In favoring and disfavoring, the existing electoral system they both raise some important issues which need to be further discussed. Among these, the EPRDF has singled out the virtues of FPTP-- governability that is the potential of creating effective government. On the other hand, the opposition has thrown some pitfalls of the system, of which, its capacity of creating party fragmentation as a result of losing the hope of winning on the side of smaller parties, disproportionality and lack of conciliation.¹²² Furthermore, the two camps did not agree on the objective criteria to choose an electoral system to the current Ethiopian polity; the EPRDF prioritize governability while the opposition prioritizes representation.

In fact, the plurality electoral system creates a stable government, though there are some valid counter arguments. As the evidence suggests, the EPRDF has enjoyed the chance of forming four governments that is capable of passing any laws in parliament and has enjoyed an EPRDF-dominated executive. The fact that the constitution has provided exceptional representation to minorities is one reality that needs to be appreciated, but these are not satisfactory reasons to maintain the existing electoral system and thereby abort other alternatives. Rather, there are various other important issues that should be given prominence. Among which creating an all-inclusive political consensus, enhancing multi-party system, creating a legitimate and sustained government which wins the hearts and minds of the majority of the electorate and avoiding the disproportional results of the existing electoral system are some.

In the upcoming discussion an attention is paid to those issues and other problems of the first-past-the-post, on the way to sketch the pitfalls of this system and this will be a stepping stone to the choice we made at the next chapter. Otherwise, without accurately screening the existing problems, one can not recommend a panacea to it. In due regard to this assertion, some of the

¹²¹Colomer Joseph M. *Political Institutions*, New York and Oxford: Oxford University Press 2001, p. 30.

¹²² The effect of the current Ethiopian electoral system on disproportionality and lack of conciliation are hereunder discussed.

problems of the current electoral system are hereunder displayed with emphasis to the Ethiopian situation.

3.3.2 Hampered Fair Representation

Behind the issue of representation there is the idea of the mirror, which argues that the government should be a reflection of the society as a whole, showing divergent groups, opinions and traits.¹²³ The presence in government of groups that had previously been discriminated against might help to break down ignorance and intolerance.

Most important political game in transition and post conflict democracies is the inclusion of the diversity of the whole population within the legislature. This in effect reduces group alienation and violence, especially in those divided societies where politics is viewed as win or lose game.¹²⁴ Many peace settlements over the last 25 years have revolved around inclusive electoral systems as part of broader power sharing constructs.¹²⁵

The Ethiopian context reveals that the country is a multi-cultural federation since August 21, 1995. Ethiopia introduced this federal arrangement out of necessity that the country could not have been sustained short of federal arrangement.

In explaining the necessity of federalism to Ethiopia, Assefa has said the following:

Given Ethiopia's long existence as a de facto federal system, albeit under monarchy, its diverse ethno-linguistic and religious groups and taking in to account the fact that the Ethiopian state was in crisis for most of the 20th century mainly because of the concentration of power and resources at the center as well as because it failed to

¹²³ Andrew Reynolds, *supra* note 27 PP. 5-6.

¹²⁴ *Ibid.*

¹²⁵ In view of addressing the diversity and creating efficient governments, South Africa which uses PR is exemplary. The country has got stable government and proportional representation of the parties and the ethnic groups. This has created a better understanding among the people and the parties with some needs of amendment with respect to the gap between the electorate and the MPs. It is also true this system has the behavior of parties to compromise and negotiation. It has also enhances the representation of women. Then democratization in South Africa has shown that the representation of alienated minorities helps to mitigate anti-system violence and engenders an atmosphere of cooperation. See, Andrew Reynolds, *supra* note 27.

accommodate the diverse groups in to the political process, then multi-cultural federalism remains the only defensible option to hold Ethiopia together.¹²⁶

What is gathered from the quotation is clear and precise; accommodating the diverse ethno-linguistic groups is the only viable option to hold the country together. On the other hand, if the system fails to give appropriate accommodation to the diversity then the subsequent result is disintegration. In this case, accommodation shall mean paving the way so that the diverse interests and views of the society are reflected in the legislative organ which in other words means giving proper representation.

Coming to the reality, in the Ethiopian federal setup, the law making power is entrusted only to the HPR. This means the parties who won in each constituency and the minorities with reserved seats can participate in the law making process. Then comes the question, what about the views of the other society who are not per se represented? Definitely, there is no any mechanism in place to participate and reflect their ideas for those who lost the election as a result of FPTP electoral system but obtained substantial votes of the electorate. This is one of the main pitfalls that our system encountered. In noting this problem, Assefa has written the following:

The states and consequently the *ethno-linguistic groups that constitute the states have no say on those powers reserved to the federal government*. If federations are strictly considered to be based on the principle of shared rule and self rule in the sense of requiring the participation of the states at the centre, the Ethiopian federation departs from it significantly... In this regard one can state that the constitution fails to protect the less populous states which it claims to protect.¹²⁷ (Emphasis mine)

This can be further exacerbated when the electoral system that allows the ‘winner take all’ and makes for some ethnic groups and people with different views difficult to be included in the decision making organ. Most of the ethnic groups are represented in the HoF, which is not actually a law making body than in the HPR.

¹²⁶Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia, A comparative study* (PhD dissertation), Forum of Federations (2nd ed.) 2007 p. 98.

¹²⁷Ibid P. 228.

Therefore, even if the Constitution reserves some seats to minorities it still excludes significant number of population which at times may be the majority from the political participation in the sense that their views and interests are not reflected.

Thus, the electoral system does not only keep out some groups, but it leads to a centralized administration because of the existing party harmony in the federal and regional setups. The party channel is the most important instrument to centralize administration. As a result of this centralization the diversified views and interests are not reflected in the law making organ as preference is given to party loyalty than the electorate.

3.3.3 Influenced the Move to Multi-Partism

Human beings naturally differ from one another in their views and outlooks. As long as there are opportunities that can accommodate the different outlooks of human beings, the variety of views will certainly make a good asset for the social, economic and political transformation of a society. The role multi-party system can play in this regard is massive. Actually, using various outlooks for a common good was the rationale behind the commencement of multi-party system in the world.¹²⁸ No wonder, at this period of globalization, multi-party system has been considered as a means of fostering cooperation and development.

Ethiopia is experiencing an emerging democracy that has been striving to bring about multi-party system only since barely a couple of decades ago. The country had generally been characterized by absence of accommodation to the various diversities of the population for almost all of its history. As a result of that gloomy reality, the country was in a prolonged civil wars, which were basically the off-shoots of the different views that could have peacefully been resolved had there been multi-party system in the country.¹²⁹ Therefore, multi-party politics is one way of accommodation to the divergent views and interests.

Nowadays however, despite the existence of counter arguments, Ethiopia is experiencing some form of multi-party democracy. But the question remains, can there be a sustainable multi-party

¹²⁸ Mohamed Abdurahman et al. (ed.), *Election 2010*, Office of the National Electoral Board of Ethiopian Bulletin, Addis Ababa 2010, p. 9.

¹²⁹ Ibid.

democracy in the existence of FPTP electoral system in view of the country's historical background?

In this regard there are two contesting and incompatible arguments forwarded from the two camps of the ruling party and the opposition. The ruling party argues that the environment is leveled for multi-party democracy. They base their argument on the number of parties that are emerging from time to time without considering their viability and strength. On the other hand, the opposition camp rejects this allegation rather contends quiet contrary argument. Their emphasis is not on the number of parties nor their emergence but rather alarmed much on their feasibility to enter the parliament. From this scenario, the number of parties in parliament is diminishing from time to time.¹³⁰

This being as it is, multi-party politics needs an effort beyond recognizing parties to run for elections. This is especially true in multi-ethnic and post conflict countries. One of these efforts is adopting an electoral system that is utmost accommodative of the different views and interests of the society. In this aspect, FPTP electoral system is backfiring against all other efforts made to ensure multi-party democracy. This system encourages larger parties to the disadvantage of smaller parties. Then it ensures that the competition ultimately takes place between the largest parties (commonly two) of which one will lose and the other will win.¹³¹ Hence, this system contributes the lion's share to the demise of parties rather than their prosperity.

From the election data presented by NEBE the number of contending parties from 1995-2010 is 57, 49, 35, 63 respectively.¹³² From this data, it is clear that the number has diminished without interruption for the last three elections. But, it has increased in the 2010 election, nevertheless in this latter election; it is only one MP from the opposition that has got seat in the parliament. As a result, the conclusion seems that despite their number, there was no strong opposition in the 2010

¹³⁰Close inspection of the election data's form 1995-2010 reveals that the number of political parties that got seats in parliament is 43, 42, 29 and 8 respectively. This is serving as a building block, for the argument that multiparty democracy is diminishing in Ethiopia from time to time. Taken from, the bulletin of the NEBE May 2010, *ibid* P. 8.

¹³¹To illustrate this by way of example let's take the case of New Zealand; New Zealand had long been experienced a two party system up until it switched to a MMP from the FPTP. Despite its two party experiences, the first contest under MMP has involved 34 parties resulting in the election of six and a coalition government. See Pippa Norris, *Supra* note 28.

¹³²NEBE bulletin of the 2010 election, *Supra* note 128.

election comparing to its preceding contests. The question remains why is this so? There may be other contributing reasons, but still the lion's share is taken by our flawed electoral system.

3.3.4 Affected the Behavior of the Political Parties

As discussed elsewhere, the effect of electoral system is not only limited to disproportionality, illegitimacy and multi-party democracy but rather extends up to affecting the behavior of political parties. This topic is solely anxious to empirically examine the effect of this system on the behavior of the existing Ethiopian political parties.

When talking about the effect of our electoral system on the behavior of political parties, the first question that must be asked is whether the current Ethiopian electoral system is redeeming or exacerbating the faults of the past? In other words, is it helping the democratization process or deteriorating it by hiding problems that can blowup any time?

In our earlier discussion, we have stated that plurality electoral system affects parties' behavior causing them to be disinclined to compromise and negotiation. It tends to create antagonism among the different political parties and this further negates the very existence of the political system. Now let's see whether the Ethiopian experience supports this case.

In Ethiopia, our observation reveals that political parties consider each other as enemies and not allies. They each preach themselves as 'good' and their competitors as 'evil' in their campaign. Campaigns are not fields of competitions among programs but are fields of battle one kills the other through fabricated propagandas. It is further repeatedly observed that parties boycott from the process as a strategy of delegitimizing the process rather than staying in the process in the objective of giving wish for democracy and the people.

In this regard, as usual there are two opposing claims. On the one hand, the incumbent party blames the opposition while the opposition blames the incumbent party.

For instance, EPRDF alleges that it is trying to change the political culture of the country by demanding to call parties to participate in every election which is new thinking in the history of the country. It further maintains that the EPRDF is tolerating the opposition in the process to the extent even when it become racist and hate mongering during the election campaigns which

could not be tolerated any more even in the developed democracies.¹³³ One day in a Tigrigna Television broadcasting, the prime minister has said a Tigrigna proverb “mienti, eta megogo tihilef eta anchewa”¹³⁴; to explain how the EPRDF is tolerating the opposition, which in Amharic means ‘lemitadwa sibal aytwa tilef’ which connotes that let the opposition parties be tolerated to enhance democratization despite the fact that their action is intolerable. According to the EPRDF, the nature of the opposition is viewed as agents of the past regime in a new system wanting to draw the country back to where it was and with zero tolerance even among each other.¹³⁵

During the eves of election campaigns, especially at the latter two elections both the ruling and the opposition parties tried to use the power of fear campaign (scare-mongering) than the power of their programs.¹³⁶ Their content of campaigning is ‘me’ or ‘never’ which has a lot of influence by the existing electoral system. Our system is a system where the winner takes all and no proportional representation to the other parties is guaranteed. For this reason, the campaign has a feature of ‘life and death struggle’ among the contending parties. If this is taken back to the political history of Ethiopia, it cannot compensate for the faults or bad aspects left by previous regimes; rather it adds fuel to the inherited bad political culture. We can therefore conclude that the existing electoral system is not a panacea to the backward political culture we had experienced in the previous regimes.

For the moment, though the opposition parties make certain coalitions to become strong competitors, they are always seen blaming each other to further fragment and tagging some of their own members as ‘weyanie’, still unable to solve their own domestic problems adequately. This problem is partly attributed to the weak political culture of tolerance and compromise and sensitivity of the opposition to take on power.¹³⁷

¹³³ Interview with Ato Genew Assefa, an Advisor to the Ministry of Government Communication and Federal Affairs, October 12, 2010.

¹³⁴ Meles Zenawi, the Ethiopian Prime Minister, a Speech Broadcasted in the Tigrigna Program of the Ethiopian Television, May, 12, 2002 E.C.

¹³⁵ Interview with Ato Genew Assefa, *supra* note 133.

¹³⁶ Abrha Kahsay, *supra* note 115.

¹³⁷ *Ibid.*

However, the plurality electoral system is also mounting the mistrust among and between political parties. Taking as an instance the 2005 election, all parties including the ruling party had lodged complaints of fraud.¹³⁸ Some of the opposition Parties even lodged complaints in places where they had fully won as if it was manipulated for they were intensifying to undermine the process or were blinded by their ambition to win.

This clearly shows that the political parties are suspicious to each other and accusing each other on fraud allegations to get the majority of seats to come to power. These all are mainly the fruits of the existing electoral system which has the winner take all feature.

The boycotts and color revolution that occurred in the aftermath of 2005 election is one scenario which we measure the behavior of political parties in plurality electoral system. Taking the same stance, the Kenyan conflict between different ethnic groups following an election result declaration is one other indication signaling the behavior of political parties in plurality electoral systems.¹³⁹ In these two instances, had there been a proportional representation, there would not have been at least such kinds of revolutions and conflicts.

In the same vein, in the 2010 national election, the opposition political parties were alleging that the election result is not acceptable to them. However, the people were not instigated by such accusation taking a lesson from the former foiled revolution which changed nothing except loss of life.

From the analysis made so far, we can vividly see the effects of the existing electoral system that it inflated the already polarized relationship of the political parties in the country.

¹³⁸In the 2005 National election, the CUD had lodged complaints in 139 constituencies; the UEDF had lodged 89 complaints while EPRDF has raised concerns over irregularities in more than 50 seats. This all shows the mistrust between the parties is so high. See, NEBE Report of the 2005 election.

¹³⁹The Kenyan experience of the FPTP in which the winner takes all seems to indicate its negative impacts. Because of this system, parties are overrepresented with manufactured seats and others get underrepresented. Negotiations are very hard among the existing parties, because the behavior of the parties is also shaped by this electoral system. The representation of women is very low. All these with other factors of the political system in Kenya have contributed to an unstable situation in the country in the post 2007 election period. See Abriha Kahsay, *supra* note 115.

3.3.5 Produced Disproportional Results

It is common to encounter claims that better representation of members of historically marginalized groups will improve the process of representative democracy. Proposals for access and inclusion of women and minorities have thus become a common ingredient in demands for regional political autonomy.¹⁴⁰ Theorists who emphasize the role of deliberation in democracy suggest that more diverse representation will provide access to more information and will promote trust among distinct groups ultimately enhancing the policy outcomes.¹⁴¹ Conversely, if a system fails to accommodate these diverse groups, the groups will ultimately resort to anti-system movements and hence destabilize a political system.

Ethiopia being a multi-ethnic state has opted for federalism mainly to give recognition to the diversity of the polity. Given the diverse nature of the country, the federal structure of government can be the best way of promoting democracy. However, this aspiration can be realized with an appropriate electoral system that facilitates the creation of government by a grand majority than bare simple majority.

Generally, it has been explained that the plurality electoral system distorts the allocation of seats when compared to the popular vote the parties obtained. The stress of this topic is to investigate whether the Ethiopian electoral system did the same or not?

The investigation is designed to compare the results of the elections with what they would have been had the system been the PR one. Nonetheless, this assumption is somewhat unrealistic because of some of the following reasons. Votes secured in plurality elections cannot be assumed as if they were in PR elections, because of the tactical voting behavior of voters in plurality systems. The tactical voting literature demonstrates that voters often react to the electoral choices available to them. Many are aware of the parties' positions on important issues and develop positive or negative assessments of the parties based on this information. While they may have a

¹⁴⁰Karen Bird, *The Political Representation of Women and Ethnic Minorities in Established Democracies: A Frame Work for Comparative Research*, working paper presented for the Academy of migration studies in Denmark (AMID), Aalborg University, 11 November, 2003, P. 27, retrieved from <http://www.hks.harvard.edu/fs/pnorris/Acrobat/stm103%20articles/Karen%20Bird%20amidpaper.pdf> as accessed on 4 October 2010.

¹⁴¹Ibid.

party preference or loyalty, their ultimate vote choice is also influenced by the competitive position of the parties and concerns about the ‘threat’ of undesirable parties or candidates being elected to power.¹⁴² So to avoid this threat voters may opt to vote for a moderate candidate who is competitive with the one whom they fear. This is usually the tactic followed in plurality elections. However, in PR elections since everyone gets a seat proportional to his/her votes the tactical voting is not practiced. Owing to this problem, comparing the results of plurality elections had it been PR is very problematic and is not an accurate result. But this can indicate to us some realities as something is better than nothing. Therefore, due to this latter reason let’s take a comparison.

As we know PR elections can be conducted at two levels, nationwide or regionally. To handle these two scenarios our comparison is made on two election periods of 2005 and 2010, while the former is nationwide, the latter is regionally by taking Addis Ababa as an instance.

Before, conducting the comparison, three points need to be considered. First the magnitude of the electoral district for the first comparison of the 2005 election is looked at taking the whole popular vote nationwide while for the latter comparison is regionally, Addis Ababa being selected as an instance to see the actual disproportionality.

The second point is that the calculation is based on the votes obtained with no threshold or with no minimum level of support which a party needs to secure representation. The third point is that when converting the outcome of the plurality election, despite the existence of many variants of quotas, the Hare quota is opted which uses the largest remainder method, defined as the total valid votes, divided by the number of seats to be filled. Let us first take the whole popular vote nationwide and compare the results found through FPTP system against what would have been through a PR system by considering the largest four political parties for the 2005 national election.

¹⁴²Shaun Bowler et al. Electoral Systems, Party Competition, and Strength of Partisan Attachment: Evidence from Three Countries. *the Journal of Politics*, Vol. 56, No. 4, Cambridge University Press, 1994. P. 993, Retrieved from <http://www.Jstor.org/stable/2132070> Accessed 27/01/2010

Table 3.1. Nationwide popular vote of four political parties and the allocation of seats: FPTP Vs PR.

No.	Party	Popular vote	Seats		Discrepancy
			FPTP	PR	
1	EPRDF	10,260,413	327	274	+53
2	CUD	4,594,668	109	123	-14
3	UEDF	1,741,670	52	47	+5
4	OFDM	454,435	11	12	-1

Source: compiled by Abrha Kahsay, *supra* note 123, based on data from NEBE (2005 election results).

The above table illustrates how the discrepancy is visible. As a result of FPTP electoral system EPRDF has won 327 seats. Nevertheless, had we had the PR electoral system assuming all things remain constant, the EPRDF would have secured 274 seats owing to the votes it got which is 10,260,413. Therefore, a PR electoral system would have denied EPRDF 53 seats which it gained as a result of the existing electoral system. Ultimately these 53 votes would have been distributed to the minor parties which lacked a seat due to the FPTP electoral system.

Furthermore, the table indicated that CUD would have secured additional four seats had the system been PR one. On the contrary UEDF obtained 52 seats but would have got 47 seats had the system in use been the PR electoral system, therefore, the UEDF has been benefited from the FPTP electoral system due to its concentrated supporters in some constituencies. Likewise, the OFDM has got 11 seats using the exiting electoral system but would have secured one additional seat had the system been PR.

Now, a further comparison is going to be made. As indicated above, this concerns the results of the 2010 Addis Ababa city administration national election outcomes with what would have been had the system been PR one.

Table 3.2 Popular votes of Addis Ababa in 2010 election for five political parties and the allocation of seats, using FPTP Vs PR.

No	Party	Popular vote	Seats		Discrepancy
			FPTP	PR	
1	EPRDF	564,821	22	13	+9
2	Medrek	380,329	1	8	-7
3	EDP	39,786	0	1	-1
4	AEUP	19,622	0	1	-1
5	CUD	14,108	0	0	0

From the above table one can see the visible differences of the two electoral systems. The table clearly indicates the disproportionality of our electoral system. EPRDF obtained 22 seats out of the 23 seats using the FPTP electoral system. However, had it been PR one, it would have been entitled only to 13 seats. Therefore, EPRDF has benefited 9 more seats as a result of the FPTP electoral system. Generally EPRDF has won 54.2 percent of the total votes of the city and should have been entitled to 54.2 percent of the seats which is 13 seats had it been PR electoral system.

Again from the table, Medrek got 380,329 votes out of the 1,041,180 votes which is 36.5 percent of the total votes but due to the existing electoral system it is entitled only a single seat. Nevertheless had it been a PR electoral system it would have been entitled to 36.5 percent of the seats proportional to the votes which is 8 seats.

In the same manner EDP and AEUP would have been entitled each to a single seat had the system been proportional representation but owing to the FPTP electoral system they got nothing. But the result of the CUD is the same by applying the two electoral systems that it could not get any seat in both instances.

Therefore, as hypothesized earlier, the above discussion indicates that the existing electoral system is distorting the allocation of seats. The data's also show that it is the EPRDF which benefited more from the existing system and this goes with the previous hypothesis indicating that FPTP inherently benefits more the bigger parties and puts the smaller parties and the voting

population behind them by making them under-represented. This is true when the popular votes are aggregated nationwide as some do or else regionally as others do.

The issue of disproportionality has a meaning more than the numbers of seats. Especially when it comes to highly diversified society like ours, the effects are immense. Ndegwa says the following concerning FPTP:

Most African countries have electorates that are divided according to ethnic, religious or regional loyalties and participate on the basis of such loyalties. In many instances political instability and collapse of political order can be traced to inappropriate electoral systems which continue to exclude, underrepresent or permanently marginalize segments of population. This is because the electoral system adopted from former colonial power (chiefly plurality and majoritarian systems) fail to mitigate patterns of political interaction based on ethnic mistrust and social divisions.¹⁴³

From this reason, the selection of an electoral system matters and its political meaning is beyond the disproportionality it creates. Though Ethiopia did not inherit this system from colonial powers as other African countries did, the Ethiopian population is diversified as in many parts of Africa and this makes the choice of a federal structure to be appropriate. But this needs to be supported by an electoral system that brings the proportional representation of minorities in the decision making process.

3.3.6 Hindered Legitimacy and Stability

Among the issues that need to be discussed concerning our electoral system is its effect on legitimacy and stability of elected government. This system can create a 'manufactured majority' in which a single party or coalition wins less than 50 percent of the valid votes but gets an absolute majority of the seats in an elected body. This gives an elected government which cannot at least represent the majority of the electorate and this ultimately affects the legitimacy and

¹⁴³ Ndegwa, N. S, The Relevance of Electoral System, a Simulation of the 1992 Kenya Election, *African Journal of Political Science*, Vol.2 No.1, Harare print source, Ltd, 1997, P. 13.

credibility of a government. Besides, it can also negate the stability of such an elected government.

To comprehend the effects of our electoral system on legitimacy let us notice the subsequent empirical research.

In the 2005 elections, the EPRDF has enjoyed a popular votes that would barely enable it to form a government under the PR system, but the disproportionality observed indicates that such a system could end up with unsound results creating a minority government as a result of manufactured majority. We have seen in our previous discussion that EPRDF got 10,260, 413 popular vote out of the total valid votes of 20, 487, 218. This means EPRDF got 50.08 percent of the popular votes. However, when it comes to the seats enjoyed through the FPTP electoral system it is 59.78 percent which is manufactured majority; had the electoral system been PR the EPRDF would have been entitled to 50.08 percent of the seats which is very marginal to form a government. Therefore, what we observe from this analysis is that, if contests are high in the future and if the people got various alternatives the existing electoral system can produce a party or coalition which can win with less than 50 percent of the valid votes but securing absolute majority of the seats. Such an incident where manufactured artificial majority is created by the electoral system out of mere plurality of the votes could instigate civil strife rather than democracy. The effect of such a phenomenon could delegitimize a democratically elected government and hence this could further destabilize the political system as a whole.

Legitimacy in Ethiopia could be sustained as far as the people feel that they are properly represented in the decision making organ of the polity. Otherwise legitimacy could be wasted any time the people feel that they are not represented. The question of legitimacy was showing its signals in the 2005 Ethiopian election. The post election violence of 2005 is one instance among others created by the existing electoral system. From the empirical study, it is vivid that half of the electorate in the 2005 election has voted against EPRDF. But thanks to the FPTP electoral system that EPRDF has won the majority of seats. Then what we can say here is that it is the 50 percent people who opposed EPRDF that they were protesting against it.

Here, EPRDF has recognized that it was a 'protest vote' for there was problems of good governance and the issue of justice and high expectation of development. In addition to this the highly motivated opposition parties, who were eager to come to power, were instigating the situation. These all problems led the people to violence. That was why EPRDF tried to assess the process and addressed the problems with the people immediately coming up with solutions among which is the introduction of BPR to solve basic problems of the people.¹⁴⁴

To conclude, the exceedingly disproportional character of plurality elections has caused popular frustration in the 2005 election, which resulted in violent demonstrations by the supporters of the losing parties, a few days after the announcement of the result. These are some of the fruits of the FPTP electoral system without totally excluding the other factors. Then, our finding goes on to state that the disproportional nature of elections in Ethiopia has caused a frustration, which ultimately questioned the legitimacy and stability of the then elected government.

3.3.7 Minimized Voter Turnout in Some Places

There is an established relationship between the level of turnout and electoral systems. Generally, plurality electoral system gives rise to diminished turnout. However, turnout is relatively higher within this system when national election results are expected to be close than when one party look certain to win. PR systems are however always deemed to experience higher turnout than the plurality systems.¹⁴⁵

Turnout has a huge implication on the legitimacy of a democratically elected government. The lesser the turnout the lesser the legitimacy of a government will be and the vice versa holds true.

Coming to the Ethiopian context, it is so difficult to measure the level of turnout as the country did not practice any other electoral system than the present one. Therefore, the already established principle is to be taken as guiding principle in the Ethiopian context.

Hence, we can say that the level of turnout in Ethiopia would have been increased had the electoral system been a PR one. As a result, the legitimacy of a government may be jeopardized.

¹⁴⁴Interview with Bereket Simon, Member of the Executive Committee of the EPRDF and Chairman of the Central Office of the EPRDF, Addis Ababa 12 April 2008, in Abrha Kabsay *supra* note 115.

¹⁴⁵Andrew Reynolds et al. *supra* note 18.

In this regard, the results of the 2010 election have something to say. Taking Addis Ababa as an instance, during this period more than 24 percent of the voters have failed to cast their votes and this is a good hint showing diminished level of turnout.¹⁴⁶ However, this does not mean that the level of voter turnout is always the lowest under the plurality electoral system; rather if contests are high like what happened in the 2005 Ethiopian election, there may be massive turnouts.

Conclusion

To conclude, this chapter has concentrated on the main problems, and issues that take place in relation to our electoral system. It tried to appraise the theoretically hypothesized facts with the Ethiopian reality and tries further to admit the hypothesis or disprove it depending on the empirical facts.

Consequently, our conclusion confirms that the plurality system has caused disproportional results of election, affected the multi-party democracy, diminished the level of turnout, affected negatively the behavior of political parties and failed to ensure a legitimate government.

In view of these problems, it is conclusively believed that Ethiopia desires a new electoral system which ensures a government of conciliatory, accommodative, representative and with significant scale of legitimacy, there by boost political stability and voter turnout.

As a result of this conclusion, our next chapter is entirely dedicated to choose an electoral system to the Ethiopian polity, which ameliorates the existing problems identified in our previous discussion. In doing so, our building block is chapter three of this paper which tried to scrutinize empirically the already established theories.

¹⁴⁶Interview with Professor Beyene Petros *supra* note 120.

CHAPTER FOUR

CHOOSING AN ELECTORAL SYSTEM TO THE ETHIOPIAN MULTI-ETHNIC FEDERATION: SEARCHING FOR ALTERNATIVES

4.1 Introductory Remarks

As we have tried to see, all electoral systems have advantages and disadvantages. No system is perfect, either theoretically or practically. What matters therefore is whether the net disadvantages of any alternative system is more tolerable than the net disadvantages of the existing system. As part of this skeleton, the above discussion has offered the foremost excesses of our electoral system vis-à-vis its claimed virtues.

In view of that, it is concluded that the existing electoral system has a number of pitfalls than its attributes; the under representation of the various social diversities in the HPR, the increasing voter discontent with the representative democratic institutions, distorted election results, growing enmity among the political parties and foreseeable future, one party dominance with no alternative national government despite the existence of significant wasted votes caste to the opposition are some of the problems identified before.

At this juncture, while it would be absurd to blame the problems entirely on the current electoral system it is equally absurd to argue that the system has not exacerbated them. The problems rose from several sources, of which the electoral system is the only one. Yet, they could have been reduced although not removed by introducing other alternative electoral systems.

The point is whether we can devise an alternative system which could escalate these problems without creating or worsening others? A bulk of the literature confirmed that in the 1990s several democratic states have answered that question in the affirmative. Japan, Italy, New Zealand replaced their existing electoral systems with new mixed systems. Recently, other states such as Russia and Hungary have also determined that a combination of electoral methods would offer the advantages of each while mitigating their drawbacks.¹⁴⁷ In South Africa though the country has adopted a list PR system before a decade, there is now a debate to the effect that this system

¹⁴⁷Simon Hix et al. *supra* note 41 Pp. 83-100.

overstated the democratic principle of accountability as it fails to ensure territorial representation.¹⁴⁸ Hence, a proposal is made to switch to the mixed electoral system type despite the fact that it is on negotiation.¹⁴⁹

In view of these problems and trends or experiences learnt from other democracies, our next focal point is to select an alternative electoral system which alleviate those all problems and ensure better democratization to this developing nation. Therefore, to make our choice visible and objective as much as possible, some criteria are hereunder stated against which the alternatives are evaluated. Next, an evaluation is undertaken to each potential alternative against these criteria and after choosing the best alternative to our federation; some issues of electoral system design and the assumed implications of that chosen system are outlined. By doing so, the entire tenet of this chapter is choosing a viable electoral system to this multi-ethnic federation.

4.2 Setting Criteria for Choosing the Best Alternative

When choosing an alternative electoral system, it is advisable to start with a list of criteria which sum up what we want to achieve, what we want to avoid or in a broader sense what we want our legislature or executive to look like. It should be noted that some of the following criteria may not be compatible with one another, and that not all of them present in any individual system. However, the absence of some of these requirements from a system does not necessarily mean that the system does not have good point rather making a tradeoff is compelling.¹⁵⁰ The impact

¹⁴⁸ For better understanding on this issue, consult the preceding discussion on geographic representation (section 4.2.1.1)

¹⁴⁹ Murray Faure and Albert Venter, *Electoral Systems and Accountability: A Proposal for Electoral Reform in South Africa*, retrieved from <http://www.eisa.org.za/PDF/faure.pdf> as accessed on October 4, 2010. Having considered the country's experience with the present PR list system over a period covering two general elections, the various options put forward in the debate (as well as their supporting arguments), and South Africa's daunting challenge to consolidate its young and fledgling democracy, Murray and Faure argue that an MMP electoral system (50% list seats/50% constituency seats) should be introduced as soon as possible.

¹⁵⁰ For instance, one may want to encourage the growth of strong political parties and at the same time to provide opportunity for independent candidates to be elected. A system which gives value to both desires may result in a highly complicated ballot paper which causes difficulties for less educated voters. Hence, the task in choosing electoral system is to prioritize the criteria that are most important and then assess which electoral system or combination of systems best maximizes the attainment of these objectives. See, Andrew Ellis, Head of Electoral Processes International IDEA Stockholm, Sweden, *Principles of Electoral System Choice*, Presented at Workshop VI: Representative Democracy, Participatory Methods and Capacity Development for Responsible Politics Sixth Global Forum on Reinventing Government Seoul, Republic of Korea 24-27 May 2005, retrieved from <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan020458.pdf> as accessed on June 2, 2010. In almost all cases the choice of a particular electoral system has a profound effect on the future political life of the country concerned, and electoral systems, once chosen, often remain fairly constant as political interests solidify around and

of electoral systems may vary from country to country depending on such variables such as local politics, the political culture of a country and some other historical factors. Therefore, the tradeoffs shall be made in view of that, to meet some particular features of countries.

Generally, a choice of electoral system cannot be considered a useful solution for the actual problems unless three requirements are satisfied. First, for a system to be judged “good” and hence “better” or “best” it must be evaluated with reference to some criteria. Second, the criteria must be such that the political system may actually employ them, through a sensible decision process. Third, the choice of the winning system and its implementation must be viable for political institutions.¹⁵¹ This means the choice must be simple and easy both to implement and understand among other things. If one or more of these steps are too cumbersome, to the point that the political system cannot reasonably manage it, the solution is not viable.¹⁵²

The criteria which most electoral system designers use to evaluate against certain electoral systems and which the researcher finds them relevant to our political reality are the following.

4.2.1 Providing Representation

When we say representation it connotes many forms. First, there is a need of geographical representation be it a province or an electoral district has members of the legislature whom it chooses and who are ultimately accountable to their area. Second, the ideological divisions within society may be represented in the legislature whether through representatives from political parties or independent representatives or a combination of both. For instance, if half of the voters vote for one political party but that party wins no or hardly any seats in the legislature, then that system cannot be said to adequately represent the will of the people. Third, there is the concept of descriptive representation which considers that the legislature should be to some degree a “mirror of the nation” which should look, feel, think and act in a way which reflects the

respond to the incentives presented by them. The choices that are made may have consequences that were unforeseen as well as predicted effects. Electoral system choice is a fundamentally political process, rather than a question to which independent technical experts can produce a single ‘correct answer’. The consideration of political advantage is almost always a factor in the choice of electoral systems. However, Calculations of short-term political interest can often obscure the longer-term consequences of a particular electoral system.

¹⁵¹Guido Ortona, *Choosing the Electoral System: Why Not Simply the Best One?* Retrieved from <http://www.al.unipmn.it> as accessed on 10 September 2010, P. 2. See also, Andrew Ellis, *ibid.*

¹⁵²*ibid.*

people as a whole.¹⁵³ To have a clear understanding on these issues of representation let's discuss them separately, but for convenience the latter two are treated under the same category.

4.2.1.1 Geographic Representation

Under most electoral systems, legislatures are elected as representatives of particular segments of the territory. MPs are seen as having important roles presenting the views of their local constituency and promoting their interests as well as acting as local ombudsman for individual and group issues and concerns.¹⁵⁴

In this case the issue of the size of the constituency and the population becomes a critical one. The larger the constituency in area or population, the greater its heterogeneity and therefore the greater the problem of identifying local views and a legislature faces difficulties being made aware of the wide range of issues and interests contained within it.¹⁵⁵ It is due to this reason that PR electoral systems are said to hamper or disregard the territorial representation principle as they use large constituencies compared to the FPTP electoral systems.

Territorial representation reinforces another basic democratic principle called accountability.¹⁵⁶ For instance, if an MP of certain territory failed to perform the promises he made during the campaign or demonstrates incompetence; the electorate can take a reaction towards that failure

¹⁵³ An adequately descriptive legislature would include both men and women, the young and the old, the wealthy and the poor and reflect the different religious affiliations, linguistic communities and ethnic groups within a society. See, Andrew Ellis, *Supra* note 150 pp. 2-3.

¹⁵⁴ Simon Hix et al. *supra* note 41, p. 108, see also, Joseph F. Zimmerman (ed.) *Representation and Electoral Systems* the American Political Science Association Rockefeller College State University of New York at Albany 135 Western Avenue Albany, New York 12222 Vol. XXII, No. 2 2007 retrieved from <http://www.apsanet.org/~res/newsletters/0704.pdf> as accessed on 4 October 2010, Detlef Nolte and Francisco Sanchez, *Representing Different Constituencies: Electoral Rules in Bicameral Systems in Latin America and Their Impact on Political Representation*, retrieved from http://se2.isn.ch/serviceengine/Files/EINIRAS/47002/ipublicationdocument_singledocument/BC603966-EC79-44BB-AD05-68E84F9A7B32/en/wp11.pdf as accessed on 4 October 2010.

¹⁵⁵ *Ibid.*

¹⁵⁶ In the late 1980s and early 1990s, popular discontent with politics led to a push for major political reform in Italy, New Zealand, and Japan. In each country, there was agreement that the government lacked accountability, and reformers promoted electoral system change to address the problem. All three countries enacted variants of "mixed member" electoral systems, and all three included systems in which voters cast two ballots: one for a candidate in a single-member district (SMD) and one for a party in proportional representation (PR). There was hope that reform would create tighter links between the wishes of voters and the government selected to office. In all three cases, the public was disappointed by the results of the first elections under reform, but now that more than a decade has passed, it is easier to offer a more measured analysis of the new systems. Overall, these reforms instituted a major improvement in the level of government accountability, Ethan Scheiner, *Does Electoral System Reform Work? Electoral System Lessons from Reforms of the 1990s*, p. 162.

through denying votes in the next election to account the acts of their representatives; it is hardly possible in the PR electoral systems. However, the plurality electoral system is compatible with this scenario. As a result of this, the individual representatives as well as the government may be compelled to exert a lot of effort to win the next election. Nonetheless, when territorial representation is hardly possible like in some PR systems, the consequent result is shielding the liability of the electorate. Therefore, territorial representation is one of the basic considerations in choosing an electoral system.

4.2.1.2 Representing Diverse Voices

The original understanding of representation is meant a form of government where the law making responsibility is delegated by the citizens to duly elected officials who are representatives of the people as a whole.¹⁵⁷ In this view, the legislature should mirror the composition of the society, the different segments within it and the political parties which secure substantial votes from the electorate. Experience reveals that legislatures underrepresent women and minorities of which racial or linguistic.¹⁵⁸ This is the drawback seen from the sides of electoral systems and party pre-election practices that have brought this situation.¹⁵⁹

¹⁵⁷Gerard Newman, *supra* note 43 p. 5, all voices and multiple interests shall be brought to the policymaking process, and in this regard the need for diversity in the composition of parliaments is emphasized.

¹⁵⁸It is well established that certain social groups are over-represented in elected office, with parliamentary elites commonly drawn from predominant ethnic groups, men, and those of higher occupational status. While there are substantial variations worldwide, overall women constitute only one sixth (14.4 percent) of national legislators worldwide, with women usually lagging furthest behind in national parliaments using majoritarian electoral systems. Reformers have considered various strategies designed to widen opportunities for women and minorities, including legally binding candidate quotas, dual-member constituencies designated by minority group or gender, and affirmative action for candidacies and official positions within party organizations. Some of these mechanisms can be adopted in single-member districts, for example in the mid-nineties the British Labor party adopted all-women shortlists for nomination in half its target seats. But advocates argue that affirmative action can be implemented most easily when applied to balancing the social composition of party lists, for example by designating every other position on the candidate list for women. These mechanisms, proponents suggest, can also increase the number of regional, linguistic, ethnic or religious minorities in parliament, although their effects depend upon the spatial concentration of each group. Socially diverse representation can be regarded as intrinsically valuable for consensus democracy, by improving the range of voices and experience brought to policy discussions, and also because the entry of minority representatives into public office can increase a sense of democratic legitimacy and develop leadership capacity. Proponents argue that it is important to maximize the number of 'winners' in elections, particularly in divided or heterogeneous societies, so that separate communities can peacefully coexist within the common borders of a single nation-state. See, Pippa Norris, *Electoral Engineering*, retrieved from <http://www.hks.harvard.edu/fs/pnorris/Acrobat/Institutions/Chapter%203.pdf> as accessed on 4 October 2010 p. 6.

¹⁵⁹In showing the effect of electoral system on under representation, the law commission of Canada cited one concern with FPTP in that it affected the under presentation of women, minorities and aboriginal groups amongst electoral candidates. See, Gerard Newman, *supra* note 43 and Pippa Norris, *ibid*.

One of the claimed benefits of PR systems is that their use generally sees the election of people who might otherwise be underrepresented. Hence in choosing a best alternative system emphasis shall be paid to this demand. Otherwise, as I have tried to show repeatedly, failure to represent these groups may cause alienation and exclusion from the political system and this may instigate anti-system movements as an option to be included in the democratization process.

4.2.2 Easily Understood and Administered

All features of an electoral system should be easily comprehended by those citizens who will be using it to elect a representative assembly.¹⁶⁰ One of the claims of the FPTP voting arrangement is that the system is simple, a single vote is registered, and the candidate with the largest number of votes wins and the margin of votes is irrelevant. Furthermore, the closed list PR is simple to understand, use and administer. However, systems like STV and AV are more complicated and require higher level of literacy and numeracy.¹⁶¹ Elections are meant little if they are difficult to vote. The ease of voting is determined by factors such as how complex the ballot paper is, and how easy to cast a vote is. Moreover, the choice of any electoral system is dependent on cost and administrative capacities. A sustainable political framework takes into account the resources of the country both in terms of the availability of people with the skills to be election administrators and in terms of the financial demands on the national budget.¹⁶² Hence, electoral systems should not be more complex to understand and administer. As much as possible they should go hand in hand with the all rounded realities of a country.

4.2.3 Conferring Proportional Representation

Many campaigners for electoral reform stress the importance of achieving election outcomes that are closer approximations to proportional representation than is the case with FPTP. The evidence reviewed so far indicate very clearly that PR is much more likely proportional compared to other systems. Meanwhile, the mixed electoral systems, specifically the MMP is much proportional than the other Majoritarian electoral systems. An electoral system is representative of political parties and the political situation in a country if each party's seat is

¹⁶⁰Kenneth Benoit, *Models of Electoral System Change*, University of Dublin, Ireland 2004 p. 371, Retrieved from <http://www.elsevier.com/locate/electsud>. as accessed on October 2, 2010.

¹⁶¹Ibid.

¹⁶²Ibid.

proportionate to its voting strength. It is well established that parties with regionally concentrated support are rewarded with far exceeding representation than their strength of national votes while parties with support distributed across the country typically receive fewer seats than they deserve. In this regard first-past-the-post electoral system is much acclaimed for its disproportionality.¹⁶³

In general the greater the constituency magnitude the closer to proportional representation the outcome is likely to be although this can be constrained by the use of thresholds to preclude small parties winning seats, such constraints are politically determined, rather than being integral to any system.¹⁶⁴

In sum the conclusion regarding PR is straightforward the larger the constituency magnitude (whether with list systems, STV or topping up lists of MMP) the more proportional the election outcome is. Conversely, the majoritarian electoral systems are branded for fabricating disproportional results.

4.2.4 Offering Incentives for Conciliation

Electoral systems can be seen not only as ways to constitute governing bodies but also as a tool of conflict management within a society.¹⁶⁵ In heterogeneous societies where citizens are divided by socio-cultural characteristics such as race, ethnicity, language, religion, or region the question is how the electoral system may contribute to the peaceful coexistence of different social groups within the same democratic polity. Some systems in some circumstances will encourage parties to make inclusive appeals for electoral support outside their own core vote base.¹⁶⁶ For instance,

¹⁶³Regarding the Ethiopian context, for better understanding you may consult chapter three of this research (section 3.4.5).

¹⁶⁴ Andre Blais, *supra* note 66 p. 236.

¹⁶⁵Democratization, by definition, entails devolution of power from the state to society. As such it opens a window of opportunity for the expression and mobilization of old and new grievances, Democratization and ethnic conflict are in fact empirically correlated phenomena. Periods of democratization are usually accompanied by an increase in the levels of ethnic conflict. Managing ethnic conflict is therefore a fundamental aspect of a successful transition to democracy and a subject of heated academic debate. See, Sonia Alonso and Rubén Ruiz, Political Representation and Ethnic Conflict in New Democracies, *European Journal of Political Science*, January 2005 p. 1, see also, Andrew Ellis, *supra* note 150 p. 5.

¹⁶⁶*Ibid*, creatively crafted electoral systems, such as the alternative vote, have gigantic effects on making compromises and conciliation among diverse political parties. One core strategy as advocated by Donald Horowitz is to design electoral rules that make politicians reciprocally dependent on the vote of members of groups other than their own. To build support from other groups, candidates must behave moderately and accommodatively on core

even if a party draws its support primarily from region one voters, a particular electoral system may give it the incentive to appeal to region two or other region voters. Thus, the party's policy platform would become less troublesome and exclusionary and more unifying and inclusive. Similar electoral incentives might make parties less ethnically, regionally, linguistically or ideologically exclusive.

On the other side of the coin, such electoral systems can encourage voters to look outside their own group and think of voting for parties which traditionally have represented a different group and voters will likely give their second preference to the moderate parties than the other extremes. Hence, such voting behavior breeds accommodation and community building.

4.2.5 Encouraging Political Parties and Opposition Oversight

The weight of evidence from both established and new democracies suggest that longer term democratic consolidation requires the growth and maintenance of strong and effective political parties and thus the electoral system should encourage this rather than promote party fragmentation.¹⁶⁷ Meanwhile, the development of strong parties will help us to have strong opposition in the parliament which oversees its acts.

Effective governance relies not only on those in powers but almost as much, on those who oppose and oversee them.¹⁶⁸ Hence, the electoral system should help ensure the presence of available opposition grouping which can critically assess legislation, question the performance of the executive, safeguard minority rights and represent its constituency effectively. Opposition groupings should have enough representatives to be effective and be able to present a realistic alternative to the existing government. While the strength of the opposition depends on many other factors, besides the choice of electoral system is one important consideration. If the system itself makes the opposition impotent, democratic governance is inherently weakened. Therefore, a consensus bellows towards vanishing a "winner take all" attitude which leaves rulers blind to

issues of concern. Hence, designing electoral rules that enable politicians to campaign for the 'second choice' votes of electors are crucial as they will enable the creation of parties with conciliatory policy positions so as to pick up such second votes than parties who choose to maintain a narrowly focused, sectarian approach. See, <http://books.google.com.et/books?id=CHLvGawRmEwC&printsec=frontcover&dq=electoral+engineering+pdf&hl=en#v=onepage&q=electoral%20engineering%20pdf&f=false> accessed on 18 December, 2010.

¹⁶⁷ Ibid.

¹⁶⁸ Gerard Newman, *supra* note 43 P. 6.

others views, needs and desires of opposition voters and sees both elections and government itself as zero-sum contest. Hence, our electoral system choice should encourage multi-party politics; consequently strong opposition is inevitably emerged. To encourage multi-party system, there has to be fertile ground to parties and the ground shall also be leveled so that parties could run equally. Additionally, every vote shall be counted to enable a large opposition in the parliament.

4.2.6 Assisting for Stable and Efficient Government

The prospects for stable and efficient government are not determined by the electoral system alone, but the results a system can contribute to stability in a number of important aspects. The key questions are whether voters perceive the system to be fair, whether government can efficiently enact legislation and govern and whether the system avoids discriminating against particular parties or interest groups.¹⁶⁹

The question whether the government of the day can enact legislation efficiently is partly linked to whether it can assemble a working majority in the legislature, and this in turn is linked to the electoral system. As a general but not universal rule of thumb, majoritarian electoral systems are more likely to produce legislatures where one party can outvote the combined opposition, while PR systems are more likely to give rise to coalition governments.¹⁷⁰

The system should, as far as possible, act in an electorally neutral manner towards all parties and candidates; it should not openly discriminate against any political groupings. The perception that electoral politics in a democracy is an uneven playing field is a sign of weak political order and hence, in such situation instability may not be far around the corner.¹⁷¹ The point is, therefore, that introducing a plurality electoral system may not always bring stable government; rather at times it could give birth to volatility if some segment of the society perceives that they are estranged from the system.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

4.2.7 Boosting the Value of Votes

If voters believe that their votes do not factor in to the election results, then they are less likely to participate in elections.¹⁷² For example, it has been argued that voters who cast their ballots to an election for a losing candidate are considered to have their votes disregarded. Though it is difficult to avoid disregarded votes, it's important to minimize this problem to the greatest extent possible. In this regard, FPTP electoral system is poor in minimizing disregarded votes. The phenomenon of disregarded votes has contributed to strategic voting in which voters cast their ballots for candidates of parties that they do not prefer, simply to prevent a more disliked alternative from winning a seat.¹⁷³ This ultimately results in reducing the level of turnouts¹⁷⁴ and may also give a population where they are detached from politics.

4.3 Evaluating Alternative Electoral Options to the Ethiopian Federation

From our chapter three discussion; we have accomplished our task by concluding that it is time for the country to explore different voting methods and accordingly to find a best alternative the former discussion has established certain criteria for assessing alternative electoral systems. From this stems a series of questions about possible options. Amongst, what electoral system fit with the countries democratic values? What level of proportionality should be adopted and why are some of the questions hereunder investigated?

Once a decision has been made about the important goals to be achieved and the important pitfalls to be avoided in a new alternative, the next move toward is evaluating the potential alternatives against the criteria set above. Nonetheless, the evaluation does not extend to those Majoritarian electoral families for the very reason that our former empirical research of chapter three has genuinely concluded that Majoritarian electoral systems are not healthy choices to diversified societies like ours.¹⁷⁵ Hence, except for comparisons the ongoing discussion is not

¹⁷²Law Commission of Canada, *Voting Counts: Electoral Reform for Canada*, retrieved from <http://dsp-psd.pwgsc.gc.ca/collection/J31-61-2004E-pdf> p. 67, as accessed on 4 October 2010.

¹⁷³Ibid.

¹⁷⁴Henry Milner, Electoral Systems, Integrated Institutions and Turnout in Local and National Elections Canada in Comparative Perspective, *Canadian Journal of Political Science*, Vol. 30, No. 1, 1997, pp. 89-106 Stable URL: retrieved from <http://www.jstor.org/stable/3232168> Accessed: 27/01/2010.

¹⁷⁵The pros and cons of different types of electoral systems have been widely discussed in our previous chapters. There is no one-size-fits-all solution regarding electoral systems, neither for Africa nor for any other region. Yet there are some general insights which should guide any decision about electoral law: the so-called »winner takes

principally concerned with Majoritarian systems rather stress is paid to the other families of electoral systems which are apparent alternatives to the federation.

4.3.1 Single Transferable Vote (STV)

In single transferable vote electors are allowed to cast their votes as many preferences as there are candidates. They normally make preferences by putting numbers 1, 2, 3 ... to their choices respectively. After counting the first preferences of each candidate; seats are allocated according to a certain quota.¹⁷⁶ Then the numbers of surplus first preferences from the candidate who score more votes than the quota are transferred according to their second preference. Moreover, if seats are left unallocated, the candidate with the lowest vote is eliminated and his/her preferences are re-allocated to others. The process continues like this until all seats are distributed.¹⁷⁷

The STV calculates the fractions of second preference votes among all of votes cast for the winning candidates and redistributes them as accurately as possible. However, this would take days or weeks to finish counting the votes and elect a government.¹⁷⁸ Hence, owing to the low level of conviction among the Ethiopian political parties, this can create a struggle between and among the competing parties. Let alone, the counting takes a week; it is really burdensome even in the existing electoral system which counting takes less than a single night; within this time, always there are complaints of fraud and it is so straightforward to expect the level of struggle that would happen in STV. Likewise, this is too hard for the election administrators both to count and distribute seats and the challenge they encountered from the competing parties.

all« or »first past the post« systems, popular in Anglo-Saxon countries, are highly problematic for segmented societies; they will easily turn ethnic and religious divisions into a zero-sum competition; those groups that loose will feel excluded from the political process and all the benefits it offers; the risk of violence and even civil war will be high. See, Winrich Kuhne, *the Role of Elections in Emerging Democracies and Post-Conflict Countries, Key Issues, Lessons Learned and Dilemmas*, retrieved from <http://library.fes.de/pdf-files/iez/07416.pdf> as accessed on 10 September 2010 p. 5.

¹⁷⁶ After the total number of first preferences is tallied, the count then begins by establishing the quota of voters required for the election of a single candidate. The quota used is normally the droop quota. By a complicated method of counting preferences, vacancies are filled as candidates reach the quota. Any candidate whose first preference votes equal or exceed the quota is declared elected. Votes surplus to the quota that have been cast for successful candidates are transferred at a reduced value to the remaining candidates according to the second preferences recorded by the voters. For more detail see chapter two of this paper. See also, Andrew Reynolds, et al. *supra* note 18 p.71.

¹⁷⁷ For more detail, see chapter two of this paper.

¹⁷⁸ Andrew Reynolds et al. *supra* note 18 p. 77.

In addition STV forces the same party to compete each other. This can have at least two negative consequences, on the one hand this promotes corruption or else clientelism and on the other hand, this can divide local party organizations and it can also foster serious and persistent factional divisions in national parties.¹⁷⁹ From our experience, intra-party conflict is common phenomenon in Ethiopia, especially from the opposition side. Then if STV is espoused to our system, the situation will be intensified and could be like adding a fuel to firing wood.

We conclude, therefore, that STV should not be our best alternative to the Ethiopian reality having into consideration the level of literacy, numeracy and cost it demands. STV requires multi-member constituencies and likely creates lengthy delays in counting the votes. However, it would not ensure a sufficient improvement in proportionality to justify the effort and expense of adopting a new electoral system.

4.3.2 Single Non-Transferable Vote (SNTV)

Under the single nontransferable vote system, voters cast a single vote in a multi-member district. The candidates with the highest vote totals are declared elected. Voters vote for candidates rather than political parties.¹⁸⁰ Therefore, the only difference this system has with the FPTP electoral system is because multiple candidates are elected from a single constituency. Hence, this could give rise to better representation than FPTP. However, this system has still the feature of FPTP. For instance, parties whose votes are widely dispersed across the nation may not win any seats and larger parties can receive a substantial seat bonus which turns a plurality of the vote nationally into an absolute majority in the legislature.¹⁸¹ Although the proportionality of the system can be increased by increasing the number of seats to be filled within multi-member districts, this weakens the voter-MP relationship which is so prized by those who advocate for defined geographical districts. Additionally, like the case in STV, there is also an intense competition within the same party which could advance intra-party fragmentation. This can

¹⁷⁹ Ibid.

¹⁸⁰ Andrew Reynolds et al. *supra* note 18 p. 113.

¹⁸¹ If we take the Japan case to prove this, until it adopted MMP in 1995, Japan used SNTV to elect the lower house of its national parliament. The outcomes in Japan were not proportional during that period. Lijphart for instance calculated the effective Threshold of those elections at 16.4 percent. The system has therefore, favored the larger party in Japan, Liberal Democratic Party (LDP), giving it an absolute majority of seats with less than half the vote and allowing it to govern Japan for almost 40 years. See, DR. Heather MacIvor, *supra* note 29 p. 19.

areas.¹⁸⁴ Hence, list PR fails to ensure constituency representation while it does encourage the election of women, minorities and dispersed groups.

Once we consider the ‘open’ or ‘free’ list PR, like the STV and the SNTV it promotes intra-party competition as it paves the way for individual competition within the same party and hence this could promote clientelistic politics and intra-party factionalism. Therefore, free list PR is not advisable to Ethiopia as the closed PR could perform better than the former.

Generally, many experts argue that some form of proportional representation is exceedingly significant in divided societies.¹⁸⁵ For this and other reasons, most major transitional and post-conflict elections in recent years have utilized some form of PR.¹⁸⁶ Nonetheless, PR systems also have some pitfalls, as they provide tiny geographic connection between voters and their representatives and thus create difficulties in terms of accountability and responsiveness between elected politicians and the voters. Nevertheless, many new democracies particularly those in agrarian societies have much higher demands for constituency service at the local level than they do for representation of all shades of ideological opinion in the legislature. It has, therefore, increasingly been argued in South Africa, Cambodia and elsewhere that the proportional systems used at the first elections should be modified to encourage a higher degree of geographic accountability by having members of parliament represent territorially defined districts and service the needs of a constituency.¹⁸⁷ Thus, to attain both requirements of the political values we ought to make some equilibrium in between.

¹⁸⁴ Winrich Kuhne, *supra* note 175 p. 5.

¹⁸⁵ *Ibid.*

¹⁸⁶ Joel D. Barkan, et al. *supra* note 20 P. 927.

¹⁸⁷ A more serious problem is that in the context of societies with large rural populations, PR reduces the opportunities for face to face dialogue and linkage between legislatures and citizens and especially the accountability by the former to the latter. In Namibia for instance, where nearly 90 percent of the population resides in the Northern fifth of the country, 300 miles north of the capital, few citizens ever see a member of parliament because MPs have no geographic constituency to which they are accountable. A similar situation exists in South Africa. In such countries, there appears to be clear tradeoff between achieving proportionality and the loss of accountability. See, Joel D. et al. *Ibid.*

4.3.4 Mixed Electoral Systems

The academic literature commonly divides electoral systems into two types, majoritarian and proportional and implies a clear-cut tradeoff between accountability and representation.¹⁸⁸ This means if a country wants a highly representative parliament, where the assembly is microcosm of the plurality of opinions in society, a PR system is best. Alternatively, if a country wants the party that wins the plurality of votes in an election to form accountable government, a majoritarian system is best. Then, the conclusion is you have to choose which you care for most, representation or accountability, you cannot have both.

On this section, the researcher's goal is to balance, to the extent possible, the benefits of introducing some element of proportionality in to the existing system with the capacity to maintain accountable government, most notably as a direct link between elected politicians and their constituency. The paper explores the merits of different voting systems and suggests adding an element of proportionality could help achieve many of the criteria outlined in section 4.2 Such as improved representation, a greater plurality of ideas and a more inclusive style of decision making and less wasted votes, etc.¹⁸⁹

The different voting systems are assessed herein above with the premise that constituencies should be kept to a reasonable size to maintain the territorial representation principle thereby to enhance accountability. Now, the question remains as to whether electoral rules can be designed to achieve political ideals such as precise representation of voters' preference and accountable governments? A glance at the electoral system of new democracies or reforms to electoral systems in established democracies, suggest that the mixed member electoral system has managed to give both outcomes. As a result of this, most nations that have reformed their electoral systems in the past decade have opted for some version of mixed electoral systems.¹⁹⁰ These systems are thought to combine the "best of both worlds" the accountability

¹⁸⁸John M. Carey, *the Electoral Sweet Spot: Low Magnitude Proportional Electoral Systems*, London School of Economics and Political Science, 2009 p. 2, retrieved from http://www2.lse.ac.uk/government/research/resgroups/PSPE/pdf/Carey_Hix-Electoral_Sweet_Spot-8Jan09.pdf as accessed on 7 October 2010.

¹⁸⁹For better understanding consult table 4.1 of chapter four.

¹⁹⁰Daniel Bochsler, *Are Mixed Electoral Systems the Best Choice for Central and Eastern Europe or the Reason for Defective Party System?* Prepared for Presentation at the APSA annual meeting, Toronto, 3-6 September 2009 p. 1, retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1456829 as accessed on 7 October 2010.

and geographic representation that is one of the strengths of FPTP, along with demographic representation and the fairness of proportional systems.¹⁹¹

There are many varieties of mixed or hybrid systems, but they all share one defining attribute in each, a portion of the seats in parliament are assigned on the basis of some plurality method, usually, FPTP in single member constituencies and the residual seats are determined by a party's share of the popular vote (regionally or nationally).¹⁹² In such systems voters usually have two votes; one for a given candidate in a given constituency and another for a party list.

German style mixed electoral systems has become a best seller in the charts of the electoral reforms since 1990s.¹⁹³ Mixed systems are introduced as a compromise between the two extreme forms of PR and plurality vote and they are best in situations where the contending elites could not agree on one of these two electoral systems in conciliation.¹⁹⁴ Likewise, they are perceived to allow modest and better outcomes in many varied dimensions of political representation and party system moderation.

Several researchers contend that a kind of proportional representation is extremely important in divided and post conflict societies.¹⁹⁵ This is based on the need to ensure that all significant segments of the population are represented fairly in the legislature and on the empirical relationship between proportional electoral systems and power sharing coalition governments.¹⁹⁶ Additionally, PR elections are the simplest form of elections to run as it utilize one national or regional constituency and not require the demarcation of boundaries and thereby it avoids the two flaws of FPTP, gerrymandering and mal-apportionment. For these and other reasons, most

¹⁹¹ Ibid.

¹⁹² Law Commissions of Canada, *supra* note 172 pp. 90-92.

¹⁹³ Daniel Bochsler *Supra* note 190.

¹⁹⁴ This was the case in Bulgaria, Hungary and Croatia, where the contending elites hold two extreme options; mixed electoral system has served as a mid solution thereby flourished the praised virtues of this system. That it fostered the democratic principles of representation and accountability. Moreover, it hampered the excesses of the two extreme systems. See, Daniel *supra* note 190.

¹⁹⁵ The position of Arend Iijphart and Donald Hortwiz is exemplary in this regard.

¹⁹⁶ Andrew Reynolds et al. *supra* note 18.

major transitional and post conflict elections in recent years have conducted under some form of PR.¹⁹⁷

A popular choice in recent years has therefore been for “mixed” electoral systems, in which part of the legislature is elected at a national or regional level by proportional representation and part is elected at a local level from single member districts so that both the proportionality and accountability are maximized.

To pick one of the two versions of the mixed electoral system to the Ethiopian context, let us have a brief survey on them.

4.3.4.1 Mixed Member Majoritarian (Parallel) System

The Mixed Member Majoritarian system considered at this time is similar to the one adopted in Japan in 1994. In this system, the two tiers of seats, each determined by its own electoral formula, are independent of each other.¹⁹⁸ That is, no attempt is made to use the party list vote or proportional component to balance for distortions in the constituency vote.

In the whole, it is difficult to disagree with the conclusion of the Canadian Law Commission on this kind of electoral system that it is more of a palliative than a substantive reform, even if it does address one of the dysfunctional aspects of First-past-the-post system.¹⁹⁹ However, since it partially addresses the issue of disproportionality, this model does not make it an attractive option in terms of fairness to parties. Therefore, we need still to search for another alternative to our polity.

4.3.4.2 A Quest for Mixed Member Proportional (MMP) Electoral System

An alternative type of mixed system is one in which the two tiers are linked. This system provides compensatory list seats to parties that are underrepresented in the FPTP results. In this system, voters are given two votes: one for their constituency representative and one for a party

¹⁹⁷Transitional elections in Namibia (1989), Nicaragua (1990), Cambodia (1993), South Africa (1994), Mozambique (1994), Liberia (1997), Indonesia (1999), Bosnia (1996), Kosovo (2001) and East Timor (2001) were conducted under proportional representation rules, in particular the simplest form of PR party list appears to have become the de facto norm of the parliamentary elections. See Andrew Reynolds *supra* note 27.

¹⁹⁸Law Commissions of Canada, *supra* note 172 p. 85.

¹⁹⁹*Ibid.*

list. A party's share of the seats in parliament is determined by the party vote, and the number of constituency seats it wins is then subtracted from this total. The remaining seats are filled from party lists.²⁰⁰ Each voter will have two ballots, one for a candidate in a constituency and one for the close ordered national party lists. Both votes are cast on the same day on the same ballot. Voters are allowed to split their votes: they may vote for one party's candidate in their constituency and another party for the PR lists. Constituency elections are based on a simple relative majority winner-takes-all basis (similar to the previous election to the HPR). Proportionality of outcome is guaranteed by using only votes cast for the national party lists to determine the proportion of overall party support in the National Assembly.²⁰¹ Then, the national list is meant to serve for the diproportionalities that arise in the constituency. The election results in this system are usually highly proportional and fair.²⁰² Examples of these systems can be found in Germany, Scotland and New Zealand.²⁰³

Lessons taken from the above stated countries reveal that the MMP is superior. It is fair to supporters of significant political parties and likely to provide more effective representation of minority and special interest groups. It is likely to provide a more effective parliament and opposition and also has advantages in terms of voter participation and legitimacy. It encouraged the previously underrepresented groups and further encourages plurality of ideas in the system of governance. In turn, it would help to energize and refresh the countries parliamentary democracy. Moreover, it inspires a fair level of geographic representation and enhances accountability of individual candidates and the government to a certain degree.²⁰⁴

²⁰⁰ Mary Anne, *infra* note 202.

²⁰¹ Murray Faure and Albert Venter, *supra* note 149.

²⁰² Mary Anne Griffith-Traversy (ed.), *Democracy, parliament and electoral systems*, Common wealth of Parliamentary Association, Pluto Press, 2002, pp. 79-80, 141-146.

²⁰³ In Germany 50 percent of the seats in the Bund stage are based on constituency elections and the other 50 percent are list seats. In New Zealand, 58 percent of the seats are single member constituencies elected by means of FPTP and the remaining 42 percent are list seats. In Scottish parliament, which consists of 129 members 57 percent is elected in constituencies by means of FPTP and the remaining 43 percent are awarded to regional lists. See the law Commission Canada, *supra* note 172 pp. 90-93.

²⁰⁴ Commission on Legislative Democracy, *Facts on Mixed Member Proportional Electoral Systems*, retrieved from <http://www.gnb.ca/0100/Doc/fact7mixed-e.pdf> as accessed on 4 October 2010 p.

1. See also,

http://www.petershirtcliffe.co.nz/upload/download_files/MMP%20vs%20SM%20Essay.pdf as

Accessed on 4 October 2010, Miguel Centellas, *Mixed-Member Proportional Electoral Systems in New Democracies: the Bolivian Experience*, retrieved from:

<http://www.centellas.org/politics/papers/mpsa2005.pdf> as accessed on 4 October 2010.

In our context, having addressed various types of electoral systems and their consequences on variables such as stability, representation, accountability, legitimacy and nation building and further having considering the real problems manifested by the existing electoral system on the stated variables, it is clear that there is no perfect electoral system. Moreover, the same electoral system would have different political consequences in different countries because it does not function in a vacuum and it is inevitably affected by each country's specific political contexts, institutions, culture and actors.

Ethiopia is composed of a diversity of ethnic groups, languages, cultures and religions, its history have been characterized by political disturbance, massive violations of human rights, civil wars, coercion, mismanagement, lack of tolerance and concession. Such a diverse and divided society needs an electoral system which would ensure a fair representation of political and ethnic groups, political stability, and nation building without overstating the other virtues of the existing electoral system. Based on the above description of different electoral system types and their political consequences, the mixed member proportional system appears to be the most suitable electoral system to the Ethiopian multi ethnic federation.

In a country like ours, where there is no majority ethnic group nationwide but only regionally based ethnic majorities, the plurality electoral system alone would stimulate the emergence of regionally concentrated parties²⁰⁵ and this encourages the parties to appeal policy platforms which are only restricted to such specific ethnic groups. However, the inclusion of PR type electoral system to the status quo tends to encourage political parties to seek voters and membership across communities. This limits the attractiveness of mono-ethnic politics and therefore prevents political instability which would result from the de facto exclusion of some communities from parliament and government. Furthermore, the inclusion of PR enables the widely dispersed ethnic groups to reflect their views and interests rather than remain permanent

²⁰⁵ To substantiate our argument, look at the following political parties which are created regionally or ethnically: Tigray Peoples' Liberation Front (TPLF), Amhara National Democratic Movement (ANDM), Oromo Peoples' Democratic Organization (OPDO), Southern Ethiopian Peoples' Democratic Movement (SEPDM), Oromo Federalist Democratic Movement (OFDM), Benshangul-Gumuz Peoples Democratic Unity Front (BGPDUF), Afar National Democratic Party (ANDP), Gambela Peoples Democratic Movement (GPDM), Argoba National Democratic Organization (ANDO), Harrari National League (HNL) and Sheko Mejenger Peoples Democratic Unity Organization (SMPDUO)

minority. Once more, the inclusion of PR would foster issue based campaigning and voting rather than lining up to ethnically or regionally organized parties.

One of the most important features of the mixed member proportional system used in New Zealand, Germany, Scotland and Wales is that it is a two vote system of proportional representation. Voters are allowed to ticket-split, that is, vote for a candidate of one party in their riding and for another party on the proportional representation portion of the ballot. This feature helps to alleviate the disregarded vote phenomenon that is characteristic of the FPTP system.²⁰⁶ It further gives voters maximum choice and flexibility; it frees them from the prison of having to suffer an unwanted candidate for the constituency in order to get desired government.²⁰⁷ In view of this the MMP is best alternative to the Ethiopian federation.

To sum up, the subsequent table shall be closely observed which simplify the argument on choosing the best alternative by attempting to demonstrate the good quality of each system.

²⁰⁶Ibid.

²⁰⁷Ibid, interestingly, in the first mixed member proportional election held in New Zealand in 1996, 37 percent of the voters split their ticket a high level by international standards.

Table 4.1 comparative assessment of electoral systems vis-à-vis some democratic virtues

No	Criteria for electoral system choice	Possible alternative options					
		FPTP	PR Systems			Mixed Systems	
			STV	SNTV	List PR	Parallel MMP	compensatory MMP
1	Territorial Representation	✓				✓	✓
2	Representing many voices		✓	✓	✓	✓	✓
3	Easily understood and administered	✓		✓	✓	✓	✓
4	Giving proportional results		✓	✓			✓
5	Providing incentives for conciliation		✓	✓	✓	✓	✓
6	Encouraging political parties and opposition over sight		✓	✓	✓	✓	✓
7	Facilitating stable and efficient government	✓				✓	✓
8	Valuing votes		✓	✓		✓	✓

Note: the arrow shows strengths or potential strengths. The absence of it however, does not suggest a total lack of this criterion, but rather our analysis indicates that it is not immediately evident from our previous discussion and the experience of different countries.

From the table it is vivid that the MMP performs well in all the criteria. Therefore, the researcher believes that this system is best to the Ethiopian multi-ethnic federation. However, since electoral systems need to be tested on the ground we should not expect that the new system will cure all the democratic problems rather it is the best compared to others. On the other side of the coin, it is testified from the table that the first-past-the-post electoral system is the least in achieving some of the democratic values.

4.3.4.3 Issues of Electoral System Design

Once we determined the importance of MMP to the Ethiopian evolving federation, there are other questions which need to be treated in collaboration to the electoral formulae. Among these, the first question is how should candidates be elected from the lists? Should list seats be assigned on the basis of closed or open party lists? Should there be a threshold to access the list seats or let it be free to include diverse voices? And whether restrictions ought to be placed on candidates seeking to run at both the constituency level and on the provincial or regional party lists? Are essential questions that must be addressed?

4.3.4.3.1 Open versus Closed Lists

Commonly in PR systems, each party draws up a list of rank ordered candidates in their order having to the number of seats they won. If it is a closed list system then voters do not have any opportunity to alter the order in which the candidates on the list are to be elected; the list is in real meaning, a party slate.²⁰⁸ However, if the list is open, voters can influence the order of candidates in the sense that the one who score most votes from the list gets the first rank and others will also follow the order of their score. That means candidates are elected in order of the vote they scored.

Then the question is whether we shall have open or closed lists with our choice of the MMP? In response to this, we shall see the advantages and disadvantages of each to determine which one has to be introduced.

²⁰⁸Scott Mainwaring, *Politicians, Parties and Electoral Systems: Brazil in Comparative Perspective*, Working Paper 141- June 1990 P. 3. Available at: <http://www.nd.edu/~kellogg/publications/workingpapers/WPS/141.pdf> as accessed on 10 September 2010 pp. 6-11.

The open list is praised for it gives full right of influencing candidates' choice and in effect paving maximum freedom to voters to put their preferred candidate from the party list. On the other scenario, closed list is praised for it gives party officials to place members of underrepresented groups such as women and minorities at the top of the lists.²⁰⁹

Contrary to what has been said above, the open list system is blamed for a number of concerns. First they encourage factionalism and intra-party competition²¹⁰ and thereby clientelistic conducts. Second open lists are not effective in promoting the candidacy and successful election of women, unless quotas are established guaranteeing women a certain percentage of winnable position.²¹¹

In due cognizance to our political context the closed list system is best. Because on the one hand we do not want to promote party factionalism beyond the present landscape, on the other hand, we do not require endorsing clientelistic deeds of parties owing to the level of corruption we are experiencing. What is more, there is a desire to foster the nomination and election of those underrepresented groups including women and minority.

4.3.4.3.2 Why Thresholds Are Needed?

One of the questions that must be addressed when designing a mixed member proportional system is whether or not to establish a legal threshold for access to the list seats.²¹² This raises important questions because it relates directly to whether encouraging or discouraging a diversity or plurality of voices in legislatures. In Germany for instance a party must win either three constituency seats or 5 percent of the nationwide vote to qualify for list seats.²¹³

The existence of certain threshold, though it seems a barrier to small political parties, nationwide has a massive role in dispiriting extremist parties from gaining representation in the parliament.

²⁰⁹Ibid.

²¹⁰These were such prominent features of the open ballots previously employed in Italy that they led to a reform of the ballot in the early 1990's. Open lists call for an open warfare between all candidates on the same list as they fight each other to make sure they get the biggest possible personal vote. See Scott Mainwaring, *ibid* from pp. 6-29.

²¹¹Ibid.

²¹²For detail information on thresholds look at the second chapter (section 2.2.2.2)

²¹³European Commission for Democracy through Law, *Report on the Thresholds and Other Features of Electoral Systems Which Bar Parties from Access to Parliament* (II), Adopted by the Council for Democratic Elections at its 32nd meeting, Venice, 11 March 2010, retrieved from [http://www.venice.coe.int/docs/2010/CDL-AD\(2010\)007-e.pdf](http://www.venice.coe.int/docs/2010/CDL-AD(2010)007-e.pdf) as accessed on 4 may 2010.

In view of this, putting a certain threshold is very important especially in countries like ours where there is high level of party fragmentation. For instance, in the 2010 election more than 63 political parties have taken part in the election. Thus, if you let them enter all to the parliament, it would be too unmanageable and may instable the political system. The parliament cannot smoothly function if all the political parties go into to the parliament. Hence, there must be national threshold to exclude extremist parties from the parliament. Putting the actual threshold in this research is so much problematic on two counts. First, it needs a detailed analysis which is much beyond the capacity of this research. Second, the choice is most likely visible after introducing the actual reform.

4.3.4.3.3 The Matter of Double Inclusion

Another question to be addressed is whether restrictions ought to be placed on candidates seeking to run at both the constituency level and on the provincial party list? Double inclusion maximizes the chance for election of “star” candidates: if they fail to win in the constituency race, they can be elected by putting themselves in the rank ordered lists.²¹⁴ The disadvantage of double inclusion is that it can produce unpopular MPs.²¹⁵ Besides; conflicts are inevitable if one needs to hold two alternatives. Therefore, double inclusion shall not be allowed. That's why, candidates shall first determine who to put where and that should be ultimate.

4.3.4.3.4 Shall the Party List be Regional or National?

The last inquiry that should be attended is whether the party list should be determined regionally or nationally?

In attending this question, first, we know that the parliament is the representative of the nation as a whole not the regions. Second, national party-list has at least two advantages. On the one hand, this encourages the creation of national parties and discourages small and ethnically based parties and this further enhances parties to appeal nation wide issues which will bind the people in the spirit of oneness without compromising the diversity. On the other hand, this may give due credit to the nationally dispersed minorities of any kind. Therefore, these all endorses

²¹⁴ Law Commissions of Canada, *supra* note 172 p. 125.

²¹⁵ *Ibid.*

compromises and concessions. On the other side of the coin, this discourages very small parties as they could be excluded by the threshold and they would be motivated to form national parties. As a result, the choice shall be for national party lists.

The other issue is how much percentage of the total MPs shall be constituency based and how much party list? The answer to this question is not clear cut; rather the circumstance of countries is supposed to be given precedence. Countries which bestow much emphasis to proportionality than accountability may favor greater entitlement to the party list. Still, if the demand is much to accountability the contrary could be accurate.

This needs a depth research, usually, after experiencing the reform. Therefore, let us undertake the reform at 50:50 proportions and then the results may speak to themselves as to what should be done then after.

4.3.4.4 Implications of Adding an Element of Proportionality to Our Electoral System

The survey to the various electoral options for our country has led to the conclusion that adding an element of proportionality to the existing electoral system would be the most appropriate model for adoption.

This section tries to explore the potential impacts of electoral reform on government stability and effectiveness, on members of parliament particularly regarding the issue of creating two different classes of representatives and the possible increase on administrative costs.

Our previous discussion has illustrated some of the potential benefits of adding an element of proportionality to our electoral system. However, this does not mean that the introduction of MMP would be panacea for all democratic problems rather we should also expect some other implications beyond the virtues. Then our next discussion tries to test the strength of arguments forwarded against the alternative system.

4.3.4.4.1 Does MMP Generate Two “Warrior Classes” of Representatives?

One of the most frequently voiced criticisms of a mixed member proportional electoral system is that they tend to create two different classes of representatives, one elected through the constituency district and the other on the basis of their positioning on party lists.²¹⁶ Interestingly, observers differ on which category constitutes the subordinate class. According to some the members of parliament filling compensation seats would be second class representatives.²¹⁷ Others, however, are convinced that the latter would form a kind of legislative aristocracy; freed from constituency duties and the need to ensure their potential re-election, these representatives would have time to devote to “higher order” pursuits, such as policy formulation and long term strategic planning for their party as a whole.²¹⁸

Critics of mixed member proportional electoral systems believe that this functional hierarchy of members of parliament could foster jealousy and competition between the two groups, possibly crippling parliament as an effective decision making body.²¹⁹ Fortunately, the recent experiences of a number of countries and regions, most notably, Germany, New Zealand, Scotland and Wales, allow an assessment of whether these criticisms are based on exaggerated fears or whether they have some basis in fact. Accordingly, electoral system observers and the Royal commission on the electoral system of New Zealand, concur on the same idea and concluded on the argument that mixed member proportional did not create a two classes of parliaments rather this is more of a perception than reality. They further add that in the two dozen countries with mixed member systems, no tensions between the “two categories” of parliaments are reported.²²⁰

Moreover, the law commission of Canada, which discussed in some detail the notion that two classes of members of parliament are created in a mixed member system, ultimately concludes

²¹⁶Royal commission of New Zealand, *Criteria for Judging Voting Systems*, retrieved from http://www.elections.org.nz/study/researchers/re-voting_system-judging-criteria.htm accessed on 26 April 2010.

²¹⁷Thomas Cars Lundeborg, Second Class Representatives, Mixed Member Proportional Representation in Britain, *Parliamentary affairs*, Vol. 59, No.1 Advance Access Publication 2005 pp. 50-70.

²¹⁸*Ibid.*

²¹⁹*Ibid.*

²²⁰The law commission of Canada *supra* note 172 p. 125.

by presenting empirical evidences that this is not a “formidable” problem and does not represent as much of a departure from the West Minister model as is often assumed.²²¹

Therefore, the academic conclusion on whether MMP creates two distinct classes of parliaments appear to refute the negative allegation rather the consensus seems towards the fact that the MMP is indifferent to the two class warrior representative issues.

4.3.4.4.2 Impact of Coalition Government on Political Decision Making

The question is: could changing the electoral system from FPTP lead to instable coalition government in Ethiopia? For a start, not all coalition governments are unstable. Some countries have highly stable coalition governments such as Germany and most of Scandinavian countries.²²² Moreover, many countries with PR electoral systems have single party governments like South Africa. Part of this is a result of the way the party system works there. A major factor is the way their electoral system is designed to reduce the number of parties in a parliament or to provide a boost in seats for the largest party. In other words, if we want to balance accountable single party government with some proportionality, one can use fairly higher thresholds to exclude some minor parties from entering the parliament. Besides, electing a large percentage of the members of parliament from the constituency riding and decreasing the proportion of the party list riding is possible. However, the demand in our country is to have a more proportional representative parliament. Therefore, though the use of thresholds is necessarily, it should not be much more prohibitive to moderate parties.

As a general hypothesis, single party majority governments would occur infrequently under a mixed member proportional electoral systems.²²³ International experience, suggests that coalitions are inherently more fragile than single party governments and are more likely to break up during the life of a parliament or to lead to early elections.²²⁴ That is to mean MMP electoral system may most likely result in somewhat short-lived governments. Nonetheless, it would be a misnomer to use the word “unstable” to characterize this situation.²²⁵ Government formed on the

²²¹ Ibid.

²²² Ibid p.141.

²²³ Ibid.

²²⁴ Andre Blais, *supra* note 66 pp. 243-245.

²²⁵ Ibid.

basis of PR and MMP elections in the Scandinavian countries and Germany, as well as New Zealand and Scotland since their adoption of MMP systems, have exhibited quite satisfactory levels of political stability, if one measures this in terms of the length of time a particular cabinet stays in power.

However, experience reveals that countries with some form of PR, the so called consensus democracies, have an advantage in economic performance over majoritarian systems.²²⁶ This is because FPTP systems are likely to promote a regular alternation in and out of power of political parties that are ideologically polarized.

These parties are frequently tempted to undo or radically alter the economic policies of their predecessors. This can inhibit the ability of policy makers to engage in long term economic planning. By contrast “broad proportional representation coalition governments help engender a stability and coherence in decision making which allows for national development.”²²⁷ Taking the Ethiopian economic background, broad based coalition government is necessary. On the same vein, coalition governments cannot issue unpopular laws and policies owing to the fact that all activities are performed through consensus. Hence this will help to have almost the same national policies despite coalitions may change from time to time.

4.3.4.4.3 Potential Policy Impact of Mixed Member Proportional

What might be the policy consequence of changing the electoral system from FPTP to MMP? In one sense, the electoral system affects policies via the type of government that forms after an election. In other words, whether a single party government or coalition government is likely to form is the decisive measure. Single party governments tend to be more able to change existing policies and to react quickly to new changes than coalition governments.²²⁸ Conversely, coalition governments tend to produce more gradual policy change and policies which are closer to the views of the average citizen than single party governments as broader consensus needs to be

²²⁶Ibid.

²²⁷Ibid.

²²⁸Simon Hix, *supra* note 41.

achieved before a policy can be put forward.²²⁹ Therefore, bad laws could not in any way be issued and thereby government cannot do whatever it wishes.

Another potential policy impact of changing the electoral system relates to the type of policy issues that are on the political agenda of the house. With only a small number of parties dominating it under the current system, one could argue that certain policy issues have been prioritized while others have been excluded, despite the fact that such excluded issues are imperative.²³⁰

A third potential policy impact of changing the electoral system is that parties could not target to particular groups to win an election rather, MMP electoral system could encourage the parties to propose policies with broad public appeal rather than to target small groups of voter.

4.3.4.4 Impact on Administrative Costs

There would be some one-time costs associated with implementing a mixed member proportional system. For example, there would be costs associated with establishing education campaigns. Once adopted, there would be further costs for redrawing electoral boundaries, reviewing relevant policies and legislation, devising new election ballots and so on.²³¹

The international institute for democracy and electoral assistance estimates that a two-round system is likely to place more of a burden on a country's electoral administration machinery than a mixed member proportional system.²³² Besides, the law commission of Canada and the New Zealand Royal Commission coincide on the administrative costs of MMP and stated the administrative costs of operating a mixed member proportional system would not be greatly different from the cost of operating a plurality system with relatively the same number of members of parliament.²³³ Therefore, we do not see the cost of introducing MMP as a factor of any great significance.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Law Commissions of Canada, *supra* note 172 p. 152.

²³² Dr. Helena Catt, *a Royal Commission Chooses MMP for New Zealand Here is why?* University of Auckland, retrieved from [http://www.sophocrat.co.nz/Docs/MMP%20Booklet%20 layout. Pdf](http://www.sophocrat.co.nz/Docs/MMP%20Booklet%20layout.Pdf).

²³³ Ibid.

Hence, cost wise, there is no discouraging situation for introducing the MMP, as cost is one criterion that has served as a measure to the appropriateness of certain alternative electoral systems.

Conclusion, towards Mixed Member Proportional System

This chapter has surveyed the various electoral options to the Ethiopian multi ethnic federation on the premises that the existing electoral system is no more desired. In doing this, the chapter has outlined certain criteria against which our choices are evaluated. Some of these criteria's are providing representation, easily understood and administered system, secure fair political parties representation, encouraging opposition oversight and fostering incentives for conciliation. Then after, we endeavored to evaluate the possible options against these criteria's and accordingly, we concluded that adding an element of proportionality to our electoral system, as inspired by some systems like Germany, New Zealand and Scotland would be the most appropriate model for adoption. This system would produce satisfactory results comparing to the other systems. Generally, it would produce highly proportional results, encourage inter-party cooperation, would reduce the number of disregarded votes and is fairer to all parties etc.

Nonetheless, despite these and other advantages, there are also arguments forwarded against the MMP electoral system. Among others, there is fear that under MMP coalition governments may instable a system, increase in administrative costs and creating two warrior classes etc. However, empirical studies have been made by different researchers and electoral reform commissions and their conclusion found little or no connection between the alleged impacts and the MMP. View of this chapter has firmly concluded that the MMP electoral system is advisable to the Ethiopian multi ethnic federation.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Our previous discussion has drawn many of the electoral system families in use throughout the world in view to inform the Ethiopian federation with some possible alternatives and hence there are many systems and an almost infinite number of variations but we tried to cover many of the widely used systems in the world. We have also tried to identify the advantages and disadvantages of each system and finally we concluded that there is no perfect electoral system that fits all situations and contexts although proponents of particular electoral system tend to maintain that their particular system is the best and that all others fail to measure up. As a result, the most appropriate system for a particular nation is a system which satisfies those requirements that are considered to be the most important by that particular sphere.

However, a satisfactory electoral system is a system that performs a range of tasks reasonably well in a specific context than others. For this reason, the overall context of a country including history, culture and the level of democratization shall be accounted in choosing the best electoral system.

Though electoral systems are mechanisms by which the votes scored in an election are translated into seats of a parliament, yet, they are determinant factors in many aspects beyond translating votes to seats. They positively or negatively impact the broadly claimed democratic values including representation, accountability, legitimacy, multi-partism, the behavior of political parties and voter turnouts. In this regard, previous discussion proved with a lot of evidence that the Ethiopian electoral system is ill devised. In the last two elections it has distorted the level of proportionality i.e. the votes that goes to the ruling party and seats allotted to it were disproportional. It has produced “manufactured majority” and this has impeded the legitimacy of the ruling party. This electoral system has also misbehaved the different political parties as it fosters a life and death struggle especially during the election campaigns. This experience re-enforces the politics of the past traces. Moreover, the current electoral system is corrupting the democratization process by denying a place for multi-partism. It further weakened the opposition

parties for lack of fair representation and this goes against the hope to have viable opposition who oversee the acts of the executive.

All in all, the existing electoral system serves actually to aggravate negative tendencies which already exist, by encouraging parties to see elections as zero-sum contests and thus to act in a hostile and exclusionary manner to anyone outside their home group.

Ethiopia is a nation with diversity of ethnic groups, languages, cultures and religions, its history have been characterized by political disorder, immense violations of human rights, civil wars, oppression, misconduct, lack of broadmindedness and recognition. Such a diverse and divided society needs an electoral system which would ensure a fair representation of political and ethnic groups, political stability, legitimacy and nation building without overstating the other virtues of the existing electoral system.

Hence, the bedrock for electoral change lies on whether the arguments favoring FPTP are justified to maintain this system? To address this question we remained open to persuasion throughout the discussion, but the evidence reviewed to this point suggests sizeable grounds for skepticism about many of its claimed virtues except for the fact that it tended to maintain territorial representation and this by itself is not an adequate explanation to hold the system afterwards.

Therefore, the essential question in choosing an alternative electoral system is reliant on whether its strengths outweigh its disadvantages and whether on the whole a new system could help to achieve more of the democratic values illustrated in chapter four than our first-past-the-post system currently does. In other words a reasonable bar must be set for the advocates of electoral reform to prove our case.

In due regard to this inquiry, we have identified some criteria against which our alternatives are measured. In view of that, an evaluation has been undertaken for each of our potential alternatives based on the criteria setout earlier. Having the criteria in to contemplation, we concluded that it is time to modify our electoral system so as to tackle the problems identified and boosts the democratization by adopting all inclusive, representative and consensual system. Then the question remains as to which system is best to our reality?

The result of the evaluation boldly establishes that the mixed member proportional electoral system is best to the Ethiopian multi ethnic federation for the reason that this system maintains the benefits of the two extreme electoral systems by avoiding their defects. It contains the territorial representation and accountability virtues of FPTP and the all inclusive nature of proportional representation. Furthermore, it detects the disproportional results of the FPTP and the disconnection of MPs in PR with their constituencies.

As we know our federation has not majority ethnic group nationwide but only regionally based ethnic majorities, hence, the plurality electoral system have stimulated the emergence of regionally concentrated parties and this encourages the parties to appeal policy proposals which are limited to such particular ethnic groups. Nevertheless, the inclusion of PR type electoral system to the status quo tends to promote political parties to seek voters and membership from corner to corner. This confines the attractiveness of mono ethnic politics and therefore prevents political insecurity which would result from the de facto segregation of some communities from parliament and government. Moreover, the inclusion of PR enables the broadly dispersed ethnic groups to have a say on some national issues through their representatives, rather than left as permanent minority. Besides, the inclusion of PR would cultivate issue based campaigning and voting rather than lining up to ethnically or regionally structured parties.

Generally, MMP would reduce the huge disparities in the value of votes that currently exist in our FPTP system in which a vote for the winning party is valuable than a vote for any of the other parties. It would reduce the number of disregarded votes and thus lead to an increase in the extent of “sincere” as opposed to strategic voting; it would be much fairer than the existing FPTP system, because it would condense the discrepancy between a party’s share of the seats and its share of the votes, it would lead to election of greater number of minority and women candidates and the inclusion in the house of peoples representatives of new and previously under represented voices such as smaller political parties. What's more, it could encourage inter-party cooperation through coalition governments.

However, the opponents of reform such as the EPRDF have seemed to articulate that reform could cause uncertainty about the possible impact of it and the virtues of the present system might reduce to zero.

In view of this fear, chapter four has listened some of the possible implications of adopting a mixed member proportional electoral system. The first fear is that coalitions could instable the system. To be frank coalitions might actually be a positive feature of the reform. By helping to constrain executive power, coalition governments can increase consensus making, consultation and government responsiveness. The experience of countries like Germany and New Zealand suggests that the fear of destabilizing consequences is overblown. The second fear is two warrior classes of representatives could be created as result of the election system of MMP. While two groups of members of parliament would exist in the House of Peoples Representatives, experience elsewhere does not confirm the belief that they would become warring classes. Moreover, the parties themselves can undertake measures to present any factionalism. Although, the ability of voters to hold governing parties accountable for their actions is attenuated somewhat under proportional representation, the experience of countries with MMP indicated that voters still retain the ultimate power to reward or punish incumbent parties. The third fear is regarding the cost of the alternative system. However, since MMP is concluded in one day with simple voting procedures, its costs are not that much greater than the FPTP.

By and large, setting the potential drawbacks against the likely or possible benefits of the MMP reveal that the new system would be fairer, it would be more representative of our society; it would be more inclusive in terms of small parties, it would reduce the number of disregarded votes. For this reason, the alternative system meets and indeed surpasses any realistic test for proving the desirability of reform.

For these and other explanations the subsequent recommendations should be taken in to account.

Recommendations

In the preceding discussion of the respective strengths and weaknesses of the different electoral systems, we have endeavored to present a fair appraisal. Hence, in view of that and the conclusions we made, the following recommendations shall be strictly noticed:

- The writer recommends adding an element of proportionality to the Ethiopian electoral system, specifically; the Mixed Member Proportional (MMP) electoral system is the best choice to our federation.
- The mixed member proportional electoral system should be based on giving two votes: one for a constituency representative and one for a party list. The party vote should determine the overall proportion of seats in the parliament by making compensatory seats to parties that cross the national threshold but fail to win seats in the constituency riding.
- The party list should be conducted nationally, to enhance cross regional policy platforms and to encourage the creation of national parties than regionally concentrated parties which narrow the politics towards ethnic orientation and there should be restriction on double inclusion that is candidates should not be able to run for both in a constituency and on the party list at the national level.
- There should be a legal threshold for access to the compensatory seats: the thresholds should be carefully studied though conducting a relevant research and taking some lessons from countries which implemented the MMP. Nonetheless, the lessons shall be taken having to our context.
- The political parties should develop initiatives to promote greater representation of minority group members and women in the parliament: parties should be instructed to consider a range of issues, including; the existence of minority group and women candidates on party lists, the use of quotas for party lists and constituency nominations, the inclusion of more minority group and women members in cabinet, if a party is elected as a government.
- The number of people both in elite circles and in society generally, who understand the likely impact of changes is very limited. Therefore, the political elites who are in need of change have to explain the implication and political arguments of change for the wider

political framework of the country. Significant voices in society, academia and the media have to contribute to develop a public perception that change is necessary, but a sufficient number of those in power need to be convinced first as to the benefits of the reform, including the benefits to themselves. If they are convinced, the process should be as much as possible legitimate.

- **Process is Key Factor in Choice**

The way in which a particular electoral system is reformed is extremely important in ensuring its overall legitimacy. A process, in which most or all groups are included, including the electorate at large, is likely to result in significantly broader acceptance of the end result than a decision perceived as being motivated by partisan self-interest alone. Therefore, although partisan considerations are unavoidable when making electoral reforms, broad cross-party and public support is crucial to its being accepted and respected. Hence, the process of change if any should furnish the chance to all groupings which desire to play a part in the democratic process to enable them feel that the electoral system to be used is fair and gives them the same chance of electoral success as anyone else. The overriding aim is that those who 'lose' the election should not translate their disappointment into a rejection of the system itself or use the electoral system as an excuse to destabilizing the path of democratic consolidation.

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List of Interviewees

Anonymous, Member of the Central Committees of the EPRDF, Addis Ababa, September 28, 2010.

Ato Genenew Assefa, an Advisor to the Ministry of Government Communication and Federal Affairs, Addis Ababa, October 12, 2010.

Merera Gudina (PhD), Assistant Professor of Political Science and International Relations (Addis Ababa University) Chair man of the Oromo People's Congress (OPC), Member of the Central Committee of Medrek, and He was the Chair man of the Coalition Political Party Called Medrek prior to the 2010 election for four months, Addis Ababa 16 October, 2010.

Professor Beyene Petros, A professor in the Addis Ababa University, Charman of the United Ethiopian Democratic forces, the South Ethiopian Democratic Coalition and Hadiya National Democratic Organization, Addis Ababa, 2010.

ANNEX

Interview Questions on the Ethiopian Electoral System

1. Purpose – The interview questions are meant to substantiate the arguments raised in the academic literature.

2. Approach – The interview is conducted through a semi structured approach in which some interview questions are presented as springboard and it remains open ended to discuss any matter within the ambit of the research paper. This has helped me to cover wide areas with limited persons. It further enabled me to discuss in detail depending on the response to a few questions.

3. The interviewees – The interviewees are conducted with the following two organs:

- EPRDF officials
- Opposition parties' leaders

4. Some of the interview questions are:

1. As we know the Ethiopian electoral system is the plurality one, in which the candidate with one more vote is elected as a winner from a certain constituency. What were the compulsory conditions for adopting this electoral system? And what was your role during the process of adoption?
2. The literature proves that the plurality electoral system produces disproportional results. How would you see the Ethiopian experience in this connection?
3. Some says plurality electoral system is a barrier to the creation of multi-party system. How would you plead our system in this regard?
4. Assume Ethiopia had chosen a PR electoral system during the transition. Would you think that this system would have done better than the current system? If not, why not?
5. There are arguments as to what exactly is multi-party democracy. Some deem the existence of various political parties as the main criteria while others believe the strength of these parties and how the democratic competition is labeled. In your view what is the core concern to say that there is multi-party democracy? And do you think that there is multi-party system in our country?

6. How do you measure the relevance of the existing electoral system to our polity?
7. In our country, there is always unhealthy competition between the opposition and the incumbent party and among the opposition themselves. What do you think are the main reasons? Do you think that the existing system has exacerbated the situation?
8. What kind of electoral system do you think is crucial for the Ethiopian federation? Why?
9. Do you think that the current electoral system has minimized the level of voter turnout?
10. What is your view if Ethiopia adopts the mixed member proportional electoral system?

Approval Sheet by Board of Examiners

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FEDERATION: ISSUES AND ALTERNATIVES**

Approved by Board of Examiners

Advisor- Yared Legesse(S.J.D)

Signature  Date Feb 28, 2010

Examiner- Dr. Daniel Ashagrie

Signature  Date Feb 28, 2010

Examiner-Ato Wendimageng Tadesse

Signature  Date Feb 28, 2011