

62

**Alternative Mechanisms of Electoral systems for
Vibrant Democracy and All Inclusive
Representation in Ethiopia**

**By
Abraha Kahsay**

**A Thesis Submitted to the School of Graduate Studies
of Addis Ababa University in Partial Fulfillment of the
Requirements for the Masters of Public Administration
in the Department of Public Administration and
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Advisor

Meheret Ayenew (PhD)

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Abstract

Electoral system design is being recognized as one of the key instruments in democracy in changing votes into seats. In Ethiopia since 1991 various elections have been held, and the electoral system in use is the plurality electoral system. The plurality electoral system is a system whereby, a party or a candidate who garnered most of the votes in a constituency is declared as a winner. It distorts the allocation of seats when changing votes into seats, and benefits the bigger parties. The system has the potential danger to produce a minority government as a result of 'manufactured majority' in the legislature, which can generally spell civil strife than democracy. Furthermore, it influences the behaviors of parties negatively in view of the culture of compromise and tolerance, and it is not as inclusive as much as possible to be recommended for such highly diversified and emerging democracy. This paper sets out to show the types of various electoral systems and their consequences. Ethiopia with its federal arrangement and in conjunction with its parliamentary system needs an electoral system that allows more inclusiveness than exclusion, a stable government that sustains credibility and legitimacy, than a government which loses credibility and legitimacy shortly, an electoral system that facilitates for compromises and tolerance than that widens the polarization of the political parties. To foster the democratization process and to redeem from the past backward political culture for a better future this paper argues for the re-thinking and redesign of the electoral system by substantiating with various evidences.

Contents

<i>Acknowledgements</i>	<i>i</i>
<i>Abstract</i>	<i>ii</i>
<i>Tables and Figures</i>	<i>v</i>
<i>Acronyms</i>	<i>vi</i>
Chapter One: Introduction	1
1.1-Background of the Study.....	1
1.2-Statement of the Problem.....	5
1.3-The Objectives and Research Questions of the Study.....	7
1.3.1-The Objectives.....	7
1.3.2-Research Questions.....	8
1.4- Significance of the Study.....	9
1.5-Scope and Limitation.....	9
1.6-Research Methodology.....	9
1.7-Data Collection Method.....	10
1.8- Structure of the Study.....	10
Chapter Two: Theoretical Framework	12
2.1-Introduction.....	12
2.2- Elections and What Electoral Systems Are.....	12
2.3- The Power and Importance of Electoral Systems.....	15
2.4- The Place of Elections and Electoral Systems in Democracy.....	17
2.5- Types of Electoral Systems.....	20
2.5.1- Plurality/ Majoritarian Electoral Systems.....	21
2.5.2- Proportional Representation Electoral Systems.....	22
2.5.3. Mixed Electoral System.....	24
2.6- The Consequences of the Systems.....	25
2.6.1- Plurality/Majoritarian Electoral Systems.....	25
2.6.2- Proportional Representation System.....	28
2.6.3- Mixed Electoral Systems.....	31
2.7- Legitimacy and Credibility of Electoral Systems.....	34
2.8- The Challenges of Changing Electoral Systems.....	36
2.9-Conclusion.....	38
Chapter Three: Review of Relevant Experiences, Lessons and Empirical Evidences	40
3.1-Introduction.....	40
3.2-General Review of Different Electoral Systems in Action.....	40
3.3- First Past The Post Electoral System in Kenya.....	44
3.4- Proportional Representation Electoral System in South Africa.....	48
3.5- Mixed Electoral System of Germany.....	52
3.6-Conclusions.....	55
Chapter Four: Ethiopian Electoral System and Its Consequences	57
4.1-Introduction.....	57
4.2- Background to the Elections.....	57
4.2.1- Elections in the Imperial and the Derg regimes.....	58
4.2.2- Elections in the Federal Democratic Republic of Ethiopia.....	61

4.2.3- The Legal Bases of the Existing Electoral System.....	63
4.3- Disproportionality of the Ethiopian Electoral System.....	64
4.4-Assessment of the Present Electoral System.....	69
4.4.1 Assessment of its Disproportionality in the Overall Democratic Transition.....	69
4.4.2- Assessment of the Effects of the Electoral System on the Behaviors of the Political Parties.....	76
4.5- Electoral Management Body: National Election Board of Ethiopia	85
4.6 - Conclusion.....	90
Chapter Five: Summary of Main Findings, Conclusion and Recommendations	92
5.1- Summary of the Findings	92
5.2- Conclusions	94
5.3-Recommendations	95
5.3.1-Alternative Mechanisms of Electoral systems	95
5.3.2- Challenges and Possibilities of Changing the Ethiopian Electoral System.....	97
Bibliography	100
Annex	



Tables and Figures

Tables

Table: 2.1	Three Brood Electoral Systems: Features, Advantages and Disadvantages	33
Table 3.1	The Distributions of Electoral systems across National Legislatures	41
Table 3.2	Average Electoral Disproportionality and type of Electoral systems (used in Legislative elections) in ten democracies, 1945-96	43
Table 4.1	Nationwide Popular votes of four Parties and Allocation of Seats First Past the Post Vs Proportional Representation.	65
Table 4.2	Popular votes based on regions and allocation of seats First Past the Post Vs Proportional Representation	67

Figures

Figure 2.1	The Electoral system Families	21
Figure 3.2	Electoral system Families	42
3.2.1	Number of Countries and Territories	42
3.2.2	Number of Countries and Territories	42
3.2.3	Total Population	42

Acronyms

AAPO	All Amhara People Organization
ACDP	African Christian Movement Party
AEUP	All Ethiopian Unity Party
ANC	African National Congress
ANDM	Amhara National Democratic Movement
AV	Alternative Vote
BV	Block Vote
CAFPD	Council of Alternative Forces for Peace and Democracy in Ethiopia
CDU	Christian Democratic Union
CSU	Christian Social Union
CUD	Coalition for Unity and Democracy
DP	Democratic Party
ECK	Electoral Commission of Kenya
EDL	Ethiopian Democratic League
EDUP	Ethiopian Democratic Unity Party
EPRDF	Ethiopian Peoples Revolutionary Democratic Front
ESDFP	Ethiopian Social Democratic Federalist Party
ETT	Electoral Task Team
FDRE	Federal Democratic Republic of Ethiopia
FF	Freedom Front
FPTP	First Past the Post
HoF	House of Federation
HPR	House of peoples' Representatives
IDEA	International Institute for Democracy and Electoral Assistance
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
IPU	Inter Parliamentary Union

List PR	List Proportional Representation
MDSJ	Movement for Democracy and Social Justice (Rainbow Ethiopia)
MMP	Mixed Member Proportional
MPs	Members of Parliament
NA	National Assembly
NDIIA	National Democratic Institute for International Affairs
NEBE	National Election Board of Ethiopia
NNP	New National Party
OFDM	Oromo Federalist Democratic Movement
OLF	Oromo Liberation Front
ONC	Oromo National Congress
OPDO	Oromo Peoples' Democratic Organization
PAC	Pan Africanist Congress
PBV	Party Block vote
PDRE	Peoples Democratic Republic of Ethiopia
SDP	Social Democratic Party
SEPDC	Southern Ethiopia People's democratic Coalition
SEPDM	Southern Ethiopia's People's Democratic Movement
SLM	Sidama Liberation Movement
SNNP	South Nation and Nationality Peoples
STV	Single Transferable Vote
TGE	Transitional Government of Ethiopia
TPLF	Tigray Peoples Liberation Front
TRS	Two Round System
UCDP	United Christian Democratic Party
UDHR	Universal Declaration of Human Rights
UDM	United Democratic Movement
UEDF	United Ethiopian Democratic Front
UEDP	United Ethiopian Democratic Party (Medhin)
WPE	Workers Party of Ethiopia



Chapter One: Introduction

1.1-Background of the Study

Democracy is much more than holding elections. However, free and fair elections are one of its fundamental conditions. The electoral system of a country not only serves as a means of translating votes into seats but also shapes the behavior of contending parties and governments in power, thus reflecting the state of governance in the country and contributing to the process of shaping it. The intention of this research is to investigate whether Ethiopia currently has a proper electoral system that promotes the establishment of a strong representative democracy and to come up with recommendations for the amendment of the system, if any.

Ethiopia, now officially known as the Federal Democratic Republic of Ethiopia (FDRE), is one of the oldest nations in Africa having a civilization that dates back to thousands of years. But, power in Ethiopia was either ‘*God given*’ and inherited through an imperial bloodline, as it was the case during the imperial regimes of the past, or seized by coup d’état, as in the case of the *Derg* regime, or by force through armed struggle as the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) did when it first came to power in 1991. With this background, it is not difficult to infer that there have been only limited elections and election related experiences in Ethiopia.

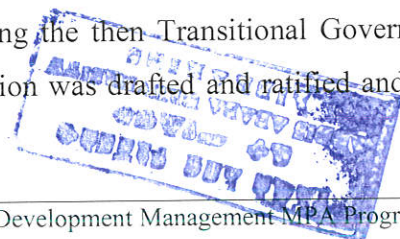
The 1955 revised constitution of the imperial regime of Haile Selassie recognized the need for a parliament elected by the people whereby deputies would be elected for a four-year term (Art., 97:1955). The same constitution also institutionalized another house which was called the House of the Senate whose members were appointed by the Emperor for a term of six years (Art., 101:1955).

From 1955, the year the revised constitution was declared by the Emperor, until when the Emperor was overthrown by a military coup in 1974, various parliamentary elections were held. However, the elections held were far from being democratic. To begin with, democracy is about limiting the power of government and it is unthinkable in the absence of freedom of speech and

free press. The revised constitution gave the Emperor undisputable power. As stated in the constitution (Article 4:1955), ‘... The Emperor is sacred, His dignity is inviolable and His powers indisputable’. Moreover, the system failed to allow the exercise of freedom of speech and free press though both were nominally mentioned in the constitution. The constitution had stated that freedom of speech and of the press would be guaranteed throughout the empire in accordance with the law (Revised constitution Article 41:1955). The revised constitution and the elections held then actually gave absolute power to the Emperor despite their attempt to portray a democratic facade.

Ten years after the fall of the Emperor, the *Derg* (the then governing military junta) promulgated another constitution proclaiming the founding of the Peoples Democratic Republic of Ethiopia (PDRE). According to the constitution, the National *Shengo* (a name given to the then National Assembly) was to be elected by the people. But, as the only legally operating party in the country then was the Workers’ Party of Ethiopia (WPE), candidates for the *Shengo* would be nominated mainly by this party. The constitution elaborated this in the following manner: ‘Candidates to National *Shengo* shall be nominated by organs of the WPE, mass organizations, military units and other bodies entitled by law’ (Constitution of PDRE Article 64:1987). The constitution also declared the WPE, guided by Marxism-Leninism, as the vanguard party dedicated to serve the working people and protect their interests (Constitution of PDRE Article 6:1987). Regardless of the regime’s attempts to cover its military junta nature in the name of elections, all elections held during its reign failed to bring a representative democracy as the system overall was a one party system with total suppression of freedom of speech and free press.

The advent of the EPRDF regime introduced multi-party election for the first time in the history of Ethiopia. The EPRDF, like its predecessor, came to power through the barrel of the gun after waging a protracted armed struggle against the *Derg* regime. However, in a complete contrast to the *Derg* and the other preceding regimes, the EPRDF called on various political organizations and groupings to discuss the future of Ethiopia immediately after ousting the *Derg*. A conference that involved various political organizations and groupings convened from July 1 to 5, 1991 discussed and approved the charter laying down the rules governing the then Transitional Government of Ethiopia (TGE). The charter served until a new constitution was drafted and ratified and until an



elected government came to power. After four years of transition, a new constitution of the FDRE was drafted and was ratified on December 8, 1994. The new constitution entered into force as of the 21st day of August, 1995 (FDRE constitution 1995).

The newly ratified constitution stipulated that the form of government would be a federal one and constituted a multi-party system where freedom to organize political parties and free and fair elections become the only means of the transfer of power. The constitution adopted a bicameral parliamentary system. Members of the House of Peoples' Representatives (HPR), as stated in the constitution, shall be elected by the people for a five-year term on the basis of universal suffrage and by direct, free and fair elections held by secret ballot (FDRE Constitution, Article 54(1)1995). The ones who got the highest number of votes in single member constituency becomes the winner, a system which is normally called the First-Past-The-Post (FPTP) electoral system. The second house is the House of Federation (HoF) which is a representation of nations and nationalities who are selected through their National Assemblies though; the constitution also allows the representatives to be elected directly by the people (Constitution of FDRE Article 61(3)1995).

Three consecutive elections for the HPR were held following the ratification of the constitution of the FDRE. The first two were held one in 1995 and the other in 2000 for the regional and federal assemblies and the third one, which was the most contested ever, was held on May 15, 2005 also for both the federal and regional assemblies. Various by-elections were also held in between. All these elections were held under the plurality electoral system, a system whereby the winner is the candidate with the most votes but not necessarily an absolute majority of the votes.

There are various types of electoral systems. One of them is the majoritarian/ plurality electoral system. In this system, the winning candidates are those who attracted the most votes in a given electoral district. Proportional Representation (PR) is the second electoral system which is designed to allocate seats in proportion to votes, in the hope that assemblies and governments will accurately reflect the preferences of the electorate. The third one is the mixed system which is a mixture of the majoritarian/plurality system and the proportional representation system in order to achieve the benefits of both. All these electoral systems have relative strengths and weaknesses. The majoritarian/plurality electoral system provides stable government (i.e. government that is not

shackled by coalition) but is deficient in terms of representation because getting the support of the majority is not a necessity to win and sometimes candidates with minority votes take the seat if they get more votes compared to the other candidates. Proportional representation, on the other hand, is capable of reflecting the preference of voters most accurately but forms a less efficient government because consensus among the several represented parties requires prolonged negotiations and to get into the point takes time. The mixed system combines the strengths of both systems to avoid the problems that are cited in the two systems (Reynolds *et al*, 2005:119).

In simple terms, for example, if there are 100 voters and four parties contesting for three seats and if 30 per cent of the voters elected party A, 27 per cent party B, 23 per cent party C and 20 per cent party D, in the majoritarian electoral system party A will take all the three seats. In the popular vote, the party which got 30 per cent of the voters will take all and also decide on the remaining 70 per cent who are a great majority in terms of the popular vote. If the proportional electoral system is employed, at the minimum seats will be distributed according to the number of votes the parties get and it will at least widen the sphere of representation 60-70 per cent by distributing the seats proportionate to the number of votes they get. If it is the mixed system, some of the seats will be distributed based on majoritarian system and some proportionately distributed based on the votes they harvested.

In view of this, the current Ethiopian electoral system can be disproportionate when changing votes in to seats, leaving aside various opinions and interests which could build up and create grievances and frustration among voters through time. The other side of the problem is that the majoritarian system can cause parties to have less concern for the opposition and the minority by assuring the simple majority. The proportional representation and the mixed systems need serious work to come to consensus for every seat has its own weight and meaning backed by the voters. The First-Past-The-Post (FPTP) system may create an artificial majority in the legislature when changing votes into seats especially when elections are highly contested and the winning margins are very minimal leaving Ethiopia to be ruled by a party or coalition with considerably less than 50 per cent of the popular votes.

Therefore, this problem of disproportionality might favor the big party or a coalition regardless of the popular vote it garnered by creating a ‘manufactured majority’ in the legislative body. This allocation of seats in the process can undermine the interests of minorities which in turn might backfire by denying the country a stable government. This problem can even go to the extent of undermining the federal arrangement by circumventing the decentralized system by bringing a centralized form of government through internal party mechanisms.

Electoral systems do have crucial impact on the outcomes of elections. The kind of electoral system employed in an election plays an important part in determining who or what is chosen and, beyond that, the policy decisions in which those elected would be involved. Electoral systems key factors in determining outcomes (Reeve & Ware, 1992:6). Especially in the case of diversified societies, the pattern of democracy they follow and the electoral system they employ matter to a great extent. In most deeply divided societies, the majority rule can spell majority dictatorship and civil strife rather than democracy. What such societies need is a democratic regime that emphasizes consensus instead of opposition, that includes rather than excludes, and that tries to maximize the size of the ruling majority instead of being satisfied with a bare majority (Lijphart, 1999:31). In view of this, investigating the existing Ethiopian electoral system becomes relevant.

The objective of this paper is thus to analyze the type of electoral system that is in place in Ethiopia and discuss whether it assures the rule of the wider majority and reflects the diversity of the country. The paper will also try to investigate how the existing electoral system is influencing the behavior of the political parties in the country in various ways.

1.2-Statement of the Problem

Election is at the heart of democracy by which citizens can express that they are affiliated to this or the other political system. Through elections, citizens choose their representatives who in turn appoint the executive and monitor its activities through periodic reports and other mechanisms. Different countries follow different electoral systems and there is no one single election formula and system that fits all types of society. A small country with a homogeneous community might prefer a different electoral system from that of a big country with a huge and highly diversified society. Electoral systems also highly influence the behavior of political parties and governments.

A party or a government operating in an electoral system where citizens' votes are proportionally represented would be more responsible in handling minority interests while a party or a government operating in an electoral system where the party that gets most votes takes all seats tends to be less sensitive to minority interests.

Ethiopia is a country with a huge and much diversified community. Democratic elections in Ethiopia should be capable of bringing a government that is efficient and at the same time representative enough in a way it reflects the diversity of the society. The elections that have been held in the country following the ratification of the FDRE constitution have been dominated by the major party EPRDF except for the May 2005 elections in which a coalition of opposition parties won a significant number of seats in the HPR. In the first federal parliament election EPRDF got 90.1 per cent of the seats, in the second parliament 87.9 seats. The opposition in the first parliamentary election had no seats and on the second parliament 2.4 seats were there for the opposition. The remaining seats were allocated on both parliaments to the EPRDF affiliate and independent candidates (Paulos, 2007:289). In the 2005 parliamentary election EPRDF got 59.78 per cent of the seats and the opposition got 31.4 per cent of the seats and the rest of the seats were allocated to the EPRDF affiliate parties and one independent candidate (Based on National Election Board of Ethiopia 2005 results). All these elections were held under the plurality electoral system in which a candidate who got most votes in a constituency would be declared to be the winner.

This electoral system is highly contested among the existing parties in the country. Some argue that because of the pluralist nature of the electoral system, elections are dominated by EPRDF that can command most votes in most constituencies while the majority of the potential voters are scattered among opposition candidates or abstain from elections. Others say that for elections to be fair and representative, the Election Commission should be composed of representatives of political parties in the country. This is raised because of various reasons one of which is the question of the independence of the National Election Board of Ethiopia (NEBE). They try to substantiate this argument stating that most of the facilities that the NEBE uses for elections are basically of the government in power. This can give leverage to the executive who of course will favor the ruling party to put its influences directly or indirectly on the NEBE on various issues

concerning election schedules, grievance hearing and other related matters. From this point of view, the independence of the NEBE at least comes to be questioned.

Some others argue that the system in place is proper, but the only problem it faces is that of capacity. The capacity problem is said to include lack of enough well trained personnel and necessary materials for the NEBE to properly undertake its tasks.

Moreover, studies in Ethiopia are basically on individual election cycles than the electoral system which is most important when changing the votes into seats. To emphasize the significance of the study furthermore Ndegwa (1997: 16-7) regarding the studies of electoral systems in Africa states as follows:

Strand of Studies has produced a wealth of knowledge both empirical and theoretical, about electoral systems worldwide. Studies of electoral systems in Africa have, however, been limited to the advocacy of one system or another, with out empirical demonstration or testing using data from African elections.

Given the different view points, it is relevant to investigate, to question and look into the electoral system in place and come up with recommendations which can be appropriate to the reality of Ethiopia.

1.3-The Objectives and Research Questions of the Study

1.3.1-The Objectives

The general objective of this study is to investigate the electoral system of Ethiopia in view of its capability in addressing the diversity of the country and its multi-party political system. Specifically the objectives are:

1. to understand the existing electoral system and to see how it is changing the votes into seats in relation to the diversity of the country and its multi-party system;

2. to evaluate the ‘appropriateness’ of the electoral system in terms of its competency to provide stable government with a wider representation and its influence on parties’ behavior in the country by assessing and comparing it with other various electoral systems and
3. to come up with specific recommendations to enhance the representativeness and stability of governments in Ethiopia.

1.3.2-Research Questions

Ethiopia has a federal arrangement and a multi-party political system. Periodic elections are held for control of power. Various measures have been taken for the democratization of the country. Generally the key question, among all other problems the existing system faces, is whether or not electoral the system correlates positively with the country’s federal arrangement in changing votes into seats with inclusiveness and through redeeming the past traces left in the country or, in other words, through waxing or waning the democratization process. Thus, this study attempts to pose the following detailed questions.

- 1- Does the existing electoral system creates disproportionality when changing votes into seats and favors the bigger coalition or parties in Ethiopia?
- 2- How is the electoral system influencing the behavior of parties and government in the Ethiopian context?
- 3- What are the strengths and shortcomings of the various electoral systems in terms of bringing stable and wider representative government when related to the Ethiopian situation?
- 4- What alternative system or systems should be in place to make the representation wider by creating strong legislative body and parties to produce stable and credible government that Ethiopia deserves?



1.4- Significance of the Study

This study can particularly contribute to the existing debate over the choice of electoral system in Ethiopia and try to put some specific recommendations toward the improvement of the existing electoral system in terms of pursuing the democratic transformation of the country. It can also be helpful to show how electoral systems interact with institutional, political and social context in the country by addressing the ignorance not only among the larger electorate but also among the mass of the politicians too.

1.5-Scope and Limitation

This study attempts to assess the various electoral systems within the context of democracy. It also attempts to analyze the strengths and weaknesses of the electoral systems in view of the realities of Ethiopia. Although some principles of democracy will be discussed to put the subject matter into context, the focus of the research is analyzing the electoral system with particular focus on the elections to the HPR. As the electoral systems are not highly popularized, the views of the citizens are not included in the study. The 2008 by-elections and local elections which were conducted when this paper was in process are not also included, for the results were not on time in the hand of the researcher. These may be considered as limitations of the study.

1.6-Research Methodology

The research methods employed for the understanding of the various electoral systems with relevance to the problem under investigation is the descriptive method. This approach has been taken to describe and interpret the various patterns of electoral systems with comparative perspective to assess the Ethiopian electoral system that is in effect. Data were gathered from both primary and secondary sources. The study depends on qualitative data. To a reasonable degree, however, quantitative data have been used especially to analyze and interpret the results of the 2005 general elections to review the allocation of seats in contrast to the popular votes. The 2005 election data was considered for it shows a better result to contrast within various electoral

systems than the previous two elections which gave overwhelming victory to the EPRDF as mentioned before.

1.7-Data Collection Method

In order to achieve the stated objectives of the study, both primary and secondary data were used. Given the qualitative nature of the study, the researcher relied mainly on in-depth interviews. To gather the relevant information, semi-structured questionnaire was prepared as a guide for the interviews held with key officials. The key informants of the interviews held include the executive members of the ruling party, higher officials and leaders from the opposition and the NEBE. All the interviews were tape-recorded. Individual interviews took from one and half hour up to three hours in some cases, and the unreserved cooperation from all the interviews has been greatly enjoyed by the researcher.

The study also relied on secondary sources including scholarly books, journals, proclamations, official reports of the NEBE, and government and local and international organizations' internet sources. The periodicals of the HPR's votes that were held in 2005 were tallied and compiled anew (nationwide and regionally) as crucial data for comparison of the various electoral systems in the allocation of seats. The researcher used the Hara quota in converting votes into seats which divides the popular votes for the seats available.

1.8- Structure of the Study

The structure of the study is as follows: Chapter one discussed the background of the study, objectives, research questions, scope and limitation, research methodology and data collection methods of the study.

Chapter two addresses the theoretical framework by presenting discussions on what electoral systems are, the power and the importance of electoral systems, the place of elections and electoral systems in a democracy, types of electoral systems, and the consequences, legitimacy and credibility of the electoral systems and the institution that manages the process.

Chapter three discusses relevant experiences and lessons from three countries as well as empirical evidences which include the comparison of Kenya's FPTP, South Africa's PR and Germany's mixed electoral systems.

Chapter four exclusively tries to analyze the Ethiopian electoral system. It comprises the development of elections in the various constitutions, the Ethiopian electoral system and its consequences in view of the range of disproportionality and its influence on parties' behavior, the electoral management body and the challenges and prospects of changing the Ethiopian electoral system.

Chapter five, which contains the conclusions of the study, summarizes briefly whether the federal system which Ethiopia has selected as an avenue positively correlates with the electoral system in action and ends by putting some recommendations.

Chapter Two: Theoretical Framework

2.1-Introduction

This chapter focuses on the various electoral systems issues to provide a general theoretical framework for the assessment of the Ethiopian electoral system. More specifically, it examines what elections and electoral systems are the power of electoral systems, the place of elections and electoral systems in a democracy, and types of electoral systems and their consequences. Furthermore, it focuses on how the legitimacy and credibility of the electoral systems are achieved and the barriers of changing electoral systems.

2.2- Elections and What Electoral Systems Are

Elections are mechanisms by which citizens of a country choose their representatives and their policy preferences. Election votes are converted into seats through the electoral systems. Defining these concepts in relation to the purpose of the study will be important.

Elections lie at the heart of the democratic process, and it is through the act of voting that government by consent is secured (Bogdanor, 1983:1). Preferences and interests of the citizens can be represented through elections as a means. It is through elections that the interests or beliefs of many are represented in some decision-making body only by one or a few people working on behalf of the many. Election is one of the democratic elements that satisfies the idea of popular consent and is expressed in practice through the act of voting (Heywood, 1999:227).

In other words, elections are the means of translating preferences into outcomes. Elections are only one possible mechanism by which the preferences of individuals are translated into outcomes. In politics and in many other fields the purpose of an election is to choose people who will take certain kinds of decisions (Reeve & Ware 1992, 17-8). It is then through elections that an individual or a group in one way or another stands for, or on behalf of, a larger collection of people.

Moreover, election must respect the principle of political equality, universal suffrage, periodic and should be free and fair to be universally accepted tool for selecting representatives for

various levels of government, as stated in the Universal Declaration of Human Rights (UDHR) (Art.21 (3)1948).

The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote by equivalent free voting procedures.

In conclusion elections are mechanisms through which citizens of a country translate their opinions, beliefs and preferences or other issues into outcome. It is through election that people are represented in decision-making process by individuals or groups. To fulfill the minimum standards the elections should be free and fair to produce legitimate and credible outcome that can create sense of belongingness to the citizens.

Elections which are conducted through the act of voting are translated into seats by the electoral system of a country. Electoral systems are of central concern to anyone concerned in the operation of democracy. Electoral systems must be well defined to see what they are and what they can do to the preferences of the people when they change the votes into seats.

Electoral systems are the mechanisms by which the preferences of citizens are translated into seats in representative institutions. As defined by Reynolds *et al* (2005:5):

At the most basic level, electoral systems translate the votes cast in general election into seats won by parties and candidates. The key variables are the electoral formula used which means whether a plurality/majority, proportional, mixed or other system is used, and what mathematical formula is used to calculate the seat allocation; the ballot structure, that is whether the voter votes for a candidate or a party and whether the voter makes a single choice or expresses a series of preferences and the district magnitude which shows., not how many voters live in a district, but how many representatives to the legislature that district elect defines the electoral systems.

Electoral systems may be also described in terms of various attributes among which are electoral formula, district magnitude, the electoral threshold, the total membership of the body to be elected, the influence of presidential elections on legislative elections, mal apportionment, and inter-party electoral links. The electoral formula indicates the various electoral systems in use such as the plurality/ majority or The PR. The magnitude of an electoral district donates the number of candidates to be elected in the district. The electoral thresholds are defined in terms of a minimum number of seats won in the lower-tier districts and/or a minimum percentage of the total national vote. The size of the body to be elected also matters. At first glance, this may appear to be a property that is not really part of the electoral system. But, the number is important because the general pattern is that populous countries have large legislatures, that countries with small populations have smaller legislatures, and that the size of the legislature tends to be roughly the cube root of the population. Plurality elections always tend to be disproportional, but this tendency is reinforced when the membership of the legislature is significantly below the cube root of the population. For this reason the size also matters. The disproportionality in presidential elections is higher than in legislative elections. The system a country selects whether parliamentary or presidential, the electoral system enacted can create a higher disproportionality in the presidential election than in the legislative elections. A well-known proposition in comparative politics is that the plurality method favors two-party system and the PR favors a multiparty system. The systematic advantage that electoral systems give to large parties becomes especially important when parties that fail to get a majority of the votes are awarded a majority of the seats. For this reason the electoral system can also be defined in terms of inter-party electoral links (Lijphart, 1999: 144-68).

The authority of a government in democracies derives solely from the consent of the governed through elections. The votes are then translated through the electoral systems into seats. Thus the electoral systems have crucial importance and power in converting the votes into seats.

2.3- The Power and Importance of Electoral Systems

It is obvious that elections are important in the participation of citizens and in addressing their preferences. Which preferences are actually to be represented and what kind of parties and those parties' behaviors can be highly influenced by the electoral system employed in a country. This means the power of electoral system is vital in determining what kind of parties will be there and who will be in office by changing election votes into seats.

When citizens cast their ballots they are participating in the political process to determine outcomes to benefit collective outcomes. This was stated by Norris (2002:88) as follows:

The process of casting a ballot is one of the most common forms of political participation in democracies, and also one where the individual benefits are minimal but the collective outcome is important in determining the outcome for party government and in communicating voter preferences to leaders.

But this communication as to which leaders and which preferences are to be represented can also be determined by the electoral system enacted.

The kind of electoral system employed plays an important part in determining who or what is chosen in an election and beyond that any policy decisions in which those elected are involved. Electoral systems are not mere details but key causal factors in determining outcomes (Reeve & Ware, 1992:7). Even with each voter casting exactly the same number of votes for each party, one electoral system may lead to a coalition government while another may allow a single party to assume majority control. This can clearly show that electoral systems basically determine the outcomes of the elections to the contrary of the popular votes when converting votes it into seats.

Furthermore, changing the electoral rules can change the shape of electoral politics. This was manifested in the French elections. Reeve and Ware (1992:10) put it in the following way:

In the mid 1980s the French socialist government, which came to power in 1981 for the first time in the fifth Republic, was fearful of losing its parliamentary majority at the 1986 elections. To reduce the likelihood of defeat and certainly a heavy defeat, it changed French electoral law so that the 1986 elections would be contested under a form of PR rather than by the ‘run of’ method used previously. This did have the effect of reducing the socialist loses from what they probably would have been otherwise.

The number of parties and their behavior can be also determined by the electoral system in operation. Mc Donald and Ruhl (1989:14) argue that:

Electoral systems clearly can act as ‘accelerators or breaks’ on party proliferation, although the actual number of parties in a system is the product of many factors, e.g. tradition, number and intensity of political cleavages.

The electoral system influences what kinds of parties are formed. For instance in Britain, the system works against the formation of new parties, except when they have the potential for a strong base in a particular territory. This was illustrated by Reeve and Ware (1992:9) 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 (the kind of election used for the British Parliament) does tend to frustrate the development of multi-parties

Electoral systems not only influence the number of parties to flourish but, also shape their behaviors too. Weiner (1987:22) argue that ‘the character of the parties themselves is shaped by an electoral system: ideologies are often softened by the need to win popular support from a wide variety of social classes’.

Therefore electoral systems when changing votes in to seats have power to alter various aspects of the election. The electoral systems have the power of deciding what kind of government

should be in place. Parties are not merely the product of social forces but of institutional structures as well. As electoral systems are one of the important institutional structures they can also determine what kind of parties will flourish in the systems. Another important thing to conclude with on the power of electoral systems is that they can shape parties' behaviors too by softening their ideology which can give a room for compromise among the parties and on some relevant issues for the sake of their acceptance by the electorate. Electoral systems combined with other democratic institutions, they can be 'accelerators or breaks' not only on party proliferation but also even for the democratic process as a whole.

2.4- The Place of Elections and Electoral Systems in Democracy

Elections as a tool for selecting representatives cannot be seen in isolation. Elections and electoral systems can only be seen in the context of democracy. We need to see what is meant by democracy and the patterns of democracy that are working in our era, for their design and effects are heavily contingent upon other structures of the system.

Government to continue over a period of time to be responsive to the preferences of its citizens in democracy must have unimpaired opportunities as elaborated by Dahl (1971:2) as follows:

- 1- to formulate their preferences.
- 2- to signify their preferences to their fellow citizens and the government by individual and collective action.
- 3- to have their preferences weighed equally in the conduct of the government, that is weighted with no discrimination because of the content or source of the preferences. These, then appear to be three necessary conditions for a democracy.

In the view of Wheatly (2002:225), 'democratic government involves more than free and fair elections. Democracies must be tolerant of political debate and activity, except where harmful to democracy itself'. Moreover, all concerned citizens must enjoy the right to participate in decision making processes in the state, and the state must take account of their interests. Democracy enhances participation by allowing the expression of multifaceted opinions in a society. The

introduction of civil liberties and the right of participation for citizens has resulted in the development of representative institutions and the emergence of political parties. Representative democracy functions where associational groups and political parties have freedom of action to bargain and appeal for support. Hence, parties are needed to inform electorates, articulate programs and aggregate voters' interests. Eventually, they are instrumental in selecting candidates to contest elections and usually needed for governing (Bealey, 1998:37).

The primary function of the electorates' vote in democracy is to produce a government elected by the people assuming the principle of 'the rule by the people'. But, Schumpeter (1987:251) dismissed the notion of 'the rule by the people' in the following way:

Democracy does not mean that the people actually rule in any obvious sense of the terms 'people' and 'rule'. Democracy means only that the people have the opportunity of accepting or refusing the men who to rule them. Now one aspect of this may be expressed by saying that democracy is that rule of the politicians.

Thus when defining democracy, it raises the question of who rules and whose interests are addressed? This leads to the questions of Lijphart view of how to define democracy.

According to Lijphart defining democracy as 'government by and for the people' raises a fundamental question. Who will do the governing and to whose interests should the government be responsive when people are in disagreement and have divergent preferences? In the view of Lijphart (1991:1-2) the answers to this dilemma are stated as follows:

One answer to this dilemma is: the majority of the people. This is the essence of the majoritarian model of democracy. The majoritarian answer is simple and straight forward and has great appeal because government by the majority and in accordance with majority's wishes obviously comes closer to the democratic ideal of 'government by and for the people' than government by and responsive to a minority. Though simple or absolute majority in essence is the ideal of democracy,

to accommodate more and more people to the ruling government makes democracy nearer to the 'government by and for the people'.

The second alternative of Lijphart (1991:1-2) addresses this well as follows:

The alternative answer to the dilemma is: as many people as possible. This is the crux of the consensus model. It does not differ from the majoritarian model in accepting that majority rule is better than minority rule, but it accepts majority rule only as minimum requirement, instead of being satisfied with narrow-decision-making majorities, it seeks to maximize the size of these majorities. Its rules and institutions aim at broad participation in government and broad agreement on the policies that the government should pursue. The majoritarian model concentrates political power in the hands of bare majority and often even merely a plurality instead of majority. Where as the consensus model tries to share, disperse, and limit power in a variety of ways. A closely related difference is that the majoritarian model of democracy is exclusive, competitive, and adversarial, whereas the consensus model is characterized by inclusiveness, bargaining and compromise.

For Lijphart democracy is more than majority rule. His concept of democracy which seems to be more convincing, tries to accommodate a wider representation and inclusiveness through compromise and bargaining than being satisfied with bare majority excluding important sectors and opinions. Lijphart (1999:143) also puts what kind of electoral systems fit to those two patterns of democracies as follows:

The typical electoral system of majoritarian democracy is the single-member district plurality or majority; consensus democracy typically uses proportional representation. The plurality/majority single-member district are winner-take-all methods, the candidate supported by the largest number of voters wins, and all other voters remain underrepresented and hence a perfect reflection of majoritarian philosophy [...] In sharp contrast, the basic aim of proportional representation is to represent both majorities and minorities and, instead of over

representing or under representing any parties, to translate votes in to seats proportionally.

From this point of view when we speak about democracy the elections and the electoral systems do have a crucial meaning and influence in the whole process. As stated before they are not simple variables in the process of democracy. They enhance democratization when appropriately enacted. They are important and concrete tools in implementing democracy.

Democracy is an ideal, an abstraction which often assumes concrete dimensions for the vast majority of people through the electoral system. For many, election marks the only occasion of any form of political participation. It is the only tangible evidence of what it means to a citizen in a democratic society. It is therefore of utmost importance that electoral systems be seen as fair and as fulfilling public expectation; if not, democracy does not implement itself, nor does it remain strong and healthy with out underlying values and a firm will to apply and enforce them. Democracy is much more than holding elections. However, free and fair elections are one of its fundamental conditions (O'Neal:1993:2)

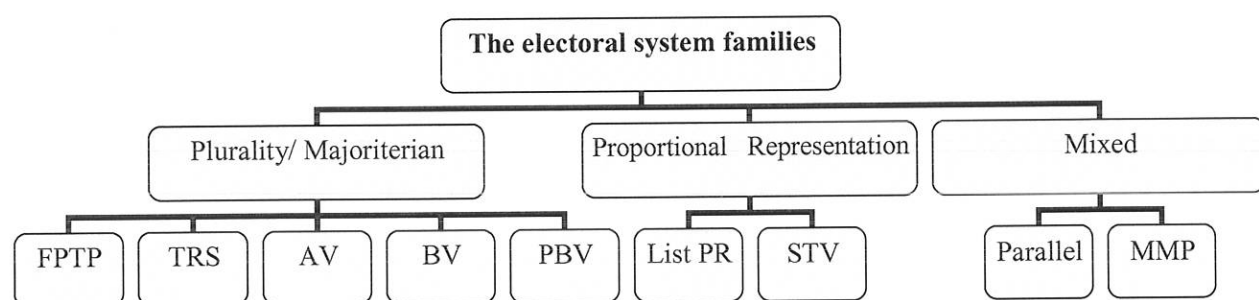
Therefore, democracy can be defined in various ways by various theoreticians. The central issue of democracy however, is that the people should rule themselves by their consent by accepting or rejecting the politicians and their parties. Not only that, democracy deserves as much as possible to make the ruling majority to be grand even without excluding the minority in the mask of bare majority. Though democracy comprises various values and principles like that of supremacy of constitution, rule of law, free press, and free association and alike, elections and the electoral systems are one of the most important pillars for the existence of democracy in a country.

2.5- Types of Electoral Systems

Electoral systems can be of various types. There is by no means a uniform view of the classification of different electoral systems. For the purpose of this study a distinction is made between majority/plurality, PR and mixed systems.

The most common way to look at electoral systems is to group them according to how closely they translate national votes won in to legislative seats won that is, how proportionate they are. To do this one needs to look at both votes-to-seats relationships and the level of wasted votes (Reynolds *et al*, 2005:27). Based on this classification Figure 2.1 can show which families of the electoral systems need to be elaborated, essentially emphasizing on the broad categories.

Figure 2.1: The Electoral System Families



- Note: FPTP-First Past the Post
 TRS-Two Round Systems
 AV-Alternative Vote
 BV-Block Vote
 PBV-Party Block Vote
 List PR-List Proportional Representation
 STV-Single Transferable Vote
 Parallel-Parallel system
 MMP-Mixed Member Proportional

Sources: Reynolds *et al* (2005:28).Electoral system Design: The new international IDEA hand book.

2.5.1- Plurality/ Majoritarian Electoral Systems

The plurality system, as it developed in Britain and in countries influenced by Britain, was profoundly linked to the notion of territorial representation (Bogdanor, 1983:2). The plurality rule usually termed “First Past the Post” in Britain is by far the simplest one: the candidate who receives the most votes, whether a majority or a plurality, is elected. Majority formulas require an absolute majority for election. One way to fulfill this requirement is to conduct a run-off second

ballot between the top two candidates if none of the candidates in the first round of voting has received a majority of the votes (Lijphart, 1999:146)

In other words the distinguishing feature of plurality /majority system is that they usually use single-member districts with some variations in the sub-families of the plurality/ majority.

In an FPTP system the winner is the candidate with most votes but not necessarily an absolute majority of the votes. When this system is used in multi-member districts it becomes the Block Vote (BV). 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 receive. This system with the change that voters for party list instead of individual candidates becomes the party block vote (PBV). Majoritarian systems, such as Alternative Vote (AV) and the Two Round System (TRS), try to ensure that the winning candidate receives an absolute majority. Each system in essence makes use of voters' second preferences to produce a winner with an absolute majority if one does not emerge from the first round of voting (Reynolds *et al*, 2005:28).

Therefore, one of the main characteristics of the plurality/majority electoral system is that it is based on territorial representation. The second most important feature is that with simple majority or absolute majority the winner takes all regardless of the popular vote achieved in contrast to other candidates or parties who might have even received more votes in aggregate.

2.5.2- Proportional Representation Electoral Systems

The second major category of electoral system is known as proportional representation (PR). PR systems are specifically designed to allocate seats in proportion to votes, in the hope that assemblies and governments will accurately reflect the preferences of the electorate (Mackie & Rose, 1991:503). As noted in Figure 2.1 PR systems are of two basic types; party list systems and single transferable vote system.

The rational underpinning of all PR systems is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats; if a major party wins 40 per cent of the votes, it should win approximately 40 per cent of the seats, and a minor party with



10 percent of the votes should also gain 10 percent of legislative seats. This can be achieved in various ways of the PR. Proportionality is often seen as being best achieved by the use of party lists, where political parties present lists of candidates to the voters on a national or regional basis, but preferential voting can work equally well. The single transferable vote (STV), where voters rank-order candidates in multi-member districts, is another well established system (Reynolds *et al*, 2005:29).

The STV combines some features of the alternative vote, in its elimination procedure, with the special features of potentially redistributing some votes from candidates who are elected. It relies on defining a quota of votes which someone must receive in order to be elected. Party list system is a class of systems whose special feature is the role of parties in presenting lists of these party lists to rank the party's order of preferences among the candidates, so that an individual voter, in casting a vote for that party, will simply be allocating his or her vote to whomever is next on the party list (Reeve & Ware, 1992:151-2).

There are minor variations in list formulas; but they all basically entail that the parties nominate lists of candidates in multimember districts, that the voters cast their ballots for one party list or another (although they are sometimes allowed to split their votes among several lists); and that the seats are allocated to the party lists in proportion to the numbers of votes they have collected.

The STV differs from list PR in that the voters vote for individual candidates instead of for party lists. The ballot is similar to that of the alternative vote system it contains the names of the candidates, and the voters are asked to rank-order these (Lijphart, 1999:147-8)

Therefore the PR assigns a number of seats in the legislator corresponding to the degree of support the contending parties received. It emphasizes on the representation to widen the ruling majority based on the popular vote obtained. This can be done by the party list system in which political parties present lists of candidates on regional or national level or voters rank-order candidates to parties or individual candidates presented by the parties.

2.5.3. Mixed Electoral System

Both the majority/plurality and the PR systems have their own strengths and weaknesses which will be discussed later. To benefit the strengths of the two systems, another system called the mixed electoral system is adopted. This system is a mix of majoritarian/plurality and PR electoral systems with various arrangements.

Mixed electoral systems attempt to combine the positive attributes of both plurality/majority and PR systems. In mixed systems there are two electoral systems using different formulas 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 plurality/majority system, usually a single-member district system, and the other a list PR system. 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 plurality/majority district seats and compensating for any issue of disproportion that arises there, the system is called a Mixed Member Proportional (MMP) system. Where the two sets of elections are not dependent on each other for seat allocations, the system is called a Parallel system. While a MMP system generally results in proportional outcomes, a parallel system is likely to give results of which the proportionality falls somewhere between that of a plurality/majority system and that of a PR system (Reynolds *et al*, 2005:91). This means, in this system each voter has two votes, one for a district candidate and one for party list.

Therefore this mixed system combines the two major systems to exploit the strengths of both. As discussed in the next section the plurality/majority and PR systems have their own advantages and disadvantages in view of representation and stability of government. Thus the mixed system tries to take the advantages of both either by Parallel system or MMP system emphasizing on compensating any issue of disproportion that can result from the nature of the plurality/majority system.

2.6- The Consequences of the Systems

Electoral systems translate votes into seats and decide who makes the legislation. The various electoral systems have their own merits and demerits in view of representation and creating stable one party dominance government or a government of coalition less efficient to some degree. The systems can also impact on the existence of two party systems or multi-party systems, though the existence of the parties as stated before is not the result of the electoral systems only. This section of the paper summarizes the arguments made by proponents and critics of the various systems.

2.6.1- Plurality/Majoritarian Electoral Systems

As discussed previously, there are various sub-families in the plurality/majority electoral systems. Here, the FPTP will be emphasized for the purpose of the study. The plurality/majority systems are mostly defended on various grounds.

The FPTP, like other plurality/majority electoral systems, is defended primarily on the grounds of simplicity and its tendency to produce winners who are representatives beholden to defined geographic areas. The most cited advantages are that: a) it provides a clear choice for voters between two main parties. b) it gives rise to single-party governments. This state of affairs is praised for providing cabinets which are not shackled by the restraints of having to bargain with a minority coalition partner. c) it gives rise to a coherent opposition in the legislature. d) it gives advantages to broadly-based political parties. This means FPTP is commended for encouraging political parties to be 'broad churches' encompassing many elements of society, particularly when there are only two major parties and many societal groups. e) it excludes extremist parties from representation. f) it promotes a link between constituents and their representatives as it produces a legislature made up of representatives of geographical areas. It allows voters to choose between people rather than just between parties; g) Finally, FPTP system is particularly praised for being simple to use and understand (Reynolds *et al*, 2005:36-7).

The plurality method favors two party systems and two-party systems are claimed to have both direct and indirect advantages in view of Lijphart (1999: 63):

The first is that they offer the voters a clear choice between two alternatives sets of public policies. Second, they have moderating influence because the two main parties have to compete for the swing voters in the center of political spectrum and hence have to advocate moderate, centrist policies.

This argument is also supported by others too. Plurality systems based on single member districts favor the development of two-party politics because of the winner-take all character of these elections and because voters are naturally reluctant to waste their ballots on small, third parties. That is why it tries to create one party dominance government which has freer hand enacting the policies without pressures of coalition partner (Mc Donald & Ruhl, 1989:13).

However, there are those refute the alleged benefits of plurality/majoritarian systems. One of the basic draw-backs of the majority/plurality system is that it under-represents important minority views and can give unlimited political power to a party which has a parliamentary majority based on considerably less than 50 per cent of the popular vote (Reeve & Ware, 1992:6).

Elections and electoral systems need to be transparent. The transparency of the electoral systems enables the electorate to create confidence. But the plurality system is criticized on transparency and its view in social change. Bogdanor (1983:260) tried to illustrate this from the United Kingdom experiences as follows:

Although no electoral system will be able to dampen change permanently of all electoral systems, the plurality system is probably the least transparent and the least likely to reflect social change. This argument can be illustrated from the experience of the United Kingdom. A change in the electoral system would clearly have had a major effect if it had come about-as it might easily have done in 1917-18 when the modern party system was being formed. It would certainly have transformed British politics if PR had been in existence in February 1974 when the Liberals secured 19

per cent of the votes, but gained only 2.2 per cent of the seats. It would also, of course transform the prospects of the Liberal/Social Democratic Party (SDP) Alliance at a time when, in the view of many, the two-party system with its emphasis on a class alignment of politics has become ossified. In the 1950s, however, when a stable party configuration reflected widespread public satisfaction with the performance of parties and their leaders, the introduction of PR would probably not have changed British politics very much. When society is fundamentally stable, an electoral system which reflects what is happening in society will, *ex hypothesis*, not lead to much change in the political system. When society is changing, a proportional system will reflect that change.

The FPTP system, when it comes to a highly diversified society the disadvantage of this electoral system becomes serious in view of the democracy itself. Lewis (1965:71) strongly asserted that:

The surest way to kill the idea of democracy in a plural society is to adopt the Anglo-American system of FPTP. This is because the one that commands most votes becomes sure to win and the other parts of the homogenous society resign as, whatever they do, they can feel they are likely to lose power or representation through such an electoral system.

Furthermore, the disadvantage of the FPTP cited on the IDEAS international handbook can also be summarized in a way: a) it excludes smaller parties from fair representation; b) it excludes minorities from fair representation. There is strong evidence that ethnic and racial minorities across the world are far less likely to be represented in legislatures elected by FPTP. In consequence, if voting behavior does dovetail with ethnic divisions, the exclusion from representation of members of ethnic minority groups can be destabilizing for political systems as a whole; c) it excludes women from the legislature. The 'most broadly acceptable candidate' syndrome 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 selected to the legislature under plurality/majority systems than under PR ones; d) it may be unresponsive to changes in public

opinion. A pattern of geographically concentrated electoral support in a county means that one party can maintain exclusive executive control in the face of a substantial drop in overall popular support. Unless sufficient seats are highly competitive, the system can be insensitive to swings in public opinion (Reynolds *et al*, 37-43).

Other arguments show also that plurality/majority electoral systems produce weak and ineffective oppositions. Plurality systems tend to exaggerate the parliamentary representation of the strongest party, to penalize the second party and to devastate third parties whose support is thinly spread across the breadth of the county (Irvine, 1976:11).

In conclusion, the plurality/ majoritarian electoral system, by its nature of ‘the winner takes all’, can produce efficient government. It is also simple to use and by favoring two party systems the choices become clear to the electorate; and these are some of its strengths. The disadvantages of this system are immense. It exaggerates when changing votes into seats in favor of the big parties; it excludes from fair representation the minority and small parties and it endangers democracy especially in a diversified society by excluding important opinions and sectors of the society, which can lead to frustration and loss of future by weakening the parties.

2.6.2- Proportional Representation System

The PR system is which emphasizes on representation of diversified community, options and other cleavages of the society. When compared to plurality/majoritarian systems, it is defended for its inclusiveness and creating ‘grand coalitions’.

In many respects, the strongest arguments for PR drive the way in which the system avoids the anomalous results of plurality/majority systems and it is better able to produce a representative legislature especially when it comes to new democracies. Reynolds *et al* (2005:57) elaborates this as follows:

For many new democracies, particularly those which face deep societal divisions, the inclusion of all significant groups in the legislature can be a near essential condition for democratic consolidation. Failing to ensure that both minorities and

majorities have a stake in developing political systems can have catastrophic consequences.

Lijphart in his article in the *Journal of Democracy* (Winter 1991:81) supports this view by arguing that:

Divided societies not only need PR to minority interests, but that PR systems (in conjunction with parliamentary systems) almost invariably post the best records, particularly with respect to representation, protection of minority interests and voter participation.

The elections must primarily guarantee representation, at the national level, of the country's political forces and reproduce in parliament as faithful image as possible of their relative strengths. In this case the PR system is chosen (Inter Parliamentary Union, 1993:1). The strength of PR is thus its capability in producing a wider representation.

With respect to transparency and faithfulness it is argued that the PR is much superior to the plurality/majority systems. PR systems faithfully translate votes cast into seats won, and thus avoid some of the more destabilizing and 'unfair' results thrown up by plurality/majority electoral systems. 'Seat bonuses' for the larger parties are minimized and small parties can gain access to the legislature by polling a small number of votes (Reynolds *et al*, 2005:57).

Another argument which favors the strength of PR system is its power-sharing capability. As explained before, in plurality/majoritarian systems the winner takes all is the rule of the game. When it comes to PR it makes power-sharing between parties and interest groups more visible. In many new democracies, power-sharing between the numerical majorities of the population who hold political power and a small minority who hold economic power is an unavoidable reality. Where the numerical majority dominates the legislature and a minority sees its interests expressed in the control of the economic sphere, negotiations between different power blocks are less visible, less transparent and less accountable. It has been argued that PR, by including all interests in the legislature, offers a better hope that decisions will be taken in the public eye and by a more inclusive cross-section society. Other advantages are also that PR systems give rise to

very few wasted votes; encourage parties to campaign beyond the districts in which they are strong or where the results are expected to be close (Reynolds *et al*, 2005:98).

Therefore, the principal argument advanced in favor of PR is its ability to reflect more accurately the preferences of voters in terms of seats in the legislature. It is inclusive by aggregating the majority and minority based on their relative strengths and the votes they obtained. The system, as many scholars argued, is more appropriate to a highly diversified society to create sense of belongingness by its capacity of inclusiveness.

Arguments against PR are also of various dimensions. Most of the criticisms of PR in general are based on the tendency of PR systems to produce coalition governments even including extremist parties. These problems lead to the fear of creating unstable government. The strongest criticism of PR prescription for newly emerging democracies is that, PR exacerbates the conflicts in society by allowing for representation of extremist groups, which in turn breed opposing extremist parties which may also gain representation. Another critic of PR for new democracies is the danger of instability and the inability to carryout coherent policies in the multi-party coalition governments PR usually produces. Furthermore, the system not only allows extremist minority parties into parliament, but also gives them a chance to participate in government if they are pivotal in making a majority for one large party or another (Lardeyret, 1995:90).

In other words the PR systems encourage the emergence of extreme views, which through quite often based on short-lived opinions of the day, are given certain longevity and enhanced legitimacy through access to parliamentary representation. The decision making process can be also prolonged to come to consensus in the coalitions formed. Quick and Coherent decisions making can be impeded by collation cabinets and governments of national unity which are split by functions. Large parties may be forced to form collations with much smaller parties, giving a party that has the support of only a small percentage of the votes can give the power to veto any proposal that comes from the larger parties. This system can also facilitate a platform for extremist parties, for giving a stage in the legislature to extremist parties of the left or the right. It has been argued that the collapse of Weimar Germany was in part due to the way in which its PR

electoral system gave a toehold to extremist groups of the extreme left and right (Reynolds *et al*, 2005:59).

In conclusion, the PR system, with highly appreciable strengths especially to new democracies is also criticized in producing a fragile coalition which takes time to make decisions. It is true when compared with plurality/majority electoral systems which can create a dominant party which can decide easily, a coalition government can be time taking to reach consensus. But it is also important to note policies supported by a broad consensus, furthermore, are more likely to be carried out successfully and to remain on course than policies imposed by a 'decisive' government against the wishes of important sectors of society. For maintaining civil peace in divided societies, conciliation and compromise goals that require the greatest possible inclusion of contending groups in the decision-making process are probably much more important than making snap decisions. These counter arguments appear to be at least slightly stronger than the argument in favor of majoritarian government that is based narrowly on the speed and coherence of decision-making (Lijphart 1999:260).

2.6.3- Mixed Electoral Systems

The mixed system basically combines the strengths of both the plurality/majoritarian and the PR electoral systems and obviously shares some of their pitfalls. Based on the country's percentage or quota preferences some of the legislatures will be elected by the plurality/majoritarian electoral systems based on district and the other number will be elected by PR by assigning seats based on the votes achieved. In a case where 50 per cent of the seats are to be allocated by FPTP and the 50 per cent by the PR, it creates the balance between the representative and government functions in the parliament. Electors have a deputy in the district (local defender) and (national defender) within a national framework. This shows that the electorate shall elect half of the representatives based on the majoritarian/plurality system with the delaminated district and the other half through the PR which will be based on the votes, giving the advantage of 'local defender' and 'national defender' to the electorate. The advantages of this system are advantages of both systems as cited before and it is criticized on the bases of some complications.

In translating votes into seats, MMP can be as proportional as pure list PR, and therefore share the advantages and disadvantages of both. The advantages are its proportionality, inclusiveness, geographic representation and, may be, easier to agree on than other alternatives. Its disadvantages are: it is complicated system, requires boundary delimitation and can create two classes of representation (Reynolds *et al*, 2005:120).

In summary, the mixed electoral system is praised for it exploits the advantages of the plurality/majoritarian and PR systems. From the previously cited advantages of both systems, it can address the issue of representation and stability of government. Its inclusiveness and producing relatively efficient government may be also easier to agree on than other alternatives whenever there is a need for a change of electoral system. On the other hand it can create two classes of representation require boundary delimitation and relatively being a complicated system are its disadvantages.

This section has discussed various issues concerning the electoral systems. The types of electoral systems, their features and the consequences were discussed to frame the theoretical bases for the study. In short the main points can be summarized as follows:

Table: 2.1 Three Broad Electoral Systems: Features, Advantages and Disadvantages

Types of electoral system	Families of the electoral system	Main features	Advantages	Disadvantage
Plurality/majority	<ul style="list-style-type: none"> ▪ First past the post ▪ Two round systems ▪ Alternative vote ▪ Block vote ▪ Party block vote 	<ul style="list-style-type: none"> ▪ Based on geographic constituencies ▪ Simplicity ▪ Produces winners who are beholden to defines geographic area ▪ Favors two party system ▪ Allocate seats to candidates or parties who wins most notes in the district 	<ul style="list-style-type: none"> ▪ Simple to understand ▪ Strong geographic representation ▪ Offers voters clear winner ▪ May give second chance to make a choice (two round system) majority government more likely ▪ Encourages a coherent opposition in two party systems. 	<ul style="list-style-type: none"> ▪ Excludes majority parties ▪ Excludes majorities ▪ Less conducive to fragmented opposition parties ▪ Requires boundary delimitation ▪ Less transparent may lead to gerrymandering ▪ The possibility of creating manufactured majority in the legislature ▪ Many wasted votes ▪ Gives 'bonus seats' to the biggest party
Proportional Representation	<ul style="list-style-type: none"> ▪ List proportional representation ▪ Single transferable vote 	<ul style="list-style-type: none"> ▪ The use of electoral district with more than one member ▪ More proportional outcome ▪ Allocate seats based on popular votes garnered 	<ul style="list-style-type: none"> ▪ Inclusiveness ▪ Proportionality of outcomes ▪ Minority representation ▪ Few wasted votes ▪ Easier for women representative to be elected ▪ Restricts growth of single- party regions ▪ Higher votes turnout likely 	<ul style="list-style-type: none"> ▪ Weak geographic representation ▪ Coalition or minority government more likely in parliamentary systems ▪ Much power given to political parties ▪ Can lead to inclusion of extremist parties
Mixed	<ul style="list-style-type: none"> ▪ Parallel system ▪ Mixed member proportional 	<ul style="list-style-type: none"> ▪ Uses both plurality/majority and proportion representation 	<ul style="list-style-type: none"> ▪ Proportionality ▪ Inclusiveness ▪ Few wasted votes ▪ Geographic representation ▪ Accountability ▪ Easier to agree on than other alternatives 	<ul style="list-style-type: none"> ▪ Require boundary delimitation ▪ Complicated ▪ Can create two classes of representatives

2.7- Legitimacy and Credibility of Electoral Systems

What we can understand up to now is that electoral systems are not neutral. The way votes translate into seats means that some groups, parties and representatives are ruled into the policy making process and some are ruled out. For this reason, the legitimacy and the credibility of the electoral systems in the eyes of the parties and the electorate is an important factor. The electoral commission which manages the deployed electoral system needs to be credible and legitimate. The electoral systems selected for a country should be legitimate and accepted among the parties and the people. The legitimacy of the electoral systems and the electoral commission which manages the process can be expressed in the country's constitution or other laws. To be credible, the electoral system and the institution which manages it, should also address the concerns of the actors from drafting to implementing. This is because policy statements alone do not convey to officials or role occupants an imperative that they feel obligated to obey. Not only electoral systems and their institutions but also all other democratic institutions need to be legitimate and credible among the people to be implemented fully and to be sustainable. These points are well expressed by Held (1996: 48) as follows:

Laws can sustain and up hold among citizens as far as the people are involved. Laws made by and for citizens establish a legal structure which can sustain a well ordered, that is just, community. In these circumstances, the community is also likely to be a peaceful one because laws made with the consent of citizens are laws which citizens feel an obligation to uphold. Law is better observed by every citizen if each one is involved in imposing it upon himself.

Furthermore, the question of whether political institutions and procedures become enduring can best be answered by discovering not simply whether they were borrowed, indigenous, imposed, or chosen, but how adoptable they become and ultimately whether they become valued with in the society. Institutions and procedures may become valued through extended use because they serve the needs of people or because they embody deeper values that the people cherish (Weiner, 1987:38). This statement makes it clearer that what matters is how the society value the

institutions and the procedures enacted in a country. If people don't accept and trust the institutions they don't even last long. Weiner, (1987:38) again clearly stated that:

Courts that do not dispense justice, administrations that are corrupt, a press whose reporting is inaccurate and dishonest, colleges and universities that do not educate because of internal disturbances, and elections that are manipulated are obviously no valued for long.

It is also true the institutions like that of electoral commission which manages the electoral systems enacted should be independent to be credible among the citizens and the political parties to create the sense of belongingness and acceptance to the outcomes. This goes from drafting to implementing as far as the process is inclusive. Sarkin (1999:86) explained this as follows:

The symbolic importance of such instruments and their potential to foster a striving for common goals and aspirations depends greatly on the degree to which the drafting process has been inclusive and legitimate. Inclusiveness can inspire a sense of national ownership; a non-inclusive process can be a source of tension and further division.

When choosing the electoral system and establishing an institution that manages it, legitimacy and acceptance by all the actors comes to be of vital importance. The way in which a particular electoral system is chosen is also 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 acceptances of the end result than a decision perceived as being motivated by partisan self-interest alone. Although partisan considerations are unavoidable when discussing the choice of electoral systems, broad cross-party and public support for any institution is crucial to its being accepted and respected (Reynolds *et al*, 2005:161). This can be more emphasized when it comes to the electoral commission who manages the process to create trust among all the actors. Weiner (1987:22) notes this as follows:

An independent election commission that sets the boundaries of constituencies, establishes procedures for the nomination of candidates and the conduct of elections, and ensures peaceful balloting and honest counting helps to create trust in the electoral process among parties and the electorate.

Building legitimacy and acceptance is therefore important among all key actors. The question is how to build it. To build this legitimacy and acceptance, all groupings which wish to play a part in the democratic process should feel that the electoral system to be used is fair and gives them the same chance of electoral success as anyone else. Reynolds, *et al* (2005:161) remarks the relevance and importance of the acceptance of the actors which works for all political institutions especially to the electoral system as follows:

The paramount aim should be that those who 'lose' the election cannot translate their disappointment into a rejection of the system itself or use the system as an excuse to destabilize the path of democratic consolidation. In 1990 in Nicaragua, the Sandinistas were voted out of the government but accepted the defeat, in part because they accepted the fairness of the electoral system. Cambodia, Mozambique and South Africa were able to end their bloody civil wars through institutional arrangements which were broadly acceptable to all sides.

Therefore, the electoral system to be selected and the institutions that manage need to be legitimate and credible. The laws and procedures from the start should be inclusive to be legitimate and credible to be workable and to last long. Laws and institutions should not only be observed for they are legally instituted; but also how credible and accepted they are by the people, means a lot for their implementation and sustainability.

2.8- The Challenges of Changing Electoral Systems

The electoral system in a country once endorsed can stay as a system for a very long time even with its visible problems for various reasons. Some of the reasons can be ignorance of the

politicians about the electoral systems or may be insisting on the benefits that they get from the existing electoral systems.

Reeve and Ware (1992: 10-4) identified six important problems that affect for not changing electoral systems. First is the ignorance due to which many organizations and most people are unaware of the possibility of using different electoral systems or of the different effects they might have. Even among politicians, an understanding of the consequences of different electoral rules is often limited. Second, many organizations and states prevent changes to some (or all) aspects of their electoral systems from being enacted merely by a simple majority of the present incumbents. In this regard, constitutional constraints are often an important factor restricting change to electoral systems. Third, the beneficiaries are already in office. Usually those best placed to change an electoral system are those who have already been elected under the existing system. Since they have shown they can be elected under it, why should they change it? Fourth, some of the consequences of changing political rules are not, or cannot be, foreseen and may work ultimately to the disadvantage of those who initiated them. Fifth, it may increase opposition among potential supporters who would be alienated by such tactics or their consequences. Sixth, changing rules so as to advantage yourself is such in doing so you may well raise the level of conflict within an organization or state.

From the challenges mentioned above, if the current holders of power did not agree to change the constraint to change comes to be more difficult what so ever dissatisfaction exists within the system. Reynolds, *et al* (2005:20) says the following concerning this issue:

Even when there is huge popular distrust and dissatisfaction with the political system, change still needs to be agreed by the current holders of power. Political elites are only likely to act if they see benefit to themselves from change or if they are frightened of the electoral consequences to themselves of failing to change. Even when convinced, they will, unsurprisingly and almost inevitably, seek to choose a system that maximizes the benefit to them.



With all these restraints to change, changes are taking place in the electoral systems. The trend of changing seems to be in favor of PR. The most common switch has been from a plurality /majority system to a mixed system, and there is not one example of a change in the opposite direction (Reynolds *et al*, 2005:23).

In conclusion, the electoral systems are not final words that cannot be altered. Rather they have to be changed based on the benefits they give to a country's stability and fair representations. The problems of ignorance, constitutional constraints, when the beneficiaries are in the office, uncertainty of the consequences, loss of voter support and increasing political conflict can be restraints for change. If the benefit of the country is to come before that of the politicians in power, change should be made whenever it is necessary. The trend is also of changing to the proper direction of inclusiveness, to the direction of PR or at least to the combination of both plurality/majoritarian and the PR systems.

2.9-Conclusion

Democracy can be defined in various ways by different theoreticians, but its agreed essence is that people should rule themselves by their consent by accepting or rejecting the politicians, policies and the parties that contest for power. Elections and electoral systems in a democratic context are mechanisms through which the act of voting government by consent is secured and the votes are translated in to seats and outcomes by the electoral systems. The kind of electoral system employed in a country determines who or what is chosen and as a result the electoral systems come to be factors that determine outcomes.

This is done through various electoral systems which can be the majoritarian/plurality, PR or the mixed electoral systems. The three broad categories of electoral systems with the various aspects of sub-family electoral systems do have their own consequences in view of inclusiveness or exclusiveness, in producing stable or inefficient government, proportionally allocating seats or distorting the seat allocations, facilitating for strong party system or weakening the democratic process by weakening the opposition and in their role in shaping the behavior of the parties. What matters is when designing or changing an electoral system, to be more appropriate it should consider the situation of the country and its historical background, in creating legitimate and

credible out come, the inclusiveness of the system, how it encourages a competitive party system that helps in redeeming the past political culture by shaping the political parties' behaviors to work together, and so on. Especially the new emerging democracies need an electoral system that is capable of considering their diversity (not only the majority but also the minority) which can create belongingness to the outcomes and as a result a credible and efficient government.

When changing or re-designing electoral systems the ignorance of the politicians about the various types of electoral systems and their consequences, constraints of constitution, and the people in power who are benefited by the enacted electoral systems can be challenges or obstacles for a change. But, the trend that is observed is a change from plurality/majoritarian to the PR or to the mix of both. The consequences of the electoral systems should be analyzed in action to see the practical consequences at least in three countries as to what the electoral systems meant to the political life of a country. The next chapter will give an overview of the electoral systems in action generally and in the three selected countries particularly before assessing the Ethiopian electoral system.



Chapter Three: Review of Relevant Experiences, Lessons and Empirical Evidences

3.1-Introduction

The previous chapter discussed the theoretical framework relevant to the various electoral systems. This chapter attempts to see relevant experiences and lessons from three countries: Kenya for the FPTP system, South Africa for the PR electoral system, and Germany for the mixed system. Kenya and South Africa have been selected as they are assumed to be new emerging democracies with diversified society somehow similar to that of Ethiopia the experiences of which we can learn from. From the developed democracies, to see the experiences of Germany, which uses the mixed system, is believed to be helpful in its relevance to this study. Before looking into the experiences of these selected countries, the following section attempts to provide a general overview of how electoral systems are employed worldwide.

3.2-General Review of Different Electoral Systems in Action

The established democracies and the new emerging democracies use various electoral systems to translate electoral votes into seats. To have a general understanding as to which electoral systems are popular and which countries use what kind of electoral system appears to be relevant.

In terms of number of countries, the list PR systems are the most popular, with 70 out of 199 Countries and related territories employing such system. This accounts for 35 per cent of the 199 countries. In second place are FPTP systems which are used in 47 countries cases (24 percent of the 199 countries and territories). When it comes to numbers of people, however, FPTP systems are used in countries which contain almost twice as many people as countries that employ the list PR system. The likes of India (population 1.1 billion) and The United States (293 million) use FPTP. This system is also used by many tiny Caribbean and Oceania islands. The largest country that uses list PR is Indonesia, with 238 million people, but it is predominantly a system used by middle-sized west European, Latin American and African Countries. Next in order are parallel

systems (16percent of world population) and TRS (8 percent of world population). While TRS systems are used in more countries, parallel systems represent more people. This is largely because the Russian Federation (144 million inhabitants) and Japan (127million people) use classic parallel systems (Reynolds *et al*: 31). Table 3.1 and figure 3.2 below provide additional details on which electoral systems are used where.

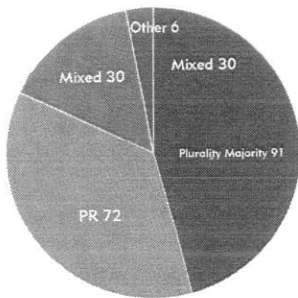
Table 3. 1: The Distribution of Electoral Systems across National Legislatures

	Africa	America	Asia	Eastern Europe	Western Europe	Oceania	Middle East	Total
FPTP	15	17	5	0	1	7	2	47
BV	1	3	2	0	3	2	4	15
PBV	3	0	1	0	0	0	0	4
AV	0	0	0	0	0	3	0	3
TRS	8	3	6	1	1	1	2	22
List PR	16	19	3	13	15	0	4	70
STV	0	0	0	0	2	0	0	2
MMP	1	3	0	2	2	1	0	9
Parallel	4	0	8	7	1	1	0	21
SNTV	0	0	1	0	0	2	1	4
BC	0	0	0	0	0	1	0	1
LV	0	0	0	0	1	0	0	1
Total	48	45	26	23	26	18	13	199

Source: Reynolds *et al* (2005:31). Electoral system design: the new International IDEA Handbook

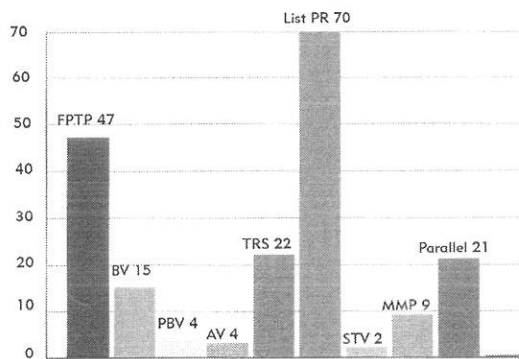
Figure 3.2: Electoral System Families:

3.2.1: Number of Countries and Territories

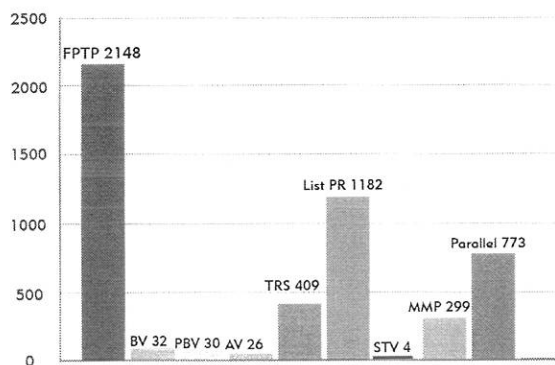


3.2.2: Electoral Systems:

Number of Countries and Territories



3.2.3: Total population (in millions)



Source: Reynolds *et al* (2005:31). Electoral system design: the new International IDEA

Handbook (with some modifications).

What we can see from table 3.1 and figure 3.2 (3.2.1, 3. 2.2 & 3.2.3) is that the PR system is most widely used in terms of number of countries whereas the FPTP is used by the highest population number, mainly because India and USA. Both PR and the FPTP are dominating electoral systems that are in use. The main criticism against these systems, among others, is the disproportionality they create when changing votes in to seats- especially in case of the FPTP.

Empirical studies show that the FPTP is by and large more disproportional than the PR system. Lijphart analyzed thirty six countries, taking the elections held from 1945-96 to show the range of disproportionality within the majoritarian/plurality and the PR electoral systems. This study will only consider ten countries of both electoral systems to see how the disproportionality is manifested.

Table: 3. 2 Average Electoral Disproportionality and Type of Electoral System (used in legislative elections) in ten democracies, 1945-96

Country	Disproportionality %	Electoral system
Netherlands	1.3	PR
Denmark	1.83	PR
Sweden	2.09	PR
Israel	2.27	PR
Germany	2.52	PR
United States	14.91	Plurality
France	21.08	Majoritarian
India	11.38	Plurality
Australia	9.26	Majoritarian
United Kingdom	10.06	Plurality

Source: Lijphart (1999:162) Patterns of Democracy: Government Forms and Performances in Thirty-Six Countries.

The average electoral disproportionality rates of the ten countries in table 3.1 shows that there is a considerable difference between the two systems when allocating seats. If the data for the whole 36 countries are taken, there can be a slight difference in the average which, however, does not alter the general trend. The average disproportionality in the five countries which use PR is two per cent while the average disproportionality of those which use the majoritarian/Plurality system is 14 percent. Strikingly enough, the disproportionality that can be created by the majoritarian/plurality system is very high compared to the PR electoral systems. This is how the plurality/majoritarian electoral system gives 'bonus seats' to the winner party which the party does not obtain from the popular vote.

3.3- First Past The Post Electoral System in Kenya

To begin with; Kenya is a country of great ethnic diversity. The ethnic groups consist of *Kikuyu* 23 per cent, *Luhya* 14 per cent, *Lou* 13 per cent, *Kalenjin* 11 per cent, *Kamba* 10 per cent, *Kissi* 6 per cent, *Meru* 5 per cent, *Turkana* 1.5 per cent, other African 15 percent, non- African (Asian, European and Arab) one per cent with numerous indigenous languages (Central Bureau of Statistics, Kenya, 1999).

Kenya has a presidential system. The current constitution provides for a single chamber legislature that is supreme in law making. In transforming the declared preferences of citizens through elections into seats, Kenya follows the single constituency which is the FPTP. The Kenyan constitution section 32(1) puts that, 'Kenya shall be divided into constituencies in accordance with section 42, and each constituency shall elect one member to the National Assembly'. The Electoral Commission of Kenya (ECK) is constitutionally established body set up to conduct and manage elections in Kenya (Constitution of Kenya, section 41).

In Kenya there are 144 registered parties (Electoral Commission of Kenya, 2007). Ethnicity is the central point of organizing politics in Kenya. The ethnic groups of Kenya struggle for representation in the National Assembly to benefit the maximum. This influences voting and has also contributed to post election violence with negative consequences. From colonial times, Kenyan society was ethnicized as part of a 'divide and rule' strategy. This contributed to an imbalance in regional development, which persists till today. Political parties and alliances right

from independence were largely formed along ethnic lines. No single ethnic group so far has had sufficient numbers to win elections alone. This has resulted in the formation of various political alliances, created on ethnic bases, with the aim of broadening support and increasing the likelihood of gaining political power, and this has strongly influenced voting patterns. There appeared to be a strong perception among voters that having a kinsman in state house would substantially increase their access to the national cake (Commonwealth observer group report, 2007:6). This was also supported by Oyugi (1997:41) that 'many Kenyans believe that tribalism is a canker which is deeply lodged in the Kenyan body politic'.

The present Kenyan electoral system is FPTP or the winner-take-all system which was inherited from Britain. This electoral system in Kenya is praised for producing a stable government and credited with allowing voters to choose between people rather than just between parties, and also for permitting independent candidates not tied to a party line to be elected. However, there are also a number of disadvantages that stand out very prominently in the case of Kenya. First this system encourages political parties based on clan, ethnicity, or region. Second, it tends to put the incumbents in an immensely favorable position, as they usually have an array of public resources at their disposal, augmented by material and financial support. Third, the system tends to institutionalize unrepresentativeness to changes in public opinion in a long-serving government. This is a particular problem in Kenya, where many constituencies are not competitive because of gerrymandering. This means that one party can form a government even with little popular support. Finally, the winner-takes-all system is very susceptible to pre election rigging strategies such as the manipulation of electoral boundaries. These disadvantages require rethinking of the system which even Britain itself, the mother of the winner-take-all system, is re-assessing the system (Institute for Education in Democracy, Catholic Justice and Peace Commission, National Council of Churches of Kenya, 1998:121).

As discussed in chapter two the FPTP electoral system allocates seats in disproportionality. This system is 'the winner takes all' system and because of its nature some parties get over represented and under-represented others which is the case also in Kenya. During the 1997 election which glaringly showed the disproportionality of the FPTP, for instance the ruling party Kenyan African National Union (KANU) received 2,243,463 (39 per cent) of the total valid votes

cast while the combined opposition got 3,563,048 (61percent). In purely proportional terms, the critics contend, KANU would have had 39 per cent of 210 seats (81 seats), while the combined opposition would have had 61 per cent in the legislature. The FPTP system, however, enabled KANU to win 107 seats, while the combined opposition won 103 seats (Oduol, 2002). This happened for KANU was able to get majority in the 107 constituencies when compared with the fragmented votes of the combined opposition. What we clearly see here is that a party with 39 per cent of the votes becomes a majority outvoting the combined opposition which got 61 percent of the popular vote - for the votes were fragmented among the oppositions and seats were not allocated proportionally.

As discussed also in the previous chapter, such majorities are 'manufactured' - artificially created by the electoral system. This manufactured majority in an ethnic based society leads to weak legislature which can eventually result in violence and disaster as in Kenya. A recently conducted statistical analysis shows that, countries with weak legislatures are at greater risk of civil war. It is easy to see why. Where the legislature is strong, opposition groups can hope to influence policy through their representatives in parliament, without the need to resort to violence. But Kenya's parliament is anemic. In the global survey of the power of national legislatures, Kenya ranks only 126th out of 158 countries, well behind other developing nations such as India (44th), South Africa (48th), Benin (59th) and Ghana (82nd) (Fish & Kroeing, 2008). With weak legislature, when the contest is a 'winner-takes all' affair, the opposition resorts to violence as was the case following the 2007 elections in the Kenya. It is believed that the problem with nature of the electoral system could have played a role in triggering the violence.

What about the commission that manages the elections? Since the 1997 amendment, a chairman and 20 commissioners are chosen by the president. The ECK has got the confidence of opposition parties regarding its neutrality in the 2002 general elections, during which international and local observers acknowledged that the ECK was independent and impartial. But, in the 2007 general elections the ECK was blamed for its compromised independence and the way the constitution institutes the body (being appointed by the president without the endorsement or ratification of the parliament) which is leading to mistrust and loss of credibility among the Kenyan people and the international observers (Commonwealth Observer Group, 2002).

The criticisms raised here are of two types. First the events that unfolded following the polling day have eroded the confidence of the people of Kenya. The manner in which the results were announced has raised suspicion and caused widespread mistrust. It is therefore that the election process following the closing of the polls feels short of acceptable international standards. Second is to strengthen the independence of the ECK and further insulate the institution from possible political interference, it is recommended that the process for appointing the ECK commissioners be subject to screening and confirmation by parliament (Common Wealth Observer, 2007:28-9).

If the ethnic diversity of Kenya in which the winner takes all electoral system (FPTP) and the questioned independence and credibility of the ECK didn't cause the recent round of violence in Kenya what did? Not taking into account the ethnic diversity and the pitfalls of the electoral system in use in a diversified society as that of Kenya, are believed to be at least one cause for the violence. The diversity of Kenya demands a proportional representation through its electoral system. That is why Ndegwa (1997:34) suggested that:

Adopting proportional representation systems (instead of the plurality or majoritarian systems) and/or correcting for malapportionment would improve considerably the representation of minorities, small or regional parties, and populations of ethnic groups who live in areas dominated by others.

This was also proposed by the Institute for Education in Democracy, Catholic Justice and Peace Commission, National Council of Churches of Kenya (1998:121) which stated that:

In the Kenyan context, there is need to consider adopting a system of PR. The most important advantage of this system would be the possibility of forming a more broad-based government which would accurately reflect the will of the people.

In conclusion, Kenya, as a diversified country, needs the fair representation of the ethnic groups, grand coalition of the majority and the minority and stable government. Kenya also needs an independent and credible electoral commission starting from its appointment. The violence

following the 2007 elections in Kenya was disastrous – claiming many lives and causing displacement of the citizens. Declaring multi-party system and conducting elections are not enough. The electoral system in use and the independence and credibility of the electoral commission matters a lot in creating peace, a wider representation, atmosphere of negotiation and efficient government in a country, though the electoral system only shouldn't take the whole blame in the case of Kenya and other emerging democracies. In the following section, how the PR system can address problems of diversity and stability in a way will be looked at through accessing the electoral system of South Africa.

3.4- Proportional Representation Electoral System in South Africa

South Africa is composed of a pluralistic society. The ethnic groups consist of Black African (79 per cent), white (9.6 per cent), colored (8.9 per cent), and Indian/Asian (2.5 per cent) with various languages and cultures in which the total population is 44.8 million (Census of South Africa 2001). In South Africa apartheid was a system of legalized racial segregation enforced by the National Party (NP) South African government between 1948 and 1994. It arose from a history of settler rule and Dutch and British colonialism, which became policies of separation after South Africa gained self-governance as a dominion with the British Empire and were expanded and formalized into a system of negotiations from 1990 to 1993, culminating in election in 1994, the first in South Africa with universal suffrage, but the legacies of apartheid still shape South African politics and society (History of South Africa, Wikipedia, 2008).

The constitution of South Africa which was enacted in February 1997 constituted a bicameral parliament and the Independent Electoral Commission (IEC). Members of the National assembly (NA) of 400 seats, members are elected by popular vote under the electoral system of proportional representation to serve five-year terms (S.A. constitution section 46 (1) a). The National council of provinces with 90 seats, 10 members elected by each of the nine provincial legislatures constitutes the second chamber (S.A. constitution section 60(1)).

The South African electoral commission, with the authority to manage national, provincial and municipal legislative bodies is also instituted by the constitution. The IEC is composed of at least

three persons. The president, on the recommendations of the N.A., must appoint members of the IEC (S.A. constitution section 190 (a, b, c) section 191 and section 193(4) b).

After the apartheid system was over since 1994, three general elections (in 1994, 1999 and 2004) were all held under the PR system when changing the votes in to seats. The PR electoral system seems to address the diversity of the society and the parties in which it was almost impossible in the Black dominated county if the plurality/majoritarian electoral system was enacted. The system has also helped for a better representation of women too. These can be evidenced by the following facts.

The PR electoral system has allowed the South African parliament to be highly reflective of the divergent social cleavage in society as whole. The national and unalterable lists allowed parties to present ethnically heterogeneous groups of candidates with anticipated cross-cutting appeal. The resulting National Assembly of 1994 was 52 per cent Black, 32 per cent white, 8 per cent Indian, and 7 per cent colored, compared to a South African electorate which was estimated to be 73 per cent Black, 15 per cent white, 3 per cent, Indian and 9 per cent Colored. South Africans of Indian extraction fared particularly well, gaining more than 30 Members of Parliament (MPs) and 4 cabinet ministers. Moreover, an influx of female MPs representing the African National Congress (ANC) now, they now constitute almost a third of their parliamentary party brought the percentage of women in the new N.A. 24 percent of the total, one of the highest percentage in the world. On the basis of evidence from the United Kingdom and other countries with winner-take-all electoral systems, it seems fair to surmise that use of plurality elections in South Africa would have resulted in a much less heterogeneous and more polarized National Assembly, with whites of various parties representing majority white constituencies, Xhosas representing Xhosas, and Zulus representing Zulus (Reynolds, 1995:90).

The elections were conducted under list PR with half of the N.A. (200 members) being chosen from nine provincial lists and the other half being elected from a single national list. In effect, the country used one nation wide constituency (with 400 members) for conversion of votes into seats, and no formal threshold for representation was imposed. It is probable that, even with their geographical pockets of electoral support, the Freedom Front (FF) which won nine seats in the

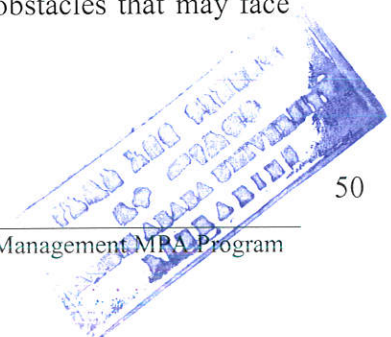
new N.A., the Democratic Party (DP) which won seven seats, the Pan-Africanist Congress (PAC) which obtained five seats, and the African Christian Democratic Party (ACDP) which got two seats would have failed to win a single parliamentary seat if the election had been held under a single-member district FPTP electoral system. FPTP would in all likelihood have given the ANC a small 'seat bonus', increasing its share of the seats in N.A. beyond its share of the popular vote and beyond the two-thirds majority needed to draft a new constitution without reference to other parties (Reynolds *et al*, 2005; 62-3).

The 1999 general election was also proportional. The ANC obtained 66.35 per cent of the votes (266 seats), DP, 9.56 per cent of the votes (38 seats), Inkatha Freedom Party (IFP) 8.58 per cent of the votes (33 seats), New National Party (NNP) 6.87 per cent of the votes (27 seats), United Democratic Movement (UDM) 3.42 of the votes (14 seats), ACDP 1.43 percent of the vote (6 seats), FF, 0.80 of the vote (3 seats), United Christian Democratic Party (UCDP) 0.78 percent of the vote (3 seats), PAC, 0.71 percent (3 seats) and other parties with 1.49 percent of the vote got 5 seats (IPU 2000:167).

In the 2004 general election the black proportion (65 per cent) came closer to their population share, while whites made up 22 per cent. Numbers of colored and Indian MPs held roughly steady. The proportion of women MPs rose to 30 per cent in 1999 and to 33 per cent in 2004. There is a widespread belief in South Africa that if FPTP had been introduced there would have been far fewer women, Indians and Whites, with more black and male MPs (Reynolds *et al*, 2005:64).

This could have been a destabilizing factor in which the Whites in number of population are minority but economically powerful to influence negatively the elections in South Africa. As Reynolds in his article in the Journal of Democracy (1994:89) stated that:

In the earliest stages of a new democracy, the need for all significant groups to be included in the system outweighs concern about the obstacles that may face coalition-builders in subsequently elected parliaments.



Nevertheless, there is a continuing debate in South Africa about how to increase accountability and representativeness. The nature of party lists of candidates, as used in South Africa is problematic for the resulting MPs are far more beholden to party bosses in national party head quarters than to local communities and society as a whole (Reynolds 1994:91). This problem can face the electorates whenever they need their own particular delegate in time of need, the link between voters and MPs comes to be far distanced.

This problem is recognized by the government and the constitution by giving a chance to see further modifications. The 1997 constitution required parliament to enact legislation to establish an electoral system for elections of the National Assembly held after 1999. To that end, in 2002 the government appointed an Electoral Task Team (ETT). Opinion surveys conducted by the ETT showed a high level of satisfaction with the existing electoral system, but also indicated that most voters wanted closer contact with elected officials (Electoral Task Team Report, 2003). Thus, the electoral system enacted is accepted as an appropriate to the South African situation, but it still needs amendment that allows closer relations with elected MPs.

All these elections were managed by the IEC of South Africa. The IEC is a legitimate body in the constitution and also accepted and credible for the planning and implementing of the various elections. It preserved its independence and obtained credibility locally and internationally. For this reason the IEC won several international and local awards in consequences of the successful planning and delivery of the 1999 elections. The IEC prepared and delivered the second democratic national and provincial elections within an unprecedented period of only 13 months in fulfillment of its constitutional obligation to safeguard and promote democracy in South Africa (<http://www.election.org>).

In conclusion, the electoral system working in South Africa is enhancing democracy by facilitating inclusiveness of various ethnic groups and their parties through proportional representation. The electoral system, in a way, has also helped in creating willingness for compromise in which parties with majority seats should take a lesson not to be satisfied with the bare majority they obtained only. Though there seems to be a loose contact of the elected MPs with the electorate it is accepted by the composition it creates, not only the ethnic groups and the

parties, but also by raising the number of women MPs. It has also helped in placing stable government in South Africa. The IEC, which manages the elections, has kept its independence and this has earned it credibility locally and internationally. ANC, with majority seats has also played a great role in the process with willingness of compromise to accommodate the minority concerns. Finally it will be important to indicate how this electoral system can be exemplary to the Africans. Reynolds *et al* (2005:63) explained that:

The PR system, as an integral part of other power-sharing mechanisms in the new constitution which precipitated the decline of the worst political violence and has made post-apartheid South Africa something of a beacon of hope and stability to the rest of troubled Africa.

Can the mix of both electoral systems be helpful? The next section of the German electoral system experience elaborates it more.

3.5- Mixed Electoral System of Germany

Germany is a federal state with a bicameral parliament. The two chambers are the Bundestag (Federal Diet or lower house) and the Bundsrat (Federal Council or upper house). Members of the Bundestag shall be elected in general, direct, free, equal and secret elections for four-year terms. They shall be representatives of the whole people, not bound by orders or instructions, and responsible only to their conscience (Germany Constitution Article 38 and 39(2)). The Bundsrat on the other hand shall consist of members of the Land governments, which appoint and recall them. Each Land shall have at least three votes and some additional seats for the additional inhabitants shall be also allocated (Article 51).

Germany uses a mixed electoral system. Under this system, each voter has two votes: the first vote for an individual candidate in one of the constituencies, and a second vote for the party list established for each of the Lander, by each political party. Half of the deputies are elected from among the individual candidates and half of them on the basis of the lists. Among candidates from a given constituency, the candidate that received the highest number of the first votes becomes deputy. In each Land, every party is entitled to the number of seats that corresponds to

its share in the second votes. The party list of any party that obtained less than 5 per cent of all the second votes is disregarded unless at least three candidates of the party have been elected in constituencies (IPU chronicle of parliamentary elections, 2002: 97-8).

In the course of the last half century from 1949 since the MMP was introduced, it has effectively eliminated the problem of parliamentary fragmentation in Germany, producing stable coalition governments, as well as keeping typically small extremist groups out of the legislature. As discussed before, the mixed system to some extent shares the criticism for producing an inefficient government because of fragile coalitions. This was not true in Germany. At the same time the behaviors of the parties is shaped to negotiations and compromises to build the coalitions.

The electoral system in Germany has undoubtedly made coalition the norm, but not inevitable. The last fault which could be attributed to proportional representation in Germany is that of instability of government. Over the 49 years which passed between the inauguration of the Federal Republic in 1949 and the 1998 election, there were only six chancellors. All of them, were powerful world statesmen in their different ways. And no government or parliament has lasted less than three years. In Britain (with the FPTP system), on the other hand there have been no fewer than eleven prime Ministers during the same period and three parliaments which have not survived for even two years. Even in the United States, with its fixed-term rigidities, there have been ten presidents. If there has been a criticism of the recent working of the German system, it is that it has produced too much rather than too little stability (Independent Commission on the voting system, 1998).

The electoral system of Germany has also prevented extremist parties – a situation for which the MMP is criticized. The constitutional and electoral arrangements in the Federal Republic of Germany (FRG) have as their fundamental goal of safeguarding democracy against a recurrence of totalitarianism, Nazi or otherwise. There were several reasons for which the Weimar Republic of 1919-33 succumbed to the right-wing extremism of Adolph Hitler. This was because of legitimacy among important sectors of German society, a flawed constitution, and finally an

electoral law based upon a very extreme implementation of PR, which guaranteed parliamentary representation to even the smallest of the political groups. The five per cent clause was crafted to prevent the proliferation of small extremist parties like those that destabilized the Weimar Republic. This electoral hurdle has limited the success of minor parties and consolidated the party system. Often voters are reluctant to vote for a smaller party if they are unsure if it will clear the 5 percent threshold (Rivera, 2005).

The system has also helped in shaping the behavior of the parties to compromise, facilitating for tolerance and power sharing, because of the nature of the outcome of the election which is highly influenced by the electoral system. This has made Germany to be appreciated in every aspect when compared to the other developed democracies.

Since 1990, there have been six parties represented in parliament. Nonetheless, two major parties, the Christian Democratic Union/Christian Social Union (CDU/CSU), and the Social Democratic Party of Germany (SDP), have dominated the German Political landscape since 1949. Except for the 1966-69 period and the upcoming CDU/CSU-SPD Grand Coalition governments, all German governments since the establishment of The Federal Republic have been coalitions of either of these two parties with one (or more) of the smaller parties (Rivera, 2005).

The Independent Commission on the Voting System 1998 reported the efficiency of the system as follows:

Judged by almost any available standard: economic success, a liberal and tolerant regime at home, an unassertive but responsible foreign policy, it is difficult to find any major country which, over the past half century, has been better or indeed as well governed. In any event, this would be a great achievement. It would be too much to attribute all this to the MMP. But it is at least strong evidence that such a system, and the coalition habit in which, with a 50:50 constituency/top-up member balance, it mostly results, is not necessarily an inhibition on such a favorable out come.

The criticism on the German electoral system is that it can't guarantee the exclusion of the extremist groups which is serious in the historical memory of Germans. It should not be assumed that the system will always produce parliamentary exclusion of such groups, for in difficult economic times these may find considerable electoral support, even without prior parliamentary representation, as it has been the case in a number of state elections held in recent years (Rivera 2005).

Therefore, Germany using the mixed system, has exploited the advantages of both FPTP and PR electoral systems. This system allowed for representation of the various parties which represent various opinions of the electorate and stable coalition government. The system has also shaped the parties in softening their ideologies to come up to negotiation to form a coalition government since 1949. The crafted threshold also has helped to make barrier for extremist parties to the legislature though this would not be easy in difficult economic times.

3.6-Conclusions

So far we have discussed about the electoral systems in action. The PR electoral system is in use in more number of countries than the other system whereas in terms of population the FPTP is used by more of the global population.

In view of addressing the diversity and creating efficient governments from the countries which we tried to access South Africa which uses the PR system 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 MPs. It is also true this system has shaped the behavior of parties to compromise and negotiate. The party with the majority is hailed for its accommodation by addressing the minorities in a black dominated country. The system of PR has also enhanced the representation of women in the legislature to win seats in the male dominated parties. The election commission keeping its independence and credibility has created a high level of satisfaction locally and internationally.

Germany, which uses the mixed electoral system, has further substantiated the benefit of PR alongside the FPTP. The mix of both systems enabled Germany to create a stable coalition government and representation of different ideologies expressed by the parties. The behavior of the parties was shaped to compromise for most of the election results since 1949 demanded for a coalition governments. At the same time the threshold make it difficult for the extremists, though it didn't create full grantee for them not to access the legislative organs.

The Kenyan experience of the FPTP in which the winner takes all seems to be more of negative. Because of this system, parties are over represented with 'manufactured' seats and others get underrepresented. Negotiations are very hard among parties, because behaviors of parties are also shaped by the electoral systems too. The representation of women is very low. The independence of the electoral commission recently seems to be compromised, at least of recent. All these, with other factors of the political system in Kenya, have contributed to an unstable situation in Kenya in the post 2007 election period.

To sum up, as Lijphart put it and as cited in the previous chapter, the new democracies' need for the PR system in conjunction with parliamentary political systems seems to be visible. This can lead to a better situation for the new democracies including Ethiopia which will be the main focus of the following chapter.

Chapter Four: Ethiopian Electoral System and Its Consequences

4.1-Introduction

The previous two chapters discussed the theoretical framework and comparative assessment of the three countries with different electoral systems to extract lessons in the discussion of the Ethiopian electoral system which is the main issue of this paper. The chapter attempts to examine the Ethiopian electoral system and has four sections. The first section briefly discusses the background to the elections. This section looks into the different political backgrounds of the nation under three different regimes with the objective of providing an insight of how the different political rules influence different elections and the political culture of the nation. It also tries to see the legal bases of the existing electoral system. The second section discusses the disproportionality of the present electoral system of the country. The third section tries to assess the electoral system in terms of how much representativeness it provides and its impacts in providing a legitimate and stable government and its influences on the political parties' behaviors. The fourth section examines the electoral administration body which plays a crucial role in the overall electoral system in practice and finalizes by providing concluding remarks.

4.2- Background to the Elections

Ethiopia is the second most populous country in Africa with an estimated population 75,067,000 according to estimates of 2006. The population is highly diversified in terms of ethnicity, languages spoken, culture and religion. The Oromo ethnicity is the largest ethnic group in Ethiopia which is 32.1 per cent of the population; next comes the Amhara at 30.2 per cent of the population. Then comes the Tigray people at 6.2 per cent of the population. Others are: the Somali 6 per cent, Gurage 4.3 per cent, Sidama 3.4 per cent, Wolayta, Afar and Hadiya at 2 per cent each, Gamo 1 per cent consecutively. Other ethnic groups account for 10.8 percent share the number of the population. There are more than 80 different ethnic groups speaking different languages (Census 1994).

Ethiopia was ruled by Emperors since its founding up until when a military regime came to power through a coup in 1974. The military regime was defeated as a result of the overall struggle of the Ethiopian people in general and that of the EPRDF led armed struggle in particular in 1991. Since 1991, the country is in democratic transition. The purpose of this paper is focused on how the existing electoral system fits to the overall objective of democratic transition in the country. To that effect, it is important to see the background of elections in the country.

4.2.1- Elections in the Imperial and the Derg regimes

The modern Ethiopian empire took shape in the last quarter of the 19th century. However, the country's first written constitution was introduced in 1931 by Hailelassie I (Tesema and Zekarias, 1997:7). After a period of over two decades, the 1931 constitution was revised in 1955.

A basic development in the revised constitution was the introduction of representative principle for the chamber of Deputies whose members were elected on the basis of universal adult suffrage. In actuality the Deputies had no power to control the executive. Assefa (2006:28) stated this as follows:

Parliament was guaranteed no control over the ministers indirectly or collectively, who remained responsible to the Emperor. A measure of population representation with divine right of kings was resolved decisively in favor of the latter, with the Emperor retaining direct control over the executive branch. While one of the two chambers of parliament was popularly elected, it was balanced by the senate, which was appointed by the Emperor. There was a parliament but those who were eligible to be candidates were the nobility and wealthy landlords who were opposed even to modest land reform and by so doing they were the ones that made the Revolution inevitable. A law approved by both houses could not override the position of the Emperor.

Thus the elections held at that time served the Emperor in covering his absolute power through providing such a nominal participation of the people in creating a parliament.

The Imperial regime was overthrown in 1974 by a popular opposition as a result of its autocratic nature. The Imperial regime was characterized by almost total absence of civil liberties and democratic rights of citizens and social injustice, as well as ethnic and religious oppression (Merera, 1977:77). When the Imperial government came to its demise, state power was assumed by the military which was the only organized body and which created a military junta. Although the military regime took some popular measures in its early years in power like the 1975 land reform, its authoritarian disposition made it unpopular in subsequent years (Merera 1997:77). More likely, in spite of the measures the regime had taken, it basically ignored the nationalities' issue for self-determination and tried to crush by a military means and ignored the wide range of oppositions' call for the establishment of democracy. Addis Alem (112:2003) stated the situation as follows:

Beginning from its early days in power, the military dictatorship had responded with violence and reinforced bureaucratic centralism. Until its downfall, the Derg had never been ready for genuine political negotiation and settlement to the calls of opposition. It had never stopped from attempting to consolidate and entrench its own rule by martial means.

The final stage of monopolization of power by the *Derg* was the promulgation of a Soviet-style constitution of the PDRE and the creation of the WPE with *Mengstu* as its chairman. The draft constitution was completed in 1986 and was formally submitted to public debate and ratified by a referendum in February 1987. During the *Derg* regime too, elections were held with no sign of any alternative except WEP members who could only ran for offices. Thus, Desalegn and Mehret (2004:4) noted that 'Elections to the Assembly were contested only by WPE cadres, and the outcome was decided long before the formal ballots were cast'.

The regime failed to address the popular demands for human, civil and political rights of its citizens. As a result, it started to face political resistance both from organized and unorganized

citizens not long after it took power. The most popular political movements in the country were organized in the form of national struggles demanding the equal treatment of ethnicities. Its response to the rising public dissent was repressive, with measures and decrees aimed at suppressing any form of unrest and resistance. This in turn contributed to the creation of widespread armed struggle in the country. The TPLF, OLF, the Somali and Afar liberation movements were among the ethnic based rural armed liberation movements created at the time. As stated by Doff (1993:211) “urban resistance was attempted to crush during the ‘red terror’ of 1977-8”. But, the rural resistance was difficult to overcome.

At a later stage the Tigray Peoples Liberation Front (TPLF) and the Ethiopian Peoples Democratic Movement (EPDM) created a coalition front which they called it the Ethiopian Peoples Revolutionary Democratic Front (EPRDF). This coalition was later joined by Oromo Peoples Democratic Organization (OPDO). The EPRDF coalition intensified its offensive against government forces towards the end of the 1980s and lastly in 1991 the protracted war waged against the *Derg* was over, for the government increasingly lost all support from the public, in particular the peasantry (Rahmeto and Meheret, 2004:5). In May 1991, the *Derg* regime went to its grave which, in the first place, was dug by its own brutal and undemocratic nature.

Thus, the political journey has left its traces on the Ethiopian political culture. Not only that there was zero experience of democratic elections but also power was assumed as ‘God given’ or for a group with arms, denying the will of the people. Authoritarian and hierarchical attitudes are deeply embedded in the Ethiopian tradition of governance (Clapham (2002: XVII).

In summary, the past Ethiopian political history shows that power has been dominated either through bloodline, as it was during the time of the Emperors, or by force as during the *Derg* era. Political dissent was never allowed and whatsoever type of such dissent had either to be clandestine or violent. Whatsoever elections took place at those times meant nothing except for their cosmetic value to the ruling elites. Therefore, one can say that there was no political history of tolerance and living peacefully together with political differences. It is a history where ‘the one that controlled the state took all and controlled everything.’ When some one considers of a democratic transition in Ethiopia, this political background brings the need for a type of

democracy that encourages consensus, tolerance and undermines arrogance, an electoral system that facilitates the existence of a political system where minority voices are heard and peaceful dissent is encouraged.

4.2.2- Elections in the Federal Democratic Republic of Ethiopia

The EPRDF took power in May 1991 and created an interim government that stayed in power for about two months. Unlike the previous regimes, in its two months of power as an interim government the EPRDF invited all political forces in the country who were ready for a peaceful transition. A national conference for this purpose was convened in Addis Ababa from July 1-5, 1991. The conferences resulted in the signing of the charter by the representatives of various political parties, the creation of an 87 seat council of Representatives and the establishment of TGE. The conference also agreed on a transitional period of two years and detailed out the modalities of the transition process. During the transition period, elections for local regional government were to be held wherever situation allowed. A new constitution was to be drafted, general elections for electing members of the constitutional assembly that ratify the constitution were to be held and finally the election of the new national assembly was scheduled , there by ending the transition.

Article 13 of the transitional charter authorized regional and local elections to be held within three months of the declaration of the charter, wherever local conditions allowed. These elections, in the words of the charter, were designed to empower Ethiopian national groups by decentralizing authority and by creating a federal structure of government. This approach reflected the historical experience and political platform of EPRDF, which dominated the TGE (National Democratic Institute for International Affairs, 1992:1).

Thereafter, a new constitution was ratified by the constituent assembly on December 8, 1994, paving the way for national elections and the formation of federal and regional state governments. The new FDRE constitution came into force on August 21, 1995 (Proclamation No.1/1995).

Under the FDRE constitution three general elections were held for the HPR which consists of 547 seats. In the 1995 election EPRDF obtained 483 seats and the rest of the seats were shared among the other parties and independent candidates. In the August 2000 HPR elections, EPRDF obtained 481 seats, the EPRDF affiliated parties in general got 37 seats and other parties got 16 seats. Independent candidates also got 13 seats (National Election Board of Ethiopia Report 1995/ 2000). These two elections relatively were not highly contested, giving a landslide victory to the EPRDF. The visible explanation can be of various. Desalegn and Meheret (2004:36) explained that:

There were few opposition political parties but these are largely weak and ineffective in challenging the dominant EPRDF and offering alternatives to the electorate. In addition, most are urban based and thus unable to reach the larger rural constituency. They have been made less effective in part due to the heavy-handed tactics of the ruling EPRDF that includes harassment, intimidation and imprisonment of opposition functionaries and supporters.

Thus, in those two elections the opposition parties were highly fragmented and had no well articulated program that could attract the electorate. Moreover, the two election periods especially the first one could be explained as a ‘honeymoon period’ of liberator to EPRDF, in some areas, in which people could credit the EPRDF for its victory over the *Derg* even beyond any program at least at that time.

However, the May 2005 elections exhibited substantial changes among which the strategy of the opposition for the elections was one. Unlike the previous fragmentation of the opposition, in 2004 opposition political parties with varying political stands on fundamental political issues formed a coalition that targeted to unite the votes of its constituency to take power from the EPRDF through election. The main opposition political groupings were the United Ethiopian Democratic Forces (UEDF) (a coalition of several small opposition parties operating inside the country and abroad) and the Coalition for Unity and Democracy (CUD) (a coalition of four smaller political parties operating in the country). Other smaller parties such as the Oromo Federalist Democratic Movement (OFDM) also came to the scene contending for parliamentary

seats. This, among other things, brought a new challenge to the EPRDF in the 2005 election. With various problems that will be discussed later, the results show that EPRDF got 327 seats which is lesser by 154 seats when compared with the previous election results. The opposition got a total of 172 seats (CUD 109 seats, UEDF 52 seats and OFDM 11 seats) which is greater by over 119 seats when compared with the previous elections. And the rest of the seats were shared among other political parties and one independent candidate (NEBE, 2005).

All those three general elections for HPR were held by a plurality of the votes cast. This means basically candidates who garnered most of the votes in a constituency were elected as far as they obtained the majority of the votes in a constituency.

In summary, we can see that the downfall of the *Derg* regime opened a new chapter of democratic transition in the nation's history. This doesn't mean the beginning was perfect, same to all transitional democracies there are several problems that should be addressed in the process of the transition itself. Among other things the electoral system is one of the important issues that should be constantly reviewed in the objective of strengthening the legitimacy and stability of governments that come through these elections. Moreover, electoral systems do have a crucial role in shaping the behaviors of the political parties, which in other words shapes the behaviors of governments who play a crucial role in managing the overall political environment of democratic transitions. With this background, the Ethiopian electoral system is examined in the following sections in view of the types of electoral systems and their strengths and weaknesses in democratic transitions which were discussed in the previous chapters.

4.2.3- The Legal Bases of the Existing Electoral System

The Ethiopian electoral system has been elaborated in the FDRE constitution and various proclamations. The Ethiopian constitution elaborates that the electoral system in Ethiopia is the plurality electoral system whereby the members of the HPR shall be composed of candidates who got most the most votes in their constituency. The constitution also further clarifies that election constituencies will be classified on the basis of population and special representation of minorities and that the maximum number of deputies shall not exceed 550, out of which minority nationalities and peoples shall have at least 20 seats (Article 54 (1-3)). All amendments made to

the electoral law including proclamations No111/1995 and the other proclamations followed in 2005 too, reconfirm that the electoral system is plurality electoral system though, there are various changes in the detailed articles to implement the plurality electoral system.

In the drafting and ratification process of the constitution the issue of the electoral system was not considered as a contentious one, especially with regard to its overall impacts. This was stated by Addis Alem (2003:178) as follows:

During the drafting and the ratification process of the constitution, the electoral system was not a contentious issue. However, this does not mean that there exists a consensus about the system. There have been some complaints from certain opposition groups like the Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPDE) concerning the choice of the electoral system. They argued that the plurality system favors the largest party, the EPRDF, to win in most of the constituents. The smaller parties, which can garner some votes here and there, but unable to win a constituency are disadvantaged by the existing rules. The PR may enable them to win certain seats in parliament. Hence, they insisted on changing the electoral system from plurality one to PR method.

There is no such thing as a ‘neutral’ electoral system; whatever decisions are made will encourage some groups and restrain others (McDonald & Ruhl, 1989:346). The Ethiopian electoral system is not immune to such comments and controversies. One can see that the disproportionality it creates and its influence on the behavior of the political parties has its own controversial impacts on the democratization process of the country, affecting the legitimacy and credibility of the government produced by the electoral system.

4.3- Disproportionality of the Ethiopian Electoral System

Ethiopia is a Federal state. It selected this system considering its multi-ethnic society. Federalism has come to be seen as the only viable alternative to promote the management of conflict prone multi-ethnic societies. Federalism, where properly implemented, has more often than not proved

to offer tools for the better governance of the supra-national institutions and has both facilitated effective decision-making in complex systems and promoted democracy (Taddese, 2004:14).

The federal structure of government can be the best way of promoting democracy given the diverse nature of the Ethiopian population; but this can be realized with an appropriate electoral system that facilitates the creation of a government by a grand majority than bare simple majority. It has been seen in the preceding sections that the plurality electoral system distorts the allocation of seats when compared with the popular vote the parties obtained. Whether the Ethiopian electoral system has produced disproportional results is an issue for investigation. The investigation attempted in this compares what the results of the elections are with what they would have been had the system been the PR one.

It would be appropriate to clarify three points that will be helpful to investigate the relevant data properly. First, the magnitude of the electoral district will be looked at taking the whole popular vote nationwide and considering the regions as a base to see the disproportionality from both angles. 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 gain representation in the legislature. The third point is that when converting the votes into seats the researcher used the Hera quota in PR systems which use the largest remainder method, defined as the total valid vote divided by the number of seats to be filled. Let us first take the whole popular vote nationwide and compare the results found through the FPTP system against what the result would have been through a PR system considering at least four political parties' results of the 2005 election.

Table: 4.1 Nationwide Popular Votes of Four Parties and the Allocation of Seats FPTP Vs PR

Party	Popular votes	Seats		Discrepancy
		FPTP	PR	
EPRDF	10,260,413	327	274	+53
CUD	4,594,668	109	123	-14
UEDF	1,741,670	52	47	+5
OFDM	454,435	11	12	-1

Source: Compiled by the researcher based on data from NEBE (2005 election results)

The above table clearly indicates the disproportionality of the electoral system. EPRDF obtained 327 seats as a result of the FPTP system, but the overall popular vote it got was 10,260,413 which would have given it only 274 seats had the seats been allocated proportional to the popular votes. A proportional electoral system would have denied EPRDF 53 seats which it gained as a result of the FPTP.

From the table, again we can see that, CUD got 4,594,668 popular votes and was granted 109 seats with the existing FPTP system and observe that the number of seats for the party would have been 123 had the system been a proportional representation system. UEDF obtained 52 seats but, would have got 47 seats had the system in use been the PR with proportionally to the popular vote it received which was 1,741,640. The OFDM got 11 seats through the existing electoral system but, would have got one additional seat had the system been of a proportional representation.

From the above discussion one can conclude that existing electoral system is distorting the allocation of seats as hypothesized earlier. The data also show that it is the EPRDF which benefited most from this system and this goes with the previous hypothesis indicating that this system 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. When considering the regions as a base in aggregating the popular votes, can there be a change in the disproportionality of the electoral system? Before looking into this point, let us first see arguments that can be raised about aggregating the votes based on nationwide and regional bases.

There are varying opinions on the way popular votes should be aggregated. Some of them argue that the aggregation of nationwide popular votes as one electoral magnitude can make parties concentrate on highly populated regions considering the less populated as secondary - which might lead to the undermining of the interests of the scarcely populated regions. Others argue that the concentration of parties on densely populated regions will lead to the fragmentation of votes in those regions and therefore parties will be forced to cover the scarcely populated regions either

by creating coalition with smaller parties or incorporating them into a united party which can alleviate problems associated with fragmented and many competing parties. Despite the merits and demerits of both arguments, it is not disputed that the degree of disproportionality gets higher whenever the electoral constituency is wider. For this reason we should investigate the results of the electoral system based on the popular votes obtained by the parties in the four bigger regions and the Addis Ababa administration and check whether the disproportional result still holds.

Table: 4.2- Popular Votes Based on Regions and Allocation of seats FPTP Vs PR

Region	Party	Popular Vote	Seat allocation		Discrepancy
			FPTP	PR	
Amhara	EPRDF	2,706,699	87	75	+12
	CUD	2,116,031	50	59	-9
	UEDF	79,527	-	2	-2
Tigray	EPRDF	1,425,932	38	38	-
	CUD	24,733	-	-	-
	UEDF	2,336	-	-	-
Oromiya	EPRDF	4,135,117	109	105	+4
	CUD	871,830	16	22	-6
	UEDF	1,264,126	40	32	+8
	OFDM	449,128	11	11	0
SNNP	EPRDF	1,813,501	92	70	+22
	CUD	789,865	18	30	-12
	UEDF	366,105	12	14	-2
	SLM	139,752	-	5	-5
Addis Ababa	EPRDF	137,385	-	3	-3
	CUD	694,557	23	17	+5
	ENUP	39,785	-	1	-1

Source: Compiled by the researcher based on NEBE data (election result 2005)

From the table above, we can see that, disproportionality still holds except that its magnitude is lesser as the votes are aggregated regionally. The EPRDF, through its coalition member parties obtained 92 seats in the SNNP, 87 seats in the Amhara region, and 109 seats in the Oromiya region which would have been reduced by 22, 12 and 4 seats, respectively, had a proportional representation system been applied. On the other hand, the EPRDF would have gained 3 seats from its popular votes from Addis Ababa and the CUD would have lost 5 of its Addis Ababa seats had a proportional representation been implemented. Although two other parties and

independent candidates had competed with EPRDF in Tigray, the EPRDF had an overwhelming majority and no change is seen whichever electoral system is used.

The CUD got 18 seats from SNNP, 50 seats from the Amhara region, and 16 seats from the Oromiya region and would have gained 12 more seats from the SNNP, 9 more seats from Amhara and 6 more seats from Oromiya had a proportional representation been used to tally the regional votes. The UEDF would have gained two seats each from the popular votes it got from Amhara and the SNNP regions had a proportional representation system been used. The fact that the FPTP electoral system undermines the interests of smaller parties is empirically demonstrated by the striking example of the loss of a single seat by the Sidama Liberation Movement (SLM) from the Sidama zone while it had a popular vote of 139,752 which would have garnered it five seats had a proportional representation system been used.

In short, the table demonstrates that the disproportionality still holds true even if the votes are aggregated on a regional basis; the only difference we see is the narrower the aggregation, the lesser the disproportionality we get. The 327 seats of EPRDF would have been reduced to 274 seats through a proportional representation system aggregated nationwide and 289 seats through a proportional representation system aggregated regionally. The 109 seats of CUD would have grown to 127 and the UEDF's 52 seats would have been reduced to 48 seats had the proportional representation been used.

The issue of disproportionality has a meaning more than the numbers of seats. Especially, when it comes to a highly diversified society like ours, the effects are immense. Ndegwa (1997:13) says the following concerning the FPTP effects:

Most African countries have electorates what are divided according to ethnic, religions, or regional loyalties and participate on the basis of such loyalties. In many instances, political instability and the collapse of political order can be traced to inappropriate electoral systems which continue to exclude, under represent, or permanently marginalize segments of population. This is because the electoral system adopted from former colonial powers (chiefly plurality and

majoritarian systems) fails to mitigate patterns of political interaction based on ethnic mistrust and social divisions.

For this reason, the selection of the electoral system matters and its political meaning is beyond the disproportionality it creates. Though Ethiopia didn't inherit this system from colonial powers, 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.

4.4-Assesment of the Present Electoral System

4.4.1 Assessment of its Disproportionality in the Overall Democratic Transition

In the previous chapters, we have discussed that electoral systems are one of the core features of any democratic political system. A type of electoral system be it plurality/majority, PR or mixed, has powerful effects on the political process because of the different consequences for the realization of basic democratic values concerned with participation, proportional representation, equality, consensus, majority rule, efficient government, etc. As a result, political parties take the choice of electoral systems as fundamental political issue and have varying preferences based on how it promotes their political choice and overall ambition to take power. This is the case we find with the political parties existing at the present political arena of Ethiopia and all of them consider it as a fundamental agenda and have widely differing preferences of electoral systems.

EPRDF's position is clear; it firmly believes that the plurality electoral system is the best system for the Ethiopian situation. In the view of EPRDF, this electoral system enables Ethiopia to have a clear winner party which can form a government which can directly go into action. The argument setout by the EPRDF is that Ethiopia cannot afford a government that requires an extended time for compromise where it is time for it to engage in the fight against poverty by the day. Ethiopia needs a radical change in action to change every aspect its problems. This is reinforced by its conception of the parties' low culture of compromise. Moreover, it believes that the opposition forces are observed in compromising national interests to narrow partisan agendas

and thinking of proportional representation in such circumstances is compromising the highly needed efficient government in the situation.

At the same time, EPRDF believes that the existing electoral system enshrines the representation of minority interests. The constitution has already arranged especial consideration by allocating 20 or more seats to minorities who may be short of forming a constituency due to their small populations. It also argues it has even made a special quota arrangement for women's participation to ensure that women are represented in the legislative body. For all these reasons, EPRDF strongly stands in favor of the existing electoral system where all elections must produce a clear winner (be it EPRDF or any other party) that doesn't waste time in negotiations to form a government and instead immediately forms a government and goes into action. This can only be possible in a pluralist electoral system where a candidate who got most votes takes a seat at the HPR and a party that got majority of the seats forms a government. In case of an absence of clear majority at the HPR, it considers the creation of coalitions among the contending parties to form such a government though EPRDF wants to make 'cost and benefit' analysis whenever the process creates such a scenario (interview with EPRDF officials, April 2008).¹

On the other hand, opposition parties covered by the study advocate the need for the pluralist electoral system to be changed by a proportional representation system. They think that the existing electoral system benefits the big party EPRDF awarding it more seats than it deserves and harms relatively the smaller parties by denying them the chance of getting seats proportional to the popular votes they get which would have provided them with a wider political space to expand their influence. 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 works in the developed democracies where the rules of the game are clear and the contesting parties have marginal differences on policies. They recognize the problem of PR in creating stable government, but they consider the high diversity of the population and the yet fragmented and not consolidated political groupings in the country to be crucial factors for bringing a proportional representation system as an appropriate electoral system. It is also their belief that the lack of culture of compromise can be overcome through time by implementing the PR (interview with opposition officials, April 2008).¹

In short, all believe that the different electoral systems are tools for promoting democracy but differ in the type of electoral system that fits to the needs of the objective situation of the country.

④ The pluralist electoral system creates stable government. Through this system and through the three general elections referred to in this study, EPRDF has enjoyed the chance of forming three governments that were capable in passing any law in the parliament and has formed an EPRDF dominated executive. The fact that the constitution has a provision to allocate 20 seats for minorities is also an important feature. But I believe that these are not sufficient reasons to endorse the existing electoral system.

There are various important issues that should be considered, among which creating an all inclusive mechanism which can create belongingness to the outcomes, redeeming the past backward political culture, producing strong opposition in parliament and having a sustained credible government are some of the key ones.

J The law-making body at federal level, the Ethiopian constitution leaves it solely to the HPR. This means the parties or individual candidates who won the most votes in the constituencies and also the minorities that are considered in the constitution can participate in the law-making process. This can leave no representation or under-represent not only which have no special seat allocations but, also people with different views within the nation and nationalities that are somehow represented through the regional parties. Assefa (2007:228) notes as follows:

The states and consequently the ethno-linguistic groups that constitute the seats 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 center, the Ethiopian federation departs from it significantly. A genuine federation not only guarantees autonomy to the states but also incorporates the states in the central decision – making process. In this regard one can state that the constitution fails to protect the less populous states which it claims to empower and protect.

This can be true when the electoral system that allows ‘the winner takes all’ and makes for some ethnic groups and people with different views within the nation and nationalities difficult to be included in the decision making processes. Most of the ethnic groups can be represented in the HoF, which is not actually a law making body, than in the HPR. This was further elaborated by Paulos (2007:312) as follows:

The role of the upper house or the House of Federation has never been visible in the Ethiopian bicameral parliamentary system. This House has never played its role of maintaining horizontal accountability between the two Houses. This implies that the regions do not have any say about general policies at the federal level through the House of Federation and can not propose laws through that channel.

Thus, even if the constitution considers some seats for minorities, it still excludes some ethnic groups and people with different views within one ethnic group, from the legislation making process which is the HPR in which representation can only be achieved through the plurality of the votes.

Furthermore, if the problem is taken to its extreme argument the federalism which Ethiopia selected as an avenue can come to be nominal by using internal party mechanisms. This could be done by any party or coalitions who won the plurality of the votes to form a government especially by the EPRDF who has got a well established party mechanisms of ‘democratic centralism’. This was also argued by Paulos (2007:284) as follows:

the party programs stipulate that a political party can be a member of the EPRDF only if it follows democratic centralism, conforms to principles of the evaluation system and accepts the supremacy of the central party’s Revolutionary Democracy ideology, programs, rules and regulations.[...] the party also forbids its members in legislative branches at both levels to lobby or

create factions and different legislative groups that could articulate the aspirations of different interest groups.

Thus the electoral system does not only exclude but it can also lead it to centralized administration with a federal facade by excluding various groups and opinions which could not win at constituency level because of the plurality electoral system by denying to represent them proportionally.

* (Legitimacy)
Another important problem of such an electoral system is that it can create a 'manufactured majority' which cannot, at least, represent the majority of the electorate and which can affect the legitimacy and credibility of the government and through it affects the stability of the government – all of which are the criteria for selecting the right electoral system. As demonstrated in chapter two, where a plurality/majority system is used, in which a single party or coalition wins less than 50 per cent of the valid votes but gets absolute majority of the seats in an elected body a manufactured majority can occur.

In the 2005 elections the EPRDF enjoyed a considerable number of the popular votes that would barely enable it to form a government even under the proportional representation system, but the disproportionality observed indicates that such a system could end up with flawed results creating a minority government as a result of manufactured majority. We have seen that EPRDF got 10,260,413 popular votes out of the total valid votes of 20,487,218. This means EPRDF got 50.08 per cent of the popular votes. But when it comes to the seats, EPRDF enjoyed 59.78 per cent of the seats in the legislative because of the plurality electoral system. If the electoral system were PR, EPRDF would get 50.08 per cent of the legislative seats which would have been only very marginal to form a government. If in the future the contests are high and if the Ethiopian people get various alternatives, the existing electoral system can produce a party or coalition which can win with considerably less than 50 per cent of the valid votes but getting absolute majority of the seats. Such an incident where 'manufactured majorities' are artificially created by the electoral system out of mere pluralities of the vote could instigate civil strife rather than democracy.

The consequences of such phenomenon could affect the legitimacy of a democratically elected government and through it affect the stability of the country. The issue of legitimacy in Ethiopia can be sustained as far as the people feel that, they are represented in every aspect. Otherwise, legitimacy can be wasted anytime. Clark (2006:132) states the issue of legitimacy as follows:

Legitimacy can not usefully be understood as an objectively present category, permanently sustained by any given political system or set of political outcomes. A clear election outcome may give a regime clear legitimacy for some period of time, but legitimacy may turn into a wasted asset in the hands of politicians [...] even if they were elected democratically. The question is rarely whether a regime has legitimacy, but rather how much legitimacy it has and whether its legitimacy is waxing or waning.

In a situation where majority rule spells out majority dictatorship, legitimacy can be waning and this can be a destabilizing factor for an 'efficient' government produced by the plurality electoral system which is appreciated today by hiding the problems of tomorrow. But, the issue is not only of tomorrow. It is even signaling now. The post election violence of 2005 can show that there can be a problem which no body wants it to happen. As mentioned before the EPRDF lost 154 seats when compared with the 2000 elections. Here, EPRDF recognizes that it was a 'protest vote' for there were problems of good governance especially forcing people to work in various local activities and the issue of justice and high expectation of development which were at the start after the 'renewal' of EPRDF. These problems led the people to a protest vote and the oppositions' hunger for power took the situation into violence; and that was why EPRDF tried to evaluate the process and addressed the problems with the people immediately coming up with solutions (interview with EPRDF officials, April, 2008). ✓ 2

The violence was the result of various factors including EPRDF's governance problems and the opposition's wrong direction to exploit the situation (which will be further discussed subsequently). Partly the issue was of representation; People were doubtful whether they were adequately represented in the decision making processes through the parties they elected previously. It was not because the people were politically naïve to go into such violence for they

misled by the oppositions' wrong direction. In an electoral system in which the winner takes all, people cannot be comfortable for the system does not guarantee their votes and interests to be represented proportionally. This also created dissatisfaction and destabilized the country, especially the urban centers, claiming the lives of ordinary citizens in the violence following the 2005 election. Thus the electoral system enacted can make not only the opposition reluctant to accept the outcomes but also the people to be doubtful and prepared them to be swayed into violence and created an unstable situation at that time.

Furthermore, the plurality electoral system is not conducive for the opposition. As discussed in chapter two the existence of opposition parties is very important in any democratic system. Effective governance relies not only on those in powers but, almost as much, on those who oppose and oversee them. At the same time the electoral system should weaken the mentality of the winner takes all, which can make rulers blind to other views and desires of opposition voters, otherwise, as Reynolds *et al* (2005:13) explained it the electorate can view that 'both elections and government itself as zero-sum contests' But, the effects of such a problem do not stop there; its effects can lead in to a weak legislature which does not help to mature parties. As discussed in the previous chapters legislative weakness also inhibits democratization by undermining the development of political parties. In weak legislatures, political parties drift and stagnate rather than develop and mature.

The causes of the weaknesses of the Ethiopian opposition political parties are far beyond the effects of the electoral system, but one can be sure that the present electoral system is not supportive and conducive enough for the growth and strengthening of opposition in the country. It does not represent them proportionally and as a result it affects their influence in the process, narrowing their chance of survival. If this is the case, creating conducive situation including free and fair elections, the design of the electoral system also matters to the maturing of parties and a strong legislature which can facilitate to democratization in process. With out strong opposition, not only there will be a weak legislature but there is a possibility of stagnation of the political parties including the ruling party owing to the existing electoral system. Obviously the strength of the opposition depends on many other factors besides the choice of electoral system, but if the system itself makes the opposition impotent, democratic governance is inherently weakened

(Reynolds *et al*, 2005:13). This means in the Ethiopian case in which the electoral system is contributing to the weakness of the opposition parties, it is also affecting the processes either by creating a de facto one party system as seen in the previous elections or by strengthening the 'winner takes all' mentality - leaving the rulers blind to other views which can lead people to see elections and government as a zero-sum contests.

In summary, one can see that the federal arrangement has enabled the country to address its ethnic diversity and it is appreciated that there is a special consideration to allow minorities to have at least 20 seats in the parliament; but the existing electoral system doesn't seem appropriate to the democratization process in the country as it doesn't produce proportional representation which in itself is not a favorable condition to the growth of opposition politics, a strong legislature and in improving the accountability of the ruling elites. It also strengthens the 'winner takes all' mentality than weakening the hard head of the politicians.

4.4.2- Assessment of the Effects of the Electoral System on the Behaviors of the Political Parties

The effect of the existing electoral system is not only the distortion of seat allocation and the other consequences that were discussed above. It also affects the behavior of the political parties. As demonstrated in chapter two, parties are not merely the product of social forces but of institutional structures as well. We should therefore investigate how the present institutional structure is affecting the behavior of the political parties and see whether its effects are influencing the strengthening of the democratic transition.

In Ethiopia there are 87 legally registered political parties 22 of which are national whereas 65 are regional parties (NEBE, political parties' registration office, March, 2008). Generally speaking, the political parties that legally operate in the country since 1991 can be classified into three broad categories: (1) ethnic parties under the EPRDF umbrella, (2) regional ethnic parties cooperating with EPRDF, and (3) the minority ethnic and regional opposition parties (Oertel, 2005:5).

EPRDF is a coalition of four parties namely the TPLF, ANDM, OPDO and SEPDM. The root of this coalition goes to the times of the armed struggle and the coalition is the strongest and oldest coalition from among the political parties in the country. It has also experienced more than a decade of political power through three consecutive elections. EPRDF basically operates in the four bigger regions and the Addis Ababa administration through its member parties.

The EPRDF affiliated political organizations include: Afar National Democratic Party, Somali people's Democratic Party, Benshangul-Gumuz People's Democratic Unity Front, and Gambela People's Democratic Movement. Those parties operate in Afar, Somali, Benshangul-Gumuz and Gambela consecutively.

There are various opposition parties in Ethiopia. The two main opposition coalitions which contested the ruling party in the 2005 election were UEDF and CUD. UEDF was established at a conference in Washington D.C in 2003. Today UEDF includes 5 parties based in Ethiopia and 9 parties in exile abroad. The domestic parties are All Amhara People's Organization (AAPO), Ethiopian Democratic Unity Party (EDUP), Oromo National Congress (ONC), Ethiopian Social Democratic Federalist Party (ESDFP), and Southern Ethiopia People's Democratic Coalition (SEPDC). UEDF is not satisfied with the existing system of ethnic federalism and wants more power to the various ethnic groups. The CUD consists of four main parties namely the Ethiopian Democratic League (EDL), All Ethiopian Unity party (AEUP), Rainbow Ethiopia: Movement for Democracy and Social Justice (MDSJ) and United Ethiopian Democratic Party (UEDP- medhin). AEUP and UEDP- medhin withdrew from the opposition-coalition UEDF in September 2004 and created CUD which is composed entirely of parties based in Ethiopia. CUD has warned against the risks involved in the system of ethnic federalism, which could lead to a disintegration of Ethiopia (the Norwegian Resource Bank for Democracy and Human rights report 9/2006:2).

Though the opposition parties have tried to come together most of the time they failed to do so. A political culture engrained in hierarchical authority within parties has considerable implications for the democratization process in Ethiopia as efforts towards forging coalitions among political opposition parties, for instance, have in many cases failed (Oertel, 2004:5).

Moreover, CUD was formed around the year of election 2005 and was organizationally weak assuming itself as a 'sprit' with no clear vision on what changes could be done or to be introduced in the country. Harbeson (2005:152) in his article in the Journal of Democracy states as follows:

CUD promises that, should the voters raise it to power, it will revisit the existing definition of state, even as the CUD's leaders remain vague about just how much change a CUD-led government might actually seek to introduce.

The political parties in the country, including the ruling party, are the outcome of the longstanding backward political culture which left its traces in every party's behavior in different ways as discussed before. When talking about the role of the electoral system in shaping the behavior of the political parties, we should raise one question. Is the existing electoral system helping in redeeming the faults of the past by facilitating for tolerance and accommodation or is it widening the polarization? Or, in other words, is it helping in strengthening the democratization process or weakening it the process by hiding problems that can explode any time?

We have discussed in the previous chapters that electoral systems have tremendous influences on the behavior of parties. A plurality electoral system affects parties' behavior causing them to be reluctant to compromises. On the other hand, a PR system tends to shape the behavior of parties to compromise to create a coalition to produce a grand majority that can run a government. Let's now see whether the Ethiopian empirical experience supports this argument.

In Ethiopian, it is observed that political parties consider each other as enemies and not partners. They portray themselves as 'good' and their opponents as 'evil' in their campaigns and campaigns tend to fail in being competitions among programs and it is repeatedly observed that parties use boycott from the process as a strategy rather than staying in the process in the objective of giving hope for democracy and the people.

The 2005 election season offered unprecedented opportunities for political expression, including greatly enhanced media coverage, both before and up to the Election Day. But, lastly the debates

became like one between ‘good’ and ‘evil’ by the ruling party and opposition parties. The EU observation mission report (2005) stated as follows:

There were unfair radio and TV campaigning using images and messages designed to intimidate by associating the genocide in Rwanda with the political aspirations/programs of certain parties. Such negative campaigning was initiated by the EPRDF against the opposition, and was later taken up by the UEDF against the government. A few days before voting day, a banner from the governing EPRDF was deployed with the slogan in Amharic ‘*Let us not give a chance to Intehamwe*’.

Before putting some comments on this issue, let us first see how the EPRDF perceives the efforts made to tolerate the opposition in the process.

EPRDF claims that it is trying to change the country’s political culture by trying to call all political parties not only to participate but also facilitated for their flourishing in the country – a situation which was unthinkable in the previous regime. It further claims that it is also trying to accommodate the ideas of the opposition in the process and that has gone to extent of tolerating the opposition politics even when it went racist and hate mongering during the election campaigns (2005 election) which could not be tolerated even in the well developed democracies. In the view of EPRDF, the problem is the nature of the opposition coalitions which it considers 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 themselves (interview with EPRDF officials April, 2008). ③

During the climax of the election campaign in 2005, both the ruling party and the opposition tried to use the power of nightmare than the power of their programs. In other words, the content of their campaigns was ‘me or never’, which has a lot to do with the nature of the parties but also related to the impacts of the electoral system. The plurality electoral system is a system where the winner takes all and no proportional representation to popular votes is guaranteed. For this reason the campaign had a feature of ‘a life and death struggle’ among the contending parties.

If this is taken back to the political background of Ethiopia, it cannot compensate for the faults or bad aspects left by the previous hegemonic regimes in this country. Dahl (1971:157) states as follows:

If political, conflict is unredeemed evil, and then surely competing parties are an evil. This is in effect, the public ideology in many countries ruled by hegemonic regimes; in communist countries, certain aspects of Marx thought provided a logical and persuasive foundation on which Lenin and his successors were able to erect a theoretical and practical justification for repressing all parties other than the single ruling party.

We can therefore see that, the existing electoral system is not helping in redeeming the past political culture instead inflaming. The life and death struggle to win the constituencies with the plurality of the votes pushed both in to 'me or never'.

The polarization of politics is even vividly witnessed within the opposition camp. deWalle (2006:86) stated that 'usually opposition cohesion becomes more likely when an opposition victory appears more likely'. This seemed to be true when the opposition, especially the member parties of the CUD, came together in the 2005 election as a 'strong' opposition to the ruling party. At other times they are observed blaming each other to further fragmentation and labeling some of their own members who differed as '*weyane*', still unable to solve their internal problems properly. This problem can broadly be attributed to the hasty formation of the opposition coalition, failure to do their homework in bringing a workable coalition and lack of a culture of tolerance and compromise even among themselves.

The 'winner takes all' electoral system is also widening the mistrust among the parties and in the process itself. In the 2005 election almost all parties including the ruling party had complaints of fraud. The CUD lodged complaints in 139 constituencies; the UEDF lodged 89 complaints, while the EPRDF has raised concerns over irregularities in more than 50 seats. Including the complaints lodged by small parties, complaints concerning the results 299 parliamentary seats were lodged. Some of the opposition parties even lodged complaints in places where they had

fully won as if it was rigged for they were either blinded by their ambition to win only or amplifying to undermine the process. The NEBE investigated the fraud allegations, with participation of opposition parties and international observers. However, investigations led to elections being re-run in 31 constituencies (NEBE interview April, 2008).

The number of complaints lodged can clearly show that the parties become very suspicious to each other and accusing each other on fraud allegations to get the majority of seats to come to power or to retain power as the majority they garner from each constituency either will bring the opposition to power or will keep the ruling party to sustain power. For such situations Hartlyn and McCoy (2006:47) stated as follows:

In elections fraught with mutual suspicion, candidates and political parties commonly make multiple charges of fraud; even in situations where fraud is present, political parties typically over accuse opponents of fraud, forcing observers to sort out factual instances of fraud from false charges.

We now observe the mistrust of parties widening in Ethiopia - a phenomenon to be partly attributed to the a winner takes all nature of the electoral system, even influencing them to produce false charges to come to power or retain the power with the plurality votes they obtained from the constituencies.

Furthermore, where the electoral system in which the winner takes all is the rule of the game, boycotting elections is also witnessed in some of the opposition forces before or after the elections results were declared. Some of their reasons include intimidation by the ruling party and the absence of NEBE's help to solve the problems they face (interview with opposition, April, 2008). It is also obvious that the electoral system does not allow a party to be represented proportionally if it does not win the majority of the votes in a constituency. Whatsoever the problem, all democracies confront the continuing challenge of making their elections more just and more free and fair. Though some of the opposition parties participate with their complaints, some parties like the OLF during the transition and CUD in the 2005 election boycotted before or after the election concluded.

The OLF boycotted in the early stages of the transition. The OLF not only withdrew from elections on June 17, 1992; but it also decamped 15,000 fighters, aborting an encampment accord signed in that year. Shortly after the elections, the OLF withdrew from the Council of Representatives, OLF ministers resigned from the TGE and OLF closed its offices. The boycott of the OLF not only harmed the democratic transition in Ethiopia, which was at its beginning but also harmed OLF itself. Limited war began in the Oromo region and within a brief period, the EPRDF army (during the transition period recognized as the Defense Force of the country) stripped the OLF forces of their seized control of all Oromo towns. Forcibly encamped several thousand OLF fighters and reduced OLF force levels to below 5,000 (National Democratic Institute for International Affairs, 1992:4). At the same time OLF would have benefited from the peaceful struggle had it honored the treaty of that time and if it had had commitment to the peaceful transition of the country. Addis Alem (2003:144) notes as follows:

OLF would have benefited from its commitment. It could have used the parliamentary platform and found other ways to promote its political stances. With all its shortcomings, the democratic process would have provided it with better opportunity to garner support and eventually implement its program. The resolve to a military solution by violence have placed the OLF's sincerity and commitment to the democratic process in question.

The withdrawal of the CUD from the parliament after the 2005 elections is another example of such boycotts by the opposition. The CUD won 109 seats to the HPR and 137 seats out of the 138 seats of the Addis Ababa city council and considerable seats in some other regional council (NEBE, 2005). But it boycotted to take the parliamentary seats it won because it felt the ruling party has rigged the election and committed election fraud and resorted to a different tactic of removing the ruling party by violence abusing the 'support' it got at that time. These led to post elections (2005) violent demonstrations, which only resulted the loss of life and destruction of property, but nothing to the democratization process. Wall (2006:83-4) noted as follows:

The behavior of political parties is often highly contingent: self-interested and rational actors respond to events in a context of substantial information asymmetries and uncertainty. Even in ethnically or ideologically polarized political situations, institutional actors are likely to support a stable regime but less likely to back one that is tottering or obviously unstable. Political actors want to be on the right side of history.

This is what actually happened in the aftermath of the 2005 Ethiopian elections. The CUD, despite its unprecedented high success, failed to accept an opposition in the parliament (some members refused and took their seats) and full control of the Addis Ababa city council and resorted to violence. Assefa (2006:451-2) noted that:

The CUD alleging that the ruling party has rigged the election and committed election fraud decided not only to boycott the parliament but also decided to remove the ruling party by calling its supporters for all kinds of 'colored revolution' along that of Ukraine and Georgia. This led to violent demonstrations in June and November 2005 that resulted in loss of life and destruction of property, imprisonment of the principal leaders of the CUD on allegations of the attempt to commit crimes of treason and Genocide, deteriorating human rights situation and a political atmosphere.

This put it on the wrong side of the history, at least for its actions of that period which resulted deterioration than helping democratization.

The CUD did not recognize that the coalition they created needs a lot of work through process. The diversity Ethiopia needs special care and attention in building coalitions, to address the divergent interests and the issue of identities. For such diversified societies when building coalitions which are also true to Ethiopia deWalle (2006:91) states as follows:

In such highly diversified country ethnic fragmentation and other forms of cultural pluralism make cohesion more difficult. Situations of ethnic diversity and polarization probably increase the cost of coalition building and provide a built-in

advantage to incumbents, who can more easily build cross-ethnic coalitions with the assistance of state resources.

Therefore the process could have helped the CUD to understand the reality in depth, to further consolidation of their organizational capacity and to show their commitment in deeds beyond their manifesto and, above all, strengthening the process. Scheduler (2006:20) noted about boycott of parties as follows:

If parties withdraw and protest, they do so out of resignation, in a position of weakness. Opposition boycott and protest, it seems, are acknowledgment of defeat rather than weapons of democratization.

This mess is partly also to be attributed to the influences of the present electoral system in Ethiopia. Majoritarian/plurality systems are associated with lower levels of opposition participation and acceptance of the outcomes too. This in a way affects their behavior on accepting a genuine defeat or rejecting it which is one of the basic behaviors a contending party which should assume victory or defeat can occur (Lindberg, 2006:161). But, as discussed before to a considerable degree less participation and especially the rejection of outcome were exhibited in almost the three previous election cycles. The political parties consider each other as 'enemy', do not trust each other and no respect of differences that can redeem the past backward political culture left by the past hegemonic regimes. In this political cross fire the people are the ones to be harmed more by leading them into political apathy and frustration of opposition which in effect will lead into a de facto one party system which actually affects the democratization of the country in the long run.

From the assessment done so far we can see that the effects of the existing electoral system has exaggerated the already polarized relationship of the political parties in the country.

4.5- Electoral Management Body: National Election Board of Ethiopia

The NEBE was instituted by the constitution which states that a National Election Board shall be established independent of any influence, to conduct in an impartial manner free and fair elections in federal and state constituencies. At the same time, the article puts that members of the Board shall be appointed by the HPR upon recommendation of the Prime Minister (Article 102 (1&2)). The latest proclamation also states that the Board shall have seven members who shall be appointed by the HPR upon the recommendation of the Prime Minister on account of their allegiance to the constitution, non-partisanship of any political organization and professional competence, by taking into account their national contributions. The term of office of the members shall be six years. However, a member of the Board may serve for a second term (Proclamation No.438/2005). Based on these proclamations, the previous Board served for the two terms of elections and the newly elected Board experienced the by-election and local elections of the 2008 at the time of this writing.

The previous chapters have discussed that an electoral commission should be impartial, comprised of professionally qualified members that are accepted by all the actors (the people, the ruling party and the opposition) as an independent and qualified body to run elections. This recognition becomes one of the factors that enhance its credibility and the legitimacy of election results. In this regard, the NEBE has strengths that define it and problems that should be overcome which affect its impartiality directly or indirectly.

In the view of the ruling party, members of the Board are selected based on their neutrality and considering their professional capacity. EPRDF believes that it has gone extra miles to make the process of selection of members of the Board accommodative of the opinion of the opposition, especially in the case of the new Board. EPRDF also believes that though members of the Board are nominated by the Prime Minister, most concerns of the opposition were incorporated and finally endorsed by the HPR. Whenever the Board acts, the EPRDF argues that there was no, there is no and there will be no any interference by the EPRDF dominated executive in favor of the ruling party. EPRDF believes that the capacity of the electoral Board has to be improved but all the allegations of the opposition that range from the selection process of the members to the

actions of the Board are neither problems of the ruling party nor of the Board. EPRDF attributes the problems to the nature of the opposition which cannot be satisfied with any actions that are taken properly unless it gains power by any means and says that the opposition tries to make a scapegoat of their failures by blaming the Board is the position of EPRDF (interview with EPRDF officials April 2008).

The NEBE also shares these opinions. The activities carried by the Board are neutral by making the plain level equal to all contesting parties. Starting from the preparation of the elections up to declaring the outcomes, the NEBE claims to perform its tasks impartially and tries to investigate all concerns and claimed frauds with all possible mechanisms to make the process and the outcomes acceptable to all. According to the Board, most of the allegations that come from the side of the opposition are unfounded and claims lodged with facts would be addressed regardless of who raised them, in fact by giving more time to the complaints raised by the opposition. The selection for the lower levels of the commission is done with possible care for their impartiality to any of the political parties. The NEBE recognizes that there is capacity problem that should be overcome through time. Otherwise the Board believes that impartiality has been a key criterion in selecting officers to its lower level structures (interview with NEBE official April 2008).

Contrary to the belief of the EPRDF and NEBE, the opposition parties claim the selection of the members especially at the lower levels (which are very important for the running of an election) is a disaster and has brought supporters and members of the ruling party into these key positions. They believe that regardless of the existence of code of conduct for elections (on which EPRDF states it has sufficiently sensitized its members) their members and candidates are intimidated by local administrators making it difficult to contest and complaints filed to the NEBE couldn't bring any solutions to these problems. As a result, they claim that they are participating in elections only to avoid the cancellation of their registration as a party's registration would be cancelled if it failed to participate in two consecutive elections. They also accuse the ruling party for setting the rules of the game without any consensus but through the majority vote it has in the parliament. In short, they believe that the selection process is partial and the rules of the game are set without any consensus making the EPRDF to be the law maker and the judge (interview with opposition officials April, 2008).

Independent observers' reports and some others; during the 2005 elections contain conflicting observations. The Norwegian Resource Bank for Democracy and Human Rights (NORDEM) report (2006) states as follows:

EU Election Observer Mission report describes the commission as 'generally well prepared and effectively conducted, albeit with certain shortcomings'. The election observer mission noted that 'the administrative procedures and the overall conduct of polling by the NEBE and sub-national electoral authorities were more transparent than ever before'. The registration of voters and candidates and the preparations for the polling operation were generally efficient and within the prescribed deadlines.

However, others refuted those points and even blamed the NEBE to the extent of sparking violence. Harbeson, (2005:144) in his article in *Journal of Democracy* states as follows:

Credible charges of election fraud and government harassment of opposition politicians have surfaced. Doubts about the impartiality of the NEBE played a role in sparking violence that has taken lives of at least 36 people in the capital city of Addis Ababa. The election process has thus reflected and dramatized the party free rating that Ethiopia has received continuously since 1991 from Freedom House.

From the above discussions, one can say that the NEBE has made considerable efforts to manage elections but still failed to enjoy the confidence of the opposition. Thus, its independence and competency to manage elections remains controversial. One of the issues raised against is the way its members are appointed to the post. Is this really an issue that should be raised to question the legitimacy of the commission? It is therefore appropriate to make a comparative assessment of such appointments in democracies.

Such appointments are done in several ways in both the developed and transitional democracies. As demonstrated in chapter three, in Kenya the ECK is appointed by the president without the endorsement or ratification of the parliament. In South Africa the president, on the recommendations of the N.A. appoints members of the IEC. In Germany the Federal Returning Officer and his deputy are appointed by the Federal Minister of the Interior, in keeping with a long-standing tradition that dates back to the Reichstag elections (<http://WWW.bundeswalleiter>).

The appointment of NEBE officials is by no means different from the above mentioned experiences and therefore can not be an evidence to challenge the legitimacy of the commission. One might suggest further consultation and understanding between of the ruling party and the opposition to nominate the candidates in line with the one practiced in the recent appointment the Board. Moreover, care must be taken to nominate neutral persons or at least persons with reasonable professionalism and integrity to the lower levels of the commission's structure as it is these structures where most complaints of the opposition are targeted.

The other source of complaint of the opposition over the NEBE is that cases of intimidation and harassment reported to the commission do not get proper attention and solution. EPRDF categorically rejects this as an unfounded allegation and the NEBE says it has acted on those complaints supported by evidences but most of the complaints are not supported by enough evidence and therefore it cannot do anything to a complaint reported without supporting evidences. This leads to the questions raised by Case (2006:97) as follows:

...Such controversies arise in most of elections held in developing democracies. How are we to know when manipulations are skillful or clumsy except in annex post facto way, reading back from the persistence or change of regime? And where these regimes do persist, how do we know that the skillfulness of the ruler's manipulations matters more than the opposition's weakness? Are some of the questions commonly raised in elections held in transitional democracies.

Some of the frauds and mal deeds which were done in day light were tried to be corrected by the re-run elections. But all frauds and especially intimidations, there is a possibility of doing without public traces. To such problems Schedler (2006:9) noted as follows:

The alteration of electoral lists, the purchase and intimidation of voters, or the falsification of ballots on Election Day, constitute more decentralized activities that involve myriad of public and private agents trying to do their job without leaving public traces.

There is a possibility that such things are happening without leaving any public trace in Ethiopia too. Others suggest that the problems might arise from lack of democratic culture and commitment to the democratic process. The way the elected people see positions also matters a lot. Is it a means to serve the public or to serve themselves, getting closer to public property is the question. In this view as noted by Addis Alem (2003:186-7) ‘...the limited economic space in the country, in which elected officials are tempted to cling to power using any means available. Some local officials might feel that they have little opportunity of employment if they lost their offices’. This seems to be true as for some of the politicians (not only the lower, but probably also higher officials) the power they get can be a means of getting unfair benefits than a means to accomplish public responsibilities that might push them to undemocratic practices, probably with no public traces.

In general, there is no quick fix for such a problem. It has a lot to do with the overall underdevelopment of a democratic culture, underdevelopment where public posts appear to be standing among the few reliable sources of survival. This problem is not limited to the ruling party, in the 2005 elections at constituencies where the opposition had an upper hand, it was observed that the ruling party filed cases of election fraud which in some of them a re run of elections was made (interview, EPRDF & NEBE April, 2008).

To summarize, The NEBE stands at a the center of the Ethiopian elections and an actual and perceived neutrality matters a lot to the legitimacy of elections and the stability that follows the formation of a legitimate government. In the discussion above, it has been seen that NEBE’s

neutrality is a contested one. The opposition and some of the observers consider it a partial body of the ruling party and the EPRDF considers it as a neutral and legitimate body but with limitations of capacity. It is also observed that the mechanism of its appointment is in line with the practice of such appointments in other democracies but saw that more consultations with the opposition in the nomination process of its members is quite essential to increase the confidence of the opposition in the commission. Moreover, it has been observed that the nature of the electoral system where ‘the winner takes all’ is making election contests as ‘life and death’ contests, and this in turn polarizes the relationship of the competing parties which has a great influence on the legitimacy and acceptance of the electoral commission by all the concerned parties.

One can therefore conclude that agreeing to the need of changing electoral system is not enough to bring a change in electoral law in the country; one also needs to understand the constraints and limitations of bringing such changes and consider creative approaches to manage these changes. The easiest way for bringing such a change is opening a dialogue on this matter among the existing parties in Ethiopia with the objective of bridging differences and coming together to a workable arrangement. This requires restraining oneself from the existing hatred politics and developing a culture of compromise and working together.

4.6 - Conclusion

This chapter argued for the rethinking and redesign of the existing electoral system of Ethiopia. The plurality electoral system for sure is producing efficient government, but not representative enough and therefore might not sustain legitimacy and stability. It has been observed that the votes garnered by the EPRDF are barely enough to even allow it to form a government even under a PR system. But we have seen that minor changes in the voting pattern can bring a minority government and therefore a government with problems of legitimacy and stability. Moreover, it has been observed that the existing electoral system is influencing the strengthening of the polarization of the political parties instead of improving the backward culture and paving the way for consensus in the country. In this chapter we have also seen the controversies around the neutrality of the Board and concluded that with considerable efforts observed, but a change in

the political culture of the parties and a change in the overall electoral system could assist in a maintaining credibility and acceptance of the body.

Chapter Five: Summary of Main Findings, Conclusion and Recommendations

The introduction of this paper stated that the purpose of this research is to analyze the Ethiopian electoral system and to contribute to the debates on the system that exist since the ratification of the FDRE constitution with a limited scope of its consequences. The discussion in chapter two has tried to formulate the theoretical framework on electoral systems. In this chapter I have reviewed a variety of electoral systems in the context of democracy and analyzed their consequences in promoting democratic and representative governance. Furthermore, chapter three has attempted to compare the three broad categories of electoral systems (i.e. the FPTP, PR and mixed electoral systems) in action in three different countries. The purpose of this discussion was to show the impact of the electoral systems in the democratic environment of the countries and extract experiences that may help to understand the impacts of the Ethiopian electoral system. Finally, chapter four has exclusively assessed the Ethiopian electoral system with respect to various aspects.

In this chapter, the findings and conclusions will be summarized, and recommendations, challenges and constraints to implement the recommendations will be discussed.

5.1- Summary of the Findings

From this study, the following particular findings are observed.

- Ethiopia, a country with a highly diversified society and with little or no history of democratic elections, has selected a plurality electoral system where the one who commands most votes takes all the seats and which as a result undermines the representation of minorities and smaller political parties by over representing the largest party.
- In the assessment of the results of the 2005 Ethiopian general elections, it was observed the overrepresentation of the ruling party. This was tested by aggregating the votes nation-wide and at regional level. While aggregating the votes nation-

wide, EPRDF obtained 327 seats as a result of the FPTP system. The overall popular vote it got was 10,260,413 out of the 20,487,218 valid votes; these votes would have given it only 274 seats had the seats been allocated proportional to the popular votes. A proportional electoral system would have denied EPRDF 53 seats which it has gained as a result of the FPTP. The assessment also showed that the CUD would have gained 14 more seats had there been a proportional representation electoral system.

- The disproportionality of the seat allocation continues even when votes are aggregated regionally. The only difference observed is that the margin of the disproportionality decreases when the electoral magnitude gets narrower. EPRDF got 327 seats by the FPTP which would have been 289 seats had a PR electoral system been used. The additional 38 seats gained by EPRDF as a result of the plurality system would have been allocated to other parties proportionally to the popular votes they obtained. The existing electoral system has also under-represented the CUD by 18 seats even when the votes are aggregated the regional level. On the other hand, this system left out the SLM with no seat while the popular votes it obtained would have given it 5 seats under a proportional representation system. The same is true of EPRDF which was denied any seat from Addis Ababa administration would have got 3 seats and CUD would have lost 5 seats under a PR electoral system.
- The assessment of the 2005 elections has shown that the EPRDF enjoyed a considerable number of the popular votes that barely enables it to form a government even under a proportional representation, but the disproportionality observed indicates that such a system could end up with flawed results creating a minority government as a result of 'manufactured majority' in the legislature. It was demonstrated that EPRDF got 50.08 per cent of the popular votes. But when it comes to the seats, the EPRDF enjoyed 59.78 per cent of the seats in the legislative because of the plurality electoral system. Had the electoral system been a PR one,

EPRDF would have got 50.08 per cent of the Legislative seats which would have been only very marginal to form a government.

- Moreover, I have learned from the assessment that the effects of the present electoral system on the behavior of the existing political parties is contributing negatively to the democratization process of the country. There is little sign of negotiation and compromise to work together among the political parties, elections tend to be ‘life and death’ struggles and this is partly attributed to the nature of the electoral system where the affair is the winner takes all.

5.2- Conclusions

From what I discussed so far, I can clearly conclude that the Ethiopian electoral system doesn't provide proportional results to public votes and therefore fails to be representative enough. The electoral law provides a provision to assure the representation of minorities but it only targets small number of ethnic communities and doesn't address minority groups that may come as a result of political choice and affiliation. If in the future the contests are high and the Ethiopian people got various alternatives the existing electoral system can result in a party or coalition with considerably less than 50 per cent of the valid votes but gets absolute majority of the seats. Such an incident where ‘manufactured majorities’ are artificially created by the electoral system out of mere pluralities of the vote could instigate civil strife rather than democracy. The fact that it doesn't produce proportional results affects the legitimacy of the government that comes as a result of the elections. The post election violence of 2005 indicates what the impacts of such a contested legitimacy could be.

The existing electoral system is widening the polarization among the political parties. As discussed earlier, political parties label or tend to consider each other as enemies rather than partners. This is widening the mistrust among the parties accusing each other on election frauds. They don't see each other as political alternatives but as the ‘saviors’ of the nation and see the assumption of power by another party an imminent threat to the survival of the nation. This is partly caused by the nature of the electoral system, where everyone makes a ‘life and death’ struggle to win plurality votes and sustain power or take power from the ruling party. Thus the

existing electoral system fails to redeem from the past backward political culture of confrontation and violence to stay in power or take power and strengthens 'the winner takes all' mentality.

Lastly I see that the formation of the NEBE and its ways of managing the elections is contested. From the assessment conducted on the same, I have observed that the modality of its selection is not by any standard different from other emerging or developed democracies, thus the selection cannot be an issue for its legitimacy; it only needs further consultation to win the confidence of the opposition which is more important than that of observers in the democratization of the country. It also needs serious attention on the selection of the lower officers at which most of the grievances are targeted. It is also observed that there are intimidations and frauds both in day light and the possibility of doing without leaving any public traces. Such actions are seriously jeopardizing the legitimacy and acceptability of election results. Although this has a lot to do with the overall political culture of the country but I have realized that the 'winner takes all' nature of the electoral system is contributing towards such actions as winning and losing elections come in absolute terms.

5.3-Recommendations

5.3.1-Alternative Mechanisms of Electoral systems

When selecting or designing an electoral system, it is true that there cannot be as such perfect electoral system that fits all countries or societies. A country should have an electoral system that fits its historical background and that enhances the democratization process to keep on waxing. The solution can be to find the least imperfect system. In this regard the concerns raised were the issue of inclusive representation, producing stable government that sustains credibility and legitimacy, and an electoral system that improves the political culture of polarization in the country.

Ethiopia is a big and diverse country and therefore the criteria for selecting an appropriate electoral system for the country should be an electoral system that enables the country to have both a representative and stable government. I have seen that the present electoral system fails to provide it with a parliament and a government representative enough. On the other hand, shifting to a proportional representative electoral system will deny it stable government which is also

unacceptable given the circumstances of the country. As a result, it is recommended that Ethiopia introduces a mixed electoral system that enables it to have a representative and stable government. This system can allow the country combine both electoral systems and benefit from the strengths of both electoral systems.

The mixed electoral system can combine the positive attributes of both the plurality and the PR electoral systems to the Ethiopian situation. I have discussed the two forms of mixed electoral system in the previous discussions. The Mixed Member Proportional (MMP) form of mixed electoral system is particularly recommended as appropriate to the Ethiopian context. Through this electoral system, half of the members will be elected based on the plurality of the votes and half of the seats on the PR electoral system to compensate for any disproportionality produced by the district seat results. This means if one party wins 15 per cent of the vote nationally with no district seats won, then it will be awarded enough seats from the PR lists to bring its representation up to 15 per cent of the seats in the legislature. The MMP electoral system generally can produce proportional outcomes by compensating the disproportionality that can be created by the plurality of votes in the districts.

This system assures electorates to have both constituency representatives that could be accountable to them while at the same time assuring that no single vote is wasted but instead aggregated nationwide to give appropriate representation for the contesting political choices in the country. Thus, the electorate concerning constituency problems will have MP and another MP that can be elected through the votes aggregated nation wide basically nominated by the party supported by the electorates. This arrangement enhances the participation of voters as no vote is wasted and encourages parties to form cross-cutting coalitions in the objective of gaining votes on shared issues rather than geographic or ethnic factors (which for now seems to be correct for the identity issue is coming first). Through time as issues of nationality get addressed the importance of ethnically oriented political form of organizing diminishes and such an electoral system is ideal for the flourishing of such parties.

The MMP can also address the issue of stable government in Ethiopia. Elections through this system may succeed to form stable government with absolute majority. In some instances a

single party might not get such a clear win and be forced to create a coalition government with other parties with more or less similar programs. Some suggest that such a coalition affects the stability of the government to be formed; but, the fact that the system is inclusive enough can minimize the instability beyond enabling the system avoid the creation of governments with ‘manufactured majorities’ putting the legitimacy and efficiency of the government into question.

By allowing the proportional representation of smaller parties to the popular votes they garner, the system protects the smaller parties from being overruled by the bigger parties. In fact, it encourages the bigger parties to work closely with the smaller parties as the support they get from such parties with parliamentary seats matters to the consolidation of their power. This in itself encourages the culture of negotiation and compromise within the parties promoting a democratic culture of working together for a common good in the country. Furthermore, this system enables the country to have a strong parliament where the division of power becomes clear; this in turn allows the political parties to mature.

Therefore, the mixed electoral system in the MMP form is the least imperfect electoral system in view of producing relatively stable government, inclusive representation, encouraging opposition politics by strengthening the legislature and redeeming the past backward polarized political culture by creating an environment of tolerance and compromise.

5.3.2- Challenges and Possibilities of Changing the Ethiopian Electoral System

It is recommended that there is a need to change the existing Ethiopian electoral system to MMP with the objective of enhancing the democratic transition. But making a change of an electoral system is not an easy thing to do. One should recognize the existence of constitutional constraints and it becomes so difficult to make those changes particularly when the ruling party is against such changes.

Change of electoral system requires an amendment of the constitution of the FDRE and the amendment procedures in the Ethiopian constitution are so tight that it seems to be impossible

unless some sort of overall consensus of the ruling party is achieved. Any proposal for constitutional amendment can be submitted for discussion and decision to the general public and to those whom the amendment of the constitution concerns only and only if supported by a two-thirds majority vote in the House of Federation or when one-third of the state councils of the member states of the Federation, by a majority vote in each council, have supported it (FDRE Constitution Art. 104). At a time when the regional states are ruled by coalition members of the EPRDF and when the house of federation is dominated by EPRDF and its affiliates, it would almost be impossible to get a majority support of these institutions leave alone two-thirds of their votes to bring the amendment agenda into public discussion.

The one scenario when it might be possible to make a constitutional amendment targeted at changing the electoral system is when EPRDF becomes convinced of a change for several reasons. One possibility could be a time when EPRDF appreciated the shortcoming of the present electoral system and the change agenda comes from within EPRDF. The second possibility is a time when the EPRDF felt that such a concession is important for it to stay in power. There is such an experience of the French socialist government which came to power in 1981, which at the time perceived the possibility of losing at the 1986 elections and was motivated internally to move to a PR electoral system (see also chapter two). The third possibility is a time if the EPRDF loses the majority in both houses where it will be forced to swallow a change of the electoral system by the majority who might support such an electoral system. That is why elections may be 'regime-sustaining' or 'regime-subverting'.

The other constraint to change electoral system is the limited amount of resources available in a country. Long term sustainability of electoral system is important in the objective of building on existing capabilities to make sure that scarce resources are not wasted. This does not, however, mean that least expensive system is always the best choice. A dysfunctional electoral system can have a negative impact on a country's entire political system and on its democratic stability as discussed in depth in the preceding chapters. This shows that though the cost should be considered it should not be weighed more than the choice of an electoral system that creates democratic stability, inclusiveness and that redeems the past for a better future. Actually, be it pluralistic or the mixed electoral systems are a one day elections that do not differ much cost

wise. Thus, the issue of cost can not be a concern to Ethiopia for it can be done with the existing budget which is allocated to implement the existing electoral system.

Lastly, this paper has tried to raise some aspects of the problem of the electoral system stressing on its disproportionality, the impacts of the system on the legitimacy and credibility of government it produces and its influence on the political parties and the electoral management body. For the focus of the paper was on those issues it didn't try to see what impacts are there on the larger electorate and other institutional structures related to the democratization of the country. Therefore, the issue needs further attention of the scholars and exhaustive research in relation to other democratic instruments that can help to enhance democratization in Ethiopia. Our country, given its tortuous past and because of our desire to handover a better Ethiopia to our sons and daughters than the one we inherited, deserves an all-inclusive, participatory and democratic system that has all the attributes of equality, equity and justice.

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List of Interviews

Tefera Wolwa, Minister of Capacity Building of the Federal Democratic Republic of Ethiopia and Member of the Executive Committee of the EPRDF, Addis Ababa, 13 April, 2008.

Bereket Simon, Member of the Executive Committee of the EPRDF and Chairman of the Central Office of the EPRDF, Addis Ababa, 12 April, 2008 and 19 April, 2008.

Ambassador Addis Alem Balema (PhD), Director General of the Commodities Exchange and Member of the Council of the EPRDF, Addis Ababa, 10 April, 2008.

Professor Beyene Petros, a professor in the Addis Ababa University, Chairman of the United Ethiopian Democratic Forces, the Southern Ethiopian Peoples' Democratic Coalition and Hadiya National Democratic Organization, Addis Ababa, 16 April, 2008.

Merara Gudina (PhD), Chairman and Assistant professor of Political Science and International Relations (Addis Ababa University) Chairman of Oromo Peoples Congress and 1st Vice-Chairman of the United Democratic Forces, Addis Ababa, 15 April, 2008.

Tesfaye Mengesha, Chief Executive Secretary of the National Election Board of Ethiopia, Addis Ababa, 24 April, 2008.

Annex

Interview Questions on the Ethiopian electoral system research

1-Prupose: The interview questions are aimed at getting first hand information for the research paper which tries to investigate the Ethiopian electoral system.

2-Approach – the interview will have two aspects. The first will be semi-structured questions as a guide in which the respondents are free to choose how to answer the questions based on the questions raised. The second aspect will be, with no predetermined questions are to be asked, to remain as open and adoptable as possible as per the interview leads or the interviewees answer.

- The interview questions are arranged according to the information needed from the concerned bodies. Some of the questions will be similar to all and some of the questions will only be directed to the particular concerned body.

3-The interviewees: The interviews will be held with the following bodies

3.1- EPRDF officials

3.2- Opposition parties' leaders

3.3- The officials of National Election Board of Election (NEBE)

EPRDF

- 1- The Ethiopian electoral system is first-past-the post. How was it selected among the other electoral systems such as proportional representation electoral system and the mixed electoral systems? What were the factors that lead to the existing electoral system?
- 2- The popular votes and the seats allocated by the existing system can be disproportional. Do you think this system wasted votes, overrepresented the biggest party like EPRDF and underrepresented the smaller parties and their electorate in the previous elections held?
- 3- EPRDF repeatedly says that 'there is no credible opposition in the present political system in the country'.
 - why is it so after 16 years?
 - Can this problem be related with the existing electoral system which can benefit the biggest party or as the opposition claimed, 'EPRDF's intimidation and frauds in the elections'?

- 4- In 1995 for the House of Peoples' Representatives (HPR) EPRDF got 483 seats, other parties 46 and 8 independent were in the parliament. In 2000 HPR election EPRDF got 481 seats and the rest of the seats were won by other parties and independents. In the 2005 HPR election EPRDF seat came down to 327 seats.
 - How do you explain this change
 - Do you envisage coalition government when ever there can not be a clear winner any time in the future?
- 5- Legitimacy and Credibility of the National Election Board of Ethiopia (NEBE) and the elections done, this or the other way are controversial. Why is so happening in your party's view?
 - What measures should be taken?
- 6- As EPRDF says that 'there are no credible independent press/media in our country'.
 - How do you explain this after 16 years of trial?
 - How do you see elections with out independent and credible press/media which can be second alternatives for the public other than the government sponsored media/press?
- 7- Do you think the 2005 post election violence was avoidable?
- 8- Do you think EPRDF should be changed in to one national party than continuing as a Front?
- 9- Do you have a plan to replace the existing electoral system?
 - IF, yes-why?
 - If, No-why? Why is so hard to change if there is a better why?

Opposition parties

- 1- What was your role in drafting the existing electoral system?
- 2- How do you evaluate the appropriateness of the electoral system vis-à-vis the Ethiopian situation?
- 3- The elections and the NEBE are always controversial. Why is that so?
- 4- Why the opposition is highly fragmented? You don't have the same voice to be strong opposition. Why is it happening?
- 5- Do you believe the post election (2005) violence was avoidable? After all why did it happen? Was there any role of the opposition in this violence?

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- 5- Do you believe the post election (2005) violence was avoidable? After all why did it happen? Was there any role of the opposition in this violence?

6- Do you have any plan to raise for a change of the existing electoral system? Why?


National Election Board of Ethiopia

- 1- Can you give a back ground on how the existing electoral system was enacted?
- 2- How do you evaluate your neutrality and credibility in the whole process of the elections?
Especially among the public and the opposition?
-what further measures are needed to make it more credible?
- 3- What new changes have you made as a new Board?
- 4- Some argue that, the executive can influence the NEBE through budget and other means.
How do you explain this?
- 5- From your experiences, do you think the existing electoral system serves all the
contending parties especially when changing the votes in to seats?
- 6- In your view is it better to change the existing electoral system by other systems, such as
proportional representation or mixed systems? Why?




Declaration

The thesis on, the 'An Examination of Alternative Electoral Mechanisms for Vibrant Democracy and All-Inclusive Representation in Ethiopia' is my original work. It has not been presented for a degree in any other University and that all sources of material used for it have been duly acknowledged.

Name: Abraha Kahsay Assefa
Signature: 
Place: Addis Ababa University
Date of submission: June, 2008

This thesis has been submitted for examination with my approval as a university advisor


Meheret Ayenew (PhD)
June, 2008

