

CHAPTER TWO

CURRENT TRENDS IN INTERNATIONAL ELECTORAL SYSTEMS

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Intervention , Dr. Bernard Owen (France)

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General Discussion

BACKGROUND PAPER

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Democracy took a long time to evolve in Western Europe and the other places where it can be found today, and there have been many setbacks over the years. One thing this suggests is that efforts to introduce democracy into states that have been accustomed to other political systems should proceed with caution. One of the advantages that new democracies have is that they can examine examples from other parts of the world. They are worth studying closely because many electoral systems have been used for a long period of time and we have some ideas of their effects.

This paper will review some current electoral systems to demonstrate their differences and their degrees of success or failure in building democracy. While it is true that elections alone do not equal democracy and are but part of a larger political process that can lead to democracy, it is my intent to focus specifically on the role elections play in that overall process. The electoral process can strengthen democracy and it can also weaken it.

The test of an electoral system's effect on democracy often comes not on election day, but in the years that follow, as voters and political competitors each develop patterns of behaviour in order to profit from the rules presented in the electoral system. Africa, Latin America and even Europe now show that trouble sometimes occurs at a later stage.

Almost all, democratic countries modify their electoral system from time to time. This is sometimes done in response to evolving understandings of the nature of representation and sometimes due to technology or economics. Frequently, structural changes in constitutions -- such as the introduction of a federal system or a multi-party system -- have parallel modifications to electoral rules.

The only rational way to determine the effects of an electoral system is by looking at its real effect on a comparative and historical basis. This

means that the effect of electoral systems can only be evaluated for a small number of cases: those electoral systems that have been tried by a sufficiently large number of states for a sufficient length of time.

List Proportional Representation

The list proportional representation system presents voters with lists of the candidates of all parties competing in the election, and the voters choose one of the parties. The seats in the parliament or the council are then allocated to the parties in proportion to the number of votes cast. Typically, the names at the top of the list win election ahead of the names lower on the list.

Some European states have used a list proportional representation (PR) system long enough to make a number of observations. One obvious effect is on the development and organization of parties. In this regard, its major virtue is thought to be justice. In principle, no political force or part of public opinion retains a monopoly of political power; none is excluded from representation. However, in practice, list proportional systems often lead to parliaments characterized by small parties that give rise to weak coalition governments (coalitions that break up when a crisis occurs) or to domination by one mass party backed by a powerful social organization (such as a labor movement), with a weak, fractured opposition.

In the case of weak coalition governments that lack a dominant mass party, there is often a large number of smaller parties that each garner less than 20 percent of the vote. Large parties tend to eventually fracture, over issues or personality clashes, because there are minimal electoral penalties associated with division. You can easily imagine that a party with 60 percent of the vote could divide into two parties when two leading personalities clash. Each party could win 30 percent of the national vote. Each would win about 30 percent of the seats in parliament and no individual would lose his or her status in parliament. The only difference would be that it would be more difficult to form a stable majority. The unity and de facto stability of such coalitions, of course, varies from country to country.

In European systems containing one or two substantial parties, the tendency to divide may be overcome by the influence of strong social organizations, including principally the Catholic Church, as in Austria,

or trade union movements, as in Sweden. Voting is generally considered an individual act, but by analyzing election results we find that the social group to which the voter belongs (or the group he or she wishes to be associated with) is frequently of the utmost importance. In a long standing democracy (if there is one) most citizens, but not all, will vote quite freely with the social group they identify with most strongly.

Voting for party lists leads to strong party discipline within the legislature as members are not elected as individuals but are elected to carry out their party's program. Individual legislators who diverge from the party's positions will typically not be placed on the list in the next election, or they will be placed lower on the list and therefore will be less likely to win seats in the legislature. The following are examples of the list proportional representation system.

The **Netherlands** and **Israel** could be taken as the archetypes of proportional representation. In each country the vote count takes place at the national level. (The Netherlands has 18 constituencies but the votes are then taken from each constituency to be transferred into seats at the national level). In the Netherlands, the voters choose between the parties that put forward candidates, and seats are allocated in exact proportion to votes. With a 150-member parliament it is only necessary to get 0.67 percent of the national vote to secure one seat.

The price of this system's "fairness" can be seen in the prolonged delays and crises that regularly occur in forming governments after elections because of the large number of very small parties. Twelve lists won seats in the Netherlands' Parliament in the last election. Since 1945 the Netherlands has had two 6-month periods during which parties have been unable to reach an agreement on establishing a government. This means that the country had a "caretaker" government with no regular support of the National Assembly. If we add the length of time the Netherlands has had caretaker governments since 1945 we obtain a total of four years. The Netherlands has thus been working for that time on a non-parliamentary representative basis. Other European countries, using list proportional representation have similar misfortunes: both Belgium and Finland have had four years of caretaker governments (or "technician governments," as they call them in Finland) since 1945. We must bear in mind that while the Netherlands, which has had local democracy since at least the French revolution, can survive these difficulties, they could lead to the breakdown of a newly established democracy.

To deal with the problem of forming governments after elections that emerges because of the large number of small parties, Israel modified its law before the 1992 elections to establish a 1.5 percent threshold. Thus, the tiniest parties are eliminated, although the fact that in Israel 10 lists still won seats in the 1992 elections indicates that Israel remains among the most inclusive countries.

In **Italy**, under the modified electoral system approved by referendum in April 1993, the system of proportional representation was replaced by a plurality system in which the candidate who receives the majority of votes in a small, geographically-defined, single-member district is elected. In the previous 45 years, the PR system had resulted in a long series of weak coalition governments that regularly dissolved when crises occurred. However, it was only when scandals about the corruption of politicians and their connection to the Mafia came to dominate the news in the early 1990's that political will was generated to implement significant change. The scandals focused the public's attention on the tendency of the list PR system to return the same people, always placed high on the lists, to their places in Parliament, and therefore in cabinets. Eventually, many of the senior Members of Parliament apparently came to feel practically immune from public scrutiny, and this appears to have facilitated the corruption. The aim in changing the system was to establish more direct accountability on the part of elected representatives to the voters.

Subsequent Parliamentary implementation of the Italian referendum's mandate provided for single-member districts for both the Senate and the Chamber. 75 percent of the seats are to be decided by plurality voting (hence no runoffs) and 25 percent by a system of proportional representation. This provides some opportunity for smaller parties (although for the Chamber of Deputies there is a four percent threshold to gain access to the assembly). Only one election has been held under this system, on March 26-27 1994, which showed little short-term improvement in the Parliament's stability. A three-party coalition that formed a majority has already split up and prompted the resignation of the Prime Minister. There are some indications that a traditional two-party system is developing as parties adjust to the plurality system. The National Alliance Party recently tried to move toward the center by announcing that it was abandoning its far right leanings. This movement will only become clarified after two or three more elections.

Many countries implement the proportional system on a regional or district basis, sometimes according to traditional subdivisions of the country or existing administrative boundaries.

In **Poland**, the 460 members of the Diet are elected according to two different systems: 391 seats are filled by proportional representation in 37 district constituencies; the remaining 69 seats are allocated proportionately according to the votes cast for national lists of candidates. In the other chamber, 47 provinces elect two Senators each by simple majority vote, while the two remaining provinces elect three Senators each. This system led to a highly fragmented parliament in 1989, with 29 parties gaining representation in the Diet. In an attempt to reduce the instability that accompanied this system, a five percent threshold for parties and eight percent for coalitions was introduced for the 1993 elections. Only six parties made it past the threshold, thus making the system more coherent and governing more manageable. We must note that none of the six parties was able to win 30 percent of the votes, so government stability seems unlikely. A five percent threshold does limit the number of smaller parties but does not alter the way the voter perceives the electoral contest as would a plurality type system.

In **Romania**, the 328 members of the Chamber of Deputies and the 143 Senators are elected under a proportional representation system. Voters choose among party and independent candidates in 42 multi-member electoral districts. There is one Deputy for every 70,000 inhabitants, while the Senate ratio is one for every 160,000 people. Each national minority has the right to at least one seat in the Chamber of Deputies if they took part in the elections and didn't win a seat. The 13 ethnic minorities admitted by designation to the Chamber of Deputies form a separate Parliamentary group. The large Hungarian minority, the only ethnic minority in Romania actually to win seats for Senators and Deputies on their own lists as a party, also forms a separate Parliamentary group.

In **South Africa** recent events have drastically altered the election system. Prior to the new Interim Constitution of 1993 the South African Parliament was composed of three Chambers based exclusively on racist principles. 286 directly-elected seats were filled in a single round of simple majority voting in 286 electoral districts. 14 indirectly-elected members were selected by the various Chambers according to

proportional representation and single transferable vote. (A person ranks his or her votes, and after their first choice has won a seat, any remaining votes for that candidate are ceded to each voter's other choices in order of preference. This continues until all seats are filled.) Eight were appointed by the President.

The new non-racial Constitution creates a Parliament composed of two houses, the National Assembly and the Senate. The National Assembly consists of 400 Members elected by proportional representation; 200 Members from regional lists of candidates submitted by the contesting political parties; and 200 Members from national lists submitted by such parties or from regional lists if a party did not submit a national list. The Senate consists of 90 Members with 10 Senators selected by each of the nine provincial legislatures.

This current system receives its mandate from an interim constitution drawn up as part of the negotiating process to end apartheid. By April 1996, South Africa's permanent constitution will be written by a constitutional assembly as outlined in the Interim Constitution.

Japan has also undergone a recent transition in its electoral system. The Diet in Japan consists of the House of Representatives and the House of Councillors. Under the old system, the members of the House of Representatives were elected in 130 districts by a "single non-transferable vote" system (each person votes for one candidate, even though there may be more than one seat available on the ballot; the candidates who receive the most votes win the election) in multi-member constituencies. Of the 252 Councillors, 152 were elected from 47 electoral districts according to basically the same system as that established for the House of Representatives. The remaining 100 Councillors were elected under the proportional representation party-list system, from a single constituency covering the whole country.

This electoral system has meant political stability since 1945. Unfortunately, the preeminence of the Liberal Party (LDP) during that period led to a series of corruption scandals that resulted in the LDP losing a no-confidence motion on June 18, 1993. The ensuing election saw the LDP lose its Parliamentary majority (although retaining a sizeable plurality). Following the election, a highly diverse seven-party coalition emerged that included three new groups recently organized by

LDP dissidents: the Japan Renewal Party, the Japan New Party, and the New Party Harbinger.

Following installation of the new government of August 7, 1993, Prime Minister Hosokawa indicated that in an attempt to deal with corruption, electoral reform would be his top priority. In 1994, the LDP, still a potent political force, supported a compromise electoral reform law in the hopes that the changes would reduce the opportunities for marginal parties to win seats and to promote solidarity within the larger parties such as themselves. A mixed system was authorized for the next elections; most of the changes affect the lower House. 300 seats are now to be elected from single-member districts. The remaining 200 will be elected by proportional representation on the basis of 11 constituencies to provide a degree of plurality within the House of Representatives. Because no elections have yet been conducted according to the new system, it is not clear if the expectations of the "electoral engineers" will be fulfilled.

Plurality Voting

In the plurality or simple-majority voting system, the candidate who obtains the largest number of votes wins the seat even if his or her vote total is less than half of all votes cast. This system often leads to a two-party system at the national and regional levels, although sometimes small or regional parties can survive, as in Canada or Britain. The plurality system originated in the United Kingdom and is particularly practised within the Commonwealth countries and nations influenced by the U.S. The advantage of the system resides perhaps first of all in its simplicity; the candidate who receives the most votes in a designated area is elected. This cause and effect relationship between the voters and the candidate also has the advantage of creating strong ties between the winner and the voters in his or her constituency, which helps foster governmental accountability. A second advantage lies in governmental stability and the possibility of alternative government in case a crisis occurs. The semi-two-party system has in most cases an opposition party designated and perceived by the voters as the other government of possibility.

The bias in a plurality system to give the winning party more seats than its proportional share of the vote (for example, 45 percent of the votes can give 55 percent of the seats) is a positive factor. In a "stabilized

democracy" a political party rarely obtains 50 percent of the votes so that without a bias, one-party government is not possible. Of course, the bias can appear as unfair when considered on the level of one isolated election. But put in a long term perspective this advantage will play in favor of the party that comes first and enable it to enact its policy until the next election.

It is a fact that plurality systems have a tendency to involve minorities in nationwide parties. Is it preferable to have one specific party representing the minority and only that minority? Or should most of the voters from that minority vote for the nationwide party? In the latter instance, that party counts and depends on the votes of the minority so that it has an electoral as well as a moral obligation to look after the minority's interests. In cases where minorities are involved in nationwide parties, these parties do not get all the votes from that minority. Such minorities behave not as a segregated group on the defensive but as a social body with its recognized authorities as well as an internal opposition.

Political parties known to represent minorities, even if they are not recorded as such, will have political programs and electoral platforms taking into account the needs and requirements of minorities. As time goes on, programs and platforms have to change. This is a rule all political parties have to take into account. Minority parties have little scope to change. They can bring out new requirements, practical points or stress the difference between them and the majority. This can lead to positions of segregation in which the whole national political outlook is perceived by the minority as irrelevant to its own problems.

In **New Zealand**, single-member constituencies are also employed. The existence of political parties at the national level is theoretically irrelevant to this electoral process. As mentioned above, the plurality system was not designed to achieve proportionality between political parties. The total number of votes cast for each party nationwide is not used to determine the overall allocation of seats. It can be expected that when the largest party has a reasonable lead in votes it will receive more seats than its proportional entitlement but will not win all seats. In fact, New Zealand's elections commonly produce results of this type.

While a major party which gains more votes than its chief competitor usually benefits from the disproportionality of plurality, this is not

necessarily so when the votes for major parties are close. A party may then receive a greater number of votes than a competitor while failing to win as many seats. In the 1978 and 1981 elections, the Labour party failed to win control of the government even though it won more votes than the National Party. This occurred because Labour supporters were more concentrated in particular areas than were their National Party counterparts.

Plurality voting particularly disadvantages minor or new parties, unless they gain a very significant share of the national vote or their support is sufficiently concentrated to win seats in particular constituencies. One of the consequences of the disproportionately low number of seats won by minor parties in New Zealand is that since 1954 all governments have been elected with the support of fewer than half the voters. All governments within that period have been majority governments formed from a single party, with the highest percentage of the vote for the winning party being 48.4 percent and the lowest 38.8 percent.

The plurality system has been in use in New Zealand since the first elections were held some 140 years ago. In recent years concerns have been raised among the electorate that the plurality system wasn't very representative because it did not give parties seats in Parliament proportional to the votes of their supporters. As a result, in an initial referendum on September 19, 1992, the voters chose overwhelmingly to change the system. The referendum also asked voters to indicate their preference for one of four alternative electoral systems. They chose a mixed system similar to the one currently practiced in Germany. A second referendum was held on November 6, 1993, in which the voters were invited to express their final choice between plurality or a mixed system. They chose the mixed system. In Italy, with 50 million voters, the voters used a similar referendum opportunity to abandon a list PR system and move to one based on plurality, moving in the opposite direction as New Zealand, with 2 million voters.

Majority Two-Round Systems

Majority two-round electoral systems require a candidate to obtain 50 percent plus one of total votes cast in order to be elected. If no candidate obtains that many votes, a second round of voting is held -- typically a week or two later. In this system, either a simple majority is achieved in the second round of voting or a "run-off" election is held between the

two or three candidates who received the most votes in the first poll. In the latter instance, the winning candidate necessarily obtains an absolute majority.

In **Ukraine**, the 450 members of the Supreme Soviet are elected by absolute majority vote in single-member constituencies of equal population. Run-off elections are held between the two leading candidates if no candidate obtained an absolute majority in the first poll.

In **France**, a proportional list system was used from 1945 to 1956 creating governmental instability (the average life of a Government was 9 months). In 1958, a two-round, single-member constituency, majority system was introduced and a threshold of 12.5 percent of registered voters was set for entry into the second round. This reform completely changed the French party system and introduced stability. The 1985 elections were held under a list proportional system but that was an effort of the then ruling party, which expected to lose the election, to reduce the winning margin of the opposition. France has now returned to the 2-round majority system and there is a movement to do away with the proportional systems that were introduced for the regional and European elections, and that favor extremist parties.

Conclusion

Citizens do not vote in the same manner when voting in a plurality, two-round majority and list proportional system. In a plurality or majoritarian system it is a simple case of choosing the winner with the knowledge that one single vote can overturn the election -- while the reality is that some candidates or parties have no realistic chance to win a majority of seats in parliament. In a proportional list system the voter becomes quickly aware that all the main parties, no matter how he votes, will gain a number of seats in that constituency or country. Very few votes are wasted in a PR system. As a result, the voters are more likely to cast votes for candidates without considering their position in the government-opposition context. In the majority system, voters tend to vote for the candidate who seems likely to win the constituency. In a two-round majority system, voters have an opportunity to vote in both ways. In the first round they vote for their ideal party or candidate; in

the second round they can make a more pragmatic choice between the two or three most popular candidates.

These electoral systems also have an effect on the parties themselves. In plurality contests, the leaders know that victory or defeat in a constituency depends on getting the largest number of votes and that the way to get close to half the expressed votes is to have a relatively popular (usually moderate or centrist) ideology or platform. In list proportional systems, the party leaders are mainly preoccupied with presenting themselves as different than their competition, which allows parties with divergent or less popular views to gain at least some representation. This preoccupation increases the danger of party splintering. The establishment of thresholds, particularly high thresholds, can provide motivations for parties to remain unified, but removes some level of proportionality from the system.

As countries continue to revise their electoral systems, we are provided with an opportunity to observe the changing relationships between the systems, parties, and voters. We can learn -- not only from our own national experiences, but from the examples of other countries -- which systems strengthen democracy and which weaken it.

INTERVENTION

PROFESSOR BERNARD OWEN

Thank you. My very brief intervention will be divided into three parts. The first part deals with what we call the Western World. The second part deals with what has been recently taking place in Eastern Europe, and the third is what we can say about the African continent.

First, the Western World: We have been working on elections for two centuries. So we should know things about elections. Well, there are things that we know and things that we do not know, and what is taking two centuries to develop is of course difficult to introduce in a swift manner to newcomers to the democratic process. We think that in the Western World everything is clear and that the voters have political parties to vote for and that they know perfectly well why they are voting for one party or another. That is true, but only in a certain way. Let us look at the question in a little more detail. You vote for a political party year after year (we have elections every four years). For example, let us say that a political party regularly gets around 12 percent of the vote. The year after, it might get 13 percent, just one percent more than the previous year. But we usually have a stable level for this party, which might be 12 percent of the votes. So if this political party is a socialist party for instance, we can say that 12 percent of the population is either socialist, or at least wishes for the socialists to come to power, or would like the country to become socialist. But it is not as simple as that.

As I am French, I will speak a little bit about France. In France, for example, we have a communist vote. From 1945 until 1958 the communist vote was about 25 percent of the votes. From 1958 to 1981, it was around 20 percent of the votes. And now, it is approximately 10 percent of the votes. This does not signify a gradual drop. Rather, it has come down like steps, and each of the steps corresponds to a change in the institutions. We moved from the Fourth to the Fifth Republic, and we actually changed the electoral system. We had the PR system (the proportional list representation system) and then we had a two-round majority system. And here we should have the same. But what has changed is that the President of the Republic has become a socialist --

Mitterrand-- and this somehow had an effect on the communist vote.

So let us say that in 1978 we could say that people in the press and researchers said that 20 percent of the French population wished France to become a communist country. But before the elections in 1978, a series of monthly polls were taken. And in each of these polls people were asked: do you wish France to become a communist country? A communist country similar to Russia or to the satellite countries? And systematically, every month the same answer came: seven percent wished France to become a communist country, three percent of them said that they wanted France to become like Russia and four percent of them said they wanted France to become like the satellite states. Why does the difference between seven and 20 percent exist? What about the 14 percent who voted for the communist party? Why did they vote for the communist party and not wish France to become communist?

There is an international tendency in which, for example, that from 50 percent to 70 percent of the members of a trade union organization vote the way the trade union wishes them to vote. Now in France, in 1945, right at the beginning, the main trade union movement was taken over by the communist party. Thus, in an average political general election, we know that 70 percent of the whole membership of the trade union goes for the communist party. Membership in the trade unions can be small or can be very large. You can have millions of people joining the trade union movement. So when you look at the electoral results, you see that this can have quite an important effect on the way the results emerge. We can say that the trade union movement is not an ideological vote, because if it was a socialist party taking power in 1945 this factor would work for the socialist party as they do in the Scandinavian countries. So we could say that in Europe, we also have our tribal vote, our clan vote, but we do not call them the same thing. For us, our clans and tribes are the trade union movement, but that is not the only one. In Western Europe for example we also have another tribal vote -- the Catholic Church. The Catholic Church is very well organized at the social level. This gives it an advantage over other political parties, and we can see this especially in Western European countries that use the proportional list representation.

I will try and be very brief on this point. When we have proportional list systems, we usually see political parties at around 10 per cent of the votes, plus or minus. It can vary quite a lot. That is the general rule and

they have a tendency to splinter. The people who draft the electoral laws will impose thresholds to stop this splintering, but it does not always work. This is the general rule. But there are two kinds of parties which did not act according to this rule: on the left the political party that holds the trade union well in hand, which can reach 40 percent; and those that have the Catholic Church, which is very well socially organized and which can also reach at times around 40 per cent of the votes. This is seen as proportional representation. In the Western World, we can say that this factor works every time. But when you use plurality voting, for example, which we call one round majority voting or two round majority voting, we have parties that easily reach 40 percent of the votes so that the trade union effect is not as evident as in the proportional list system.

That is all I wanted to say for Western Europe. So you see, we also have our clans and our tribes, but we do not call them that. They are, however, organizations that have a very strong effect on the political life of the country.

Now for Eastern Europe. You all know of course, that the communist regimes collapsed, and in Eastern Europe they have no para-structures remaining. While the communist regimes were in place, everyone was obliged to belong to some kind of association. You had the Young Men's Leninist or Communist Association. You had the Women's Association. You had all kinds of associations. But now that the communist regimes have collapsed, no one wants to belong to an association. They just want to breathe and be free about it. During the Communist regimes, there were, as you know, elections. Most of the Eastern European countries had electoral laws that were the same or very similar to those used in the communist regimes. And when you look at an electoral law of a communist regime, you find that it is very similar to ones that we have in the Western World. The main difference is the fact that you can only be a candidate if you are nominated by one of the associations, and these associations are also controlled by the communist party. There is also something which came about in practice, but which was not in the rule: that there was only one candidate. So you must be careful when you read. Rules and regulations are not always strictly applied.

The Russian system was a two-round majority system as we use in France. When the countries decided that they were not communist anymore, they did not want the same type of electoral system. They

said, "We do not want it. It comes from the communist regime. It is bad. We want liberty." And they adopted a system of proportional representation. Some countries mixed majority and proportional systems, like Hungary. And the first elections that were held in Eastern Europe must not be considered elections. They must be considered referendums: that is, people were not voting for different members of parliament. They were voting for or against communism. That was quite clear in all the countries, except for Hungary, because Hungary started liberalization movements before other countries. For example, they created a constitutional court beginning in 1989, and the elections were held a year later. So they were not afraid of communism anymore. The communists, any way, practised a very liberal communism. So they voted the same way a normal western country would vote. But in other countries, it was a referendum.

Two things are very interesting to see: one, the people were so used to a kind of terror, and they were afraid to do anything. They did not realize, they could not understand that the vote was secret. They thought that somehow there were *sputniks* above, and that they would see how one voted. We also saw this in African countries. People were not quite convinced that everything was free now. You cannot go from one stage to another stage without intermediate phases. And what is interesting also is the way the voting went on in Eastern Europe. It was the countryside and the small villages that voted for the communists, and not the main cities. In the main cities, they knew democracy was there. They could do what they want. They could see it everywhere. But in the little villages, they were not quite so sure. They have seen it on television. They knew about it, but they were not so certain. So that is where the most communist votes were.

So, right away, in Eastern Europe, we find a unified democratic movement or party against the communists, who would change their names to socialists. They did not use the name communism anymore -- not even the members of the communist party. As the second and the third elections came around, though, there was a surprise, because the democratic party just splintered. It broke up completely. In Poland, for example, in the first election there was a very strong and unified movement behind Solidarity, and it suddenly split up to the point where there were 29 political parties in Parliament. 29 political parties -- just imagine what that means! There were no structures to which the people or the parties could attach themselves, and they just broke out into a

huge ungovernable country. They had a very short term of government in Eastern Europe where there is so much to be done. There was a social crisis and an economic crisis. They needed some kind of strong government and they were not getting it. So the Poles modified their electoral law. They chose a pure proportional list system. They changed it by implementing a threshold, so that only political parties that took five percent of the votes would be represented in Parliament. That has limited the number of parties, but they still have quite a few. However, it has still been difficult to have good, efficient government. That is the position that we are facing in Eastern Europe:

First stage, referendum for or against communism. Second stage, that we breathe and be free and have as many political parties as we want, and now they are saying, well, we have to have an efficient government. It is the trouble which we see in Western Europe when we have coalition governments. With three, four, even five parties in government, they can deal with the problems arising in the country as long as there is no real crisis. But when the crisis occurs, you find that none of the political parties leads the government, and the country, when it needs the government, finds that it does not have one any more.

I have only two minutes left. So I will go quickly to Africa by Concorde. Now I am talking of the continent of Africa, and it seems to be the exact opposite of what we are finding in Eastern Europe. In Eastern Europe, there is no power structures remaining. It is a kind of a blind situation, whereas on the continent of Africa, you have habits of electing or nominating people in ethnic clans or tribes, and it is the elders that have power. They have notions of power structures which usually do not have anything to do with elections. So you have to try and see how these different elements can fit together. I have always been surprised.

There is another point that is really important. Let us say that in a country, which I will not name, you have about 90 percent of an ethnic population and 10 per cent of another ethnic population who have held power for centuries. Now let us say that we have election on the "one-man, one-vote" principle. The small 10 percent ethnic population that was in power suddenly loses power. So what does it do? It might go out, come back with weapons and start fighting. I mean it is a risk to change in just one quick operation the complete structure which came either from consensus or from old power structures. I think you have to be very careful whenever you go from one to another. But on a very

optimistic note, the more I work the more I feel that people are very similar in regardless of the country. They have a different history, they have different groupings, they have different religions, but as far as human beings are concerned, they are very similar.

And to conclude: when we are moving towards democracy, it is not a question of having the latest type of electoral law or human rights regulations, but rather, I think, to chose something which will give democracy a chance to continue. The great thing to do is to try to develop democratic continuity .

Thank you.

DISCUSSANT One

Dr. ZEID HAMZA

Introduction:

There is no ideal electoral system which is fit for every time and place, but there are good systems and bad systems. There are systems which have developed with time and other systems which have remained rigid and consequently outdated. There are systems that succeeded in certain countries and stumbled in others. What is important here is that the electoral system should be as close as possible to the real representation of the country and its citizens.

Historic Overview:

In ancient Greece, public servants were chosen by ballot, but the offices of generals and high-ranking officials were elected in general meetings and voting was done by acclaim. As for important leaders' decisions, they were voted on by secret ballot by the use of white and black balls made of stone or metal.

As for the Romans, Roman law of 139 BC stipulated that the voter use a ballot made of a wooden sheet upon which the candidate's name was inscribed in elections for the central committee. In mediaeval ages, elections were used for numerous purposes, particularly in the religious domain. However, the number of voters was usually small. For the first time in 1562 AD, the Cardinals elected the Pope by secret ballot. In our modern ages, elections are linked with democratic government which represents the people. But in some countries elections include the selection of administrative and executive personnel in addition to the legislative representatives. In the United States, for example, the President is elected by a majority vote of the electoral college from each state. In practical terms, there is a general popular referendum on the President. As for the governments of states, and even for some officials occupying local administrative posts, they are usually elected in general, direct elections.

In the world today, there are, generally speaking, two systems in use.

The first is an Anglo-American one in which voters vote for one representative in one area. The other is a European system in which voters vote for a number of representatives in one area. There is an important principle agreed upon in these systems, namely that the willing majority should protect the rights of the minority which did not win in the elections. This majority cannot misuse its power to suppress or persecute those who did not win in the elections and who consequently joined the ranks of the minority. Even in modern electoral systems, the role of voters is spelled out clearly; in Britain, for example, there is a non-elected House of Lords and the King or Queen plays an important role in the constitutional systems of monarchy.

Nomination for elections:

Democracy managed in the 19th and 20th centuries to consolidate the principle of easy and free nomination, non-intervention by the state in the right of citizens to nominate themselves, and leaving appeals against incompetence of the candidate until after the elections by following one of two methods: first, a neutral court formed by the parliament, as is the case in the United States, Norway, the Netherlands and Belgium; and secondly, by forming these courts outside parliament, as is the case in England and Australia.

The electoral system in the United States, Britain, the Commonwealth countries and Europe is based on the natural rights of the citizen or the individual, including his absolute rights to elect and to nominate himself. Since individuals do not act alone in societies, political parties have been formed since the 19th century to organize these individuals. These political parties now play an important role in the consolidation of the electoral system. Even the state itself is now depending on the parties in naming the candidates and in helping distribute ballots.

Conditions governing the qualifications of the candidates:

The conditions governing the qualifications of the candidates differ from one country to another. In the United States they even differ from one state to another. Among these conditions is the requirement that the candidate submit an application signed by a certain number of voters, or that he obtain a certain percentage of the votes of his party, or that he reside in the area in which he is nominating himself for part or all of the year, or that he have special qualifications. Moreover, he should have a personal income which is subject to taxation. As for the question of the

age of the candidate, it differs from one country to another and no fixed age has been defined yet.

Conditions governing the qualifications of the voter:

These conditions again differ from one country to another. The acceptable age in most countries is 21 years, but it is 18 years in Argentina, Brazil, Germany, Britain and Jordan, and became 18 in the United States in 1971. In some countries the voter can vote in absentia through mail or through an authorized person if he is unable to report personally to the polling station for a legitimate reason. As for the terms governing the residence of the voter in his area, they also differ from one country to another. Some countries do not allow citizens to vote except in the area in which they normally reside. In other countries a citizen can vote regardless of where he is physically present on the day of the election.

Time and date of elections:

The time and date of elections depends to a large degree on the circumstances of each society. The date is usually set for a time when it is easy for citizens to move; this excludes working seasons, the harvest season, and bad weather. As for the number of polling hours, it could last a day or days. In Britain polling boxes are sealed at 9:00 in the evening and in Germany and France at 6:00 pm.

The management of the elections:

There is an official body supervising and regulating the registration and the polling process, including ascertaining the identity of the voters. The goal here is to make the polling process as easy, confidential, neutral, free and unbiased as possible. Australia was the first country in the world to adopt the system of secret ballots, in 1858, and this was followed by Europe and America.

The supervision of opening the boxes and counting the votes is a very important process, as it relates to the neutrality, non-interventionary nature and credibility of the elections. Therefore, we see in Jordan an objection to the Interior Ministry performing this important task and carrying all boxes from all electoral constituencies to the center of the governorate; doubts are raised, particularly in light of the fact that past

experiences have indicated that the boxes were changed on their way to the center. What is required here is that the boxes should stay in their place and opened uncounted under the supervision of the same committee that was in charge of the polling, in the presence of the representatives of the candidates.

The influence on voters.

Each candidate is entitled to attract voters to vote for him within certain limits and conditions which should not be violated. Many electoral systems impose penalties for violations such as bribery, buying off votes, hosting voters for food and drink and threatening voters. The candidate is also punished if he spends more than the allotted sum on his election campaign. In some systems, the transport of voters by buses and cars is not allowed.

Representation:

There is still controversy about the role of the candidate after he is elected, and the question involved here is: does he represent his electoral constituency or the whole country? In France this controversy has been settled by introducing to the French constitution an amendment to paragraph 7 of Article 3 on 3 September, 1791, reading as follows: "Elected representatives from various areas are not only representatives of these areas, but are representatives of the whole nation as well." Constitutions of most other countries have adopted this principle.

The percentage of voters voting:

The percentage of voters voting differs from one country to another and from one circumstance to another depending on the facilities or barriers involved in the polling process or on enthusiasm (or lack thereof) towards the general political situation on the part of the voting population. To attract voters, the democratic government of ancient Athens used to pay money to those who would attend national assembly meetings and vote. In some countries, laws have been enacted to make voting compulsory; in other words, the right to vote becomes as national duty and those who do not exercise this right may be punished by the imposition of fines, or otherwise. This principle is enforced in Belgium. The same thing has been enforced in Australia, which is the only English-speaking country to enact such a law. It is also enforced in Singapore, which imitated Australia in this regard. Some people believe

that this law, which forces people to exercise their right to vote, contradicts the principle of human rights.

Conclusions:

Democracy is here in substance, but how to exercise this democracy through elections is, as explained earlier, a matter which differs from one country to another and from one age to another. Election systems are constantly evolving and are becoming more democratic and more rational, reflecting a genuine expansion in the representation of all citizens. Several amendments have been introduced to the electoral system in Jordan since it was first implemented. Most of these amendments were introduced by the government for the sake of improving the system or of dealing with new social and political developments. The government may succeed in these amendments at a time when the opposition thinks that the only objective of these amendments is to reduce the role of the electorate and to make it difficult for people to participate in the election process.

For example, there is a constant objection to the division of the electoral constituencies and to the number of seats allotted to each of these constituencies, a process in which the numerical ratio is not being taken into consideration. This may be true as far as the number of seats in the Karak governorate and also in the Zarqa governorate, although the latter is well over four times the former. But this is not something new in the electoral systems of the world. President Charles De Gaulle resorted to this method when he ignored the relative representation in order to open the opportunity for villagers and residents of rural areas to take their share of the French national assembly seats, most of which were occupied by city candidates.

As for the one man, one vote principle which was applied in the 1993 elections, the opposition spoke harshly of this principle saying that it encourages clannish affiliations rather than national affiliation, and that it weakens the role of parties, but perhaps all these accusations are hasty and biased, for this kind of system exists in many countries of the world and is enforced on the basis of the principle one vote for each voter for each seat in each area, and this is what we should really apply in Jordan.

Finally, when we amend the electoral system, we should take into consideration that any and each amendment should facilitate the electoral process for citizens in terms of registration, acquisition of ballot

cards and obstacle-free polling stations. Furthermore, polling committees should also act as vote-counting committees at the very place where polling is done. Responsiveness to social and demographic changes and the desires of people are the basic factors needed for the development of electoral systems for the purpose of improving democracies' performances and getting the best possible results, results that can guarantee the progress of the country and its citizens.