

From votes to political power: How fair is the electoral system?

There is no such thing as a perfect electoral system. As a result, a great variety of systems can be found across the democratic world, varying in how they determine voter constituencies, how they transform votes into seats, how often elections are held and how many levels of government are up for election. This is as it should be: the best electoral system is one that suits the country's particular cultural, geographical and political conditions. Most electoral systems are a variant of the Westminster model (a single constituency first-past-the-post system) or of the proportional representation model (multi-constituencies where parties are assigned seats according to the proportion of the constituency votes they win). Some countries have a centralised political system, where all major political decisions are made in the capital, while others have a federal system where voters elect both national (federal) and regional representatives.

The Westminster model works well if the electorate appreciates a system that delivers a strong government backed by a majority in parliament. It can, however, lead to huge disparities between votes cast and mandates given. In particular, in elections contested by three or more candidates, the winning candidate may receive less than one half of the votes cast. Since the Westminster model makes it unlikely that there will be more than three major parties, it provides the country with a clear government and a clear opposition.

This bipolar system functions less well in politically divided societies, where several different social groups fight to protect their interests through political representation. In such societies a system of proportional representation that reflects a broader spectrum of political parties and

opinion is usually seen as more legitimate. While the weakness of the Westminster principle of first-past-the-post is its potential lack of representativeness, the danger of proportional representation is that it often delivers weak governments that rely on multi-party coalitions to stay in power.

Finally, in countries where political divisions are both strong and follow geographical lines, some sort of a federal system is usually viewed as the most viable option to ensure that all citizens feel included in, rather than threatened by, the system of majority democracy.

The electoral systems mentioned above are all equally compatible with democracy, and all have their strengths and weaknesses. Thus, the fairness of a country's overall electoral system cannot be measured against one predetermined standard. Instead the main questions must be: Is the system well suited to the particular ethnic, national, political, religious

and other cleavages within society? Does it assuage the fears and suspicion of sub-groups within the country while delivering a government strong enough to govern? And, is there broad agreement within the country that the system leads to a legitimately elected parliament and government? A system that works well in one country may turn out to be a disaster for democracy in another.

A system that works well in one country may turn out to be a disaster for democracy in another.

That said, blatantly undemocratic practices, such as the gerrymandering of constituencies, the buying of votes and the abuse of state resources for the governing party's election campaigning, are out of bounds whatever the electoral system put in place.

The eight countries under review in this study have chosen very different electoral systems. Many of them have also adjusted their electoral laws in the last decade (some of them several times), a sign that they are still in the process of determining which system suits their own conditions the best. This chapter does not give an exhaustive account of each country's practice but highlights particular problems or strengths relating to how votes are transformed into seats; how constituency boundaries are demarcated; and whether state resources are abused for election campaigning purposes.

2.1 How are votes transformed into seats?

All eight countries use different methods of transforming votes into seats, and many have chosen a hybrid version that fuses elements of proportionality with first-past-the-post. While some function well and are generally seen as fair, others are faced with serious problems.

Several of the methods reviewed produce a great disparity between voter preferences and seats. Ghana and Kenya have standard, single constituency, first-past-the-post systems, both in parliamentary and presidential elections, with the usual consequences of rewarding the biggest party. In Ghana's presidential elections this is mitigated by the requirement that a run-off must be organised within 21 days if no candidate obtains more than 50 per cent in the first round of elections. In Kenya, on the other hand, even the president can be elected with less than 50 per cent of the votes. The first-past-the-post system has played a significant role in Kenyan politics over the last decade. In 1992 and 1997, the ruling Kenya African National Union (KANU) won both the presidential and parliamentary elections with a minority vote. In 2002, the opposition parties agreed on one presidential candidate under the National Rainbow Coalition (NARC) and captured the presidency with 62 per cent of the votes. Table 1 shows how the Kenyan electoral model gives strong preference to a two-party system: it kept KANU in power as long as the opposition was split, and delivered power to the opposition as soon as it united. The country's draft constitution makes provision for proportional representation and the creation of an extra 90 seats based on party lists. If this is adopted, Kenya will have a mixed system of first-past-the-post and proportional representation.¹⁷

Senegal has a hybrid system where just under half the representatives to the National Assembly are elected in a proportional system with national lists, and just over half in a one-round first-past-the-post election at the département level. This system grants a substantial majority for the ruling party while allowing the representation of a number of minority

¹⁷ Institute for Education in Democracy, *Enhancing the electoral process in Kenya: A report on the Transition General Elections 2002*, IED, Nairobi, 2002, p 132.

Table 1: Election Results in Kenya for 1992, 1997 and 2002

1992			1997			2002		
Party	% Votes	% Seats	Party	% Votes	% Seats	Party	% Votes	% Seats
KANU	36.8	53.2	KANU	41.0	51.0	NARC	62.3	60.0
Ford ASILI	26.8	16.5	DP	31.0	18.6	KANU	31.2	30.0
Ford Kenya	17.7	16.5	NDP	10.8	10.0	Ford People	5.9	6.7
DP	19.3	12.2	Ford Kenya	8.1	8.1	Other	0.5	3.3
Other	0.8	1.6	SDP	7.9	7.2			
			Other	1.8	5.0			

Source: Institute for Education in Democracy, Kenya (www.iedafrica.org)

parties, which get one or two seats through the proportional system. However, it penalises middle-sized opposition parties. For instance, in the 2001 legislative elections, the ruling coalition Sopi won 89 of the 120 seats (75 per cent) with only 49.6 per cent of the votes, while the Parti Socialiste got only 10 seats (8.3 per cent) with 17 per cent of the votes.

In the case of Ethiopia, it should be kept in mind when discussing the country's electoral model that the most serious obstacles to democratisation in Africa's oldest state are found outside the formal institutions of democracy. Intimidation of opposition candidates and voters is foremost among these obstacles, and will be referred to in different sections of this report.¹⁸

Ethiopia has a complicated electoral system. Voters elect members of both regional and federal parliaments and different voting systems are used at the different levels. The federal elections are held according to the single constituency first-past-the-post system. In elections to the regional parliaments, each administrative district (or woreda) is allocated a number of seats proportional to its population, and each voter has as many votes as there are seats. The candidates gaining the most votes (up to the

18 See: S Pausewang, *Local democracy and human security in Ethiopia: Structural reasons for the failure of democratisation*, SAIHA, Johannesburg: forthcoming; and S Pausewang, K Tronvoll and L Aalen, *Ethiopia since the Derg: A decade of democratic pretension and performance*, Zed Books, London, 1992.

number of seats available) are elected. This system tends to provide highly disproportionate results. Provided that voters vote along party lines, all of the candidates for the party that receives most votes will be elected and no candidates from minority parties will win seats. Finally, Ethiopia has an indirectly elected second chamber, the House of the Federation, which comprises representatives of the different nationalities, elected by the parliaments of their respective states.

Like Ethiopia, Nigeria – Africa’s most populous country with 130 million people – is also a federal state, consisting of 36 states and a federal capital territory. Seven hundred and seventy four local government councils form a third tier of government. Nigeria has a presidential system of government. The winner of the presidential election must have a majority of the votes (or if only one candidate is running, he must have more yes-votes than no-votes) as well as a quarter of the votes cast in two-thirds of all the states. If no candidate achieves this, a run-off is held within seven days of the result of the first election.¹⁹

In Algeria, a constitution allowing for multi-party elections was introduced in 1989, although an unelected body of military generals continued to wield strong behind-the-scenes power and influence.

The electoral system introduced in Algeria in 1989 was the most inventive of the eight countries under review and amounted to an extreme version of first-past-the-post: If one party won a majority of the popular vote, it would receive all the seats in the legislative assembly. This led to the opposition Islamic Salvation Front (FIS) winning all seats in the 1990 local election and to the same result in the first round of the December 1991 national elections. As a result the military cancelled the second round of national elections and suspended parliament. New elections were held in 1997 under a new electoral system of proportional representation that guaranteed representation in the National Assembly for parties with at least five per cent of the votes.

Algeria’s president continues to be elected on the first-past-the-post principle. However, more important are the many and strict constitutional requirements for presidential candidates, instituted by the military generals to ensure that their preferred candidate is elected. At a formal

19 Nigeria’s Constitution (1999), section 134.

level, presidential candidates have to collect 75,000 signatures from voters, or 600 signatures from elected representatives in local, provincial or national assemblies. In addition they have to be above a certain age and have proof of service during the 1954 National Liberation War. At an informal level, candidates approved by the military receive generous campaigning assistance, media exposure and even the “doctoring” of the election results, if necessary. There were widespread allegations of election fraud during the 1995 and 1999 presidential elections. Fraud and irregularities also marred the 2004 election, but to a lesser extent. There seemed to be little doubt that the winner, incumbent president Abdalaziz Bouteflika, was indeed the popular choice.

The Ugandan electoral system, introduced with the 1995 constitution, is an inventive approach that takes some aspects of traditional Western electoral models and rejects others. The country’s “Movement” system of politics, which forbids political parties to run for elections in the name of national unity (on the argument that party politics is divisive and therefore dangerous to the country’s cohesion), precludes the holding of truly democratic elections.

Under the Ugandan Movement system, candidates offer themselves for elections under the principle of “individual merit” rather than as members of political parties. The presidential and parliamentary elections of 1996 and 2001, and the local government elections of 1998 and 2002, were all conducted under this arrangement. This system ensures that few opposition candidates are elected. Candidates are expected to fund their own election campaigns but the ruling National Resistance Movement (NRM) government through the NRM Secretariat offers financial and logistical assistance to “Movement candidates”. A committee of Movement politicians identifies those eligible for support. The bias towards Movement candidates is so strong that the method with which to transform votes into seats (Uganda employs a first-past-the-post system) becomes of relatively little importance.

South Africa is the only one of the eight countries that has a traditional system of proportional representation where the head of state is not elected separately but acquires his position based on his party’s victory in the parliamentary elections. Parliament consists of two houses, the National Assembly and the National Council of Provinces. For the elections in 1994, 1999, and 2004 the closed party list system, a variant of proportional

representation, was used to elect the members of the National Assembly. The second house, the National Council of Provinces, consisted of delegations nominated by each of the nine provincial legislatures and a delegation from the South African Local Government Association (SALGA).

As a result of South Africa's proportional system, no substantial minority lacks parliamentary representation. There is a high correspondence between seat percentages and vote percentages, as can be seen in Table 2 (in contrast to Table 1 on Kenya).

Table 2: Votes and seats in South Africa's democratic elections

1994			1999			2004		
Party	% votes	% seats	Party	% votes	% seats	Party	% votes	% seats
ANC	62.65	63.00	ANC	66.35	66.50	ANC	69.68	69.75
NP	20.39	20.50	NNP	6.87	7.00	NNP	1.65	1.75
IFP	10.54	10.75	IFP	8.58	8.50	IFP	6.97	7.00
FF	2.17	2.25	FF	0.80	0.75	FF +	0.89	1.00
DP	1.73	1.75	DP	9.56	9.50	DA	12.37	12.50
PAC	1.25	1.25	PAC	0.71	0.75	PAC	0.73	0.75
ACDP	0.45	0.50	ACDP	1.43	1.50	ACDP	1.60	1.50
			UDM	3.42	3.25	UDM	2.28	2.25
						ID	1.73	1.75

Note: Not all the minor parties are included in the table.

Thus, the definite majority commanded by the ANC reflects the party's popular support rather than the way in which the electoral system functions. Due to the ANC's great popularity, the proportionality of the electoral system has so far not led to a weak and dependent government, as has been the problem, for instance, in some of the Nordic countries.

2.2 Constituency boundary demarcation

Another central aspect of a country's electoral system is how and by whom the boundaries of election districts are determined. Are the boundaries seen as fair and reasonable? Or are they determined in such a way as to

give a particular ethnic, social or religious group an unfair proportion of seats? Do political actors regularly fiddle with constituency boundaries (gerrymandering) in order to gain such unfair election advantages? Are there institutions in place to ensure that such politicisation of boundary demarcation becomes impossible – or at least very difficult?

Most of the countries in this review have their constituency boundaries determined by independent electoral commissions. In some cases there are boundary review committees to advise the electoral commission; and in two cases (Algeria and Senegal), the task is left to the National Assembly. Most of the countries have set down principles for how to determine constituency boundaries in their constitutions.

In South Africa, the independent electoral commission is responsible for deciding constituency boundaries, but the size and borders of South African constituencies are of much less political importance than in the other seven countries under review. This is because the country's national and provincial legislatures' electoral systems are based on national and provincial party lists. Provincial boundaries are established by the constitution and are not open to change – thus ensuring that gerrymandering is not an option.

Ethiopia and Nigeria, the two federal states in the study, face the challenge of creating constituency boundaries that do not give unfair advantage or disadvantage to particular ethnic groups while still ensuring that all such groups have political representation. Both countries have provisions in their constitution to ensure that boundary reviews are fair. In Ethiopia, a confederal state where the regions are defined on the basis of ethnicity, there is also a provision that constituency boundaries should be sensitive to ethnic divides. There seems to be general agreement that the present boundaries are reasonable and that gerrymandering is not an issue. However, a recent report pointed out that there are disparities between the different regions' representation in the federal parliament. According to census figures from 1994 and voters registration figures from 1995, a Member of Parliament (MP) from Gambella region represented 17,496 voters, while in the Somali regions, an MP represented 99,761 voters.²⁰

According to Nigeria's constitution, responsibility for the delineation of constituency boundaries lies with the Independent National Electoral Commission (INEC), but alterations of the boundaries only come into effect if approved by the National Assembly and after the current term of the affected assembly has come to an end.

There have been few complaints about constituency boundaries in Nigeria, with one significant exception. The situation in the oil-rich southern Niger Delta near the town of Warri is an example of how potent a political issue the demarcation of constituency boundaries can be. The Urhobo and the Ijaw communities, two of the three main ethnic groups in that region, have long accused the authorities of manipulating constituencies with the result that the Itsekiris win underserved election majorities. The discontent came to a head in the run-up to the 2003 presidential elections. In March 2003 fighting claimed more than 100 lives during pitched battles between the military and Ijaw militants. A ceasefire was called after the state governor acknowledged the Ijaw complaints and said he would put pressure on the electoral commission to redraw the boundaries.²¹ However, the electoral boundaries were not redrawn before the first presidential ballot on 12 April, and violence resumed. In districts dominated by Ijaws the elections were boycotted, electoral officials were driven away, and the electoral commission's offices in the town of Koko were burned down along with the voting materials stored there.²²

In Ghana, Kenya and Uganda the respective electoral commissions have the constitutional power to determine the demarcation of constituencies, but must do so according to strict principles set down in the constitution. Among these is the principle that the electorate should be divided into constituencies of roughly the same size. While this has made gerrymandering more difficult to carry out and easier to expose, it has not been a guarantee against boundary controversies. In Uganda, the demarcation of constituencies is generally seen as fair. In Ghana, controversies have been muted since the political parties have no direct role in the demarcations. However, shifting population and uneven population

21 D Mbachu, Majority ethnic group offers ceasefire in Nigeria's troubled oil delta, *The Associated Press*, 27 March 2003.

22 AP, Delays, violence mar Nigerian elections, *The Associated Press*, 12 April 2003.

growth (rather than political manipulation) have caused gross numerical inequalities to emerge. According to the 2000 census figures there should be an average of 92,000 people in each of the 200 constituencies. However, in the 22 constituencies of Greater Accra Region each has an average of 132,000 whereas an average of 72,000 reside in the 8 constituencies of the Upper West Region. In order to return to the constituency quotas defined by the constitution some regions will have to concede legislative seats to others. This is politically sensitive but unless it is undertaken political representation cannot be said to be proportional in Ghana.

Constituency boundaries have been the object of stronger controversy in Kenya, and allegations have been made of political interference and gerrymandering. For instance, the Embakasi constituency in Nairobi with 151,358 registered voters and the Wajir North constituency with 8,862 voters both return one single MP.

In Algeria and Senegal, the two French-speaking countries in this review, it is the legislative assembly rather than an independent commission that determines constituency boundaries. In both countries, this has led to the gerrymandering of boundaries by the parliamentary majority. In Algeria, this happened in 1989 when a parliament dominated by the governing party, the National Liberation Front (FLN), modified electoral districts to undermine Islamic Salvation Front (FIS) dominance in rural areas – traditional FIS strongholds.²³ In Senegal, gerrymandering took place ahead of the 1996 election, when the ruling Parti Socialiste broke the Dakar region up from four communes into 43 “communes d’arrondissement” to ensure that the whole of the capital did not fall into the hands of the opposition.²⁴

2.3 Abuse of state resources for election purposes

The abuse of government resources at election time is another key determinant of whether an electoral system can be considered as free and

23 HC Metz (ed), *Algeria, Library of Congress Country Studies*, Library of Congress, Washington DC, 1993.

24 R Vengroff, Decentralisation, democratisation and development in Senegal, Paper prepared for delivery at the Yale Colloquium on Decentralisation and Development, Yale, 2000, p 10.

fair. This section asks whether state resources, including government vehicles, planes, equipment, as well as money, are used by the ruling party for election campaigning. It also looks at the prevalence of vote buying and the provision of other direct economic incentives to induce voters to vote for a particular party.

It should be self-explanatory why such practices are detrimental to democracy. In the case of the use of government resources to campaign, this gives an unfair and undemocratic advantage to governing parties. The tendency to collapse state and governing party interests into one is a widespread problem on the African continent. Vote buying is perhaps even more serious, since it creates and maintains a system of clientelism rather than democracy. Leaders earn the support of their followers not because their plans for running the country are popular with the electorate, but because they give out short-term and direct pay-offs. Election victories (through vote buying) are thus divorced from political programmes. This undermines a main principle of democratic governance: that of government's accountability for their policies to their voters.

Vote buying and/or the abuse of state resources during elections are problematic in all but one of the countries under review. South Africa is the only country in the selection where there is general consensus that such abuses are not a substantial issue.

In Ethiopia, the ruling parties have made extensive use of official vehicles, machinery and staff for election campaigns.²⁵ There have been some reports of the use of state resources to buy votes²⁶ but under the prevailing circumstances, state officials can normally use coercive pressures to ensure electoral success for the ruling party, and do not need to use financial inducements. In Uganda, there is a financial bias towards funding the campaigns of Movement candidates. As in Ethiopia, vote buying is less of a problem than is the intimidation of non-Movement candidates and supporters. In Nigeria, there have only been two elections (1999 and 2003) since the return to democracy from military rule. In 1999, the military government was accused of orchestrating the victory of President Olusegun Obasanjo through the use of state resources and

25 Pausewang *et al.*, *op cit*, p 12.

26 Pausewang *et al.*, *op cit*, pp 167–8.

power in his favour. Both the 1999 and 2003 elections were marred by a host of irregularities including both economic incentives and intimidation of voters. As will be discussed in Chapter Three, these are only some of the techniques used to rig Nigerian elections. Algeria is another example of a country where the abuse of state resources is only one among many undemocratic techniques with which the ruling parties fight elections.

In Kenya, the ruling party has continually used state resources for its campaigns. In the 1992, 1997 and 2002 elections, there was widespread use by the ruling KANU party of government vehicles, as well as the diversion of state resources to party coffers.²⁷ Vote buying was also rampant in 1992 and 1997, and took the form of KANU agents buying voting cards in opposition dominated areas to ensure that people did not vote.

The trend has continued despite the change of government after the 2002 election. In the November 2003 by-elections following the deaths of the Vice-President and the Minister of State in the Office of the President, the NARC government also used state resources, especially government vehicles and planes, in its campaign.

In Ghana and Senegal, the situation has improved in recent years. In Senegal, the boundary between state and party has been blurred for so long that politicians are very much used to employing state resources, particularly vehicles, during election campaigns. Clientelism also plays a major part: politicians on all sides give out “presents” to both individuals (bags of rice, cash, T-shirts, tickets for the Mecca pilgrimage) and groups (privileged access to collective goods, meals during campaigns). But the ruling party or coalition, which controls state resources, enjoys a greater clientelistic capacity than the opposition parties. The Parti Socialiste, which ruled from 1960 to 2000, gained from its relationship with the powerful Muslim marabouts. The marabouts “advised” their followers on voting behaviour in exchange for individual and collective advantages. Despite this, the Parti Socialiste lost the 2000 election. By then, popular discontent had eroded the clientelistic capacity of the Senegalese state and

27 N Ng’ethe, J Owiti, S Nasongo, D Beetham and S Bracking, *Democracy Report for Jamhuri Ya Kenya, a project of the International Institute for Democracy and Electoral Assistance (IDEA) in Collaboration with Series on Alternative Research in East Africa*, IDEA, Stockholm, 2000, p 30.

the marabouts had become increasingly reluctant to endanger their own popularity by supporting an unpopular state. Clientelism nevertheless remains a major feature of Senegalese politics.

In Ghana, ruling parties have also abused their incumbency by using state resources. The problem was acute during the 1992 and 1996 elections. The PNDC military regime that metamorphosed into the National Democratic Congress (NDC) won both the 1992 and 1996 elections. Both times the party used state resources, vehicles and other equipment to conduct the campaign. The 2000 elections, however, witnessed less abuse. By then the electoral system had become more transparent and consensual, and the media and civil society had become more active in monitoring the voting process. The New Patriotic Party (NPP) government that came to power in 2001 has promised to desist from using state resources during election campaigns.²⁸ The first test for this resolve will be the December 2004 elections.

2.4 Conclusion

This chapter has looked at commitment to a core principle of democracy: the commitment to create, maintain and respect institutions and processes that ensure that votes are transformed into seats in a fair and transparent manner. The indicators studied in this chapter provide opportunities for both optimism and concern. The cause for optimism is clear: all eight countries have electoral systems and practices that are fairer today than they were in the early 1990s. South Africa exchanged apartheid with universal suffrage and majority rule. South Africa's electoral structures and institutions are solid and well functioning. Senegal and Ghana's systems still suffer some weaknesses, such as a clientelist tradition and the abuse of state resources and power to further

All eight countries have electoral systems and practices that are fairer today than they were in the early 1990s.

28 For a recent promise see: R Quaoe, NPP won't abuse incumbency, *Daily Graphic*, 9 December 2003, p 12, www.graphicghana.com/article.asp?artid=11802 (accessed 10 March 2004).

the election campaign of the ruling party. However, the two countries' most recent elections were great improvements on earlier ones.

Nigeria made an important leap in 1999, when the military rulers handed power over to the elected president, Olusegun Obasanjo. However, the country still has a long way to go before it can be said to have a robust and fair electoral system respected by all political actors, including the ruling party, the military and even the electoral commission.²⁹ There was little improvement in standards from the 1999 to the 2003 election.

Algeria went some way in the direction of democracy during the period of review (with a setback in the early 1990s), although electoral democracy, introduced in 1989, is still threatened by the behind-the-scenes power of the military. It is hoped that the April 2004 elections heralded a new push towards democratisation after some years of stagnation.

Ethiopia and Uganda are two other countries with the garbs of a democratic electoral system but where power structures seriously impede the proper functioning of this system. Despite such shortcomings, it is important to acknowledge the improvements that have taken place over the last ten to fifteen years in the four countries.

While Kenya's system has stayed the same since 1992, the positive tendency is that political actors (in this case, the opposition) have learnt to adapt to the strengths and weaknesses of the country's pure version of the first-past-the-post model. However, gerrymandering, vote buying and abuse of state resources during elections are serious problems, and it remains to be seen whether the new ruling coalition has the will to tackle these problems.

Chapters Three and Four will deal with two other important commitments to the regular holding of free and fair elections – independent electoral committees, and just and transparent voter registration systems.

²⁹ See Chapter Three.