

AN ELECTORAL SYSTEM TO CONSOLIDATE A REGIONAL, NATIONAL AND CONTINENTAL PEACE.

by

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*“Political parties do not exist to further democracy but to thwart and distort it;
they are, at best, an unavoidable evil.”*

Sir Michael Dummett¹

ABSTRACT

Democratic rights are universal. The chosen electoral system, therefore, must not only be suitable for a multi-ethnic, multi-religious Europe; it should also be capable of application in other societies, most especially in those in transition. Accordingly, the first requirement is to lay down certain criteria upon which any parliamentary electoral system should be based: it should be a low-threshold preferential form of proportional representation. And maybe the first goal is to see these criteria enshrined in human rights charters.

ACKNOWLEDGEMENTS

For the basis of QBS, I wish to acknowledge the work done by Sir Michael Dummett who, along with Maurice Salles, is also one of our patrons. The de Borda Institute has tried to refine this electoral system, in particular by allowing for partial voting in the Borda part of the count (both in QBS and in any Borda decision-making process). This states that he who votes for only m preferences (where $m < n$) exercises only $m, m-1 \dots 2, 1$ points, whereas she who votes for all n options exercises $n, n-1 \dots 2, 1$ points. We consider this proviso to be an essential element of any practical application of a Borda system; that such a non-majoritarian voting procedure is a vital component of any consensual democracy; and that such a post-majoritarian democracy is in turn a prerequisite for a peaceful plural society, especially in any post-conflict zone.

QBS was first proposed in Michael Dummett's *Voting Procedures*, and this Institute has advocated the above refinement, initially in *The Politics of Consensus*, and more recently in such works as *Beyond the Tyranny of the Majority* and *Defining Democracy*.

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ACRONYMS

AV	alternative vote; (any references to approval voting have been spelt out in full)
DUP	Democratic Unionist Party
GM	genetically modified
NI	Northern Ireland
OSCE	Organisation for Security and Co-operation in Europe
PR-STV	proportional representation – single transferable vote
QBS	quota Borda system
SDLP	the mainly nationalist Social Democratic and Labour Party (NI)
SDP	Social Democratic Party (Bosnia)
UDA and UDP	Ulster Defence Association and Party
UUP	Ulster Unionist Party
WTO	World Trade Organisation

INTRODUCTION

As Maurice will tell you, I am neither a mathematician nor an economist. Indeed, my only qualification in life is an ocean navigation certificate. (There again, as you all know I'm sure, Jean-Charles de Borda was also a naval officer.) I wish, therefore, to base my requirements for an electoral system on matters political and historical, and I will leave any technical questions to yourselves.

Politically and even psychologically, I venture to suggest, an electoral system should have at least three criteria: (i) it should cater, not only for large parties, but also for small parties and independent candidates; (ii) it should allow for a fair threshold of proportional representation; and (iii) it should enable the voter to express his/her full opinion, i.e., to express more than just one preference. In order to establish these necessary criteria, I will look at factors in Bosnia, Lebanon and Northern Ireland, and then I'll suggest which electoral system might be the best. But first, I want to digress beyond Europe, to Rwanda and Uganda.

1 INDEPENDENT CANDIDATES

As Gérard Prunier has noted,² a principle cause of the 1994 genocide in Rwanda was based on the slogan, to use the *kinyarwanda* expression, "*rubanda nyamwinshi*", "the majority people". In a word, our largely European interpretation of democracy, majoritarianism, was used as 'a justification' for murder and mayhem. Traditionally, it must be noted, sub-Saharan Africa had always tended to operate in consensus. "Majority rule," Nelson Mandela noted, "was a foreign notion."³ So in Rwanda at least, we Europeans were, and still are, part of the problem.

Round about the same time, majoritarianism (as promoted by the EU through the offices of Robert Badinter) was a major cause of the collapse of Yugoslavia. In 1991/2, his Commission stated that any part of Yugoslavia wishing to change its constitutional status should first hold a referendum, i.e., a two-option, *A* or *B*, no compromise, majority vote. As a direct result, there were over 20 referendums, as numerous minorities drew borders and pretended to be majorities. As often as not, these referendums were in mutual contradiction to each other, the result of the referendum in *Republika Srpska*, for example, being directly opposite that of the referendum in Bosnia. The overall consequence, to quote *Oslobodjenje*, was that "all the wars in the former Yugoslavia started with a referendum".⁴

For the last thirty years, the same wretched belief in majoritarianism has been and still is a large part of the problem in Northern Ireland. And earlier still, this notion that a majority has the right to rule was also a factor in the excesses of Soviet communism: after all, the word 'majoritarianism', in Russian, is 'bolshevism', from the word 'bolshinstvo' or 'majority'.

But let us return to the present. In both Yugoslavia and Northern Ireland, one can see how the adversarial nature of our western democracy has been used by various party politicians wishing to gain total control. Few politicians understand economics - indeed, as you know, few economists understand the topic - but it is all too easy to shout on the hustings for nationalisms... especially if the electoral system itself encourages such behaviour. Despite the so-called "democratic" principles which the various politicians say they uphold - there are democratic Unionists and democratic Serbs and, yes, everyone is a democrat, they say - many parties see the democratic process as a win-or-lose contest. It was never meant to be such.

Politics, as Clauswitz noted, is like war. All too often, therefore, politics is a battle between two opposing factions whose role, among other things, is to simplify every pluralist controversy into a simplistic dichotomy, to reduce every multi-option discussion into a two-option argument. George Bush's "Are you with me or against me?" is a classic example of this sort of behaviour. The militarist parallel can be taken further, for whereas the stick of discipline keeps an army in tact, party politics runs on the carrot of patronage. No wonder politicians are often more loyal to the party than to their constituents. In theory, of course, the elected representative works for all his/her constituents. In party politics, however, whenever there is a clash of loyalties, it is invariably the party which wins.

The overall effect of our adversarial politics, then, both in decision-making and in elections, is that the democratic process itself can be a cause of war. Indeed, in the 1990 election in Bosnia (and, as noted, in the 1992 referendum), the very choice of single-preference electoral system (and the 'yes-or-no' decision-making process) was exactly that!

Democracy, however, is meant to be "of, by and for" *all* the people,⁵ not just 50% and a bit. In theory, therefore, not only should parliament represent *all* the people, but so too should the government represent the entire parliament. In our own continent, only Switzerland qualifies without caveat, although Belgium and Lebanon also deserve a mention.

Now political parties *may* be a good idea, if and when people are debating the relative merits of socialism, liberalism and conservatism, (to quote the three “-isms” of traditional British politics, but the picture is not too dissimilar elsewhere in Europe).⁶ On balance, however, maybe even this is a dangerous practice if the democratic structure is the current win-or-lose process. After all, the idea so prevalent during the Cold War that everything was *either* of the left *or* of the right, that everything was *either* communist *or* capitalist, very nearly led to the destruction of the planet.

For the moment, of course, majoritarianism rules, and most inter-party rivalries are based on the premise that, after the election, a majority coalition or maybe just the majority party will form the government. This is why it is to the advantage of the more unscrupulous politician to pretend that matters political can be divided into two. Indeed, in large part, party politics is a by-product of this majoritarianism and not just, as Duverger might have suggested, the electoral system. Little wonder, then, that in many plural societies, party politics all too easily becomes ethnic and sectarian. Alas, the party political structure, so common to modern western societies, tends to foster this activity.

If, however, political debates were not always dichotomous, there would be less likelihood of war. If, secondly, the executive were always a broad based power-sharing government of national unity, such as is regarded as essential in any post-conflict society, the prospects for peace would be greater.⁷ If, thirdly, debates in parliament were resolved in a multi-option decision-making process, and if all votes were free rather than whipped, politics could at last become the art of compromise. The net effect would be a more inclusive democracy, a *sine qua non* of peace and stability in any plural society. It would also mean that political patronage and the party political system itself could begin to crumble.

We might just mention the fact that inter-party rivalries were also a major factor of destabilisation in Uganda. Little wonder, then, that when President Yoweri Museveni came to power, he banned *all* political parties! (His critics would add “except his own”.) In effect, therefore, in every village throughout the land, every candidate is an independent. The system is no less democratic for that.

The first criterion, then, is that the chosen electoral system must cater for a plural society, that is, it must allow for the existence of smaller parties and independent candidates. Such a criterion might not gain the support of international organisations like the WTO, which seem to be obsessed with party politics and majoritarianism, but maybe that is because they prefer controlling mechanisms. Meanwhile, let us move on, logically, to the subject of PR.

2 PROPORTIONAL REPRESENTATION

Europe to-day is a multi-ethnic, multi-racial, multi-multi society in which, hopefully, judgements are to be made on merit and not on race, religion or gender. Accordingly, the electoral system must cater for *both* genders and *all* sectors of society. This has been recognised, at least in regard to religious and/or ethnic differences, in Bosnia, Northern Ireland and Lebanon. In all three, however, the chosen system itself tends to perpetuate the very sectarian divisions which, in theory, a peace process is meant to overcome whereas in theory, of course, the system should be colour blind.

Bosnia

In Bosnia, for example, any candidate for the post-Dayton three-person presidency has to be either an ethnic Bosniak or a Croat or again a Serb, so to ensure the final triumvirate consists of one of each. This means, however, that the system itself actually disallows the independent and/or secular and/or ‘ethnically unclean’ candidate from even standing, as Zlatko Lagumdžija found to his cost.⁸

Meanwhile, in their parliamentary elections, Bosnia used, initially, the closed PR-list system and later, the open PR-list.⁹ No wonder the first post-war election in 1996 was little more than a sectarian headcount. In 1999, the National Working Group¹⁰ under Professor Neđo Milićević reviewed the electoral system and it opted for the open PR-list in parliamentary elections (and AV in presidential elections in *Republika Srpska*).¹¹ In more recent elections, therefore, the electorate has been bombarded with huge lists of candidates, as each party tries to show off its political virility. It is not very practicable. But suffice at this stage to say that any European parliamentary electoral system must be capable of application in Bosnia where, as I’m sure you all know, the problems of religious intolerance are not over yet.

Northern Ireland

Britain imposed PR-STV on Ireland, North and South, as part of the 1920 settlement. Unfortunately, however, both parliaments were majoritarian. The North reverted to first-past-the-post in 1929, (and the South tried to follow suit in 1959.¹²) In 1972, three years into the troubles, the British re-imposed PR-STV in the North and this has certainly ensured the political survival of the middle ground. (In decision-making, unfortunately, everything is still majoritarian, so the two opposing factions in society both tend to act as majoritarian wholes, i.e., to split into two; so there are *Sinn Féin* and the SDLP on one side, and the UUP and the DUP on the other.)

In 1996, much as some of the parties might have wished to revert to first-past-the-post or a PR-list system, NI public opinion refused such a move. PR-STV, they insisted, was a pre-requisite, and the politicians argued only over the detail. Hence the smaller parties were able to get 6-seater constituencies as opposed to the initial suggestion of 5-seaters, but the Talks Process dismissed the idea of a top-up.¹³ As it stands at the moment, therefore, the British government allows Northern Ireland to use PR-STV in its Euro-elections as well as in its Assembly and local council elections; it is only at the Westminster level that Britain refuses to bend, and the consequences in Northern Ireland have always been both serious and negative.

Lebanon

As far as I know, Lebanon came to its chosen system unaided, which maybe explains why it is so good. Basically, they have decided that they are living in a multi-multi society, and that all candidates for political office *must* accept this political fact of life. Accordingly, if let us say a socialist (who happens to be a Shia) wants to stand on a socialist ticket in a constituency where there are Shia, Sunni and Maronites in a 30:30:30 ratio, he/she must find a Sunni socialist and a Maronite socialist so that all three can stand on the one ticket together. The election itself is conducted under the rules of PR-list and, in effect, each voter (in this particular constituency) must vote for a Shia *and* a Sunni *and* a Maronite. Then, what may happen in the count is that either all three get elected¹⁴ or none of them do. In many instances, then, candidates are elected on the basis of votes from a different religious grouping. Which is excellent. The system also caters for the independent candidate, but here too, the latter's religious background will be a factor, for the voter must still vote for one of each religion, which again is excellent. Suffice to say that it is easier for the voter to just go for a complete ticket.

In such societies, and therefore I would argue in *all* societies as well as in Europe as a whole, a system of PR is a pre-requisite of any electoral system. But it would be preferable if the criterion upon which proportionality were based was not pre-determined by political parties... which may or may not be sectarian. There may come a time, for example, when everybody in, let us say Bosnia, could be extremely concerned about, oh, GM crops, even at a time when many political parties were not too attentive to this matter. Under an ideal electoral system, the voters would have a choice not only of parties but also of candidates within parties, some of whom might have a particular view on GM. Wittingly or no, therefore, but simply by voting for their preferred candidates, the voters themselves should be able to determine the particular issue upon which proportionality is to be based.

Our second criterion, then, is for PR. Before discussing preferential systems, even though the example of GM would suggest this is both more democratic and necessary, the next question relates to the PR threshold. Given that most modern societies are plural and are likely to become more so, the overall threshold of the chosen electoral system should be fairly low and, with some systems, therefore, this suggests the need for a top-up. May I propose we should aim for something of the order of a 5% maximum threshold. If, therefore, high-threshold systems like PR-STV or QBS are to be used, some form of top-up will indeed be required, at least in the bigger regions/countries.

May I also suggest that the top-up should be based on something more than just a count of the *first* preferences. For example, under a QBS + top-up in which the voter was asked to cast his/her preferences for a maximum of six candidates, the top-up could be based on a Borda count of *all* the voters' "party preferences". This means any one party receives only one preference, even though the voter might have given that party more than one preference.

3 PREFERENTIAL VOTING SYSTEMS

In most post-conflict scenarios, the *democratic* process is said to be an intrinsic part of the *peace* process. Yet in many voting procedures, both in decision-making and in elections, the act of voting is far from '*peace-full*'. Instead, as noted above, western society has devised an adversarial form of democracy in which, instead of each individual voting for what he/she thinks is best for society as a whole, many a voter tends to vote for what he/she thinks is best for only him/herself. Indeed, in the worst possible voting procedures, the voter is encouraged if not 'forced' to act in this manner.

In any majority vote plebiscite, for example, as too in any single preference PR-list electoral system, the voter in a divided society is almost bound to vote "for one of their own". In some other voting procedures, approval voting, AV and PR-STV, the voter *may* vote for some of the other candidates, and some would argue that STV actually encourages this form of behaviour. Well, it might in Australia where ethnic tensions are not too pertinent to the electoral system; in Northern Ireland, in many instances, the intransigent are not so persuaded.¹⁵

The electoral system should therefore allow the voter a range of candidates. Furthermore, it should be structured in a manner which encourages him/her to vote for at least some of those who are "not of their own". The more simplistic PR-list systems are no good in this regard, and this certainly applies to any closed PR-list single preference

system but also to those open PR-list systems which restrict the voter to a choice of candidates from only one party. No, in a modern, tolerant, plural society, the voter should be able to state his/her preferences and to vote across gender, across party, and across the ethnic divide. Preferential systems like PR-STV and QBS have this potential, as does the Lebanese system, and so does approval voting and AV.

Let me put it another way. For most people, the actual voting part of the democratic process is the only time when the average citizen takes an active part in that which is called the peace process. Therefore, the vote should allow those who are ready to engage in an act of peace and reconciliation to do so. The Protestant might want to vote not only for a Protestant but also for a Catholic; the Orthodox not only for an Orthodox but also for a Moslem and a Catholic. And so on. For some of the more old-fashioned people in society, both men and women, such a system might also help them to cross the gender divide.

In this regard, much emphasis must be placed on the counting procedure. In PR-STV, for example, the vote may go to a Protestant *or* it may be transferred to a Catholic - and hence the name, of course, *STV* - so while the voter may think he/she is both for both, in fact (in some instances) it is one *or* the other. In QBS, in contrast, every preference is taken into account and, at least in the second Borda part of the procedure, it is more a question of '*and*'.

The overall requirements, then, our criteria for an electoral system, are for a low threshold preferential form of PR with (if need be) a preferential top-up.

CONCLUSION

If society chooses a democratic structure in which there is a fundamental fault line, that fault line will continue to grow until such time as society demands, in one way or another, a subsequent change. In the USA, for example, the original constitution suggested that the winner of any presidential election should be the president, and that the runner-up should be the vice-president. (And doubtless, Al Gore would agree.) But then they went for a party system. As a result, because of that fault line, that which was meant to be an inclusive democratic structure became the highly divisive structure we see in the US to-day. And roll on the day when they demand to change it!

In selecting any new electoral system, therefore, we should remember that whatever we choose may well be used for at least a few generations. Accordingly, the method of choosing our electoral system should itself be a sound one. May I therefore ask that this Society recommend a list of possible electoral systems, in our collective order of preference. Hopefully, then, the European parliament and others will then base *their* choice on a multi-option vote, rather like New Zealand did in 1992/3. After all, the last thing we want, I would argue, is yet another dichotomy, as happened with Lord Jenkins and his supposedly "Independent Commission" in the UK in which he posed just a two-option question. It would be even better, of course, if the decision-making process by which (we and) they make (our and) their choice were an inclusive procedure which encouraged all concerned to vote less from a selfish motivation and more from an altruistic motive. Accordingly, needless to say, I recommend a modified Borda count or Borda preferendum, with the very necessary proviso of partial voting. If someone casts a preference for all n options, his favourite will get n points. If another casts only three preferences, her favourite will get only 3 points. And the intransigent who votes for only one option will exercise only 1 point.¹⁶

Taking all the recommendations from the preceding paragraphs, may I propose that the chosen electoral system should be a top-up preferential form of PR which allows for independent candidates as well as any party candidates. This suggests either the Lebanese system (though this is non-preferential and, as noted above, it entrenches sectarianism), or PR-STV (but this only allows - it does not necessarily encourage - the voter to go beyond his/her selfish wishes), or again QBS (which not only allows the voter to vote across party, it actually *encourages* him/her so to do). Furthermore, it does this fairly, for in QBS, (but not in the rather capricious PR-STV), *every* preference cast by *every* voter is taken into account.

Like PR-STV, QBS also 'encourages' political parties to limit the number of candidates to a realistic number. If, therefore, elections are being conducted in 6-seaters, very few parties will think they can win two or even three seats, and will therefore nominate only two or three candidates, as appropriate. Accordingly, the Borda part of the QBS election in a 6-seater constituency should be based on the voters' first six preferences, so actively encouraging the voters to vote across party and even across the sectarian divide. I should point out that QBS still needs some research to be undertaken before we can advance its exact definition. In particular, as I mentioned to Sir Michael Dummett some years ago, we must consider what happens in the count on those occasions when one particular candidate gets far more than the necessary quota.

Granted, the quota part of QBS works on the voters' first preferences only, regardless of how many other preferences the voter then exercises. If the second part, the Borda count, is conducted according to the rules laid down for a modified Borda count, then the voter will be actively encouraged to vote "down the list". Then, because not only each party but also each ethnic group is bound to restrict its number of candidates, this invariably means that the voter is enabled and indeed encouraged to cross the sectarian divide. It also ensures that no party is tempted to form little artificial 'off-shoots'. In essence, therefore, QBS caters for ethnic difference without having to resort to the use of sectarian labels.

Finally, then, may I specify the criteria which should apply to a QBS election. It should be conducted in multi-member constituencies electing a maximum of six representatives. There may be as many candidates as wish to stand, but voters will be asked to list a maximum of just six preferences. A first preference will be considered as a full first preference in the first (quota) stage of the count. In the second (Borda) stage, points will be awarded to preferences cast in accordance with the rules laid down for partial voting, as in the modified Borda count. Where applicable, there will be a top-up based on each party's Borda score, and this will be calculated on the high/higher/highest preference cast depending on whether the voter has cast 1, 2 or 3 or more preferences for that one party.

RECOMMENDATION

So, practising what I preach, may I express my own first six preferences as follows:

- 1 QBS in 6-seater constituencies (with a constituency threshold therefore of c 14% and) with a regional/national top-up (allowing for, let us say, one seat for any parties or independent alliances which get 5% in that region/nation, except in places like Northern Ireland which by virtue of their size are too small for such a top-up to be applicable).
- 2 QBS in 6-seater constituencies
- 3 PR-STV in 6-seaters with a top-up (as above)
- 4 PR-STV in 6-seaters
- 5 a multi-preference form of PR-list as in Switzerland
- 6 the Lebanese system

Furthermore, may I propose that we place any trust in our findings, not only within our own discipline, and not only among various political activists, but also with human rights lawyers. The sections on democratic rights in most international charters on human rights are pitifully weak, and this is in large measure due to the fact that the politicians themselves have exercised a veto, as it were, on what they regard as a direct interference in their own affairs. As we all know, the subject is much more important than that, and persuading a few lawyers to support our findings may well prove to be crucial if our proposed amendments are to be taken seriously.¹⁷ Thank you.

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NOTES

- 1 Sir Muchael Dummett, speaking at the *Majoritarianism or Democracy?* seminar in Queen's University, Belfast, 8/9th April, 1999.
- 2 *The Rwanda Crisis, History of a Genocide* by Gérard Prunier, Hurst and Company, London.
- 3 *Long Walk to Freedom*, p 25.
- 4 *op. cit.*, 7.2.1999
- 5 From President Abraham Lincoln's Gettysburg address of 19.11.1863.
- 6 In many a two-party system, as is Britain, the two big parties tend to woo the middle ground, so diminishing any supposedly ideological differences.
- 7 Such a government could quite easily be elected by the entire parliament under a system of PR yet, for reasons of party political patronage, most big parties tend to favour a *selection* process rather than an *election*.
- 8 Zlatko Lagumdžija, leader of the SDP, nominated a candidate to stand on the Croat list in the 1999 presidential elections. It is interesting to note that in this regard, the Dayton Agreement with its 3-person presidency is actually more sectarian than the previous arrangements of 1990 where there was a 7-person team: 2 Bosniaks + 2 Croats + 2 Serbs + 1 Yugoslav.
- 9 In 1996, of course, it was mainly the OSCE which chose the closed PR-list system.
- 10 In January 1999, I presented a paper to this Working Group. Needless to say, the Group consisted of some Bosniaks, some Bosnian Catholics (Croats) and some Bosnian Orthodox (Serbs), nearly all of whom argued for their own 'ethno-religious' interest.

- 11 Thus the voter was confronted by two different electoral systems: the first going “ $x, x, x \dots$ ”, the second “ $1, 2, 3 \dots$ ”
- 12 Fortunately, the Republic of Ireland government is bound by the constitution, and any change had to be put before the people in a referendum. In 1959, the party in power under Eamon de Valera (Dev) used the slogan, “Vote Dev and ‘Yes’”, but many only accepted the first part of the advice. 51.8% said ‘no’. The government was not well pleased so, after a suitable pause, it tried again, in 1968. Whereupon the people gave an even bigger no, 61%!
- 13 The top-up, a well established part of the German electoral system for example, is a recommended feature for any plural society. In Northern Ireland’s case, its use might have prevented the demise of the UDP, the political wing of the UDA, which in turn might have helped to make the last few years a little more peaceful.
- 14 One further disadvantage of the Lebanese system is that it allows for what is known as the bulldozer ticket, when two famous individuals stand together, and the third non-entity candidate gets in on their coattails.
- 15 In the 1990 elections in Bosnia, for example, PR-STV would not have saved Ante Marković. If anyone at all, he was the only person who could possibly have prevented Bosnia from the ensuing war. But he was only the second preference of many; and his first preference score would probably have been inadequate. The PR-list system, of course, was hopelessly inadequate. He won just 13 of the 240 seats, while the nationalists who had earlier agreed to form a coalition won 202. That conspiratorial coalition failed to pass a single law, and it didn’t take long before it all collapsed into war!
- 16 There is often a huge psychological difference between giving somebody 1 point and giving him zero; accordingly, I favour the $n, n-1 \dots 2, 1$ formula rather than the $n-1, n-2 \dots 1, 0$ formula. Then, in the modified Borda count or Borda preferendum, a voter who votes for only m options casts only $m, m-1 \dots 2, 1$ points.
- 17 In the 1948 UN Charter on Human Rights, para III of Article 21 states “The will of the people shall be the basis of the authority of the government; this shall be expressed in periodic and genuine elections which shall be held by secret vote or by equivalent free voting procedures.” Perhaps we should add something to the following effect: “*A genuine election is a low-threshold proportional ballot in which the voter may express his/her preferences for more than one candidate of more than one party; in which the basis of proportionality is determined by the voters themselves; and in which every preference cast is taken into account.*”

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