

## **Alternative Electoral Systems**

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‘Electoral Systems and the Management of Ethnic Conflict in Africa’

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### **Introduction**

Ethnic conflicts on the African continent have precipitated a growing body of literature examining the sources of these conflicts and the factors which engender resolution. Less attention has been directed at the impact of electoral systems beyond the peace-making process. This paper seeks to explore issues which can will contribute to our understanding of how electoral laws can undermine or consolidate the transition from war to peaceful coexistence. By affecting the outcome of a given election, electoral systems are the arbitrators of whether or not the resulting legislature and government represents the political will of human polities.<sup>1</sup> Ethnic conflict in Africa, as elsewhere in the world, denotes the de-legitimation of governance by the state. The mobilization of communal identity, otherwise known as politicised ethnicity, accumulates a momentum which is manifest in a groups’ drive to make its claims and concerns heard. Institutions and mechanisms which frustrate this momentum can undermine the consolidation of peaceful coexistence or escalate conflict. The holding of elections contributed to the collapse of political engagement in Sudan and Angola. Thus, electoral systems which underpin the management of divergent ethnic interests can, and do, fundamentally affect the attempts to bring about a democratic peace. The proposition being put forward here is that majoritarian systems can perpetuate a logic of ethnic exclusion and that what is needed rather are electoral systems which promote fairness and equity, such as the proportional representation system.

### **Authoritarianism and the legacy of electoral process in Africa**

In Africa, carefully negotiated independence constitutions were swept aside by the rise of authoritarianism. Independence constitutions were drawn to clearly identify the authority of the state and its limits; as well as proscribing the rights of communal groups. In parts of Commonwealth Africa electoral laws made provisions for federal and central legislative assemblies; more significantly representatives were elected by the British style majoritarian electoral system without modification. In Francophone Africa independence constitutions were also based on French formulas with national legislatures based on universal suffrage and governments nominally ratified by parliament but ultimately subordinate to a centralized executive presidency. Yet after independence the determination of ruling élites to entrench themselves in power led to the betrayal of constitutional democracy. The rise of unconstitutional activity gave birth to authoritarian power politics. Independence constitutions, with their electoral systems, were soon modified, altered or simply abandoned.<sup>2</sup> As Jackson & Rosberg remark

‘constitutional government was rapidly transformed into personal rule, and the coup d’etat became the usual means of changing governments. Military intervention in politics was endemic in the late 1960’s. Civil wars occurred in Sudan, Ethiopia, Zaire [Congo-Kinshasa], Nigeria, Angola and Chad.’<sup>3</sup>

In Rwanda and Burundi major ethnic conflict perpetuated a cycle of genocide. In other parts of Africa, ethnic conflicts continue unabated some have never been fully resolved. The post-colonial government in Africa, therefore, was either based on the authoritarian one-party state, military government or in the rare exception by a continued, constitutional democracy – like Botswana. Peter Wanyande observes that

‘in the debates that ensued, the protagonists of one-party regimes or systems of government dismissed the fears that their systems would undermine democracy. Instead they argued that one-party systems would be just as democratic, if not more so, than the multi-party systems’.<sup>4</sup>

Despite the rhetoric, electoral systems became regimented and standardised. By definition a one-party system of government proscribes the existence of alternative forms of political organization; so for a start electoral laws are limited to defining the nature of electoral competition between individuals. According to Wanyande ‘rather than provide the electorate with the opportunity and freedom to choose a government of their choice, the government imposes itself on them’. Thus, the electoral system was used to prevent structural and institutional attempts to challenge the primacy of the ruling party-government; a factor which undermined the democratic condition. Ultimately, this can lead to the activation of sub-national identities particularly when a sense of victimization by the government is perceived. The significance of the unconstitutional emergence of authoritarianism is integral to an understanding of the ethnic conflicts which continue to afflict the African continent; and underpins efforts to understand the ways in which the re-constitution of institutions for electoral participation can assuage fears of socio-political exclusion.

### **Politicized ethnicity and the collapse of political engagement**

The one-party system constrains the freedom of human politics and often discriminates, victimizes and excludes. The deprivation of cultural and socio-economic rights ultimately gives rise to identity politics.<sup>5</sup> John Saul suggests that what Africa is confronted with today is the threat of ‘the uncontrolled escalation of “identity politics” – particularly as driven by an extreme expression of the politicization of ethnicity’.<sup>6</sup> The term ethnicity, often taken to refer to cultural, religious and linguistic identities, is itself a highly contested concept. Debates continue, unabated, around whether it represents a primordial manifestation of collective human politics or whether it is a historically contingent form which can be employed instrumentally. It is not the intention to rehearse this debate here. Suffice to note that the politicization of ethnicity perpetuates a logic of exclusion which breeds fear of victimization. In the case of Uganda Susan Dicklitch suggests that ‘ethnicity acted as a centrifugal force and largely defined political participation; ... the ‘ethnicization’ of the political arena served to heighten suspicion and increase the zero-sum nature of political engagement’.<sup>7</sup> A similar scenario is re-played in other parts of Africa. Invariably, the state becomes a focal point for competition as various ethnic groups seek to capture it.<sup>8</sup> Politicised ethnicity can undermine the cohesion of the state when groups withdraw their obedience to the state. If the state opts for force and manipulation to exact compliance the ingredients of ethnic conflict are then in place. Continued coercion by the state solidifies politicized ethnicity which can ultimately lead to the disintegration of the state as witnessed historically in Ethiopia – with the secession of Eritrea – and more recently demonstrated by the collapse of Somalia. Any attempts to re-establish some form of political arrangement, through conflict resolution or post-conflict peace-building, must

take into account the divisive momentum gathered by the politicization of ethnicity. Samuel Decalo reinforces this view when he concludes that

‘politicized ethnic sentiment remains the most meaningful force in Africa’s syncretic, marginal, non-nation states, implying that politics in the “new democracies” will constantly reflect this tug-of-war with all its deleterious and divisive negative effects’.<sup>9</sup>

### **The electoral system as an extension of the conflict management process**

With a disproportionate amount of emphasis being placed on the conflict resolution process up to and including the peace settlement; there is a strong case for paying as much attention to the consequences of electoral systems. The unquestioned juxtapositioning of liberal democratic models of electoral competition onto the African continent has, in some cases, gone on to undermine the consolidation of democratic peace.

#### *Majoritarian systems and the question of legitimate governance*

The transition from authoritarianism to accommodative democracy seems to be marked by the absence of rigorous debate, among citizens, local communities, non-governmental organizations and other civil and ecumenical associations, about the type of electoral system which should be adopted to respond to their political representation. This could in part be due to the fact that energies have been focused on agitating for a political commitment, from intransigent autocrats, to genuine democratic change. In Africa, the 1990’s have witnessed the political pendulum swing favourably towards democratic overture, at least in name if not in substance. The vast majority of countries have adopted a multi-party system. In a few cases, such as Benin, Malawi and Zambia, opposition parties have won the elections and constituted governments. Elsewhere, multi-partyism has not led to the removal of incumbent regimes, in Cameroon, Cote d’Ivoire, Gabon and more recently in Kenya.<sup>10</sup> In identifying the emergence of a democratic culture it is also important to note that consolidation remains a distant goal. Structural inadequacies plague most constitutional democracies and the electoral system is one aspect of this. Politicized ethnicity presents an important obstacle to democratic consolidation particularly when the majoritarian or first-past-the-post (FPTP) electoral systems are utilised. Derived from the tenets of liberalism these majoritarian systems operate on the principle of single-member constituencies in which voters vote for one candidate by placing a marker next to his or her name. The candidate with the simple majority wins. Hence a ‘winner-takes-all’ aspect prevails. The votes cast for the losers are considered ‘wasted’ in the sense that they do not serve as effective instruments for expressing the voters will; and having this will reflected in the formation of the legislature. Where multiple parties are contesting the same constituency there is the possibility of the successful candidate winning the seat with a minority of the votes cast. Thus, the majoritarian system has been criticized on the basis that it is essentially unfair as far as ‘genuine’ representation is concerned. It generally favours larger political groupings at the expense of smaller ones; and it also diminishes the ‘value’ of the voting process by disenfranchising a substantial proportion of the voters; otherwise known as the deviation from proportionality.

When juxtaposed onto the African continent the majoritarian electoral system can combine with politicized ethnicity to foment an unstable and exclusionary democratic situation. The electoral victory of Bakili Muluzi in Malawi saw the vote split along ethnic lines.<sup>11</sup> Kenya’s 1997 elections, despite a similar outcome in 1992, also saw candidates largely

appealing to, and obtaining, the ethnic vote. The problems confronting the majoritarian system are well known. In his seminal study Arthur Lewis argued that

‘the surest way to kill the idea of democracy in a plural [multi-ethnic] society is to adopt the Anglo-American electoral system of first-past-the-post ... where cleavage is a problem, one needs a system which will give minorities adequate representation, discourage parochialism, and force moderation on the political parties’.<sup>12</sup>

The majoritarian system raises the stakes of competition. As political groupings endeavour to maximize their support the manipulating of ethnic sentiments is the easy option. The political parties which emerge, according to Jean Blondel, ‘are thus more likely to be the mouthpieces of communal cleavages than the originators of national programmes and strategies’.<sup>13</sup> Structurally electoral systems are sites where the power to include and exclude can be exercised. Reeves & Ware propose that

‘electoral systems are not mere details but key causal factors in determining outcomes ... [they do] so directly in that who is elected under one system may not be elected under another system’.<sup>14</sup>

#### *Ethnic conflict and the majoritarian framework of electoral competition*

Events in Africa have witnessed electoral systems designed to sustain an ethnic conflict resolution process, ultimately, subverting the process and exacerbating divisions. In Sudan where conflict continues between the Muslim north and non-Muslim south efforts to establish a democratic constitution, after the overthrow of Numeiri in 1985, led to democratic elections in 1986. However, politicized ethnicity derailed the process when political parties became identified with the major religious groupings. Failure to believe that the other parties were not bent on total domination led to the collapse of dialogue between the northern and southern parties and a renewal of conflict.<sup>15</sup> The Angolan experience is more telling, in that the cease-fire was secured between the two main disputing groups namely; Jose Eduardo dos Santos’ MPLA and Jonas Savimbi’s UNITA. This included an agreement to hold multi-party elections in September 1992. Under the majoritarian electoral system the results of the election emerged with neither side receiving a clear majority in the presidential elections. Which under the electoral laws meant submitting to a run-off election. Yet Savimbi cut his losses and subsequently declined to partake in the run-off fearing defeat and disenfranchisement from power. He subsequently rejected the election results. In the run up to the election Savimbi had campaigned on an ethnic platform; with UNITA being primarily an Ovimbundu organisation. After rejecting the electoral outcome he appealed to ethnonationalism and fuelled the fears of domination by the MPLA. This enabled him to command the loyalty of his UNITA forces; culminating in the re-ignition of violent conflict in January 1993.<sup>16</sup> A sense of alienation in the aftermath of ethnic conflict does not facilitate post-conflict peace-building. Institutionalised exclusion through the logic of ‘winner-takes-all’ electoral systems further politicizes ethnicity. Many commentators now believe that the only option open in Angola is for some form of power sharing based on proportionality. The question remains as to whether electoral laws can be designed and negotiated so as to reduce the intensity of ethnic rivalry? Given the power which resides in electoral systems all the disputing parties should partake in deliberations about the type of electoral laws which will determine how their various polities can be represented in a fair and equitable manner.

Thus, electoral systems need to become subject to negotiation if they are to serve effectively as extensions of the conflict resolution initiative.

### *Proportional representation and the quest for sustainable conflict resolution*

As David Quintal noted in his pioneering study the electoral system ‘authoritatively prescribes the manner in which political preferences of a community are to be expressed and ordered’.<sup>17</sup> Electoral systems need to be a central concern of the conflict management process rather than being viewed merely as details which do not merit much attention. The unquestioning adoption of the majoritarian systems can end up subverting the whole peace-making initiative particularly when politicized ethnicity is a factor. The deviation from proportionality is not only deemed as unfair – by ethnic groups which are marginalised in the process – but in the aftermath of communal conflict this sense of unfairness translates into instability and the potential renewal of war. Yet fairness and equity in electoral competition does not evolve naturally. According to Leslie Lipson fairness and ‘equality has to be designed introduced and regulated’.<sup>18</sup> An electoral system based on proportional representation (PR) is the objective of one such democratic design. The basic aspect of the PR system is that seats, to legislative assemblies, are allocated to political parties in proportion to the votes cast for each party. Generally several members belonging to different political groupings are elected to a particular constituency. There are many variations in the designs of proportional representation electoral systems. Whilst a comprehensive analysis of these differences is beyond the scope of this paper, it may be worthwhile to mention two main constructs; namely, the list and the single-transferable-vote (STV) proportional representation designs. In the case of the list PR each party draws up a list of potential legislative members and then the voter votes for the party list rather than for an individual candidate. The seats in the legislature are then allocated to a party based on the percentage of votes cast for it by the whole electorate. With regards to the STV PR, voters engage in what is called preferential voting. They vote by placing candidates, from various parties contesting a constituency, in order of preference. Preference is identified by placing a ‘1’ next to the name of their preferred candidate, a ‘2’ next to the name of the second preferred candidate and so on. After the votes are cast a base-line quota is calculated. When a candidate reaches the quota she is declared elected. The subsequent election of other candidates to the constituency depends on distributing any surplus votes from the candidates who are already elected. Those surplus votes are distributed to the second preferential candidate. If no candidate goes on to achieve the quota then the candidate receiving the fewest votes is eliminated their second preferences are then distributed. This process continues until the number of seats allocated to the constituency is attained.

As mentioned earlier there are many variations on this theme which will not be enumerated here. What we need to extract from this is that by operating on a principle of broad proportionality these electoral systems seeks to reduce the sense of marginalisation and political exclusion which smaller ethnic groups are subjected to. Frank Cohen maintains that

‘majoritarian attempts to cross-cut political ethnic cleavages into irrelevance only suppress them and preserves them as latent sources of tension. Proportional mechanisms prevent such suppression of ethnic cleavages by proliferating, dispersing and expanding the opportunities of their ventilation.’<sup>19</sup>

### *The limits of proportional representation*

By institutionalizing ethnic divisions, in its attempts to foster fairness, the PR electoral system can also entrench political engagement along communal lines. In cases where voting continues predominantly along ethnic lines smaller groups can remain confined in permanent opposition despite their representation in the legislature. Research currently being carried out by the, educational non-governmental organisation, Democracy Design Forum, is looking at ways in which electoral systems provide incentives for parties to seek mandates on a 'pan-ethnic' platform by actively appealing to other groups. David Chapman has proposed a range of eleven electoral systems operating essentially on the principle of proportionality which are 'designed to protect the ethnic minorities, by giving each party the incentive to be responsive to each ethnic group'.<sup>20</sup> With regard to the Africa and the management of ethnic conflicts any attempts to design PR systems is a highly contextual exercise; which needs to engage the participation of local and national societies. To a large extent each situation must take into account the political traditions and the degree of civic and voter education which is essential to the effectiveness of a PR system. A post-conflict democratic arrangement emerged in Namibia with elections being carried out, in November 1989, under a system of proportional representation. An assessment of this process by Lionel Cliffe et al showed the PR system 'was particularly advantageous to small political parties, which would have been excluded from assemblies elected under most other arrangements'.<sup>21</sup> This suggests that the PR system may have a significant role to play in African politics.

### **Conclusion**

Whereas it may seem slightly premature to be analysing the reform of electoral systems on the African continent, at a stage when the democratic culture is far from being consolidated, this may be in fact the most opportune occasion for contributing to such a discourse. Granted that politicized ethnicity remains 'the most meaningful force' in African politics particularly in the aftermath of ethnic conflict, institutions which are designed to regulate electoral competition must take into account the deleterious effects of structural exclusion which electoral laws can perpetuate. The long-term goal of democratic consolidation in Africa is to oversee the emergence of a cross-ethnic civil society. Yet such a process can only be incremental taking, many years if not decades or generations. A significant amount of qualitative and quantitative research remains to be done on electoral systems and how they can contribute to solidifying conflict resolution initiatives in Africa. The investigation also needs to address how electoral laws can forge power sharing arrangements between the state and autonomous groups in Africa; if these systems are to enhance the chances for sustaining peace in the twenty-first century.

## Footnotes

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- 20 A more detailed discussion is beyond the scope of this paper; see D.Chapman, 'The Role of Electoral Systems in the Resolution of Ethnic Conflict', paper presented to the Third International Conference of the Ethnic Studies Network at the University of Ulster, Londonderry, Northern Ireland, 26-29 June 1997.
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