

Building political parties:

Reforming legal regulations and internal rules

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1. Executive summary

This report is designed to provide an overview of the contemporary literature comparing the role of political parties in good governance and democratization, to aid *International IDEA's* program of research and dialogue.

Part 2 discusses the essential *functions of parties* in a democracy. Parties are expected to play an important role by mobilizing citizens, aggregating interests, recruiting candidates, developing policy proposals, and coordinating governments. The question is how well they perform in transitional democracies restricting party competition, in consolidating democracies where parties remain poorly institutionalized, and in established democracies where they face low or eroding grassroots membership, weak internal organizations, and a crisis of public confidence.

Part 3 examines the *legal framework* regulating the process of nomination, campaigning, and election. The legal rules ensure should ensure opportunities for party competition within each country which are *equitable, free, and fair* for all contenders for elected office. Problems arise where there are cartel arrangements, deterring minor parties, or monopolistic regulations restricting the rights of opposition parties.

Part 4 analyzes the formal *party rules* governing the internal decision-making processes within specific parties. Challenges arise where party constitutions and rule-books fail to promote *democratic decision-making*, the *accountability of elected officials*, and *social inclusiveness* within each party.

Part 5 summarizes the key findings in each section of the report and suggests the most fruitful direction for further research on this topic.

2. The role and function of parties

Democratic theorists have long debated the most appropriate role and function of political parties. Madisonian liberals and advocates of participatory or 'strong' democracy have traditionally regarded parties and factions with considerable suspicion, preferring deliberative discussion among all citizens within each community uncontaminated by partisan interests. Many of the American founding fathers saw party organizations as 'sinister interests' capable of undermining, perverting, or usurping the popular will of the majority¹. Anti-party sentiment continues to be reflected today in popular commentary as well as in public opinion. Trust and confidence in parties remains low today in many nations, notably in Latin America².

By contrast, most liberal theorists have seen political parties in a more positive light as essential to the practical workings of representative democracy. In practice, as Schattschneider claimed, modern democracy in mass societies is unworkable without parties³. These organizations can and do serve a wide variety of functions: conducting election campaigns, mobilizing and channeling supporters, aggregating interests, structuring electoral choices, linking leaders and activists, selecting candidates for elected office, developing policy platforms, organizing legislatures, and coordinating the formation and activities of government. Bartolini and Mair suggest that this long list of functions can be reduced to five key headings: the integration and mobilization of citizens; the articulation and aggregation of interests; the formulation of public policy; the recruitment of political leaders; and the organization of parliament and government⁴.

Parties are clearly not the only means by which citizens can mobilize; in states where parties are banned, such as Saudi Arabia, dissident groups, social movements, and protest demonstrations provide alternative channels to organize opposition movements. An independent news media can act as a watchdog scrutinizing and criticizing government decisions. Referenda and initiatives allow electors to express their preference directly on specific policy issues. Under certain ballot structures (for example, in elections with single-member plurality districts, in open-list PR systems with preferential candidate voting, and in primary nomination contests), voters can pick candidates and hold individual representatives accountable for their actions.

The distinction among interest groups, new social movements, and political parties remains imprecise, as many functions are shared. There are also strong links between these types of political organization, for example between leftwing parties and affiliated trade unions, as well as between Green parties and the environmental movement. The key distinction, however, is that only political parties have the ability to aggregate demands facilitating compromise among diverse groups, to offer the electorate a program of alternative policy proposals designed to meet these demands, to recruit candidates for elected office, and, if elected, to pass legislation and to oversee the implement of public policies. In subsequent contests, citizens have the opportunity to evaluate

the policy outcomes and to hold parties to account for their actions. Most importantly, parties provide a means to hold elected officials *collectively* responsible for the success or failure of their decisions in power⁵.

The capacity of parties to discharge these functions effectively is controlled by the regulatory environment, including both the external laws governing party competition in any country, as well as by internal party rules. The question is how well parties perform, especially in countries where they face low or eroding grassroots membership, weak internal organizations, and a crisis of public confidence.

There is considerable variation in the role, function, organizational structure, and philosophy of different types of parties, as illustrated throughout this report. This includes contrasts commonly found among party organizations (e.g. between bottom-up ‘mass-branch’ versus top-down ‘caucus-cadre’ structures), by size (e.g. the categories of ‘fringe’, ‘minor’, and ‘major’ legislative parties), by roles (e.g. between governing and opposition parties), as well as by traditional party ‘families’ (for example, among Socialist, Social Democratic, Green, Liberal, Christian Democrat, Fascist, and reformed-Communist). For example, Green parties, commonly characterized by highly decentralized decision-making structures, are often in sharp contrast to large-scale ‘mass-branch’ programmatic parties represented by mainstream Social Democratic European parties, as well as to the ‘caucus-cadre’ leadership-dominated organizational structure and populist philosophy common in many personalist Latin American parties. Some suggest that the traditional models of European parties, which evolved over centuries, are incapable of capturing the variations in party types which have appeared in newer democracies that developed since the early 1970s⁶. Simple classificatory schemas can fail. In newer democracies, poorly institutionalized ‘parties’ may represent little more than a convenient label used symbolically for election or fund-raising where they revolve around a leader or leadership faction within the executive or legislature, without any external extra-parliamentary organization, full-time officials and voluntary membership, founding principles and philosophy, or a formal constitutional structure which persists between election periods⁷. Nevertheless it would probably be a mistake to regard these important variations as systematically related to the specific type of political regime such as contrasts in the parties found among non-democracies, transitional, newer consolidating, and or older established democracies. Levels of democratization are strongly related to the pattern of electoral competition and the party system found in each country, and to the degree of party institutionalization, but they are only weakly associated with party types per se. Nor should we assume that the core roles and functions of parties diverge in emerging and consolidated democracies.

In this context, this report seeks to ask a series of questions about the regulatory environment. In terms of the external laws concerning party competition: does the law governing the processes of nomination, campaigning and election serve to discriminate, either implicitly or explicitly, against certain types of party, such as fringe and minor party insurgents, or extremist parties on the far left or far right? Or are all contenders treated equally and fairly under the law? Does the legal framework maximize pluralistic party competition? Or else does it restrict the rights of some parties to organize, to propagate their views, or to nominate candidates for election? And in terms of internal party rules, do these encourage an active role for the mass membership participating at the grassroots? Do they facilitate processes of decentralized decision-making within party organizations? And do they ensure socially-inclusive processes of candidate recruitment for women, ethnic minorities, and other under-represented sectors of society?

This review of the existing literature about these questions is designed to provide a foundation for further research, basic data gathering, and new analysis by *International IDEA*. But certain important qualifications are in order since information is more extensive on some of these issues than others.

The body of published research is richest on political parties in established democracies, especially in Western Europe, which is often regarded (perhaps misleadingly) as a model for parties elsewhere. Although new research is rapidly emerging, in general far less is known about the role and structure of newer parties which are evolving in transitional and consolidating democracies in Latin America, post-Communist Europe, Africa, and Asia.

The literature has also focused most attention upon comparing the *formal* rules governing political parties, as embodied in official government documents, national constitutions, legal statutes, party constitutions, official party documents, party rule-books, party codes of conduct, and party administrative procedures. These formal rules are ultimately authorized by law and enforceable by courts. The formal rules are important to study as these are the core instruments of public policy most amenable to political reform, whether by legislation, executive order, constitutional revision, party amendment of the rule-book, judicial judgment, or bureaucratic decree⁸.

By contrast, far less is known about the impact of the *informal* rules, including the cultural norms, accepted norms of behavior, and the cultural values and motivational attitudes of activists, which also create shared expectations guiding conduct within parties. It is neither necessary nor sufficient for rules to be embodied in the legal system or party rule-books to be effective. Indeed many newer parties remain poorly institutionalized, lacking a founding constitution, a clear organizational structure, or any binding statement of party principles or decision-making processes. But the informal rules are more difficult to study, often requiring a blend of detailed case-studies, representative surveys of the mass membership, and participant observational studies.

3. Principles guiding the legal regulation of parties

When evaluating the most appropriate legal framework governing parties, there are generally agreed standards of basic human rights which suggest that it is important to ensure an *equitable, free, and fair* structure of opportunities for party competition within each country.

Electoral democracy is based on the principle of free and open competition among alternative political parties, representing divergent policy programs, groups of candidates, and sectors of society, so that citizens have a range of genuine choices at the ballot box. If party organizations are unduly constrained, then this limits the ability of citizens to articulate their demands, express their preferences, and hold rulers to account.

In this regard, in principle the law should treat all parties equally, rather than restricting or discriminating for or against specific types of parties, whether because of their political philosophy, guiding principles, or party programs. Different political parties, groups, or associations should have the right to organize and to freedom of opinion and expression. Party activists should be free to assemble through peaceful meetings and rallies, party leaders should be free to promulgate and publish their views, party officials should be allowed autonomy to manage their internal affairs, and candidates should have the right to campaign for elected office.

To greatly simplify the comparison, the degree of legal regulation governing political parties can be classified into three broad ideal-types or analytical categories.

- *Monopolistic* regulations are explicitly skewed towards the ruling party, restricting all opposition parties and dissident movements, to prop up repressive regimes and one-party states.
- *Cartel* regulations respect general human rights but nonetheless they limit party competition through a variety of restrictive practices designed to benefit established parties in parliament or in government. This includes the requirements for ballot access, the regulations governing the allocation of public funding, and the rights to free campaign broadcasts and state subsidies. Cartels are designed to skew resources towards insiders, with a high effective vote threshold protecting against outside challengers.
- Lastly, the most *egalitarian* regulations are designed to facilitate plural party competition among multiple contenders, with equal access to public resources and minimal legal restrictions on which parties and candidates appear on the ballot.

The major challenge to these principles arises from monopolistic arrangements in non-democratic regimes and in transitional democracies. Examples of some of the more egregious restrictions, which obviously violate widely-agreed principles of human rights, include regimes such as Saudi Arabia where party organizations are banned outright; countries where only one party is legally allowed to hold elected office, such as North Korea or Uganda; or where opposition parties and political leaders are subject to intimidation, persecution, or imprisonment by the state, exemplified by Burma and Zimbabwe⁹.

Nevertheless, more subtle and complex challenges to these ideals also arise from cartel arrangements found in consolidating and established democracies. Within the context of respecting basic human rights, the law commonly imposes some limits on party competition, even in liberal democracies. Electoral systems, for example, use legal minimal vote thresholds to determine whether smaller parties are excluded from office. Campaign regulations allocate any party election broadcasts to some or all contenders, depending upon the specific criteria, such as the minimum proportion of seats or votes, or the minimum number of candidates, required to qualify. Legislation may ban certain extremist parties which advocate the violent overthrow of the state or which act in ways which threaten internal security. Political parties may be officially registered charities or non-profit organizations, but they are usually not exempt from the general body of civil law, just like other NGOs, for example, regulations designed to prevent cases of Hate Speech, unfair dismissal of employees, and financial improprieties, or to promote equal opportunities. The most important question which arises is

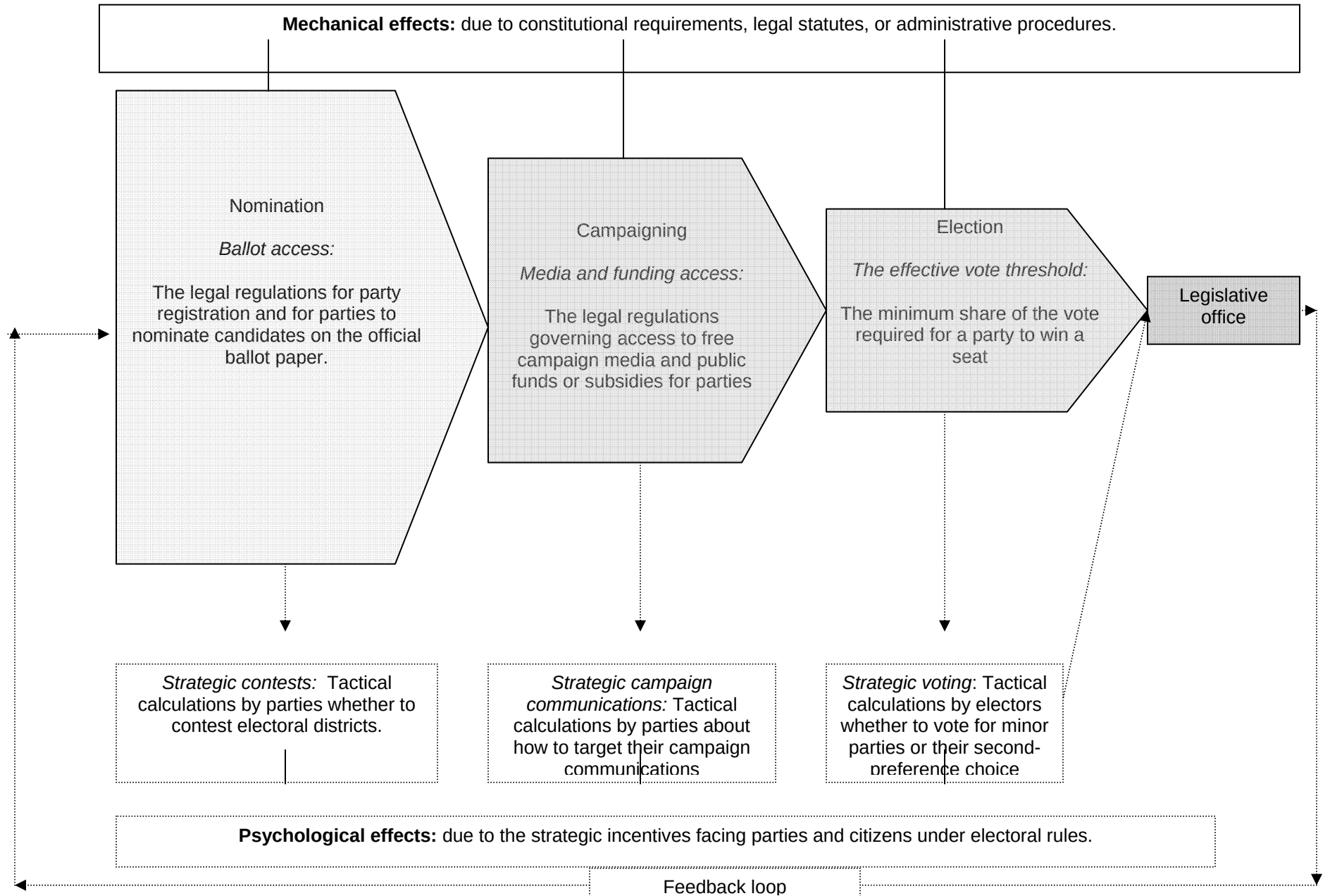
whether certain parties are either unduly penalized or unfairly advantaged by the legal rules, for example whether fringe and minor party challengers are systematically disadvantaged by processes of ballot access, the allocation of campaign funding, and/or the electoral formula translating votes to seats.

Therefore liberal democracies avoid monopolistic regulations, which seriously limit basic political rights and civil liberties. But there are many difficult questions about where it is most appropriate to draw the line in any attempt to strike a balance between totally egalitarian party regulations, which could potentially result in the problem of hundreds of smaller parties being listed on the ballot and extreme party fragmentation in the legislature, and unduly-restrictive cartel arrangements, reinforcing the power of incumbents and deterring challengers.

3.1. The legal regulation of nomination, campaigning, and elections

To understand how the legal regulations work, the process of winning elected office can be understood here analytically as a sequential process, illustrated in Figure 1. Each stage can be seen as progressively narrowing the opportunities to gain office, where some potential contenders fall by the wayside, while others remain in the contest, rather like a complex game of musical chairs. Moreover the process is not neutral or free from partisan bias, since incumbents holding elected office have the power to shape the legal and constitutional rules of the game (illustrated via the feedback loop), along with the courts and judiciary.

Figure 1: The sequential model of the main stages to elected office



Formal rules govern all steps in the process of winning elected office, namely:

- (i) The *nomination* stage (including party ballot access and registration). Nomination includes the legal regulations governing party registration and the process whereby parties nominate candidates on the official ballot paper.
- (ii) The *campaign* stage (including the distribution of party funds, state subsidies, and access to party political broadcasts). This stage includes the legal regulations governing access to electoral resources, including the allocation of any free advertising time on broadcast media, and the distribution of public funds or state subsidies for parties.
- (iii) The *election* stage (including the major type of electoral system and the effective vote threshold)¹⁰. This stage revolves primarily around the minimum share of the vote required for a party to win a seat.

Most attention in the research literature has focused on how electoral systems shape party competition. Yet this represents only the final hurdle faced by parties, who may be excluded from the contest well before reaching this stage, either by legal restrictions on ballot access, or by lack of financial resources and media access. In the United States, for example, the use of single-member plurality districts in winner-take-all elections makes it difficult for minor parties and candidates to mobilize votes, but their task is even harder where they are unable to secure enough signatures to even appear on the ballot or where, once on the ballot, they cannot afford TV ads to mobilize support.

3.2 The nomination stage: party registration and ballot access

The primary mechanical obstacle to the first hurdle - getting nominated - includes any legal regulations or constitutional requirements designed to limit or prevent parties from either registering, nominating candidates for office, or otherwise gaining official ballot access. Under the most egalitarian regulations, parties are only loosely governed by law. Party organizations are regarded as private associations who should freely determine their own internal rules, procedures, and structures, much like other voluntary sector interest groups in civil society. Any intervention or regulation by the state, beyond the normal legal framework governing all voluntary organizations, can conflict directly with the basic principles of civil liberties, free speech, freedom of association, and freedom of assembly, which are central to liberal conceptions of human rights and representative democracy. Given these assumptions, most established democracies have been reluctant to impose any strong regulations limiting party competition.

Yet parties commonly encounter some cartelized barriers, with varying degrees of severity, including routine administrative requirements for ballot access (exemplified by the United States); civil law affecting all parties, where some organizations have fallen foul of campaign funding and race relations legislation (exemplified by Australia, Belgium, and the Netherlands); outright legal bans on extreme parties advocating violence or terrorist tactics (exemplified by Germany and Spain); and, where autocratic regulations exist, repression and intimidation of opposition parties, manipulation of electoral law, and serious limits on free speech and association in the most authoritarian regimes (exemplified here by Belarus and Ukraine).

Registration requirements

In a few countries, including France, Sweden and Ireland, there are no requirements for parties to register with official authorities before appearing on the ballot. But in many countries requirements have generally increased in recent years, in part due to the provision of public campaign funds, and in some parties face complex and lengthy bureaucratic requirements to register legally, the first step to gaining ballot access. Party registration processes vary cross-nationally (as well as among states in America) but common requirements are that these organizations have to deposit with the electoral authorities a written declaration of principles and the party constitution, statutes, statement about the organizational structure, and rulebook, as well as a list of party officers, and the names of a certain minimum number of party members or signatures¹¹. There are sometimes regional distributional requirements and parties need to contest a minimum number of candidacies. Some illustrative examples of these practices, with brief extracts from the official regulations and laws governing parties, published by the national election commissions in each country, are as follows:

Mexico: “For an organization to be registered as a national political party, it must fulfill two fundamental requirements: Submit a declaration of principles, as well as a consistent program and bylaws to regulate its activities. Account for three thousand members in at least ten of the thirty-two federal entities, or 300 in at least 100 of the 300 single-member districts in which the country is

divided for electoral purposes, although the law sets forth that the total number of its members may never amount to less than 0.13% of the registered voters in the national electoral roll used in the ordinary federal election that preceded the submission of the register application. “

Canada: “To become eligible to be registered, a party must include in its application for registration the following information: A resolution of the party appointing the leader, certified by the leader and another officer of the party. The names, addresses and signed consent of at least three officers in addition to the leader. The names, addresses and signed declarations of at least 250 members. A signed declaration by the leader that one of the fundamental purposes of the party is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election. Registered and/or eligible parties must provide an annual statement by the leader about the party's fundamental purpose, in addition to the already required annual update of its registration information.”

Australia: “Essential features of federal registration are that a party: Must be established on the basis of a written constitution; must have at least 500 members who are entitled to be on the Commonwealth Electoral Roll, or at least one member who is a member of the Parliament of the Commonwealth; cannot rely on a member who has been used by another party for the purposes of registration (i.e. the list of members upon which a party basis its registration must be unique to that party); may have the registered party name or abbreviation printed beside the names of its endorsed candidates on ballot papers for House of Representatives and Senate elections; qualifies for election funding in respect of those of its endorsed candidates who obtain at least 4% of the formal first preference votes in the election contested; must lodge annual financial disclosure returns; must appoint an agent to be responsible for receipt of funding and its disclosure obligations; and is subject to compliance audits by the Australian Electoral Commission.”

Parties are not necessarily unduly disadvantaged by these types of regulations, but insofar as they represent a barrier for all new challengers and minor players then these could deter some contenders. Any specific requirements specifying that parties have to share certain democratic goals and principles, as discussed below in the German case, can certainly affect some of the more extremist parties.

Ballot access

Once parties are officially registered, regulations intended to limit the nomination of frivolous candidacies include required payment of an official deposit prior to election (common in majoritarian systems), or the collection of a certain number of valid signatures per candidate or party list. In most democracies, the deposit required for a candidate to stand for election is relatively modest, for example (in US dollars per candidate) \$125 in New Zealand, \$140 in France, \$180 in Australia, and \$350 in Ireland¹². The deposit rises to \$640 in Canada, \$735 in Britain, and a hefty \$22,400 in Japan. Deposits are often returnable if candidates or parties achieve a minimal share of the valid votes, for example over 5% in New Zealand and the UK. But when high deposits are combined across multiple candidacies, the requirements can deter serious contenders with limited financial resources; for example, if they lost every deposit by falling below the minimum 5% threshold, it would cost the Greens almost half a million dollars to contest every seat in a UK general election.

The requirements for signature petitions collected prior to nomination are often fairly modest, and parties already represented in parliament are exempt from some of these requirements. Austria and Belgium, for example, specify collecting 200-500 signatures per district, while Italy requires 500 signatures for candidates in single member districts and 1,500-4,000 for party lists. But some petitions are more demanding; Norway, for instance, requires 5000 signatures to register a party.

Perhaps the clearest case of overt partisan manipulation of the rules is the United States, where Democrats and Republicans appear automatically on the ballot, but third party and independents have to overcome a maze of cumbersome legal requirements for ballot access which vary from state to state, posing serious barriers, especially in presidential contests¹³. To qualify for all state ballots, each third party presidential candidate needs volunteers or pay staff to gather over a million signatures. Historically this process has strained the already-limited resources of many third party candidates over the years, including George Wallace, Eugene McCarthy, and John Anderson, as well as deterring Ross Perot's Reform Party.

Laws governing civil society

Recent years have seen growing legal regulation of internal party organizations, including the process of nominating legislative candidates and campaign funding. Some extremist parties have fallen foul of such laws and, because these parties remain poorly institutionalized, they are vulnerable to sudden collapse or setback. Examples include Pauline Hanson's One Nation party in Australia; when their leader was imprisoned in 1999 on charges of electoral misrepresentation and fraud, after One Nation was found guilty of solicited bribes from candidates in federal election, the party assets were frozen and the party was officially deregistered in New South Wales¹⁴. Previous instances where party leaders have encountered serious legal problems, dragging down their party support, include Mogens Glistrup, founder of the Danish Progress Party (FP), who was convicted in 1979 of tax fraud and sentenced to three years imprisonment, before being expelled from the *Folketing* a few years later¹⁵. Both party leaders and followers have also been associated with protest skirmishes, street fracas, and violent brawls. In France, for example, Jean-Marie Le Pen was convicted of assaulting a French socialist candidate during the 1988 election campaign, and as a result he was temporarily banned by the European Court from taking his seat in the European Parliament, although the resulting media furor may not have damaged his popularity among his supporters.

Party organizations, along with other associations in the voluntary and public sector, have also found themselves subject to an increasing body of legal regulations governing race relations and hate crimes, and certain court cases implementing these laws have had an important impact upon radical right parties¹⁶. In Belgium, for example, the anti-immigrant *Vlaams Blok* (VB) was subject to tough financial and operating restrictions in April 2004, just before regional and European elections, when a Ghent court ruled that it had broken anti-racism laws. The court noted that the *Vlaams Blok* regularly portrayed foreigners as "criminals who take bread from the mouths of Flemish workers" and found it guilty of "permanent incitement to segregation and racism." Associations which managed the party's finances were severely fined by the court. In November 2004, the Belgian High Court confirmed the earlier decision that *Vlaams Blok* was racist, losing the party state funding and media access, and ruling that anyone who works for them is committing an offense. As a result, the party will probably have to close down and relaunch itself under a new label. Moreover proposed legislation would strengthen Belgian anti-racist legislation and allow authorities to ban financing of parties which violate human rights. Similar fines for inciting racial hatred were imposed in the mid-1990s on the *Centrum Partij* in the Netherlands, contributing towards their electoral decline. Britain has seen attempts to ban mass marches organized by the British National Party near ethnic minority communities, on the grounds that these actions could exacerbate racial tensions, provoke incidents of violent clashes with Anti-Nazi League opponents, and possibly generate outbreaks of mass rioting.

Legal bans on extremist party organizations

Certain important exceptions to liberal principles of party competition have always been made, even in established democracies, for extremist party organizations advocating violence or using terrorist tactics.

Post-war Germany developed some of the strictest requirements with the Federal Constitutional Court responsible for banning extremist and undemocratic parties from organizing and contesting elections. These requirements are embodied in *Article 21 of the Basic Law* (or Constitution) which specifies: "(1) *The political parties shall participate in the forming of the political will of the people. They may be freely established. Their internal organization shall conform to democratic principle. They shall publicly account for the sources and use of their funds and for their assets.* (2) *Parties which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional. The Federal Constitutional Court shall decide on the question of unconstitutionality.*" The Court has outlawed two parties over the years, including the *Sozialistische Reichspartei* (SRP) in 1952, which proclaimed itself neo-Nazi to the extent of acknowledging Admiral Donitz, Hitler's designated successor, as the only legitimate authority, as well as a far-left Communist party. In 2001 the German Government also tried to disband the far-right National Democratic Party (NDP). But the attempt suffered a serious setback after a number of NDP members brought forward to give evidence in the case were revealed to have been government informants. The Court has also banned many xenophobic skinhead groups, ultra-nationalist organizations, and neo-Nazi movements which were actively engaged in violent acts of intimidation and hate crimes against asylum-seekers, Turkish migrants, foreigners, and the Jewish community, for example the German branch of an international white supremacist group, Blood and Honor¹⁷.

Elsewhere, hard-line fringe parties associated with terrorist acts of violence have also been outlawed. Examples include the following:

The Chilean *September 7 Command*, which claimed responsibility for murdering several government opponents following the 1986 attempt on General Pinochet's life, and the neo-fascist *National Alliance*, was banned by the Czech government in April 2000.

In Russia, the deputy leader of the paramilitary and anti-Semitic Russian Revival (*Russkoye Vozrozhdeniye*), was arrested in 1995 on suspicion of inciting racial hatred and threatening murder, and their Moscow branch was banned for violating federal statutes.

In Spain, legal actions have been directed against *Batasuna*, the political wing of Eta demanding separatism in the Basque region, banned in March 2003 for being associated with a series of terrorist bombings and assassinations of local policemen and political leaders.

France has used a 1936 law allowing the government to dissolve private militias to ban a number of far-right groups - such as the neo-fascist *New Order and the Defence Union Group* (GUD) - as well as the 1970s left-wing urban guerrilla group *Action Directe*. In July 2002 the French authorities resorted to this law when they outlawed *Radical Unity*, a tiny neo-Nazi group, after one of its members tried to assassinate President Chirac during a Bastille Day Parade.

Radical Muslim parties have also faced bans, such as the *Welfare Party*, the largest parliamentary party at the time in Turkey, which was shut down in 1998 by the Constitutional Court, despite mobilizing considerable reservoirs of popular support. In March 2003 the Constitutional Court also moved to ban Turkey's only legal Kurdish Party, the *People's Democracy Party* (HADEP). The authorities claim that the party has links with the militant separatist *Kurdistan Workers' Party* (PKK), which announced in 2002 that it would disband and reform under a new name.

In Britain, broadcasting bans were imposed on *Sinn Féin* by Mrs. Thatcher's government, although this policy was lifted in 1994, and the party has always been allowed to contest elections, mobilizing growing support in recent years.

Monopolistic repression of opposition parties

Cases of monopolistic regulations challenging basic human rights can be found among the most repressive regimes which hold flawed plebiscitary elections, which restrict opposition party activities, and which limit challenges to their rule. This includes using rigged and manipulated polls, and employing intimidation and imprisonment of party leaders and dissidents who challenge the government. Amnesty International, Freedom House, and Human Right Watch document multiple cases of such malpractices in one-party regimes around the globe which outlaw, persecute, intimidate, or repress opposition movements, including in Syria, Eritrea, Laos, Saudi Arabia, and North Korea.

One of the best known cases concerns the Burmese military junta's refusal to hand over power, and the house arrest of Aung San Suu Kyi and party members, after the National League for Democracy won an overwhelming landslide in the 1990 election.

The case of Belarus exemplifies one of the poorest human rights record for political parties¹⁸. The government staged deeply flawed parliamentary elections in 2001 and President Lukashenka maintained his grip on power by manipulation and repression. State agents were associated with the 'disappearance' of some well-known opposition figures, and the country witnessed a spate of political show trials staged against government critics by the Supreme Court. In the run-up to 2001 parliamentary elections the government intensified its crackdown on the opposition, which struggled to remain unified in calling for a boycott. Due to extensive election violations, no intergovernmental organization recognized the legitimacy of the election results¹⁹. The OSCE reports that the October 2004 referendum extending Lukashenka's period of office beyond two terms was also deeply flawed, with intimidation by security forces and electoral irregularities in counting votes.

Human rights observers also report that Ukraine and Russia have suffered from recent incidents of informal political censorship, pro-government bias in television election news, and even outright manipulation of election results, depressing support for opposition movements²⁰. These states also registered poor Freedom House ratings of their civil liberties and political rights.

Therefore the case-studies suggest that, even in liberal democracies, under certain conditions, cartelized rules can seriously limit the opportunities for party competition, including those regulations facing radical right parties. Restrictions range from cumbersome and onerous administrative requirements for third parties to register and obtain ballot access in the United States, to constitutional bans on extremist parties and legal

regulations covering hate crimes found in some Western European states, and even outright intimidation or repression of opposition parties found in a few of the undemocratic regimes under comparison. Court cases and judicial decisions, implementing the legal and constitutional hurdles, generate the ‘mechanical’ or direct effects of these rules on patterns of party competition.

But, as Duverger noted, as well as certain ‘mechanical’ effects, certain ‘psychological’ or indirect effects could also be expected to flow from these rules, concerning the strategic calculations that parties make about whether it is worthwhile to fight certain contests or districts²¹. If parties regard their chances of ballot access or their electoral prospects as poor, or even hopeless, then they may well be discouraged from running, preferring to conserve their limited organizational and financial resources for other campaigns. In majoritarian electoral systems, for example, minor parties such as the Greens are highly selective in targeting just a few selected council seats and parliamentary constituencies in their heartland regions, after estimating that they cannot mobilize sufficient support to stand a realistic chance of winning many seats across the whole country. All other things being equal, the more stringent the formal requirements for party registration and ballot access, the stronger we expect the psychological effects of electoral rules to be on the strategic nomination decisions of smaller parties.

3.3 The campaign stage: funding and media access

Once parties are officially entitled to nominate candidates, then the next stage in the process concerns the official rules and statutory regulations governing direct public funding, indirect state subsidies, and access to campaign broadcasting. All of these requirements can limit opportunities for minor party challengers to campaign effectively or on an equal basis with the major players²².

Access to money and television are two of the most important factors that help parties in conveying their message and mobilizing potential supporters. Studies suggest that many West European parties have experienced steady erosion in their mass membership since the 1960s, losing activists who used to function as an important source of revenue and volunteer labor during campaigns²³. As a result, parties have become increasingly dependent upon other sources of funding to sustain the costs of routine inter-electoral activities and election campaigns, particularly revenue streams from direct public funding provided for members of parliament, parliamentary party groups, or national and regional party organizations.

Parties also receive many indirect state subsidies, such as the provision of matching funds, tax incentives, and services. Another important resource concerns the allocation of party political and election broadcasts, free of charge, provided in all established democracies except the United States. The growth of public resources has driven greater demands for transparency and accountability in how campaign funds are used, and more stringent regulatory policies, including bans and limits restricting either campaign fund-raising or expenditures²⁴. Katz and Mair argue that in countries where campaign finance regulations function to protect established political cartels, then parties that are already in office can use their control over the allocation of resources to promote their interests and thereby deter challengers: “*Because these subventions are often tied to prior party performance or position, whether defined in terms of electoral success or parliamentary representation, they help to ensure the maintenance of existing parties while at the same time posing barriers to the emergence of new groups.*”²⁵. More egalitarian systems of public finance and state subsidies, however, such as those used by Electoral Commissions to allocate public funds and campaign broadcasts equally to all parties in Mexico, should generate a more level playing field for challengers and for smaller parties struggling to enter office.

Although the logic is clear, we are only starting to develop a systematic classification of the formal statutes and regulations governing state funding of political parties in many countries across the world. The most comprehensive guide currently available is the handbook published in 2003 by International IDEA: *Funding of Political Parties and Election Campaigns*²⁶. This includes a matrix classifying the major finance laws and regulations governing parties and elections at the national level in 111 countries around the world²⁷. The study was developed from primary sources, including the original laws, administrative decrees, and official regulations. The 28 categories in the IDEA matrix focused on the official regulation and enforcement of the financing of political parties, the disclosure of income, ceilings of expenditure, and both direct and indirect public funding provisions. Nevertheless, despite the clear logic, it has proved difficult to establish a clear and consistent link between patterns of party funding documented in this matrix and the electoral success or failure of parties²⁸. There is a complex relationship and further research is required to understand how access to campaign financial resources are translated into party strategies, and then into subsequent patterns of popular support.

3.4 The electoral system: electoral rules and party competition

The direct impact of electoral systems on patterns of party competition has long been regarded as one of their most important effects. Electoral reform has been advocated in systems suffering either from the dangers of excessively unstable and fragmented party systems, such as Italy and Israel, or from the opposite dangers of unchanging one-party predominant systems, exemplified by Singapore and Japan. The concept of '*party competition*' concerns the number of parties and their ideological dispersion across the political system within each country. Clearly particular party fortunes fluctuate under different elections, gaining or losing support, but the '*party system*' refers to the enduring and more stable patterns of competition which persist over a series of elections in each nation.

Following Duverger and Sartori, party systems are conventionally classified by their legislative strength into four main types:

- One-party predominant systems (where one party controls the executive and about 60% or more of the legislative seats),
- Two-party system (and two-and-a-half systems), where the major parties rotate in office;
- Moderate multiparty systems (including about three to five parliamentary parties), and;
- Extreme fragmented multiparty systems (with about six or more parliamentary parties)²⁹.

Party systems can also be categorized by their dispersion across the ideological spectrum, whether centripetal (where the parties cluster tightly close to the position of the median voter with a normal distribution of the electorate) or centrifugal (where parties are located at both the extreme left and extreme right).

The classic starting point for any analysis has to be Duverger's famous claims about the relationship between electoral systems and party systems. Duverger's first law is (1) "*the plurality single-ballot rule tends to party dualism.*" The second claim is that (2) "*The double-ballot system and proportional representation tend to multipartyism.*"³⁰ While originally stated as a universal law-like regularity, without exception, Duverger subsequently suggested that this was only a weaker probabilistic generalization³¹. The conditions under which this relationship holds, and its status as a law, have attracted considerable debate marked by continued reformulations of the original statement and many efforts to define precisely what is to 'count' as a party in order to verify these claims³². The effects of electoral systems are partly mechanical, depending upon the working of the rules, exemplified by the vote hurdles that single-member districts create for minor parties with dispersed support. The effects can also be partly psychological, by shaping the incentives facing parties and the public, for example if minor party candidates are discouraged from running in majoritarian elections where they believe they cannot win, or if citizens cast a 'strategic', 'tactical' or 'insincere' vote for a major party in the belief that voting for minor parties in these systems is a 'wasted vote'³³.

Subsequent studies have recognized that the hurdles facing minor parties under majoritarian electoral systems vary under certain conditions, the most important of which concern: (i) the geographic distribution or concentration of party support; (ii) specific aspects of electoral systems beyond the basic formula, notably the use of voting thresholds, the size of the district magnitude in proportional systems, and the use of manipulated partisan bias such as gerrymandering to include or exclude minor parties; and also (iii) the type of major social cleavages within a nation.

The reasons why geography is so important is that minor parties with spatially-concentrated support can still win seats in single-member districts and plurality elections, such as regional, nationalist, or ethnic parties that are strong in particular constituencies, exemplified by the success of the Bloc Quebecois and the Reform party in Canada, or the Scottish National Party and Plaid Cymru in the UK. Majoritarian and plurality systems are most problematic for parties with modest support that is widely dispersed across many single-member districts, such as the Australian Greens or the Canadian Progressive Conservatives.

Specific aspects of the electoral system are also important because minor parties still face considerable barriers under proportional electoral formula that combine small district magnitudes with high vote thresholds. Partisan manipulation of the electoral rules can also function to benefit or penalize minor parties, such as the use of malapportionment (producing constituencies containing different sized electorates), gerrymandering (the intentional drawing of electoral boundaries for partisan advantage), as well as restrictive legal rules for ballot access.

Before examining the evidence for the relationship between electoral and party systems, we first need to consider what is to 'count' as a party. One problem in the literature concerns how to distinguish between fringe parties and independent candidates, a problem particularly evident in the Ukrainian and Russian parliamentary election. Since there is no single best measure, the best strategy is to compare alternative summary measures of the number of parties in different countries, ranging from simple to more complex indices, to see if the specific choice of measures makes a substantial difference to the interpretation of the results.

'*Electoral parties*' are defined most simply as all those parties standing for election, and '*parliamentary parties*' as all those that win at least one seat in the lower house. Yet these simple measures are too generous to capture many of the most important distinctions commonly made between systems: for example, if all electoral parties count equally for 'one', then almost every country except those where opposition parties are banned by law would qualify as a multiparty system. In the United States, for example, normally understood as a classic two-party system, the Democrats and Republicans would count as equal to all other fringe parties holding no seats but contesting presidential elections, including the Greens, the Reform party, the Communist party, the Natural Law party, the Libertarians, and the Workers' Party.

One way to narrow this measure to generate a more meaningful comparison is to count *relevant parties*, defined as those gaining more than a certain threshold of national votes or parliamentary seats; in this study 'relevant electoral parties' are defined as those gaining 3% or more of the national vote, while 'relevant parliamentary parties' are understood as those getting 3% or more of seats in election to the lower house. Yet adoption of the conventional 3% threshold is in itself arbitrary, as the cut-off point could equally be set slightly higher or lower. Measures of relevant parties can also prove misleading: for example, if four parties are of roughly equal size, each gaining about one quarter of the parliamentary seats, then there is no problem about counting them all equally as a four-party system. But if there are considerable disparities in size among parties, for example, if two major parties predominate with over 75% of all parliamentary seats, holding the balance of power between the opposition and government, and yet another eight fringe parties each get only 3% of seats, then given the imbalance of power it does not seem satisfactory to count each party equally to produce a ten-party system.

The most popular method to overcome this problem is the Laakso and Taagepera measure of the '*effective number of parliamentary parties*' (ENPP), and also the '*effective number of electoral parties*' (ENEP), both of which take account not only of the number of parties but also the relative size of each³⁴. Although the measure is abstract, it is also fairly intuitively meaningful to grasp the difference between party systems containing, say, 2.6 and 5.5 effective parliamentary parties.

Using this measure, Arend Lijphart compared election results in 27 advanced industrialized democracies from 1945-90. The study estimated that the effective number of parliamentary parties was 2.0 in plurality systems, 2.8 in majority, and 3.6 in proportional systems. Yet even here there are important variations beyond the basic formula, because Lijphart found that the minimum threshold of votes within proportional systems also had an important effect on the inclusion of minor parties³⁵.

An alternative study by Richard Katz compared a broader range of countries, using a database with over 800 national elections held until 1985, and found many significant deviations around the mean effective number of parliamentary parties, particularly among sub-types within the basic proportional and majoritarian families³⁶. Katz concluded that there was little support for any simple version of Duverger's claim that plurality elections inevitably generate two-party systems, as a universal law, although nevertheless as a probabilistic generalization, plurality systems usually proved more reductive than PR elections.

To examine the evidence, we can compare party systems in national elections for the lower house of parliament held under the different electoral families and their sub-types. The estimates are based on the most recent national election for the lower house of parliament, with 170 contests held worldwide from 1995 to 2000, with the results derived from *Elections Around the World*³⁷. The classification of electoral systems is explained in detail elsewhere³⁸. For comparison across alternative measures, to see if the results are robust when replicated, the analysis uses three summary indicators to assess levels of party competition:

- The mean number of *all* parliamentary parties (defined as all parties winning at least one seat),
- The mean number of *relevant* parliamentary parties (all parties holding 3% or more of parliamentary seats),
- The mean number of *effective* parliamentary parties (calculated for the CSES elections by the Laakso and Taagepera method (1979)),

The comparison in Table 1 shows that worldwide the mean number of parliamentary parties (based on the simplest definition of parties holding at least one seat) was 5.22 in the countries using majoritarian systems, 8.85 in combined systems, and 9.52 in societies with proportional electoral systems. In other words, in countries using any form of PR there are almost twice as many parliamentary parties as in countries using any form of majoritarian electoral system³⁹.

Table 1: Electoral systems and party systems

	Mean number of parliamentary parties (with at least one seat)	Mean number of relevant parliamentary parties (with over 3% of seats)	Number of countries
All Majoritarian	5.22	3.33	83
Alternative Vote	9.00	3.00	1
Block vote	5.60	4.57	10
2 nd Ballot	6.00	3.20	23
FPTP	4.78	3.09	49
All Combined	8.85	4.52	26
Independent	8.89	3.94	19
Dependent	8.71	6.17	7
ALL Proportional	9.52	4.74	61
STV	5.00	2.50	2
Party List	9.68	4.82	59
TOTAL	7.05	4.12	170

Note: The data includes the results for 1,263 parties contesting the latest elections to the lower house of parliament from 1995 to June 2000. Parliamentary parties are defined as those winning at least one seat in the lower house. The results of the elections were calculated from *Elections Around the World*. www.agora.stm.it/elections/alllinks.htm.

The classification of electoral systems is derived from Andrew Reynolds and Ben Reilly. 1997. *The International IDEA Handbook of Electoral System Design*. Stockholm: International IDEA. Annex A. 'Independent' combined systems include two electoral systems used in parallel. 'Dependent combined' systems include two electoral systems used where the results depend upon the combined share of the vote.

Confirming this broad pattern, although with less of a sharp contrast between the major types of electoral system, the comparison of the mean number of *relevant* parties (holding over 3% of parliamentary seats) was 3.33 in all majoritarian systems, 4.52 for combined systems, and 4.74 for all proportional systems. At the same time, some important variations were evident among sub-types of electoral systems within each family, due to the geographical distribution of party support, the level of electoral threshold, the average size of the district magnitude, and any manipulated partisan bias in the system.

Therefore overall the analysis of all elections worldwide supports the reductive effect of the basic electoral formula. This generally confirms Duverger's main proposition that plurality electoral systems tend towards party dualism, while PR is associated with multipartyism. Yet the extent of the difference in the effective number of parliamentary parties should not be exaggerated and the variations evident within each electoral family show that the relationship between electoral systems and party systems is probabilistic not universal, shown for example by marked contrasts between Spain and Belgium, although both have proportional party list elections. Smaller parties can do well under first-past-the-post, especially regional or ethnic-national parties with spatially concentrated support. At the same time, minor parties can be heavily penalized in proportional systems with high thresholds and small district magnitudes.

3.5: Conclusions: the challenges of the legal framework

The most appropriate legal framework for party competition is a matter for continued debate, particularly how far opportunities for smaller parties should be maximized in each country, or whether certain limitations to party competition are important, given other values. The legal framework deserves the closest scrutiny and debate in countries (i) where monopolistic regulations serve to reinforce a predominant one-party system, or alternatively (ii) in nations where egalitarian regulations generate an extremely fragmented multi-party system.

(i) Problems of monopolistic regulations in predominant one-party systems

Monopolistic regulations can reinforce predominant one-party systems, where a single party controls the executive and dominates the legislature, facing a divided and ineffective opposition⁴⁰. In these kinds of regimes, governing parties participate in successive elections, but the results are so skewed in their favor that challengers have little or no chance of success. In this situation, governments enjoy the legitimacy of elections over a long series of contests without facing the uncertainty of genuine contestation, through the regular rotation of alternative parties in power and in opposition.

These problems are exemplified by Mexico's Institutional Revolutionary Party, in power for 71 years until Vicente Fox's victory in 2001; the United Malays National Organization's predominance since 1957 in Malaysia; and, more recently, by elections held in Putin's Russia⁴¹. Predominant party systems can be found in both authoritarian states with minimal checks and balances, such as in Singapore and Zimbabwe, as well as in countries which are widely democratic in many other regards, such as the ANC in South Africa.

Established democracies may also experience extended periods where one party predominates in the legislature and/or executive office over successive elections, and the regular rotation of parties fails, illustrated by the Social Democrats' predominance from 1932-1976 in Sweden, by the role of the Italian Christian Democrats from the end of the war until the early 1990s, by the Liberal Democratic party's hold on power in Japan since 1955 (until 1994), and by the British Conservatives eighteen-year period of government from 1979 until 1997. Such periods of one-party predominance, which may be reinforced by cartel regulations, are associated with problems of accountability and electoral choice, as well as potential difficulties of growing public disillusionment with elections and low voter turnout.

(ii) Problems of egalitarian regulations in extremely fragmented multi-party systems

Alternative problems confront nations with very egalitarian regulations which reinforce extremely fragmented multiparty competition, where the legislature is fairly evenly divided among multiple players. This generates potential problems of coalition-building and executive stability, electoral accountability, and lack of legislative discipline and cohesion. Such problems are exemplified in the past by the fragmentation of the party system in Italy, resulting in frequent changes in the governing coalition despite the predominance of DC, as well as by the highly fragmented and ideological dispersed pattern of party competition found today in the Ukraine, Belgium, and Israel.

Figure 2: Patterns of party competition

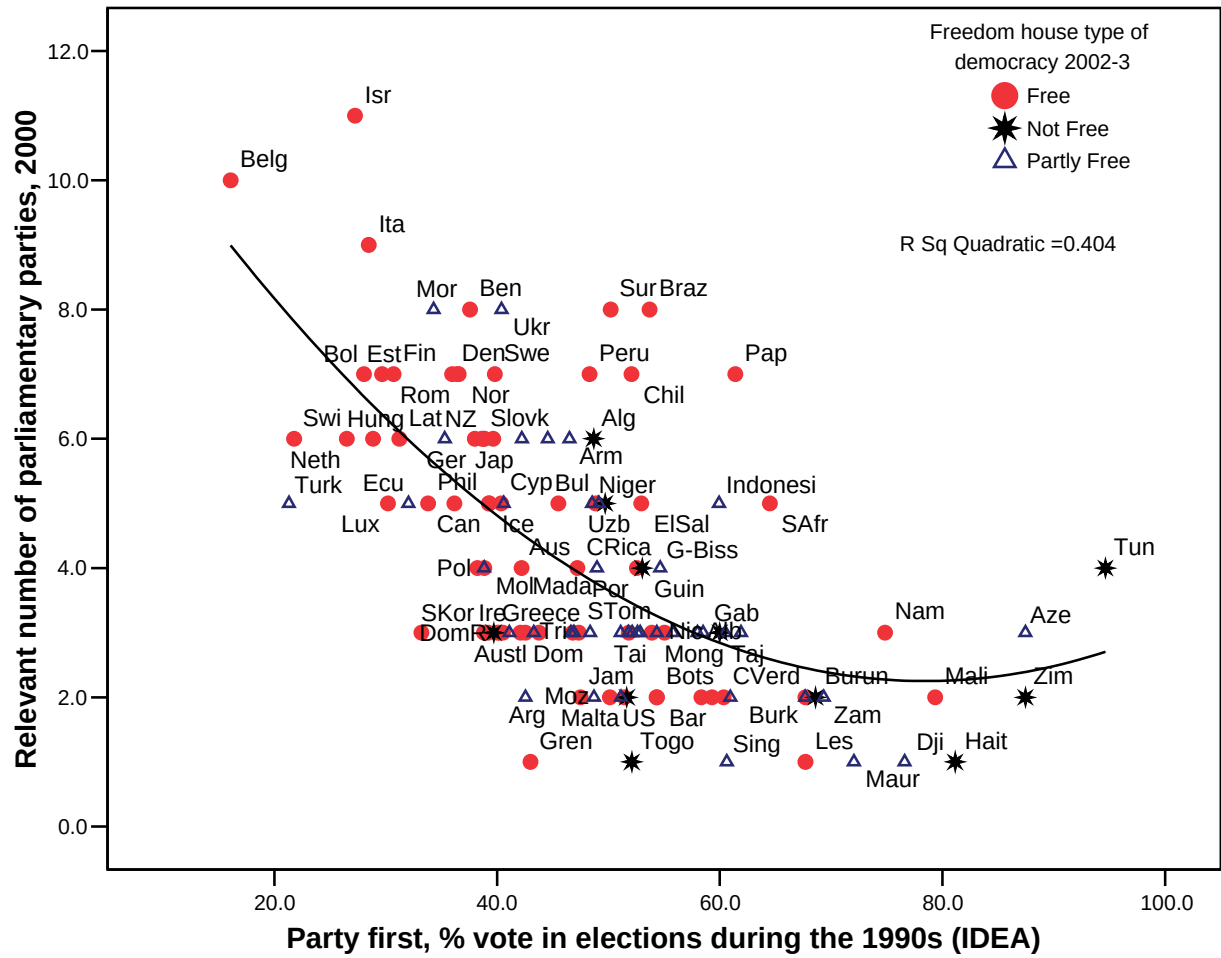


Table 2: Correlations between party competition and good governance indicators

		Party first, mean % vote in elections during the 1990s (Idea)	Relevant number of parliamentary parties, 2000
Human development index 2001 (undp 2003)	Corr (R)	-.500(**)	.289(**)
	Sig.	.000	.001
	N	129	135
GDP per capita ppp 2000 (world bank 2002)	Corr (R)	-.466(**)	.228(*)
	Sig.	.000	.012
	N	117	121
Freedom house rating of democracy, reversed 2003	Corr (R)	-.477(**)	.237(**)
	Sig.	.000	.005
	N	136	138
Kaufmann voice and accountability 2002	Corr (R)	-.509(**)	.253(**)
	Sig.	.000	.003
	N	136	138
Kaufmann political stability 2002	Corr (R)	-.380(**)	.125
	Sig.	.000	.151
	N	131	134
Kaufmann government effectiveness 2002	Corr (R)	-.419(**)	.240(**)
	Sig.	.000	.005
	N	135	138
Kaufmann regulatory quality 2002	Corr (R)	-.455(**)	.282(**)
	Sig.	.000	.001
	N	135	138
Kaufmann rule of law 2002	Corr (R)	-.423(**)	.233(**)
	Sig.	.000	.006
	N	135	138
Kaufmann corruption 2002	Corr (R)	-.388(**)	.233(**)
	Sig.	.000	.006
	N	135	138
TI corruption perception index 2002	Corr (R)	-.328(**)	.257(*)
	Sig.	.002	.014
	N	90	90
Majoritarian electoral system (dummy)	Corr (R)	.324(**)	-.359(**)
	Sig.	.000	.000
	N	136	138
PR electoral system (dummy)	Corr (R)	-.257(**)	.251(**)
	Sig.	.002	.003
	N	136	138
Turnout - Mean vote/VAP 1990s (IDEA)	Corr (R)	-.274(**)	.205(*)
	Sig.	.001	.016
	N	135	137

Note: ** Correlation is significant at the 0.01 level . * Correlation is significant at the 0.05 level

Figure 2 illustrates some of these patterns, by contrasting the relevant number parliamentary parties in each nation in mid-2000 (that is, parties with more than 3% of seats in the legislature, to exclude the independent candidates and fringe contenders) compared with indicators of one-party predominance on the horizontal axis (measured by the mean share of the vote that the winning party achieved in legislative elections held during the 1990s). Countries are also classified into types of democracy. The 2002-3 Freedom House Gastil index of political rights and civil liberties classified nations into the categories of 'free' (or established democracies), 'partly free' (or consolidating democracies), and 'not free' (or non-democratic regimes). The figure shows that many of the non-democratic or authoritarian states are concentrated among those where the winning party gains on average 50% or more of the popular vote and where there are relatively few relevant parliamentary parties, such as in Haiti, Tunisia, or Zimbabwe. The figure also illustrates the problem of extreme multi-party fragmentation, with the cases of Belgium, Israel and Italy, where no party achieves more than about one-quarter of the vote.

Patterns of party competition are also systematically linked to a wide range of social and political indicators, as illustrated by the correlations in Table 2. The first column shows how predominant party systems (measured by the proportion of the vote won by the party in first place) are consistently negatively associated with a range of indicators of good governance and democratization. By contrast, the second column illustrates how the relevant number of parliamentary parties was positively associated with these indicators (meaning that the more parties in a legislature, the better the measures). The range of indicators included basic levels of human development and per capita income, as well as the Gastil index of political rights and civil liberties, the Kaufmann (World Bank) measures of voice and accountability, political stability, government effectiveness, regulatory quality, rule of law, and corruption, as well as the Transparency International Corruption Perception Index, and also the average level of voter turnout (measured by valid vote's cast/Voting Age Population). Not surprisingly, majoritarian electoral systems were positively related to the proportion of the vote won by the party in first place, while PR systems were negatively related to this proportion. We can conclude that the way in which external regulations influence patterns of party competition has important consequences for both the process of democratization as well as for broader indicators of good governance.

4. Strengthening the internal life of political parties

4.1 Promoting internal democracy within political parties

The regulatory framework is also determined by the internal rules which parties adopt in their constitutions and official documents. The principles embodied in these rules should ideally promote the values of internally-democratic party organizations, so that parties engage activists in decision-making at all levels of the party, for example in conference debates about party principles and election programs, as well as giving members a role in the selection of party leaders and candidates. Practical steps towards building internally-democratic parties include mobilizing supporters and building mass membership organizations, decentralizing decision-making in the candidate nomination process, and promoting the inclusion of women and ethnic minority candidates for elected office.

As we have seen earlier, party organizations are expected to serve many important functions, including citizen mobilization, interest aggregation, public policy formulation, leadership recruitment, and government organization. Given the central role of political parties in representative democracy, policies designed to strengthen their internal organizational capacity might be expected to be given high priority. Yet, until recently, Carothers notes that the international community concerned with democratic development and good governance has invested greater resources in other programs, notably in assisting electoral processes, fostering civil society, strengthening the rule of law, and building the capacity of governance⁴². One reason for the relative neglect of the internal life of political parties is that these organizations have long been commonly regarded in liberal theory as private associations, which should be entitled to compete freely in the electoral marketplace and govern their own internal structures and processes. Any legal regulation by the state, or any outside intervention by international agencies, was regarded in this view as potentially harmful by either distorting or even suppressing pluralist party competition with a country.

Indeed the examples of U.S. intervention which did exist in the 1950s and 1960s can be regarded as imbalanced, exemplified by cases where the CIA channeled money to particular pro-US or anti-communist parties in Europe and Latin America as part of their attempt to tilt elections. Yet many other forms of global

cooperation can be regarded in a more positive light, notably the international and regional organizations which have traditionally networked party families, politicians, and policy-makers around the world. This process is exemplified by the 168 parties and organizations which are members of the Socialist International (founded in its present form in 1951), the Liberal International (founded 1947), the 80+ Conservative and Christian Democratic members of the center-right International Democratic Union (formed in 1983), and the regional Green Party Federations⁴³.

Parties in established democracies have also been actively engaged in strengthening sister organizations in the developing world, for example through providing funding, training, and professional assistance. The well-funded German party foundations have been at the forefront of this work, such as the Konrad Adenauer Stiftung for the Christian Democrats, the Hanns-Seidel-Stiftung, the Friederich-Naumann-Stiftung for the Liberals, and the Friedrich-Ebert-Stiftung for the Social Democrats. There are parallel organizations elsewhere, such as the Fabian Society in the UK. In the United States, USAID has funded more party-related projects in Central and Eastern Europe, as well as Africa, with resources channeled through the IRI and NDI.

The need for further initiatives designed to strengthen the internal life of party organizations is also important given common trends. In many established democracies, there is evidence that party membership has been eroding, partisan dealignment has attenuated links between voters and parties, and there are indicators that political parties are increasingly mistrusted by the public⁴⁴.

Parties have also voluntarily undertaken important reforms to promote internal democracy. Katz and Mair report that different parties in an increasing number of countries have begun to open up decision-making procedures, as well as candidate and leadership selection processes, to the 'ordinary' party members, often by means of postal ballots⁴⁵. As a result, ordinary members are winning access to rights formerly held only by party elites and activists. The apparent aim of these initiatives, introduced in countries such as Germany, Canada, Norway and Britain, has been make party membership more appealing and, in particular, to staunch the loss of mass members, who remain an important source of funds, campaign volunteers, and traditional legitimacy for mass-branch party organizations⁴⁶.

As subsequent sections discuss in detail, the prime initiatives designed to strengthen parties include expanding their grassroots membership and organizational base, as well as improving the internal democracy of decision-making processes over candidate and leadership selection, and broadening the gender and ethnic inclusiveness of party organizations and legislative candidates.

4.2 Building party organizations

The classic classification by Duverger distinguished among the 'mass-branch', 'caucus-cadre' and 'militia' types of party organization. More recent work has added the concept of the 'cartel' party to this list.

Mass-branch parties

For Duverger, the classic ideal of mass-branch parties was one where parliamentary leaders were based on a larger circle of engaged grassroots membership, and an even broader base of loyal voting supporters⁴⁷. Proponents argue that this type of organization facilitates internal party democracy, encourages stability and continuity since loyalty is expressed towards the broader organization rather than to particular leaders, and promotes linkages between civic society and the state, particularly thick networks among voters, local activists, parliamentary representatives, and party leaders in government.

This extra-parliamentary structure was thought to have evolved in Western Europe with the expansion of the franchise, as more and more electors needed to be contacted in traditional campaigns, well beyond the number who could be reached by the poll book list maintained by electoral agents and individual candidates. Labour-intensive socialist parties lacking financial resources, exemplified by the German SPD, relied on a volunteer network of community supporters for contacting and mobilizing voters during election campaigns. In return for their work, the structure provided members with opportunities for direct involvement in internal debates about party policies and principles at local and regional levels, culminating in regular national conventions. Collective decisions eventually became embodied in the manifesto that set out the official collective party platform and bound the hands of government. Moreover where localized channels of recruitment prevailed, candidates for elected office were selected by, and thereby accountable to, party members, and ultimately constituents. In this model, the role of activist foot soldiers was to carry out the hum-drum local party work: attending branch and regional meetings, donating money, signing petitions, passing motions, acting as local officers and campaign organizers, displaying window posters and yard-signs, helping with door-to-door

canvassing and leafleting, training and selecting candidates for office, attending the national party convention, and assisting with community fund-raising events, in short, making tea and licking envelopes. Not all parties, by any means, met this model, even in post-war Western Europe, although Duverger believed that this model would gradually spread through 'contagion of the left'.

The motivation for getting involved in party work can be explained as the product of three types of rewards: *ideological* incentives (the achievement of gaining collective goals and giving expression to deeply held beliefs); *outcome* incentives (the rewards that come to the individual from achieving certain personal goals such as expanding social networks, getting a patronage job, or becoming an elected representative); and *process* incentives (derived from the inherent interest and stimulus of being politically active)⁴⁸. Of these, mass-branch parties are heavily dependent upon the ideological rewards that come from working together to achieve certain common principles and ideals.

Caucus-cadre parties

In contrast, Duverger also described alternative types of party organizations, including '*caucus-cadre*' models of shifting 'top-down' parliamentary factions, with leaders selected by smaller circles of acolytes, local notables and financial backers, with a minimal role for a wider membership and formal organizational structure⁴⁹. Caucus-cadre organizations are essentially based on political elites and leadership factions, usually created within parliament. The United States has moved from '*caucus-cadre*' party machines towards direct voter primaries for candidate selection, bypassing any substantial and ongoing policy role for party members⁵⁰. This model may be the most appropriate for parties in some other established democracies, notably Japan, as well as in some of the newer democracies.

In Latin America, for example, despite the spread of free and fair elections since the early 1990s, and the growth of multiparty systems, party organizations often remain poorly institutionalized. The defining features of institutionalized systems are that party organizations generally have regularized procedures, relatively cohesive structures, stable roots in civic society, and an independent resource base⁵¹. By contrast, parties in Latin America commonly reflect personal support for particular leaders or parliamentary factions based on the division of the spoils of patronage and clientalism, rather than being founded on coherent programmatic party platforms, a core set of well-defined ideological principles, and a stable mass-branch organizational structure. In presidential elections, such campaign organizations are ideally suited to candidates launching personal leadership appeals directly through television advertising, with fundraising conducted through affiliated groups and personal backers, rather than working through decentralized membership structures and programmatic party appeals.

Lack of institutionalization is even clearer in many African states, which achieved independence later than in Latin America, with African parties are often based on informal personal and lineage-based clientalistic networks and ethnic identities, rather than clear programmatic identities and institutional structures⁵². In consolidating democracies in Central and Eastern Europe, some parties can trace their lineage back to inter-war era, but older and newer parties have difficulties in attracting members since partisanship continues to be associated with the corruption and malpractices of the old Communist party⁵³. Party building among local neighborhoods, workplace and welfare associations, and housing communities often proved difficult during the 1990s, an era of rapid social and economic transformation. The remnants of Communist parties in Eastern Europe, reflecting long-standing cultural traditions, may function more as 'top down' electoral and fund-raising machines dominated by the leadership rather than as channels of 'bottom-up' internal debate and political accountability.

Militia parties

Duverger also identified *militia* parties, adopted by Fascist and Communist parties during the interwar years, characterized by a hierarchical top-down command structure with supporters enrolled upon military lines. Such parties may persist today in some authoritarian states where most forms of political organization other than the ruling party are banned, and where the governing party maintains power based on control of the military and civilian bureaucracy. Under these regimes, leaders often use patronage, corruption, and intimidation to encourage local party supporters as another means to exert control over the general population⁵⁴. Party membership may be relatively widespread, but it functions essentially as a top-down mechanism of control rather than a genuine form of bottom-up political participation where activists can influence the policy process, hold political leaders to account for their actions, and remove them if necessary.

Catch-all, electoral-professional, and cartel parties

Many accounts have described how West European mass-branch parties evolved from the 1950s onwards towards an organization less reliant upon volunteer grassroots activists than upon electronic channels of communications, state subsidies for resources, and paid professionals for advice⁵⁵. Argument continues to surround the best way to describe these developments; in the 1960s, Kirchheimer saw this as part of the growth of the ‘*catch-all*’ party that abandoned its ideological anchors in helter-skelter pursuit of electoral gain⁵⁶. Epstein, influenced by the loose decentralized structure of American parties, characterized the key developments as the rise of the ‘*electoral-professional*’ party⁵⁷.

More recent work by Katz and Mair has depicted the most important developments as the rise of the ‘*cartel*’ party that derives its financial resources and related services from the public purse, with the spoils divided among those parties already in parliament⁵⁸.

Therefore Duverger’s model of the mass-branch party has proved a widely influential ideal-type, and in this context any fall of party membership has commonly been regarded as *prima facie* evidence of an erosion of the channels of political participation⁵⁹. Yet it is unclear whether this model has indeed declined and been replaced by alternative organizational types. Moreover the literature was heavily influenced by the experience of Western Europe and Anglo-American democracies, where the historic roots of most major party organizations were established as the franchise expanded in the late 19th and early 20th century, during the pre-television era. It remains unclear how relevant this model remains in newer democracies where party organizations developed when the electronic media were already widely available.

4.3 Building grassroots party membership

Many believe that membership remains extremely weak in poorly institutionalized parties in many newer democracies, and that levels of membership have fallen during the post-war era in many established democracies. This process raises concern because it may limit opportunities for political participation, undermine civil society, and lessening the accountability of leaders to followers⁶⁰.

One important source of comparative data derives from the official figures or estimates of membership compiled by parties. Although commonly used, it should be noted that these crude numbers can be unreliable, particularly where parties exaggerate their support, or where central record keeping is simply inefficient or erratic. Ironically, attempts to create more accurate registers may produce an apparent decline in the rolls. As voluntary organizations, parties are rarely obliged to maintain public records. In decentralized parties, there may be no available estimates of national figures. The meaning and definition of ‘membership’ also varies in different countries, for example in the United States it is commonly understood to be the party which electors report supporting when they register to vote, whereas in the Norway and British Labour party, card-carrying membership requires payment of at least a minimum annual subscription. Indirect party membership, via affiliated organizations like trade unions and churches, also complicates the comparison. Nevertheless even if flawed and inflated, these official records provide the best estimates available at national level.

Two measures of party ‘density’ can be compared: trends over time in the *absolute* number of members and also, given population changes, the *relative* party membership expressed as the percentage of the total electorate who are members (M/E).

Using the most thorough comparative project, the Party Organization Study, Katz and Mair analyzed official membership figures in Western Europe from the 1960s through to the end of the 1980s⁶¹. The study concluded that any apparent fall in the raw numbers of party members was, in fact, highly uneven. In Sweden, for example, membership had remained roughly stable, and in a few nations including Germany and Belgium the total number of members had even grown from 1960 to the late 1980s, while often contracting elsewhere in Western Europe. More recent analysis by Mair and Biezen extended the estimates from the early 1980s to the end of the 1990s, providing the most authoritative and reliable source. Trend analyses of these figures indicate considerable variations from one country to another (see Table 3). In thirteen long-established European democracies, Mair and Biezen found that the absolute number of members has fallen consistently, sometimes substantially, as in France, Italy and the UK⁶². Along similar lines, Scarrow compared aggregate party enrollment from the 1950s to the mid-1990s in sixteen established democracies and confirmed a fairly general picture of diminishing mass membership in these countries, whether measured by absolute or standardized terms: “Overall the decline is too general, and in many cases too steep, to dismiss as either an administrative artifact or as the product of country-specific effects.”⁶³

At the same time the Main and Biezen estimates suggest that the number of party members rose in ‘third wave’ Mediterranean democracies, including Portugal, Greece and Spain, as well as in post-communist Hungary and Slovakia. The contrasting trends in long-established and newer democracies are striking and important for the insights this may provide about developments around the globe. In addition, official figures on relative party membership in the late 1990s highlight substantial variations across the twenty nations. Austrian parties are closest to the ideal of ‘mass’ parties, with party membership of over a million, meaning that about one in five citizens are members. Membership as a percentage of the electorate is also relatively high in Finland and Norway, but in contrast this ratio is lowest in the UK and France.

The official records therefore suggest a decline but they cannot determine the most appropriate interpretation of this phenomenon and its consequences for democratic participation. Certain limitations should be noted.

First, as with any analysis of historical trends, the selection of starting and ending dates in a series is critical. It is unclear whether the 1950s and 1960s may represent an artificially high point in the postwar decade, where subsequent patterns may represent a return to the status quo ante. As Scarrow points out, mass-membership parties have not been the norm for most democracies in the twentieth century. Both before and after the 1950s, parties have shown an uneven pattern of commitment to enlisting supporters in permanent organizations⁶⁴.

In addition, even more importantly, little evidence is available to monitor whether trends in party *activism* have fallen since the mid-century in parallel with membership, or whether the main decline has been in the more peripheral supporters who were never deeply involved in the day-to-day functions of the party. Studies from many nations indicate that activists in local branches represent a minority of all members⁶⁵. This pattern is confirmed in the World Values Survey in the mid-1990s, where roughly a third of those who said they were party members reported being active. Therefore the core workers may persist in recent decades, perhaps because of their greater ideological commitment to partisan causes and core principles, even if fringe supporters melt away.

Moreover, the impact of any fall in membership upon the structure of the party remains unclear. The shrinkage of the grass roots base is often assumed to produce greater centralization of power within party organizations, as the leadership becomes less constrained by a mass movement. But, as Tan suggests, this relationship could be contingent upon many other developments, such as party traditions and ideologies, the rules of leadership selection, and the size of the party, rather than being an automatic process⁶⁶. Parties with a massive membership, like the Chinese Communist Party, can be highly centralized and hierarchical, while minor and fringe parties with relatively few activists, like the Belgian or British Greens, may prove extremely participatory, decentralized, and democratic, in part because they have a greater incentive to attract and retain supporters.

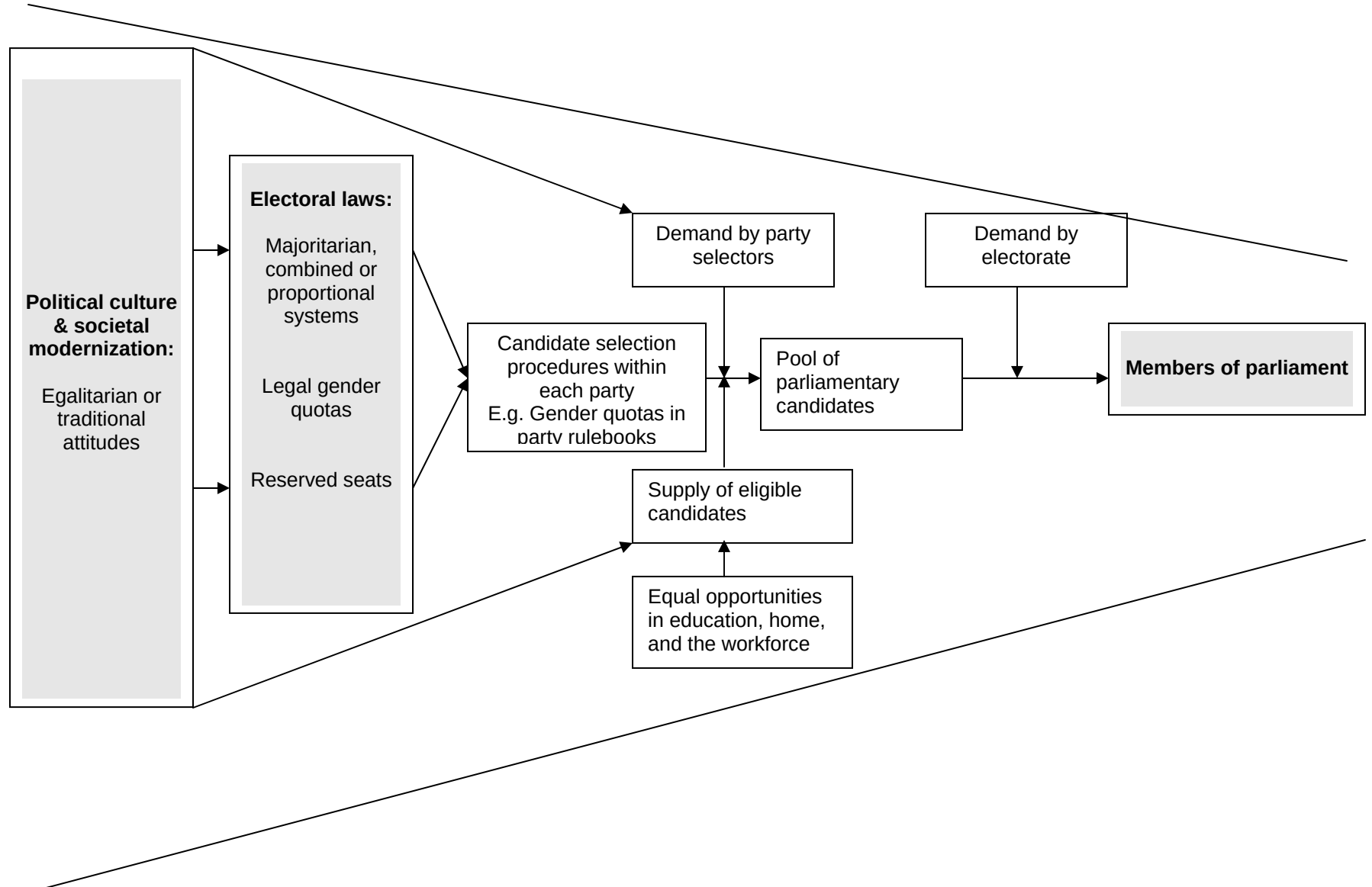
Lastly, the official membership rolls cannot tell us who joins parties, or indeed anything more about the political attitudes, experience and behavior of party workers. Therefore the available official membership data, while indicating decline in the relative number of party members in established democracies since the 1950s and 1960s, is unable by itself to resolve the meaning of these developments or to provide insights into the underlying causes of these trends.

4.4 Strengthening internal democracy: Who nominates?

Other primary objectives in party-building initiatives have been to strengthen internal democracy in the selection of legislative candidates and party leaders, by decentralizing decision-making processes to engage the grassroots activists.

The schematic model illustrated in Figure 3 serves to identify the principle factors influencing the candidate recruitment process. This model suggests that three successive stages operate in this process: *certification* involving electoral law, party rules, and informal social norms defining the criteria for eligible candidacy; *nomination* involving the supply of eligibles seeking office and the demand from selectors when deciding who is nominated; and *election*, the final step determining which nominees win legislative office. Each of these stages can be seen as a progressive game of ‘musical chairs’: many are eligible, few are nominated, and even fewer succeed.

Figure 3: The 'funnel' model of the candidate selection process



Legal and party certification

The most comprehensive and detailed analysis of the formal legal requirements for candidacy have been collected from constitutional documents and electoral laws in 63 democracies by Massicotte, Blais, and Yoshinaka⁶⁷. Some legal restrictions on eligibility prove fairly universal and uncontroversial, such as age and citizenship requirements, while others such as educational or literacy qualification are more exceptional. The main legal regulations include those relating to age, citizenship, residence, incompatibilities, monetary deposits, and the need to gather supporting signatures.

In addition to the legal requirements, other certification requirements are set by parties through their internal rules, constitutions, and by-laws. Most commonly these stipulate that party membership is required for a specified period prior to candidacy, to ensure party loyalty and familiarity with party policies. Some are more restrictive, for example in earlier decades eligible nominees had to meet a range of criteria in the Belgian Socialist party as follows: “(1) have been a member at least five years prior to the primary; (2) have made annual minimum purchases from the Socialist co-op; (3) have been a regular subscriber to the party’s newspaper; (4) have sent his children to state rather than Catholic schools; and (5) have his wife and children enrolled in the appropriate women’s and youth organizations.”⁶⁸

The certification process is also influenced more generally by the informal social norms and cultural values in each country shaping perceptions of appropriate nominees, for example what sort of experience and background is most suitable for legislative careers. For example people are more likely to consider running for parliament if they have professional legal training, experience of policy-oriented think-tanks, or careers in journalism and local government, all occupational channels providing skills and experiences valuable for higher office, reflecting the current typical composition of legislative elites. Although informal eligibility perceptions are most difficult to establish with any systematic evidence, they probably shape who comes forward, and who is deterred, from pursuit of legislative careers.

Independent candidates who meet the certification requirements are entitled to stand for elected office without any party backing. Independents can succeed in countries with exceptionally weak party organizations and with some single-member districts, for example non-partisans form about one quarter of the Ukrainian parliament and one sixth of the Russian Duma. In a few countries such as Uganda party labels are legally banned and members are either elected from single-member districts or from special interest groups such as trade unions, the army, and young people. But in most democracies independents usually have a minimal realistic chance of electoral success at national level without the official endorsement, financial assistance, and organizational resources that parties provide. The US House of Representative, for example, currently contains only one independent, as does the British House of Commons⁶⁹. Political parties play the central role in nominating legislative candidates and they also shape the recruitment ‘supply’ of potential candidates through providing social networks, training, civic skills, and organizational experiences that are valuable in the pursuit of elected office.

Nomination

Once certified as eligible, potential candidates can proceed to the nomination stage. Despite the acknowledged importance of the candidate nomination process, although there are many descriptive case-studies of the candidate recruitment process within specific parties, and some documentation of the formal party rules, relatively little is known about the structure and dynamics of the process in practice, or how and why this varies among parties and countries⁷⁰. For those interested primarily in the internal life of parties as organizations, the nomination process is regarded as the dependent variable which serves as a prism for understanding the distribution of intra-party power among different organs and factions⁷¹. In Schattschneider words: “*The nominating process has become the crucial process of the party. He who can make the nominations is the owner of the party.*”⁷² In a few countries certain aspects of the nomination process are governed by law, for example in Germany and Finland there are broad requirements for parties to adopt democratic processes in candidate selection. In most, however, parties are entitled to decide upon the most appropriate processes and internal regulations. The key question is ‘*who decides?*’ The key dimensions of internal party democracy here are (i) the degree of *centralization*, namely how far nominations are either determined mainly by the national party leadership or devolved downwards to regional, district or local bodies; (ii) the breadth of *participation*, a related but distinct matter concerning whether just a few selectors pick candidates or whether many people are

involved in this process; and (iii) the *scope* of decision-making, concerning whether there is a choice of one, a few, or multiple contenders vying for nomination.

In centralized organizations, exemplified by the Liberal Democratic Party in Japan, Pasok in Greece, or the Christian Democrats in the Netherlands, party leaders have considerable powers of patronage, enabling them to place ‘their’ chosen candidates into electorally-favorable districts, seats, ridings, or constituencies, or in high ranked positions on party lists. Most European parties, however, have greater internal democracy, so that although national leaders can sometimes exercise a veto, the key decisions determining who is nominated occur among officials, delegates and activists at regional or local levels. In the most decentralized processes, nomination decisions in each local area rest in the hands of all grassroots party members who cast votes in closed primaries, or even the mass public in open primaries.

The locus of decision-making has been studied most commonly by classifying the legal regulations, party constitutions, and formal party rules which govern selection, for example studies have developed typologies based on the West European dataset collected by Katz and Mair⁷³. Based on this source, a recent comparison of nomination rules in Western Europe by Lars Bille classified the final level of decision-making regarding candidate selection into six categories ranging from the most centralized (National organs control completely) to the most localized (using ballots among all party members). As shown in Table 3, the most common process (in eight out of ten European parties) is one where sub-national party organs either decide subject to leadership approval, or else they control the process completely.

Table 3: The degree of centralization of the nomination process

	1960		1989	
	N.	%	N.	%
National leadership controls completely	2	4	3	4
National leadership nominates from list provided by sub-national organs	5	9	10	14
Sub-national organs nominate from list provided by national leadership	3	5	1	1
Sub-national organs nominate subject to approval by national leadership	22	39	23	32
Sub-national organs control completely	25	44	34	48
Ballot applied to all party members	9	16	16	23
<i>Total</i>	57	100%	71	100%

Note: The ‘final’ level of decision-making in party nomination processes for candidacies for the lower house of the national legislature in 11 West European countries.

Source: Summarized from Table 1 in Lars Bille. 2001. ‘Democratizing a democratic procedure: Myth or reality? Candidate selection in Western European parties, 1960-1990.’ *Party Politics*, 7 (3): 363-380.

Much of the debate in the literature has sought to determine whether parties have been actively democratizing the selection process, transferring decisions downwards from local office-holders and local activists to ordinary grassroots party members, often by means of party ballots, and, if so, what consequences this process might have for the balance of power within the party. Table 3 compares the level of decision-making in the nomination process according to the formal rules in 1960 and 1989⁷⁴. Bille concluded on this basis that most parties had experienced little change in the levels of decision-making in the candidate selection process during this era. Nevertheless some democratization had occurred involving a modest shift from decision-making by local officials and activists within sub-national bodies down towards the engagement of all party members through the use of individual membership ballots, often by post. Other studies also report that political parties

have democratized their candidate selection processes during the post-war period, thereby widening participation among the selectorate⁷⁵. During recent decades these changes are evident in the British Labor party, the ÖVP and SPÖ in Austria, the CDU and SPD in Germany, and by Fine Gael in Ireland. The main reason for this trend, commentators suggest, is an attempt to attract new members, or at least to staunch membership losses, by offering engagement in the candidate nomination process as a selective benefit.

Nevertheless Scarrow, Webb and Farrell point out that despite these patterns, there have not been parallel moves to weaken or even eliminate the vetoes over this process held by central party elites, ensuring that the leadership retains the ability to exclude unwanted nominees. Why should the location of nomination decision-making vary from one party to another? Krister Lundell sought to explain the degree of centralization of nomination decision-making in parties in 21 established democracies⁷⁶. The study concluded that the nomination process was usually more decentralized in smaller parties (defined by their share of the vote), in far right and far left parties, and among parties within the Nordic region compared with Mediterranean Europe. Many other common assumptions about the primary drivers in this process did not prove important, however, including the territorial organization of parties, their age and the mean district magnitude.

Yet the attempt to determine the ‘main’ location of decision-making in the nomination process typically encounters a number of limitations so we need to be cautious about these conclusions. As with any study of written constitutions, there are often significant differences between the *de jure* and *de facto* decision-making bodies, especially in poorly-institutionalized parties where democratic rulebooks and procedures exist on paper but which are widely flouted in practice. The nomination process often involves a complex sequence of steps from the initial decision to consider running for office through a winnowing process with veto points that operates at multiple national, regional, local, or factional levels until the formal nomination or adoption meeting. In the British Conservative party, for example, there are a series of at least eight distinct stages from the submission of the formal application form to Central office, an interview with party officials, a ‘weekend’ selection board, entry into the national list of approved candidates, application to particular constituencies, the short-listing and interview process by local constituency parties, and the final nomination meeting among party members. Some steps may prove to be mere rubber-stamp formalities. Others may involve competition among hundreds of applicants, uncertain outcomes, and heated internal battles, especially for ‘safe’ party seats where the incumbent is retiring⁷⁷. Classifications of the degree of centralization or participation which attempt to reduce all this complicated multi-stage process with multiple actors into a single ‘final decision’ or ‘cut-off’ point may prove arbitrary and unreliable⁷⁸.

Moreover, just like the studies of community power in the 1960s, any focus on ‘who nominates’ inevitably neglects the prior question of what Bacharatz and Baratz termed ‘non-decisions’, for example if certain groups such as ethnic minorities are discouraged by the formal or informal rules of the game and never even come forward to pursue elected office⁷⁹. The focus on ‘who nominates’ also neglects the logically prior question: ‘What choices are available?’ Even with the same formal rules, some contexts present selectors with a wide range of choices among multiple contenders facing selectors, in others, such as where an incumbent is automatically returned, there is none.

In the broader context, the range of choices facing selectors varies substantially in legislative seats where there is already an unchallenged incumbent, one or two rivals, or a multiple set of contenders. Any analysis of decision-making in the formal rules ideally needs to be supplemented by a labor-intensive program mixing participant observation, qualitative interviews, and/or survey-based studies of the informal social norms among eligible candidates and party selectors that determine the outcome to this process. Detailed multi-method case-studies remain relatively uncommon and, moreover, it becomes difficult to generalize across parties within and between nations on this basis⁸⁰.

We can conclude that the evidence suggests a slight democratization of the nomination process has occurred within European parties, with the circle of decision-making widened slightly from local activists and officeholders downwards to grassroots party members using ballots. Nevertheless, although the potential number of participants has slightly broadened, at the same time the choice of nominees has been more greatly constrained by the adoption of rules designed to generate more inclusive legislatures. The most important of these concerns positive action strategies for women which have been implemented through reserved seats, statutory gender quotas and voluntary gender quotas.

4.5 The inclusion of women and ethnic minorities within parties

During the last decade many policy initiatives have attempted to increase the number of women in elected and appointed office, and rising concern has also been expressed about the inclusion of ethnic minorities. The most common strategies fall into three main categories.

The electoral system

The issue of the basic electoral system has risen on the agenda in many established democracies, as exemplified by major electoral reforms introduced during the last decade in New Zealand, Italy, and Britain. The establishment of the basic electoral system is also obviously a critical issue that needs to be determined in transitional societies, such as Afghanistan and Iraq. This issue affects the nomination process since it is now widely understood that more women are usually elected under proportional than majoritarian electoral systems. This thesis has been confirmed in a series of studies since the mid-eighties, based on research comparing both established democracies and also a broader range of developing societies worldwide⁸¹. Within proportional electoral systems, district magnitude has commonly been regarded as a particularly important factor, with more women usually elected from large multimember constituencies. A worldwide comparison of the proportion of women in parliament confirms how women are far more successful under PR List systems. As a simple rule, women proved almost twice as likely to be elected under proportional than under majoritarian electoral systems⁸². Accordingly where women are mobilized around the debates about electoral reform they have often fought to achieve PR systems.

Equal Opportunity Policies

Equal opportunity policies are designed to provide a level playing field so that women can pursue political careers on the same basis as men. Common examples include programs of financial aid to assist with electoral expenses, candidate training in the skills of communication, public speaking, networking, campaigning, and news-management, and the provision of crèches and childcare facilities within legislative assemblies. Equal opportunity strategies can be gender-neutral in design, for example opportunities for training can be offered to both women *and* men parliamentary candidates, and childcare can be used by both parents, although their effects may be beneficial primarily to women. Equal opportunity policies are valuable in the long-term, especially when used in conjunction with other strategies, but, by themselves, they often prove to have little impact in boosting women's representation.

Positive action strategies

Lastly positive action strategies, by contrast, are explicitly designed to benefit women as a temporary stage until such a time as gender parity is achieved in legislative and elected bodies. Positive action includes three main strategies:

- The use of *reserved seats* for women established in electoral law;
- *Statutory gender quotas* controlling the composition of candidate lists for all parties in each country; and also
- *Voluntary gender quotas* used in the regulations and rules governing the candidate selection procedures within particular parties.

Positive action has become increasingly popular in recent decades, as one of the most effective policy options for achieving short-term change, although the use of these policies remain a matter of controversy within and outside of the women's movement.

Reserved seats

By electoral law, some countries have stipulated a certain number of reserved seats that are only open to women or ethnic minority candidates. This policy has been adopted to boost women's representation under majoritarian electoral systems in developing nations in Africa and South Asia, particularly those with a Muslim culture (see Table 4). Reserved seats have been used for the lower house in Morocco (elected from a national list of 30 women members out of 325 representatives), Bangladesh (30/300), Pakistan (60/357), Botswana (2 women appointed by the president out of 44 members), Taiwan (elected), Lesotho (3 women appointed out of 80 seats), and Tanzania (37 women out of 274 members are distributed according to parties according to their share of seats in the House of Representatives)⁸³. This mechanism guarantees a minimum number of women in elected office, although some have argued that it may be a way to appease, and ultimately sideline, women.

Being elected does not necessarily mean that women are given substantive decision-making power, especially given the weakness of many of these legislative bodies.

Table 4: Reserved seats for women used by the lower house of parliament worldwide

	Election	Selection method	Total number of MPs in the lower house	Number of seats reserved for women	% Of seats reserved for women
APPOINTED BY ANOTHER BODY					
Tanzania	2000	Appointed	295	48	16.2
Zimbabwe	2000	Appointed	274	37	13.5
Botswana	1999	Appointed	44	2	4.5
Jordan	2003	Appointed	120	6	5.5
Lesotho	1998	Appointed	80	3	3.8
Bangladesh	2001	Appointed	300	30	10.0
Uganda	2001	Appointed	292	56	19.1
DIRECT ELECTION					
Pakistan	2002	FPTP (i)	357	60	16.8
Sudan	2000	FPTP (i)	360	35	9.7
Morocco	2002	FPTP (i)	325	30	9.2
Taiwan	1996	Combined-independent (SNTV and closed PR list) (iii)	334	Varies	Varies
Djibouti	2003	Party Block (ii)	65	7	10.7

Notes: *Reserved seats* in the lower house of the national parliament are defined as those seats that by law can only be filled by women, either by appointment, indirect election, or direct election. (i) FPTP First-past-the-post (with single-member districts and plurality election). (ii) The Party Block electoral system uses plurality elections in multi-member districts. (iii) The combined-independent electoral system uses both Single Non-Transferable Vote and PR party list in parallel. Note: this policy is currently being considered for elections in Afghanistan and Iraq.

Sources: The Electoral Institute of Southern Africa (EISA) www.eisa.org.za ; *Elections Around the World*. www.electionworld.org; International IDEA www.IDEA.int; Pippa Norris. 2004. *Electoral Engineering: Voting rules and political behavior*. Cambridge: Cambridge University Press.

An important distinction needs to be drawn between those filled by direct election or by appointment. Where women have an electoral base then they can be more independent of the party leadership and they gain legitimacy derived from the democratic process. In India, for example, reserved seats have also been used at local level with considerable success. One third of the seats on local municipal elections are reserved for directly-elected women, empowering thousands of women⁸⁴. By contrast, where appointed by the president or another body, if lacking an independent electoral or organizational base, women may be marginalized from any real decision-making responsibility, and their appointment can reinforce control of parliament by the majority party. In Uganda, for example, 53 parliamentary seats out of 292 are reserved for women (18%), which are indirectly elected, along with seats set aside for representatives drawn from the groups such as the army, youth, the disabled, and trade unions, despite a ban on opposition parties standing for election⁸⁵. Reserved seats based on regional, linguistic, ethnic, or religious ethno-political cleavages have also been used, for example for the Maori's in New Zealand, although their effects depend upon the size and spatial concentration of minority populations.

Legal Gender Quotas

Positive action strategies also include statutory gender quotas applied by law to all political parties, specifying that women must constitute a minimal proportional of parliamentary candidates or elected representatives within each party. Quotas represent an instrument that introduces specific formal selection criteria, in the form of minimal or maximal thresholds for a given group, into selections procedures, whether for elected or appointed office in the public sphere or for personnel recruitment in the private sector, such as for trade union office. There is an important distinction drawn between *statutory* gender quotas introduced by law, and thereby applying to all parties within a country, and *voluntary* gender quotas implemented by internal regulations and rule books within each party. Quotas can be specified for women and men, or for other relevant selection criteria, such as ethnicity, language, social sector, or religion. Statutory gender quota laws have been applied to elections in Belgium, France, and Italy, to many nations in Latin America (see Table 5), as well as for appointments to public bodies and consultative committees in many countries such as Finland and Norway⁸⁶.

Table 5: Statutory gender quotas in use worldwide

Country	Date of Law	Gender Quota %	Legislative Body	Electoral system	List open or closed	% Women MPs before law (i)	% Women MPs after law (ii)	Change (i)-(ii)
France	1999	50	Lower House	Majoritarian	-	11	12	+1
Costa Rica	1997	40	Unicameral	Proportional	Closed	14	19	+5
Belgium	1994	33	Lower House	Proportional	Open	18	23	+5
Bosnia & Herzegovina	2001	33	Lower House	Proportional	Open		14.3	
Argentina	1991	30	Lower House	Proportional	Closed	6	27	+21
Peru	1997	30	Unicameral	Proportional	Open	11	18	+7
Venezuela	1998	30	Lower House	Combined	Closed	6	13	+7
Panama	1997	30	Unicameral	Combined	Closed	8	10	+2
Venezuela	1998	30	Senate	Combined	Closed	8	9	+2
Bolivia	1997	30	Lower House	Combined	Closed	11	12	+1
Mexico	1996	30	Senate	Combined	Closed	15	16	+1
Bolivia	1997	30	Senate	Combined	Closed	4	4	0
Brazil	1997	30	Lower House	Proportional	Open	7	6	-1
Mexico	1996	30	Lower House	Combined	Closed	17	16	-1
Indonesia	2003	30	Lower House	Proportional	Open	9	N/a	N/a
Macedonia	2001	30	Lower House	Combined	Closed		17.5	
Serbia	2002	30	Lower House	Proportional	Open	7.5	N/a	N/a
Dominican Rep	1997	25	Lower House	Proportional	Closed	12	16	+4
Ecuador	1997	20	Unicameral	Combined	Open	4	15	+11
Paraguay	1996	20	Senate	Proportional	Closed	11	18	+7
Paraguay	1996	20	Lower House	Proportional	Closed	3	3	0
Korea, North	-	20	Lower House	Majoritarian	-		20.1	
Philippines	1995	20	Lower House	Combined	Closed		17.8	
Armenia	1999	5	Lower House	Combined	Closed		3.1	
Nepal	1990	5	Lower House	Majoritarian	-		5.9	
Average		30				10	14	+4

Note: *Legal gender quotas* for the lower house of national parliaments are defined as laws which specify that each party must include a minimum proportion of women on party lists of candidates. Change is estimated based on the percentage of women MPs in the parliamentary election held immediately before and after implementation of the gender quota law. **Sources:** Mala Htun. 2001. 'Electoral rules, parties, and the election of women in Latin America.' Paper for the *annual meeting of the American Political Science Association*, San Francisco August 30 2001; Mala Htun and Mark Jones. 2002. 'Engendering the Right to Participate in Decision-making: Electoral Quotas and Women's Leadership in Latin America.' In *Gender and the Politics of Rights and Democracy in Latin America*, Eds. Nikki Craske and Maxine Molyneux. London: Palgrave; International IDEA *Global Database of Quotas for Women* www.idea.int.

As shown by the last column in Table 5, monitoring short-term change in the election immediately before and after passage of the law, in some countries, and in some elections, legal gender quotas appear to have worked far more effectively than in other cases. Hence the substantial rise in women in parliament found in Argentina, the modest growth in Peru and Belgium, but minimal progress evident in France, Mexico, or Brazil. Moreover the general comparison of the use of legal gender quotas in the nations where these have been introduced proves insignificant in the multivariate model in Table. Why is this? The effective implementation of legal gender quotas depends upon multiple factors, including most importantly how the statutory mechanisms are put into practice, the level of the gender quota specified by law, whether the rules for party lists regulate the rank order of women and men candidates, whether party lists are open or closed, and also the penalties associated with any failure to comply with the law. Positive action policies alter the balance of incentives for the party selectorate. Where these laws are implemented, then selectors need to weigh the potential penalties and benefits if they do or do not comply. Selectors may still prefer the default option of nominating a male candidate under certain circumstances, for example if the laws are designed as symbolic window-dressing more than as *de facto* regulations; if the regulation specify that a certain proportion of women have to be selected for party lists but they fail to specify their rank order so that female candidates cluster in unwinnable positions at the bottom of the list; or if any sanctions for non-compliance are weak or non-existent. As with many other attempts to alter the incentive structure, the devil lies in the details; apparently similar legislative policies have very different consequences in each nation.

In *Belgium* the Electoral Act of 24 May 1994 specified that no more than two-thirds of the candidates on any party electoral list may be of the same sex. The minimum representation requirement is thus exactly the same for men and women. It applies to the Chamber of Representatives and the Senate, and also to regional, community, provincial and municipal councils, as well as elections to the European Parliament. If this requirement is not respected, the list candidacies that would otherwise have been held by women have to be left blank or the whole list is declared invalid⁸⁷. The Act was first fully enforced in the 1999 European elections that saw the proportion of Belgian women MEPs rise from 18.5 to 23.3%. This was an increase, albeit a modest one, but the powers of incumbency means that it will take many successive elections under the new rules before women become a third or more of Belgian parliamentarians.

In 1999 *France* passed the parity law, a constitutional amendment requiring parties to include 50% representation of women in their party lists for election, with financial penalties attached for failure to do so. The gender parity law passed in June 2000 specified that for elections to the National Assembly between 48 and 52% of all candidates presented nation-wide by any given political party must be women. If this percentage is higher or lower, the state will cut its financial contribution. The results of the first elections held in March 2001 under the new rules indicate a substantial impact at municipal level, almost doubling the number of women in local office from 25 to 47 percent. Nevertheless in the first elections to the French National Assembly held under the parity rules, in June 2002, the proportion of elected women rose by only 1.4 percent, from 10.9 to 12.3. Only eight more women entered the Assembly, dashing the hopes of the reformers. The main reasons were that the parity law failed to specify the selection of women for particular types of single member seats, so that women nominees could be concentrated in unwinnable constituencies. Moreover the major parties decided to favor incumbents, largely ignored the financial penalty of reduced party funding associated with imbalanced party lists⁸⁸. The sanction is a reduction in the public funding received for each party's campaign on a sliding scale of 5% for a gender difference of 10% on party lists of candidates, 30% for a difference of 60%, and a maximum 50% for a difference of 100%. Hence an all-male list would still get half the public funding. Despite the parity law, the proportion of women in the Chamber of Deputies means that France is ranked 61st worldwide after reform, compared with 59th before parity was introduced.

Another parallel European case concerns *Italy*, where a quota system was introduced in 1993 into the legislation governing municipal, provincial and national elections⁸⁹. These laws asserted that a minimum of 30% of both sexes had to be present in electoral lists. In 1995, however, the Italian Constitutional Tribunal repealed these regulations, considering that they were contrary to the principle of equality. Some parties have introduced voluntary gender quotas into their party rules, set at 50% for Verdi, 40% for DS, 40% for the PRC, and 20% for the PPI. Yet in the 2001 election women remained only 9.8% of the Italian Chamber of Deputies, ranking Italy 77th worldwide. In Armenia, the 1999 Electoral Code states that the voting lists of the parties involved in the proportional parliamentary electoral system should contain not less than 5% female candidates, but the low level and poor implementation meant that women in the June 1999 elections were only 3.1% of the national parliament.

During the early 1990s, with the expansion of democracy, the popularity of statutory gender quotas spread rapidly in Latin America. The first and most effective law (*Ley de Cupos*) was passed in *Argentina* in 1991, introducing an obligatory quota system for all parties contesting national elections to the Chamber of Deputies - "*lists must have, as a minimum, 30% of women candidates and in proportions with possibilities of being elected. Any list not complying with these requisites shall not be approved.*" Most importantly, the law stipulates that women must be ranked throughout party lists, not consigned to the end where they face no realistic chance of election. Party lists failing to comply with the law are rejected. If a rejected list is not corrected so as to bring it into compliance with the law, the party in question cannot compete in that district's congressional election. The provincial branches of the political parties create the closed party lists from which the Argentine deputies are elected, although at times the national party intervenes to impose a list. Following the implementation of the law, in the 1993 Chamber election, 21.3% (27 of 127) of the deputies elected were women, compared to only 4.6% (6 of 130) in the election of 1991. A decade after passage, the proportion of women in the Chamber of Deputies had risen to 30.7% (79 out of 257), ranking Argentina 9th from the top worldwide in the representation of women. In total eleven Latin American countries have now adopted national laws establishing a minimum percentage for women's participation as candidates in national elections and a twelfth—Colombia—had approved a quota of 30 percent for women in senior positions in the executive branch⁹⁰. Although their impact has been varied, in these countries a comparison of the elections held immediately before and after passage of these laws in Table 8.4 suggests that legislative quotas generated on average an eight-percentage point gain in women's election to congress. Variation in the effectiveness of the quotas can be explained by whether the PR list is open or closed (with the latter most effective), the existence of placement mandates (requiring parties to rank women candidates in high positions on closed party lists), district magnitude (the higher the number of candidates in a district, the more likely quotas are to work), and good faith party compliance.

Statutory gender quotas have also been applied to local, municipal and regional contests. In *South Africa* the Municipal Structures Act states that political parties must seek to ensure that women comprise 50% of lists submitted for election at the local level. Following the municipal elections in 2000, women were 28.2% of local councilors. In the *Namibian* local authority elections in 1992 and 1998, the law required political parties to include at least 30% women on their party candidate lists.

The comparison of legal gender quotas suggests grounds for caution for those who hope that these strategies will automatically produce an immediate short-term rise in women legislators. The French case, in particular, illustrates the way the detailed aspects of how such quotas are implemented, and the sanctions for non-compliance, can generate very different results even for municipal and national elections within the same country. The variations in the results across Latin America confirm these observations.

Voluntary Gender Quotas in Party Rules

Most commonly, however, voluntary gender quotas have been introduced within specific parties, particularly those of the left, rather than being implemented by electoral law⁹¹. Rules, constitutions, and internal regulations determined within each party are distinct from electoral statutes enforceable by the courts. Parties in Scandinavia, Western Europe, and Latin America have often used voluntary gender quotas, and Communist parties in Central and Eastern Europe employed them in the past. It is difficult to provide systematic and comprehensive analysis of party rules worldwide but in spring 2003 International IDEA's *Global Database of Quotas for Women* estimates that 181 parties in 58 countries use gender quotas for electoral candidates for national parliaments⁹². The effects of these measures can be analyzed by focusing on their use within the European Union, since this allows us to compare a range of representative democracies at similar levels of socioeconomic development.

Table 6 compares the use of gender quotas for the candidate selection process in national elections in the fifteen EU member states. By 2000, among 76 relevant European parties (with at least ten members in the lower house), almost half (35 parties) use gender quotas, and two dozen of these have achieved levels of female representation in the lower house of parliament over 24%⁹³. Among the European parties using gender quotas, on average one third (33%) of their elected representatives were women. By contrast, in the European parties without gender quotas, only 18% of their members of parliament were women.

Of course it might be misleading to assume any simple 'cause' and 'effect' at work here, since parties more sympathetic towards women in public office are also more likely to introduce gender quotas. European parties of the left commonly introduced voluntary gender quotas during the 1980s, including Social Democratic, Labour, Communist, Socialist and Greens parties, before the practice eventually often spread to other parties. Nevertheless the 'before' and 'after' test, exemplified by cases such as their deployment by parties in

Scandinavia, in Germany, and in the British Labour party, suggest that the effect of voluntary gender quotas within parties also varies substantially.

Table 6: Voluntary gender quotas in party rules, used in EU-15 1996-2000

	Party	Country	Election year	Total number of party MPs	% Women	<i>Gender quota</i>
1.	VIHR	Finland	1999	11	81.8	✓
2.	PDS	Germany	1998	36	58.3	✓
3.	B90/Grüne	Germany	1998	47	57.4	✓
4.	Centerpartiet	Sweden	1998	18	55.6	X
5.	GroenLinks	Netherlands	1998	11	54.5	✓
6.	Miljöpartiet de Grona	Sweden	1998	16	50.0	✓
7.	Social Democrats	Sweden	1998	131	49.6	✓
8.	PvdA	Netherlands	1998	45	48.9	✓
9.	Ecolo	Belgium	1999	11	45.5	✓
10.	SDP	Finland	1999	51	43.1	✓
11.	D'66	Netherlands	1998	14	42.9	X
12.	Vänsterpartiet	Sweden	1998	43	41.9	✓
13.	Christian Democrats	Sweden	1998	42	40.5	✓
14.	SKL	Finland	1999	10	40.0	✓
15.	Socialistisk Folkeparti	Denmark	1998	13	38.5	X
16.	Venstre Liberale Parti	Denmark	1998	42	38.1	X
17.	KOK	Finland	1999	46	37.0	✓
18.	Social Democrats	Denmark	1998	63	36.5	X
19.	SPÖ	Austria	1999	65	35.5	✓
20.	Folkpartiet Libererna	Sweden	1998	17	35.3	✓
21.	Social Democrats	Germany	1998	298	35.2	✓
22.	IU	Spain	1996	21	33.3	✓
23.	KF	Denmark	1998	16	31.3	X
24.	Christian Democrats	Netherlands	1998	29	31.0	✓
25.	Dansk Folkeparti	Denmark	1998	13	30.8	X
26.	Moderata Samlings	Sweden	1998	82	30.5	X
27.	VAS	Finland	1999	20	30.0	✓
28.	PCP	Portugal	1999	17	29.4	X
29.	ÖVP	Austria	1999	52	28.4	✓
30.	PSOE	Spain	1996	141	27.7	✓
31.	KESK	Finland	1999	48	27.1	X
32.	VVD	Netherlands	1998	39	25.6	✓
33.	SFP/RKP	Finland	1999	12	25.0	✓
34.	Rifond. Comunista	Italy	1996	32	25.0	✓
35.	C.I.U	Spain	1996	16	25.0	?
36.	Labour	UK	1997	418	24.2	✓
37.	POSL/LSAP	Luxembourg	1999	13	23.1	✓
38.	PRL - FDF	Belgium	1999	18	22.2	X
39.	FDP	Germany	1998	43	20.9	X
40.	Party Socialist	Portugal	1999	115	20.0	✓
41.	PD	Luxembourg	1999	15	20.0	X
42.	CDU	Germany	1998	200	19.5	✓
43.	PDS	Italy	1996	156	19.2	X
44.	CVP	Belgium	1999	22	18.2	✓
45.	K.K.E	Greece	2000	11	18.2	?
46.	VLD	Belgium	1999	23	17.4	X
47.	FPÖ	Austria	1999	52	17.3	X
48.	Partie Socialiste	France	1997	251	16.7	✓

	Party	Country	Election year	Total number of party MPs	% Women	<i>Gender quota</i>
49.	PCS/CSV	Luxembourg	1999	19	15.8	✓
50.	Popular Party	Spain	1996	156	14.1	?
51.	PSD	Portugal	1999	81	13.6	X
52.	CSU	Germany	1998	45	13.3	X
53.	Labour	Ireland	1997	17	11.8	✓
54.	PCF	France	1997	36	11.1	✓
55.	Fianna Gael	Ireland	1997	54	11.1	?
56.	PASOK	Greece	2000	158	10.8	✓
57.	Party Socialist	Belgium	1999	19	10.5	X
58.	Fianna Fáil	Ireland	1997	77	10.4	?
59.	Lega Nord	Italy	1996	59	10.2	X
60.	PSC	Belgium	1999	10	10.0	X
61.	Verdi (Greens)	Italy	1996	21	9.5	X
62.	Forza Italia	Italy	1996	123	8.1	X
63.	New Democrats	Greece	2000	125	8.0	✓
64.	Conservative	UK	1997	165	7.9	X
65.	P-S-P-U-P	Italy	1996	67	7.5	X
66.	CDS-PP	Portugal	1999	15	6.7	?
67.	Vlaams Blok	Belgium	1999	15	6.7	X
68.	Liberal Democrat	UK	1997	45	6.5	X
69.	RCV	France	1997	33	6.1	?
70.	UDF	France	1997	113	5.3	X
71.	Alleanza Nazionale	Italy	1996	93	4.3	X
72.	Lista Dini	Italy	1996	25	4.0	X
73.	RPR	France	1997	140	3.6	X
74.	CCD-CDU	Italy	1996	30	3.3	X
75.	UUP	UK	1997	10	0.0	X
76.	SP	Belgium	1999	14	0.0	X

Notes: *Voluntary gender quotas* are defined as internal party rules, regulations, or constitutions specifying that the party should include a minimum proportion of women as candidates for elected office. The table only includes relevant parties (i.e. those with at least ten seats in lower house of the national parliament). The data, derived originally from the Council of Europe database, has some important limitations. It should be noted that the definition and meaning of ‘*quota*’ can differ among parties, and some may use this only for internal organizational posts rather than for candidate nomination. Parties without a formal quota may instead apply a ‘gender target’, adhered to more or less rigidly in candidate selection. Parties **in bold** are in countries using majoritarian electoral systems.

- ✓ Gender quota is currently used by this party for parliamentary nominations.
- X Gender quota is not currently used by this party for parliamentary nominations.
- ? Information on gender quotas is not available from this source.

Source: Pippa Norris. 2004. *Electoral Engineering*. New York: Cambridge University Press

Many of the parties ranking at or near the top of the proportion of women MPs in Table 6 are in Scandinavia. The Norwegian Labour Party was the first in this region to implement a 40% gender quota for all elections in 1983, although this did not specify the location of women candidates within their lists. Other Norwegian parties followed suit, including the Social Left, the Center Party, and the Christian Democrats⁹⁴. This was followed by Denmark where the Social Democratic Party introduced a 50% quota for elections in 1988⁹⁵. Because the rank position of candidates on the party list is critical to their success in being elected, in 1994 the Swedish Social Democratic Party introduced the principle of including a woman as every second name on the

list - the 'zipper' or 'zebra' principle. This means that every second name on the party's nomination list must alternate between women and men. In Sweden, since the general election in 1994, the largest political party, the Social Democrats, and later the Greens and the Christian Democrats, have systematically alternated women and men's names in their lists of the constituency candidates for parliamentary, local, regional, and the EU-Parliament elections. If we compare the Swedish parties ranked high in Table, it is apparent that gender quotas are used by some such as the Social Democrats and the Vansterpartiet, although not all the credit should go to the use of positive action, by any means, as other Swedish parties including the Centerpartiet also have a substantial number of women MPs despite not using any gender quotas.

Elsewhere in Western Europe, as shown in Table 6, formal practices vary among countries and parties. In Germany, for example, three of the five major political parties have a 40-50% quota system in their party rules. In 1980, when the Greens turned from a social movement into a political party, they instilled gender balance by including a strict 50 per cent quota combined with a zipper system in their statutes. Except for the very top positions in government, the Greens have been more or less able to meet their requirements. In 1988 the Social Democrats followed suit by stipulating in party rules that in all internal party elections at least one third of candidates must be female. From 1994 onwards, 40 per cent of all party positions have to be held by women. For election lists, parliamentary mandates and public office a transition period with lower percentages was agreed. It started with one-quarter in 1988, required one-third in 1994, and reached 40 per cent in 1998. The SPD met the targets within the party but fell slightly short for seats in parliaments and in governments. In 1996 the Christian Democratic Party (CDU) introduced the so-called 'quorum' requiring 30 per cent of female representation in both party functions and election lists, but so far these targets have not being met. After German unification the *Partei des Demokratischen Sozialismus* (PDS, former East German Communist party) introduced a strict 50 percent quota in combination with a zipper system. In many elections the PDS has outperformed its own targets. Currently only the *Christlich-Soziale Union* (CSU, the Bavarian sister party of the CDU) and the Liberals (*Freie Demokratische Partei*, FDP) refuse to introduce voluntary gender quotas.

Gender quotas are by no means limited to established democracies. In South Africa, for example, in 1994 the African National Congress implemented a 33.3% gender quota into party rules, while in Mozambique in 1999 the Frelimo Party introduced a 30% quota on electoral lists. This policy has been particularly common among parties of the left, and the Socialist International Women lists 57 socialist parties using gender quotas in April 2002, ranging from 20 to 50 percent, including the Israeli Meretz (40%), the Mali Adema-Pasj (30%), the Nicaraguan FSLN (30%), and the Turkish CHP (25%)⁹⁶. Gathering systematic and reliable data on the use of such strategies worldwide is difficult, but a global review of practices by the Inter-Parliamentary Union in 1993 found that twenty-two parties employed gender quotas for legislative elections, while fifty-one parties used them for elections to internal party posts⁹⁷. By contrast, in the first democratic elections following the fall of the Berlin wall, parties within Central and Eastern Europe often moved in the opposite direction, abandoning gender quotas for parliament and local government that were regarded as part of the old Communist state⁹⁸, although occasionally subsequently reinstating this practice such as in the Czech SDP (25%), the Bosnian SDP (30%) and the Lithuanian SDP (30%).

Affirmative action or positive action strategies have also commonly been employed for internal party offices, such as the use of quotas for the election or appointment of constituency or branch officers, conference members, or regional party secretaries. This strategy can also encourage more women to stand for elected office, by giving them experience of leadership and a decision-making role within the organization, as well as changing the internal culture of the party.

Ethnic minority representation

There is considerable concern in many countries about the political under-representation of ethnic minorities, and certain similar strategies have been employed to boost their numbers in elected office⁹⁹. Nevertheless in general less reliable information is available about the under-representation of ethnic minorities, in part due to the complexity of defining and monitoring the proportion of 'ethnic minorities' in parliaments. For example, there is no central dataset, such as that maintained by the Inter-Parliamentary Union monitoring the proportion of women and men in parliaments worldwide.

In general, only a few states have passed laws to correct for the under-representation of ethnic minorities in legislative office. In most cases, such laws apply only to indigenous communities (such as the Maoris in New Zealand), and the long-standing national minorities (such as Hungarians and Italians in Slovenia), but not to newer immigrant communities (such as Turks in Germany or Algerians in France).

Parliaments which include reserved seats for ethnic minorities include Croatia, Singapore, Slovenia, Jordan, Pakistan, India, Western Samoa, Colombia, New Zealand, Niger, Taiwan, Norway, Finland, Denmark, and the Palestinian Authority¹⁰⁰. In New Zealand, for example, there are six special seats for Maori representatives (based on the number of Maori voters choosing to enroll on the special Maori roll). In India, scheduled castes and scheduled tribes have reserved seats in the lower house of the Federal Parliament. In Croatia, seats are reserved for Hungarians, Italians, Czech, Slovak, Ruthenian, Ukrainian, German and Austrian minorities.

In addition, some other democracies ensure the parliamentary representation of certain recognized and spatially-concentrated ethnic minority communities through the geographical manipulation of constituency boundaries, for example in Canada, Belgium, the Netherlands, Northern Ireland, Britain, and the United States. In America, for example, constituency boundaries have been designed to generate black-majority and Hispanic-majority Congressional districts. In the UK, Scotland and Wales have been systematically over-represented in the House of Commons at Westminster, with fewer electors per seat than in England.

In addition, in established democracies, some parties have attempted to recruit ethnic minority candidates, occasionally setting informal targets, as well as to establish ethnic liaison units to reach out to diverse communities in the electorate. In a few cases, in these countries, ethnic groups have also created their own parties to contest seats. Nevertheless parties in established democracies have not adopted quota laws for ethnic minority candidates, similar to those used for women.

5. Conclusions

To summarize, parties can serve multiple functions in representative democracies, not least by the integration and mobilization of citizens; the articulation and aggregation of interests; the formulation of public policy; the recruitment of political leaders; and the organization of parliament and government. How well they serve these functions depends in part upon the regulatory framework, including the external legal context as well as the internal body of party rules.

The legal context was categorized into three main types: under monopolistic regulations, governing parties maintain their grip of power and basic human rights are violated, whether through the violent intimidation, imprisonment or state assassination of opposition leaders, or through other repressive security measures. These cases provide the clearest examples of non-democratic states which either ban outright party activity, or which ban or curtail the rights of opposition movements.

Most consolidating and established democracies do not go this far; on the other hand, cartel arrangements commonly discriminate implicitly against fringe and minor party challengers, whether in terms of limiting ballot access, distributing unequal resources such as public funds or party broadcasts during campaigns, or through electoral systems which limit the seat share for minor parties. There is room for debate about how far such arrangements are desirable, for example to prevent extreme multiparty systems in the legislature and in government, and how far more egalitarian regulations would benefit party competition in free societies.

The regulatory framework is also determined by the internal rules which parties adopt in their constitutions and official documents. The principles should ideally promote the values of internally-democratic party organizations, by building mass membership, decentralizing decision-making in the nomination process, and promoting the inclusion of women and ethnic minority candidates for elected office.

While there is considerable evidence from the official party records that mass membership has been falling in many parties in Western Europe, the interpretation of the consequences of this development remain under debate. Nomination processes have been evolving in recent years. The evidence suggests a slight democratization of the nomination process has occurred within European parties, with the circle of decision-making widened slightly from local activists and officeholders downwards to grassroots party members using ballots. Nevertheless, although the potential number of participants has slightly broadened, at the same time the choice of nominees has been more greatly constrained by the adoption of rules designed to generate more inclusive legislatures. Perhaps the most dramatic evidence of party change comes from the many initiatives which have been adopted with some success to widen the social inclusiveness of legislatures, particularly through positive action strategies designed to bring more women into elected office.

The most important steps in the research agenda include expanding what we know about the role, function and structure of parties to many transitional and consolidating democracies, by documenting the legal framework

and internal rules, as well as by considering what reform strategies are most effective to promote party competition and internally-democratic parties.

6. Figures and tables

Figure 1: The sequential model of the main stages to elected office

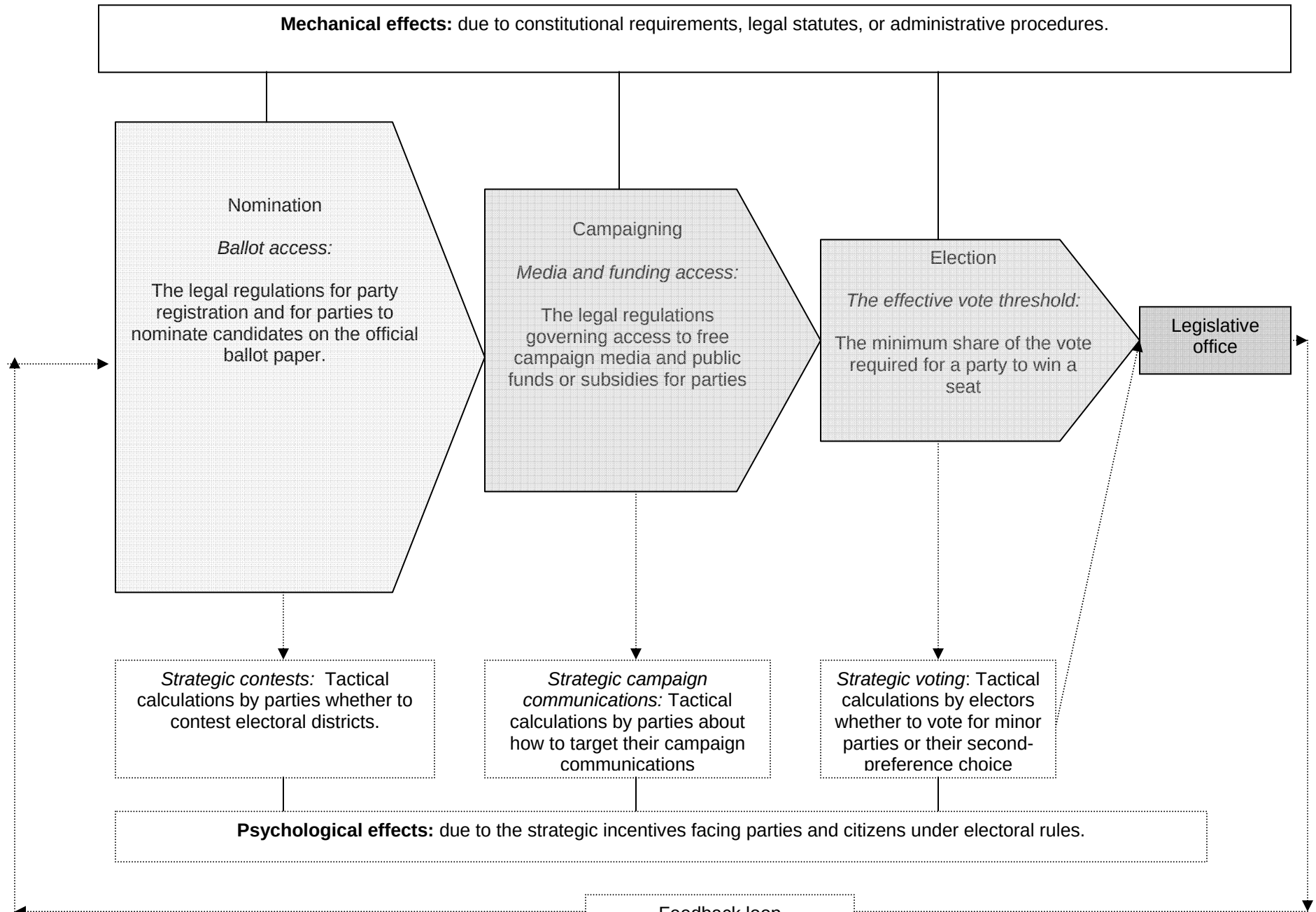


Figure 2: Patterns of party competition

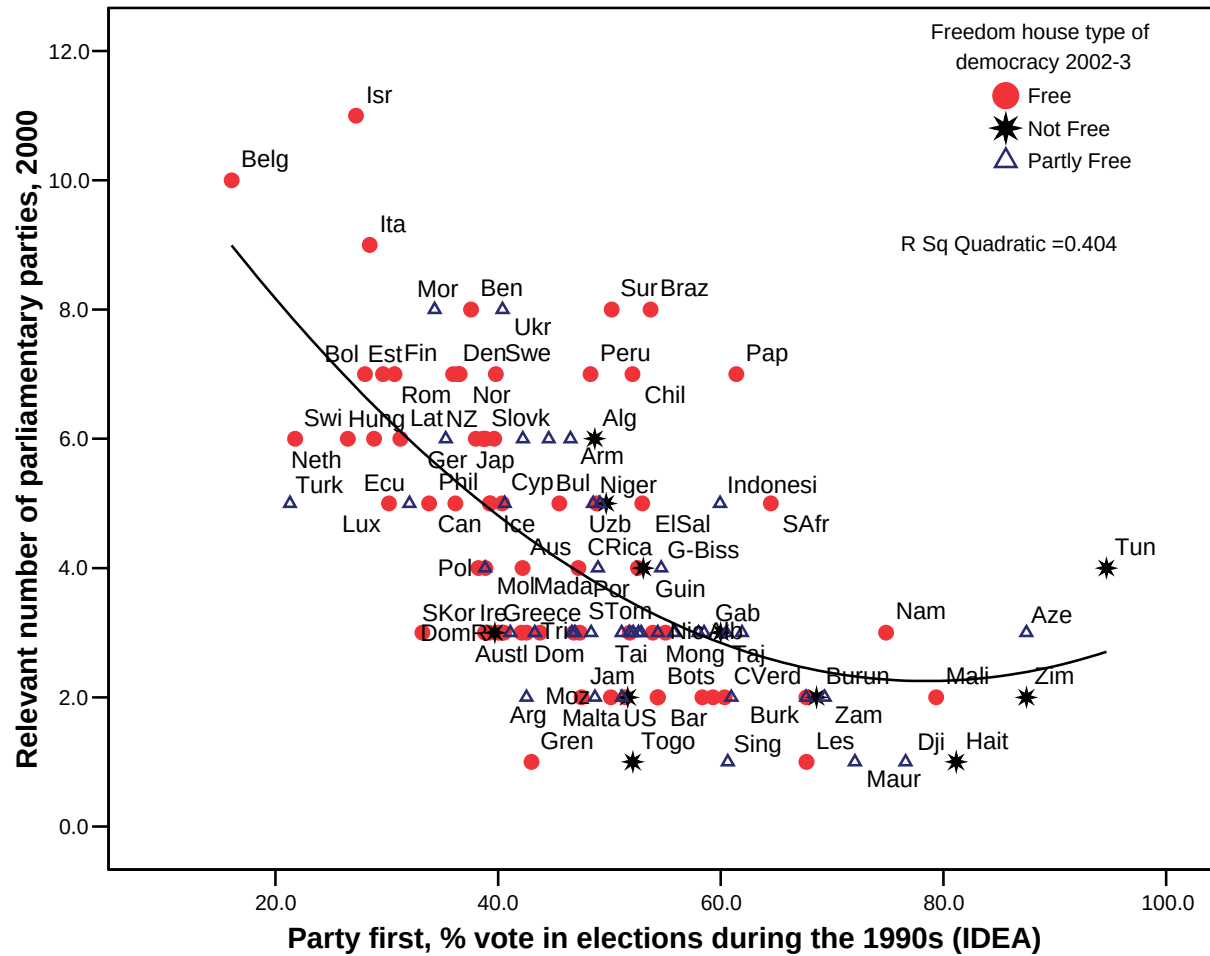


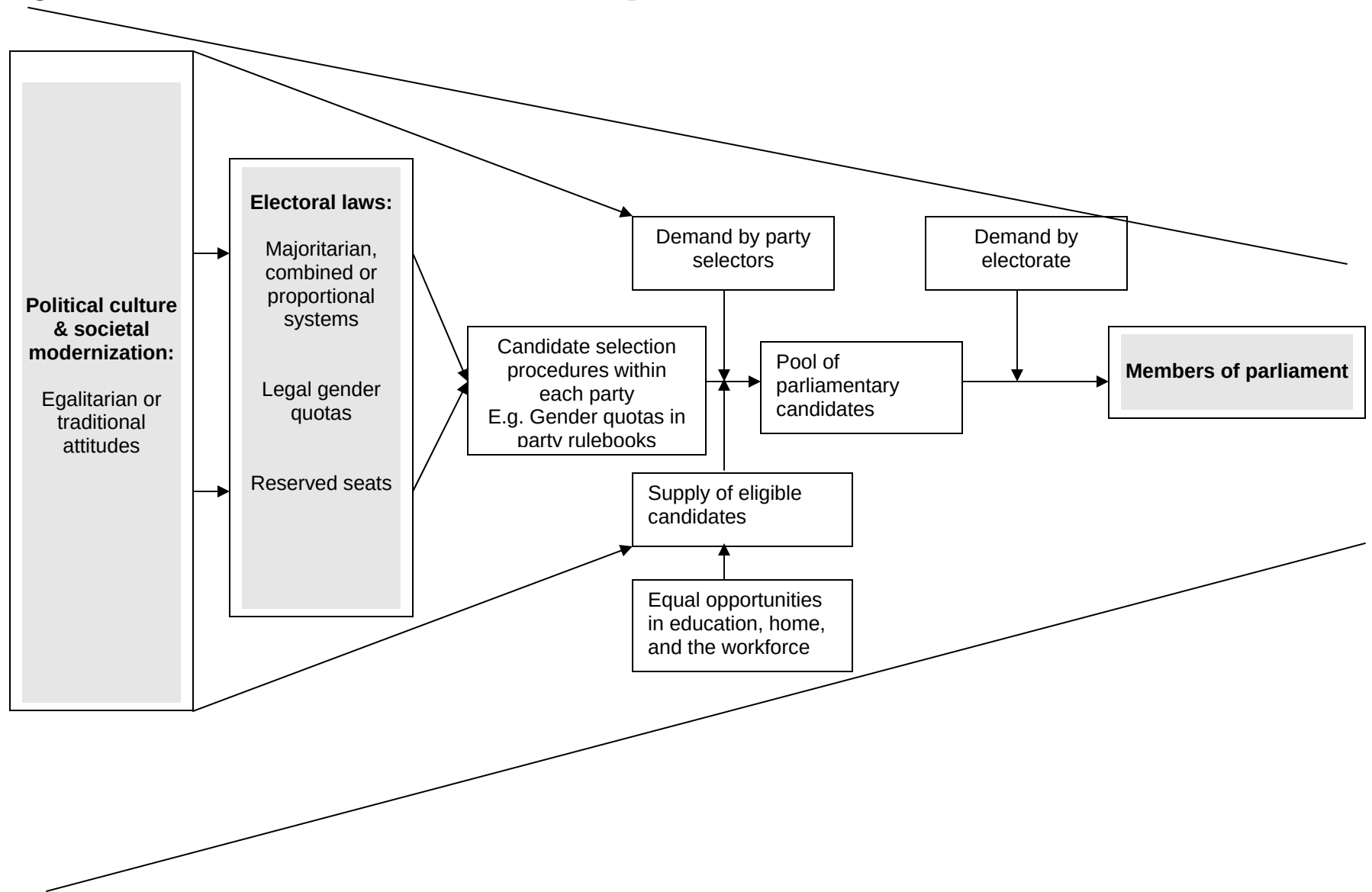
Figure 3: The 'funnel' model of the candidate selection process

Table 1: Electoral systems and party systems

	Mean number of parliamentary parties (with at least one seat)	Mean number of relevant parliamentary parties (with over 3% of seats)	Number of countries
All Majoritarian	5.22	3.33	83
Alternative Vote	9.00	3.00	1
Block vote	5.60	4.57	10
2 nd Ballot	6.00	3.20	23
FPTP	4.78	3.09	49
All Combined	8.85	4.52	26
Independent	8.89	3.94	19
Dependent	8.71	6.17	7
ALL Proportional	9.52	4.74	61
STV	5.00	2.50	2
Party List	9.68	4.82	59
TOTAL	7.05	4.12	170

Note: The data includes the results for 1,263 parties contesting the latest elections to the lower house of parliament from 1995 to June 2000. Parliamentary parties are defined as those winning at least one seat in the lower house. The results of the elections were calculated from *Elections Around the World*. www.agora.stm.it/elections/alllinks.htm.

The classification of electoral systems is derived from Andrew Reynolds and Ben Reilly. 1997. *The International IDEA Handbook of Electoral System Design*. Stockholm: International IDEA. Annex A. 'Independent' combined systems include two electoral systems used in parallel. 'Dependent combined' systems include two electoral systems used where the results depend upon the combined share of the vote.

Table 2: Correlations between party competition and good governance indicators

		Party first, mean % vote in elections during the 1990s (Idea)	Relevant number of parliamentary parties, 2000
Human development index 2001 (undp 2003)	Corr (R)	-.500(**)	.289(**)
	Sig.	.000	.001
	N	129	135
GDP per capita ppp 2000 (world bank 2002)	Corr (R)	-.466(**)	.228(*)
	Sig.	.000	.012
	N	117	121
Freedom house rating of democracy, reversed 2003	Corr (R)	-.477(**)	.237(**)
	Sig.	.000	.005
	N	136	138
Kaufmann voice and accountability 2002	Corr (R)	-.509(**)	.253(**)
	Sig.	.000	.003
	N	136	138
Kaufmann political stability 2002	Corr (R)	-.380(**)	.125
	Sig.	.000	.151
	N	131	134
Kaufmann government effectiveness 2002	Corr (R)	-.419(**)	.240(**)
	Sig.	.000	.005
	N	135	138
Kaufmann regulatory quality 2002	Corr (R)	-.455(**)	.282(**)
	Sig.	.000	.001
	N	135	138
Kaufmann rule of law 2002	Corr (R)	-.423(**)	.233(**)
	Sig.	.000	.006
	N	135	138
Kaufmann corruption 2002	Corr (R)	-.388(**)	.233(**)
	Sig.	.000	.006
	N	135	138
TI corruption perception index 2002	Corr (R)	-.328(**)	.257(*)
	Sig.	.002	.014
	N	90	90
Majoritarian electoral system (dummy)	Corr (R)	.324(**)	-.359(**)
	Sig.	.000	.000
	N	136	138
PR electoral system (dummy)	Corr (R)	-.257(**)	.251(**)
	Sig.	.002	.003
	N	136	138
Turnout - Mean vote/VAP 1990s (IDEA)	Corr (R)	-.274(**)	.205(*)
	Sig.	.001	.016
	N	135	137

Note: ** Correlation is significant at the 0.01 level . * Correlation is significant at the 0.05 level

Table 3: The degree of centralization of the nomination process

	<i>1960</i>		<i>1989</i>	
	N.	%	N.	%
National leadership controls completely	2	4	3	4
National leadership nominates from list provided by sub-national organs	5	9	10	14
Sub-national organs nominate from list provided by national leadership	3	5	1	1
Sub-national organs nominate subject to approval by national leadership	22	39	23	32
Sub-national organs control completely	25	44	34	48
Ballot applied to all party members	9	16	16	23
<i>Total</i>	<i>57</i>	<i>100%</i>	<i>71</i>	<i>100%</i>

Note: The 'final' level of decision-making in party nomination processes for candidacies for the lower house of the national legislature in 11 West European countries.

Source: Summarized from Table 1 in Lars Bille. 2001. 'Democratizing a democratic procedure: Myth or reality? Candidate selection in Western European parties, 1960-1990.' *Party Politics*, 7 (3): 363-380.

Table 4: Reserved seats for women used by the lower house of parliament worldwide

	Election	Selection method	Total number of MPs in the lower house	Number of seats reserved for women	% Of seats reserved for women
APPOINTED BY ANOTHER BODY					
Tanzania	2000	Appointed	295	48	16.2
Zimbabwe	2000	Appointed	274	37	13.5
Botswana	1999	Appointed	44	2	4.5
Jordan	2003	Appointed	120	6	5.5
Lesotho	1998	Appointed	80	3	3.8
Bangladesh	2001	Appointed	300	30	10.0
Uganda	2001	Appointed	292	56	19.1
DIRECT ELECTION					
Pakistan	2002	FPTP (i)	357	60	16.8
Sudan	2000	FPTP (i)	360	35	9.7
Morocco	2002	FPTP (i)	325	30	9.2
Taiwan	1996	Combined-independent (SNTV and closed PR list) (iii)	334	Varies	Varies
Djibouti	2003	Party Block (ii)	65	7	10.7

Notes: *Reserved seats* in the lower house of the national parliament are defined as those seats that by law can only be filled by women, either by appointment, indirect election, or direct election. (i) FPTP First-past-the-post (with single-member districts and plurality election). (ii) The Party Block electoral system uses plurality elections in multi-member districts. (iii) The combined-independent electoral system uses both Single Non-Transferable Vote and PR party list in parallel. Note: this policy is currently being considered for elections in Afghanistan and Iraq.

Sources: The Electoral Institute of Southern Africa (EISA) www.eisa.org.za; *Elections Around the World*. www.electionworld.org; International IDEA www.IDEA.int; Pippa Norris. 2004. *Electoral Engineering: Voting rules and political behavior*. Cambridge: Cambridge University Press.

Table 5: Statutory gender quotas in use worldwide

Country	Date of Law	Gender Quota %	Legislative Body	Electoral system	List open or closed	% Women MPs before law (i)	% Women MPs after law(ii)	Change (i)-(ii)
France	1999	50	Lower House	Majoritarian	-	11	12	+1
Costa Rica	1997	40	Unicameral	Proportional	Closed	14	19	+5
Belgium	1994	33	Lower House	Proportional	Open	18	23	+5
Bosnia & Herzegovina	2001	33	Lower House	Proportional	Open		14.3	
Argentina	1991	30	Lower House	Proportional	Closed	6	27	+21
Peru	1997	30	Unicameral	Proportional	Open	11	18	+7
Venezuela	1998	30	Lower House	Combined	Closed	6	13	+7
Panama	1997	30	Unicameral	Combined	Closed	8	10	+2
Venezuela	1998	30	Senate	Combined	Closed	8	9	+2
Bolivia	1997	30	Lower House	Combined	Closed	11	12	+1
Mexico	1996	30	Senate	Combined	Closed	15	16	+1
Bolivia	1997	30	Senate	Combined	Closed	4	4	0
Brazil	1997	30	Lower House	Proportional	Open	7	6	-1
Mexico	1996	30	Lower House	Combined	Closed	17	16	-1
Indonesia	2003	30	Lower House	Proportional	Open	9	N/a	N/a
Macedonia	2001	30	Lower House	Combined	Closed		17.5	
Serbia	2002	30	Lower House	Proportional	Open	7.5	N/a	N/a
Dominican Rep	1997	25	Lower House	Proportional	Closed	12	16	+4
Ecuador	1997	20	Unicameral	Combined	Open	4	15	+11
Paraguay	1996	20	Senate	Proportional	Closed	11	18	+7
Paraguay	1996	20	Lower House	Proportional	Closed	3	3	0
Korea, North	-	20	Lower House	Majoritarian	-		20.1	
Philippines	1995	20	Lower House	Combined	Closed		17.8	
Armenia	1999	5	Lower House	Combined	Closed		3.1	
Nepal	1990	5	Lower House	Majoritarian	-		5.9	
Average		30				10	14	+4

Note: *Legal gender quotas* for the lower house of national parliaments are defined as laws which specify that each party must include a minimum proportion of women on party lists of candidates. Change is estimated based on the percentage of women MPs in the parliamentary election held immediately before and after implementation of the gender quota law. **Sources:** Mala Htun. 2001. 'Electoral rules, parties, and the election of women in Latin America.' Paper for the *annual meeting of the American Political Science Association*, San Francisco August 30 2001; Mala Htun and Mark Jones. 2002. 'Engendering the Right to Participate in Decision-making: Electoral Quotas and Women's Leadership in Latin America.' In *Gender and the Politics of Rights and Democracy in Latin America*, Eds. Nikki Craske and Maxine Molyneux. London: Palgrave; International IDEA *Global Database of Quotas for Women* www.idea.int.

Table 6: Voluntary gender quotas in party rules, used in EU-15 1996-2000

	Party	Country	Election year	Total number of party MPs	% Women	<i>Gender quota</i>
77.	VIHR	Finland	1999	11	81.8	✓
78.	PDS	Germany	1998	36	58.3	✓
79.	B90/Grüne	Germany	1998	47	57.4	✓
80.	Centerpartiet	Sweden	1998	18	55.6	X
81.	GroenLinks	Netherlands	1998	11	54.5	✓
82.	Miljöpartiet de Grona	Sweden	1998	16	50.0	✓
83.	Social Democrats	Sweden	1998	131	49.6	✓
84.	PvdA	Netherlands	1998	45	48.9	✓
85.	Ecolo	Belgium	1999	11	45.5	✓
86.	SDP	Finland	1999	51	43.1	✓
87.	D'66	Netherlands	1998	14	42.9	X
88.	Vänsterpartiet	Sweden	1998	43	41.9	✓
89.	Christian Democrats	Sweden	1998	42	40.5	✓
90.	SKL	Finland	1999	10	40.0	✓
91.	Socialistisk Folkeparti	Denmark	1998	13	38.5	X
92.	Venstre Liberale Parti	Denmark	1998	42	38.1	X
93.	KOK	Finland	1999	46	37.0	✓
94.	Social Democrats	Denmark	1998	63	36.5	X
95.	SPÖ	Austria	1999	65	35.5	✓
96.	Folkpartiet Liberelna	Sweden	1998	17	35.3	✓
97.	Social Democrats	Germany	1998	298	35.2	✓
98.	IU	Spain	1996	21	33.3	✓
99.	KF	Denmark	1998	16	31.3	X
100.	Christian Democrats	Netherlands	1998	29	31.0	✓
101.	Dansk Folkeparti	Denmark	1998	13	30.8	X
102.	Moderata Samlings	Sweden	1998	82	30.5	X
103.	VAS	Finland	1999	20	30.0	✓
104.	PCP	Portugal	1999	17	29.4	X
105.	ÖVP	Austria	1999	52	28.4	✓
106.	PSOE	Spain	1996	141	27.7	✓
107.	KESK	Finland	1999	48	27.1	X
108.	VVD	Netherlands	1998	39	25.6	✓
109.	SFP/RKP	Finland	1999	12	25.0	✓
110.	Rifond. Comunista	Italy	1996	32	25.0	✓
111.	C.I.U	Spain	1996	16	25.0	?
112.	Labour	UK	1997	418	24.2	✓
113.	POSL/LSAP	Luxembourg	1999	13	23.1	✓
114.	PRL - FDF	Belgium	1999	18	22.2	X
115.	FDP	Germany	1998	43	20.9	X
116.	Party Socialist	Portugal	1999	115	20.0	✓
117.	PD	Luxembourg	1999	15	20.0	X
118.	CDU	Germany	1998	200	19.5	✓
119.	PDS	Italy	1996	156	19.2	X
120.	CVP	Belgium	1999	22	18.2	✓
121.	K.K.E	Greece	2000	11	18.2	?
122.	VLD	Belgium	1999	23	17.4	X
123.	FPÖ	Austria	1999	52	17.3	X
124.	Partie Socialiste	France	1997	251	16.7	✓
125.	PCS/CSV	Luxembourg	1999	19	15.8	✓
126.	Popular Party	Spain	1996	156	14.1	?

	Party	Country	Election year	Total number of party MPs	% Women	<i>Gender quota</i>
127.	PSD	Portugal	1999	81	13.6	<i>X</i>
128.	CSU	Germany	1998	45	13.3	<i>X</i>
129.	Labour	Ireland	1997	17	11.8	✓
130.	PCF	France	1997	36	11.1	✓
131.	Fianna Gael	Ireland	1997	54	11.1	?
132.	PASOK	Greece	2000	158	10.8	✓
133.	Party Socialist	Belgium	1999	19	10.5	<i>X</i>
134.	Fianna Fáil	Ireland	1997	77	10.4	?
135.	Lega Nord	Italy	1996	59	10.2	<i>X</i>
136.	PSC	Belgium	1999	10	10.0	<i>X</i>
137.	Verdi (Greens)	Italy	1996	21	9.5	<i>X</i>
138.	Forza Italia	Italy	1996	123	8.1	<i>X</i>
139.	New Democrats	Greece	2000	125	8.0	✓
140.	Conservative	UK	1997	165	7.9	<i>X</i>
141.	P-S-P-U-P	Italy	1996	67	7.5	<i>X</i>
142.	CDS-PP	Portugal	1999	15	6.7	?
143.	Vlaams Blok	Belgium	1999	15	6.7	<i>X</i>
144.	Liberal Democrat	UK	1997	45	6.5	<i>X</i>
145.	RCV	France	1997	33	6.1	?
146.	UDF	France	1997	113	5.3	<i>X</i>
147.	Alleanza Nazionale	Italy	1996	93	4.3	<i>X</i>
148.	Lista Dini	Italy	1996	25	4.0	<i>X</i>
149.	RPR	France	1997	140	3.6	<i>X</i>
150.	CCD-CDU	Italy	1996	30	3.3	<i>X</i>
151.	UUP	UK	1997	10	0.0	<i>X</i>
152.	SP	Belgium	1999	14	0.0	<i>X</i>

Notes: *Voluntary gender quotas* are defined as internal party rules, regulations, or constitutions specifying that the party should include a minimum proportion of women as candidates for elected office. The table only includes relevant parties (i.e. those with at least ten seats in lower house of the national parliament). The data, derived originally from the Council of Europe database, has some important limitations. It should be noted that the definition and meaning of ‘*quota*’ can differ among parties, and some may use this only for internal organizational posts rather than for candidate nomination. Parties without a formal quota may instead apply a ‘gender target’, adhered to more or less rigidly in candidate selection. Parties **in bold** are in countries using majoritarian electoral systems.

- ✓ Gender quota is currently used by this party for parliamentary nominations.
- X Gender quota is not currently used by this party for parliamentary nominations.
- ? Information on gender quotas is not available from this source.

Source: Pippa Norris. 2004. *Electoral Engineering*. New York: Cambridge University Press

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8. Endnotes

¹ For a discussion, see Richard S. Katz. *Democracy and Elections*. New York: Oxford University Press. Chapter 4.

² See Juan Linz. 2002. 'Parties in Contemporary Democracies: Problems and Paradoxes.' In *Political Parties: Old Concepts and New Challenges*. Eds. Richard Gunther, Jose Ramon Montero and Juan J. Linz. Oxford: Oxford University Press.

³ E.E. Schatterschneider. 1942. *Party Government* New York: Holt, Rinehart and Winston. Anckar and Anckar note, however, that a half-dozen small independent island states are democracies without political parties, namely, Belau (Palau), the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, and Tuvalu. Their size, an extremely archipelagic geography, and an intense cultural resistance all contribute to an absence of political parties in these democracies. See D. Anckar and C. Anckar. 2000. 'Democracies without parties.' *Comparative Political Studies* 33 (2): 225-247.

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⁵ See, for example, the discussion in John H. Aldrich. 1995. *Why Parties? The Origin and Transformation of Party Politics in America*. Chicago: University of Chicago Press.

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⁸ For a discussion, see J. M. Carey. 'Parchment, equilibria, and institutions.' *Comparative Political Studies* 33 (6-7): 735-761. Following Duverger, we should also recognize that the effects legal regulations can be regarded as both mechanical and psychological⁸. *Mechanical* ('formal' or 'direct') effects can be conceptualized as those which depend upon the implementation of the formal rules governing the requirements of nomination, campaigns, and election, for example the legal threshold of exclusion, or the minimum share of the vote stipulated in the constitution to secure a seat. By contrast, *psychological* ('informal' or 'indirect') effects concern the way that the legal rules shape the informal norms, attitudes, and behavior of parties and citizens, including their strategic calculations made in anticipating how the formal mechanisms work. Although in practice it remains difficult to disentangle mechanical and psychological effects from the analysis of national election results (which combine both), the distinction is an important one which is frequently overlooked in the literature. This report focuses upon the 'mechanical' or 'direct' impact of formal rules. How parties react to the formal electoral rules are important issues which lie beyond the parameters of this report.

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¹² See Shaun Bowler, Elisabeth Carter and David M. Farrell. 2003. 'Changing party access to elections.' In *Democracy Transformed?* Ed. Bruce Cain, Russell Dalton and Susan Scarow. Oxford: Oxford University Press; Louis Massicotte, André Blais and Antoine Yoshinaka. *Establishing the Rules of the Game*. Toronto: University of Toronto Press. Table 2.1.

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22 For a study of these factors, see Shaun Bowler, Elisabeth Carter and David M. Farrell. 2003. 'Changing party access to elections.' In *Democracy Transformed?* Ed. Bruce Cain, Russell Dalton and Susan Scarrow. Oxford: Oxford University Press. For an application of these factors to the radical right, see Elisabeth Carter. 2005. *The Extreme Right in Western Europe: Success or Failure?* Manchester: Manchester University Press. Chapter 5.

23 Richard Katz and Peter Mair. Eds. 1994. *How Parties Organize: Change and Adaptation in Party Organizations in Western Democracies*. London: Sage. Table 1.1; Peter Mair and Ingrid van Biezen. 2001. 'Party membership in twenty European democracies 1980-2000.' *Party Politics*. 7(1): 7-21; Susan Scarrow. 2001. 'Parties without Members?' In *Parties without Partisans*. Eds. Russell J. Dalton and Martin Wattenberg. New York: Oxford University Press; Pippa Norris. 2002. *Democratic Phoenix*. New York: Cambridge University Press. Chapter 6.

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³⁷ Election results were compared based on the data contained in *Elections Around the World*. www.agora.stm.it/elections/alllinks.htm. Where election results were missing from this source then alternatives were used, including *Electoral Studies* and the *International Foundation for Electoral Systems* (IFES) <http://www.ifes.org/eguide/elecguide.htm>. The total analysis compared elections held from 1995 to 2000 for the lower house of parliament in 143 nations where results were available, including the share of votes and seats held by 1,244 electoral parties.

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⁴⁹ Duverger. *Op cit*.

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