

Government Structure and Electoral Systems

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This short paper sets out options for structuring a system of government and choosing an electoral system in Afghanistan. It focuses on the comparative experience of other transitional democracies in choosing amongst and between the various options available in these areas. In particular, it examines the choices made by other countries which have recently emerged from a period of protracted conflict.

1. Government Structure: Presidential, Parliamentary, or Semi-Presidential?

There are essentially three options for constituting a representative system of government: one based on a parliamentary system, one based on a presidential system, and one based on some mixture of the two (usually called semi-presidentialism).

Parliamentary systems are characterized by the legislature being the principal arena for both lawmaking and (via majority decisions) for executive power. Presidential systems are characterized by the separation of the executive and legislative branches, with executive authority residing outside the legislature, with the president and his or her cabinet. The simplest definition of the differences between the two approaches can thus be summed up by the degree of relative independence of the executive. Presidential systems are characterized by executive independence, whereas parliamentary systems are characterized the mutual dependence and intertwining of both legislative and executive capacities.

In post-conflict societies, the key distinction between parliamentarism and presidentialism focuses on the range of parties and opinions that can be represented in the executive under a parliamentary system, in contrast to the unavoidably singular nature of authority represented by the office of the president. However, as with many institutional choices, the debate over the merits of parliamentary versus presidential government is not so much a question of which is best, but rather of the most appropriate choice for a given society, considering its particular social structure, political culture and history.

Parliamentary systems

In general, the majority of the world's "established" democracies use parliamentary systems. The **advantages** of parliamentary systems include:

Ability to facilitate the inclusion of all groups within the legislature and the executive. Because cabinets in parliamentary systems are usually drawn from members of the elected legislature, parliamentary government enables the inclusion of all political elements represented in the legislature (including minorities) in the executive. Cabinets comprising a coalition of several

different parties are a typical feature of many well-established parliamentary democracies. In societies deeply divided by ethnic or other cleavages, this principle of inclusion can be vital.

Flexibility and capacity to adapt to changing circumstances. Because governments in most parliamentary systems can change on the floor of the legislature without recourse to a general election, advocates of parliamentarism point to its flexibility and capacity to adapt to changing circumstances as a strong benefit. A discredited government can be dismissed from office by the parliament itself, in contrast to the fixed terms common to presidential systems.

"Checks and balances". By making the executive dependent, at least in theory, upon the confidence of the legislature, parliamentary systems are said to foster greater accountability on the part of the government of the day towards the people's representatives. Proponents argue that this means that there is not only greater public control over the policy-making process, but also greater transparency in the way decisions are made.

The major **disadvantages** of parliamentary systems include:

Tendency towards ponderous or immobile decision-making. The inclusiveness that typifies coalition governments can easily turn into executive deadlocks caused by the inability of the various parties to agree upon key issues. This was typified by the "immobilism" that affected Fourth Republic France and that was partly responsible for General de Gaulle's assumption of presidential power. Decision-making deadlock was in part responsible for the breakdown of power sharing under Cyprus's 1960 constitution.

Lack of accountability and discipline. Critics also argue that parliamentary systems are inherently less accountable than presidential ones, as responsibility for decisions is taken by the collective cabinet rather than a single figure. This is especially problematic when diverse coalitions form the executive, as it can be difficult for electors to establish who is responsible for a particular decision and make a retrospective judgement as to the performance of the government.

Propensity towards weak or fragmented government. Some parliamentary systems are typified by shifting coalitions of many different political parties, rather than by a strong and disciplined party system. Under such circumstances, executive government is often weak and unstable, leading to a lack of continuity and direction in public policy.

Presidential systems

Presidentialism has been a popular choice amongst many new democracies in the last decade, especially in Asia, Eastern Europe and Latin America. While the influence of the United States, the world's best known presidential

system, is probably partly responsible for this trend, recent experience has also highlighted a number of **advantages** of presidentialism:

A directly elected president is identifiable and accountable to voters to a high degree. The office of the president can be held directly accountable for decisions taken because, in contrast to parliamentary systems, the chief executive is directly chosen by popular vote. It is thus easier for the electorate to reward or retrospectively punish a president (by voting him or her out of office) than is the case with parliamentary systems.

Ability of a president to act as a unifying national figure, standing above the fray of sectarian disputes. A president enjoying broad public support can represent the nation to itself, becoming a unifying symbol between rival political groupings. To play this role, however, it is important that the rules used to elect the president are tailored so as to achieve this type of broad support (see the following section on "Electoral Systems" for details).

Higher degree of choice. The fact that presidential systems typically give voters a dual choice - one vote for the president and one vote for the legislature - means that voters can be presented with a broader range of choice under presidential systems than parliamentary ones.

Stability of the office and continuity in terms of public policy. Unlike parliamentary governments, a president and his or her administration normally remains relatively constant throughout their term, which can give greater stability in office and predictability in policy-making than some alternatives. This leads, in theory at least, to more efficient and decisive governance, making it attractive for those cases where governments change frequently because of weak parties or shifting parliamentary coalitions, or where hard political decisions, such as contentious economic reforms, need to be taken.

By contrast, the major **disadvantage** of presidentialism in post-conflict situations is the propensity of the office to be captured by one faction, party or social group. This can create particular difficulties in multi-ethnic societies, where the president can easily be perceived as the representative of one group only, with limited interest in the needs or votes of others. This is particularly so in cases like Afghanistan, where a number of relatively coherent groups are present. Other disadvantages include:

No real checks on the executive. This becomes even more true when there is a concordance between the president's party and the majority party in parliament. In this case (typified, for many years, by Mexico) the parliament has almost no real checks on the executive and can become more of a glorified debating chamber than a legitimate house of review. This problem can be exacerbated by the fact that a president, unlike a parliamentary prime minister, can become virtually inviolable during his or her term of office, with no mechanism for dismissing unpopular incumbents.

Lack of flexibility. While impeachment of the president by the legislature is a device built into many presidential systems, it remains the case that the

presidency is a much less flexible office than the major alternatives. Salvador Allende's election as president of Chile in 1970, for example, gave him control of the executive with only 36 per cent of the vote, and in opposition to the centre and right-dominated legislature. Some analysts have argued that Chile's 1973 military coup can be traced back to the system that placed an unpopular president in a position of considerable long-term power.

Semi-presidential systems

A final executive type is sometimes called "semi-presidentialism". Under this model, a parliamentary system and a prime minister with some executive powers is combined with a president, who also has executive powers. The ministry is drawn from and subject to the confidence of the legislature. This is a relatively unusual model - found today in France, Portugal, Finland, Sri Lanka and one or two other countries - but nonetheless is sometimes advocated as a desirable executive formulation for fragile democracies.

Advantages:

Can combine advantages of presidentialism and parliamentarism. The appeal of the semi-presidential model is its ability to combine the benefits of a directly elected president with a prime minister who must command an absolute majority in the legislature. A move to semi-presidentialism has been recommended as a good "half way house" for some countries that want to combine the benefits of both presidential and parliamentary systems.

Mutual consensus requirement. Proponents of semi-presidentialism focus on the capacity of semi-presidentialism to increase the accountability and "identifiability" of the executive, while also building in a system of mutual checks and balances and the need for consensus between the two executive wings of government. This mutual consensus requirement can be particularly important for divided societies, as it requires a president to come to an agreement with the legislature on important issues, and thus to be a force for the "middle ground" rather than the extremes.

Disadvantages:

Propensity for deadlock between and within the executive arms of government. Because a government's powers are effectively divided between the prime minister and the president - for example, foreign affairs powers being the preserve of the president while the prime minister and the cabinet decide domestic policy - a structural tension exists within the government as a whole. This can lead to deadlock and immobilism, particularly if, as occurs relatively often, the prime minister and the president come from opposing political parties. The benefits of compromise and moderation can degenerate into a stand-off. This is especially the case when the division of responsibility between the two offices is not always clear (e.g.,

foreign policy in the French system), and where the timing and sequencing of elections between the houses differs.

Conclusion

Beyond all of these arguments, there is the empirical record to consider. Of the many states that became independent in the three decades following the end of World War Two, all countries which could claim to have maintained a continuously democratic record to the late 1980s were parliamentary systems. Of the 93 new democracies that gained their independence between 1945 and 1979, all of the 15 countries which remained democratic throughout the 1980s were parliamentary rather than presidential systems, including some of the developing world's most successful democracies like India, Botswana, and Papua New Guinea. Conversely, all the new presidential democracies from this period suffered some form of breakdown. Overall, parliamentary systems have three times the rate of survival of presidential systems.

Electoral Systems

Electoral systems are the rules and procedures via which votes cast in an election are translated into seats won in the parliament or some other office (eg a presidency). An electoral system is designed to do three main jobs. First, it will translate the votes cast into seats won in a legislative chamber. Second, electoral systems act as the conduit through which the people can hold their elected representatives accountable. Third, different electoral systems give incentives for those competing for power to couch their appeals to the electorate in distinct ways. In divided societies, for example, where language, religion or other forms of ethnicity represent an important political cleavage, particular electoral systems can be designed to encourage candidates who act in a co-operative, accommodatory manner to rival groups; or they can punish these candidates and instead reward those who appeal to their own group alone.

Electoral systems are often categorized according to how proportionately they operate in terms of translating votes cast by electors into seats won by parties. A typical three-way structure divides such systems into plurality-majority, semi-proportional, and proportional representation (PR) systems. Plurality-majority systems typically give more emphasis to local representation via the use of small, single-member electoral districts than to proportionality. Amongst such systems are plurality (first-past-the-post), runoff, block and alternative vote systems. By contrast, proportional representation systems – which typically use larger multi-member districts and deliver more proportional outcomes -- include 'open' and 'closed' versions of party list PR, as well as "mixed-member" and "single transferable vote" systems. Semi-proportional systems offer yet other approaches, including the "mixed" models by which part of the parliament is elected via PR and part from local districts, a common choice in many new democracies over the past decade.

ELECTORAL SYSTEMS AROUND THE WORLD

There are countless electoral system variations, but essentially they can be split into nine main systems which fall into three broad families. The most common way to look at electoral systems is to group them by how closely they translate national votes won into parliamentary seats won; that is, how proportional they are. Most electoral system choices involve a trade-off: maximizing proportionality and inclusiveness of all opinions, or maximizing government efficiency via single-party governments and accountability.

Plurality-Majority Systems

These comprise two plurality systems, First Past the Post and the Block Vote, and two majority systems, the Alternative Vote and the Two-Round System.

1. **First Past the Post (FPTP)** is the world's most commonly used system. Contests are held in single-member districts, and the winner is the candidate with the most votes, but not necessarily an absolute majority of the votes. FPTP is supported primarily on the grounds of simplicity, and its tendency to produce representatives beholden to defined geographic areas. Countries that use this system include the United Kingdom, the United States, India, Canada, and most countries that were once part of the British Empire.

2. **The Block Vote (BV)** is the application of FPTP in multi-rather than single-member districts. Voters have as many votes as there are seats to be filled, and the highest-polling candidates fill the positions regardless of the percentage of the vote they actually achieve. This system is used in some parts of Asia and the Middle East. A variation is the "Party Block", as used in Singapore and Mauritius: voters choose between parties rather than candidates, and the highest-polling party wins all seats in the district.

3. In the **Alternative Vote (AV)** system, electors rank the candidates in order of choice, marking a "1" for their favourite candidate, "2" for their second choice, "3" for their third choice, and so on. The system thus enables voters to express their preferences between candidates, rather than simply their first choice. If no candidate has over 50 per cent of first-preferences, lower order preference votes are transferred until a majority winner emerges. This system is used in Australia and some other South Pacific countries.

4. The **Two-Round System (TRS)** has two rounds of voting, often a week or a fortnight apart. The first round is the same as a normal FPTP election. If a candidate receives an

absolute majority of the vote, then he or she is elected outright, with no need for a second ballot. If, however, no candidate has received an absolute majority, then a second round of voting is conducted, and the winner of this round is declared elected. This system is widely used in France, former French colonies, and some parts of the former Soviet Union.

Semi-Proportional Systems

Semi-PR systems translate votes cast into seats won in a way that falls somewhere in between the proportionality of PR systems and the majoritarianism of plurality-majority systems. The two Semi-PR systems are the Single Non-Transferable Vote (SNTV), and Parallel (or mixed) systems.

5. In **SNTV** systems, each elector has one vote but there are several seats in the district to be filled, and the candidates with the highest number of votes fill these positions. This means that in a four-member district, for example, one would on average need only just over 20 per cent of the vote to be elected. This system is used today only in Jordan and Vanuatu, but is most often associated with Japan, which used SNTV until 1993.

6. **Parallel systems** use both PR lists and single-member districts running side-by-side (hence the term parallel). Part of the parliament is elected by proportional representation, part by some type of plurality or majority method. Parallel systems have been widely adopted by new democracies in the 1990s, perhaps because, on the face of it, they appear to combine the benefits of PR lists with single-member district representation. However, depending upon the design of the system, Parallel systems can produce results as disproportional as plurality-majority ones.

Proportional Representation Systems

All Proportional Representation (PR) systems aim to reduce the disparity between a party's share of national votes and its share of parliamentary seats. For example, if a major party wins 40 per cent of the votes, it should also win around 40 per cent of the seats, and a minor party with 10 per cent of the votes should similarly gain 10 per cent of the seats. For many new democracies, particularly those that face deep divisions, the inclusion of all significant groups in the parliament can be an important condition for democratic consolidation. Outcomes based on consensus-building and

power-sharing usually include a PR system.

Criticisms of PR are two-fold: that it gives rise to coalition governments, with disadvantages such as party system fragmentation and government instability; and that PR produces a weak linkage between a representative and her or his geographical electorate. And since voters are expected to vote for parties rather than individuals or groups of individuals, it is a difficult system to operate in societies that have embryonic or loose party structures.

7. **List PR** systems are the most common type of PR. Most forms of list PR are held in large, multi-member districts that maximize proportionality. List PR requires each party to present a list of candidates to the electorate. Electors vote for a party rather than a candidate; and parties receive seats in proportion to their overall share of the national vote. Winning candidates are taken from the lists in order of their respective position. This system is widely used in continental Europe, Latin America and southern Africa.

8. **Mixed Member Proportional (MMP)** systems, as used in Germany, New Zealand, Bolivia, Italy, Mexico, Venezuela, and Hungary, attempt to combine the positive attributes of both majoritarian and PR electoral systems. A proportion of the parliament (roughly half in the cases of Germany, New Zealand, Bolivia, and Venezuela) is elected by plurality-majority methods, usually from single-member districts, while the remainder is constituted by PR lists. The PR seats are used to compensate for any disproportionality produced by the district seat results. Single-member districts also ensure that voters have some geographical representation.

9. The **Single Transferable Vote (STV)** uses multi-member districts, where voters rank candidates in order of preference on the ballot paper in the same manner as Alternative Vote. After the total number of first-preference votes are tallied, a "quota" of votes is established, which a candidate must achieve to be elected. Any candidate who has more first preferences than the quota is immediately elected. If no-one has achieved the quota, the candidate with the lowest number of first preferences is eliminated, and their second preferences are redistributed among remaining candidates. And the surplus votes of elected candidates (i.e., those votes above the quota) are redistributed according to the second preferences on the ballot papers until all seats for the constituency are filled. This system is well established in Ireland and Malta.

Electoral systems have important impacts upon politics in societies divided along ethnic, religious, ideological or other lines. However, there is disagreement as to which electoral systems are most appropriate for divided societies. Options include:

Proportional Representation

Many experts argue that some form of proportional representation (PR) is extremely important in post-conflict societies. This is based on the need to ensure that all significant segments of the population are represented fairly in the legislature, and on the empirical relationship between proportional electoral rules and 'oversized' or power-sharing coalition governments. PR elections are the simplest form of election to run, as they can utilise one national ballot paper and do not require the demarcation of constituencies.

For this reason, most major transitional and post-conflict elections in recent years have utilized some form of PR. Transitional elections in Namibia (1989), Nicaragua (1990), Cambodia (1993), South Africa (1994), Mozambique (1994), Liberia (1997), Indonesia (1999), Bosnia (1996, 1998, 2000), Kosovo (2001) and East Timor (2001) were all conducted under proportional representation rules. In particular, the simplest form of proportional representation -- party-list PR -- appears to have become the de facto norm of UN parliamentary elections.

However, national PR systems also have some disadvantages, as they provide little geographic link between voters and their representatives, and thus create difficulties in terms of accountability and responsiveness between elected politicians and the electorate. Many new democracies - particularly those in agrarian societies - have much higher demands for constituency service at the local level than they do for representation of all shades of ideological opinion in the legislature. It has therefore increasingly been argued in South Africa, Cambodia and elsewhere that the proportional systems used at the first elections should be modified to encourage a higher degree of *geographic accountability* -- by having members of parliament represent territorially-defined districts and service the needs of a constituency.

A popular choice in recent years has therefore been for 'mixed' electoral systems, in which part of the legislature is elected at a national or regional level by proportional representation, and part is elected at a local level from single-member districts, so that both the proportionality and accountability are maximised. For example, the August 2001 elections for East Timor's new constituent assembly used a mixed system, with 75 of the assembly's seats elected on a nationwide basis by proportional representation, and 13 seats (one for each district) elected by first-past-the-post.

Vote-Pooling Electoral Systems

An alternative approach to choosing electoral rules for deeply-divided societies like Afghanistan is not to simply replicate existing divisions in the legislature via proportional representation, but rather to choose electoral

systems which encourage cooperation and negotiation between opposing political forces in the context of electoral competition.

Some electoral models used in divided societies – such as the alternative vote used in Fiji, or the single transferable vote used in Northern Ireland -- permit (or even require) voters to declare not only their first choice of candidate on a ballot, but also their second, third and subsequent choices. Voters rank-order their ballot amongst all candidates standing. This encourages parties and candidates to broaden their campaigns in the hope of picking up second or third choice votes from outside their own core support block.

Also important in plural societies such as Afghanistan is the need to encourage campaigning politicians to court voter support across ethnic lines. Again, systems like the alternative vote and the single transferable vote can, under certain circumstances, be a means of achieving this aim. Parties that succeed in negotiating preference-trading agreements for reciprocal support with others will be rewarded, thus strengthening the political centre. The success of 'pro-peace' forces at Northern Ireland's breakthrough 1998 election was dependent to a significant extent on such vote-transfers towards the moderate middle and away from extremists. Fiji, Estonia, Sri Lanka and Papua New Guinea are other examples of countries in which vote-pooling electoral systems have been used.

Explicit Recognition of Communal Groups

A third approach to elections and conflict management is to explicitly recognize the overwhelming importance of group identity in the political process, and to mandate this in the electoral law. Alternatives include:

Communal electoral rolls. This usually means that each defined "community" has its own electoral roll, and elects only members of its "own group" to parliament. Today, only Fiji continues to use this system, and it remains as an optional choice for Maori voters in New Zealand.

Reserved seats for minorities: Many countries reserve a few seats for such groups: e.g. India (scheduled tribes and castes), Pakistan (non-Muslim minorities), Taiwan (Aboriginal community), Western Samoa (non-indigenous minorities), etc. But such members may be viewed as "token" parliamentarians, breeding resentment among the majority population and increase mistrust between minority groups.

Ethnically mandated party lists. Some countries require parties to present ethnically diverse lists of candidates for election. In Lebanon, for example, the composition of each seat is divided in advance between different religious groups. Electors thus choose on the basis of criteria other than ethnicity. Singapore uses a similar system to increase the representation of its minority Malay and Indian community.

"Best loser" seats. Finally, some countries assign seats to the "best loser" from a specified ethnic community. In Mauritius, for example, four "best loser"

seats are allocated to the highest polling candidates of under-represented ethnic groups in order to balance ethnic representation.

Presidential Electoral Systems

The preceding options have focussed on the electoral system used to elect the legislature. However, the means of electing a President is equally important, especially in ensuring that he or she is a truly representative figure who commands majority support across the country.

Here, the choice of electoral system has a major impact. For example, under a first-past-the-post (plurality) system, the winning candidate only has to gain more votes than his rivals, but not necessarily an absolute majority of the vote. In elections with many candidates, this can lead to a president being elected by only a minority of the voters. Many countries therefore dictate that their president be chosen in two rounds of voting, with a runoff between the two top candidates if nobody gain an absolute majority in the first round. However, this means that two elections have to be held in a short period of time, which is a major administrative and logistical task.

One solution to this problem is therefore to have an “instant runoff” by using the alternative vote for presidential elections, in which the second and third choices of voters are taken into account if nobody gains an absolute majority of first choice votes. This means that a second round of voting is not necessary, as voters have already registered their second preference choice in the first round. Countries such as Ireland and Sri Lanka use this system for their presidential elections to make sure the winning candidate commands an absolute majority (ie more than 50%) support from the voters.

Alternatively, arrangements which require a geographic spread of the vote can be used. A number of African countries such as Nigeria and Kenya use such “distribution systems” for their presidential elections to ensure that the winning candidate gains support from different parts of the country. In Kenya, for example, a successful candidate has to receive at least 25 percent of the vote in at least five out of the eight provinces. Again, the intention is to ensure the elected president becomes a unifying figure representing all regions.

By contrast, presidential elections held under a first-past-the-post system are prone to result in minority victors and more likely to produce outcomes in which the victor's support comes primarily from one geographic and/or ethnic region. This electoral system should thus be avoided for presidential elections at least.

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