Unit 2: Making Parliament More Representative

Learning Objectives
How does a representative parliament reduce conflict?

After studying this unit you should be able to:

- Recognize the importance of a representative parliament to conflict prevention;

- Understand that the electoral system plays a key role in determining who is represented in parliament;

- Appreciate that in order for all parties to accept the outcome of elections in conflict-affected countries the electoral process needs to be simple, transparent and implemented by an independent body.

Introduction

A democratic system requires meaningful participation and representation that integrates all societal groups – religious, ethnic, tribal, political, gender, socio-economic, cultural and other minority groups – into the decision-making process. Members of Parliament should ideally reflect the diverse communities from which they come; thus, minority groups should not be systematically excluded from being represented. Improving the representation of parliament strengthens its ability to reach out to all sectors of society. Furthermore, when a representative parliament is able to develop multiple loyalties through political cooperation, it lays the foundation for the emergence of a constructive conflict culture, which is better able to manage conflict without resorting to violence.

Parliament is a forum that utilizes dialogue and discussion to find workable solutions for problems within communities that satisfy, to a greater or lesser extent, all parties. Ultimately, a representative parliament is better able to contribute to peacebuilding by bringing together members from all groups in society who, through collaboration, begin to develop a common vision, that accommodates the interests of all groups. As a constitutionally mandated institution, parliament provides a

permanent forum where representatives from groups with divergent interests can come together and channel their actions to help shape legislation and policies. If each parliamentarian ensures that the legislature responds to the needs of her or his community, parliament can help stop communal discord from flaring into violent conflict.

Encouraging Participation and Representation in Parliament through the Electoral System

Generally, institutional design has an important role in newly democratizing and divided societies because, in the absence of other structures, politics becomes the primary mode of communication between divergent social forces. This reinforces the need to ensure the institutional design of parliament and the electoral system results in a representative outcome that facilitates broad-based participation in the democratic process. Younger parliaments and legislatures dominated by one party or group, to the exclusion of other groups in society, are often unable to contribute to peacebuilding as they have limited capacity. Appropriate electoral designs can ensure that all groups have a voice in parliament, thereby transforming parliament from a collection of select members into an arena where differences can be dealt with and conflict managed.

Electoral systems can be designed to encourage moderation, thereby helping to diffuse extremist positions. In this way it can be said that parliaments create the conditions for the emergence of antagonists who are prepared to cooperate. The electoral model that is selected is important to peacebuilding endeavors because it reflects the ways in which conflicts are expressed within a legislature these are also the means by which conflicts are resolved. No single electoral system is perfect; rather, it is a matter of picking the best system for the particular circumstance. However, when choosing a system regard should be shown to the impact that the type of participation and representation achieved as a result of the electoral system will have on peacebuilding.

The objectives that a society wishes to achieve by implementing a particular electoral model should be taken into consideration during the design of a country's electoral

system. Ultimately, a representative parliament is better able to contribute to peacebuilding as it brings together representatives from all groups in society that, by working together, begin to develop a common vision, which accommodates the interests of all groups. Parliament is the perfect forum in which to bring together representatives from all sectors of the community to bridge their differences, build relationships and develop a cohesive vision.

Some of the design objectives that might assist in making parliament more participatory and representative thus better able to enhance the peacebuilding process, include:

- Fragmentation of support for an extraordinarily large majority group;
- Inducing majority groups to behave moderately towards other groups by engaging in inter-group bargaining. This differs from fragmentation in that it seeks to provide incentives for moderation rather than trying to split the majority group. Examples of arrangements that seek to achieve this objective are the Lebanese electoral system, whereby seats in parliament are reserved for specific ethnic/religious groups, but all citizens are entitled to vote for each of the seats; and the Nigerian electoral system, where in order to win the presidency a candidate must have at least 25 percent of the vote in no less than two thirds of all of the states. Furthermore, the alternate vote system is often touted as an electoral design that promotes moderation;
- Encouraging the formation of political parties that represent constituents from diverse backgrounds, either via coalitions or more inclusive political parties;
- Encouraging a degree of fluidity so as to avoid the bifurcation of the system as has happened in many developed democracies, such as the United States where the seats in Congress are split between only two parties. Once fluidity has been achieved, the electoral design needs to impede the bifurcation of that system. Common strategies used to achieve this objective are adopting federalist models or requiring mixed lists.
- Attaining proportionality between the number of votes and the number of seats gained by particular groups in parliament, whether it be a cultural, religious or political group
- Reducing the potential for a minority group to win a majority of seats
- Ensuring the accountability of members of parliament to their constituents; and

- Guaranteeing the victory of the <u>Condorcet</u> winner. The Condorcet winner is the candidate who would receive a majority of the vote in a head-to-head contest with each and every other candidate. Sometimes simpler models, such as First Past the Post can achieve an anomalous result. The Alternate Vote model is often recommended as the best model for determining the Condorcet winner; however, there are disadvantages to the Alternate Vote system in that it does not produce a proportional result.

Box 1
Common Electoral Systems

1) **Plurality** – A system of voting in which the candidate with the largest number of votes wins;
2) **Preferential voting** – A system in which voters rank candidates. If no candidate receives a majority, those with fewest votes are eliminated one by one, applying votes to the second choice candidate, until a selection can be made;
3) **Proportional Representation** – A system in which representatives are elected from multi-seat districts in proportion to the number of votes received. Political parties or candidates are assured that they will have the percent of legislative seats that reflects their public support. A party or candidate need not come in first to win seats;
4) **Semi proportional** – A system in which representation of all parties in a legislature is in proportion to their popular vote;
5) **Bloc voting** – This voting structure can be used to elect several representatives from a single multimember constituency. There are several variations of bloc voting depending on the ballot type used, however they all produce similar results.

Each of these objectives can be achieved using different electoral systems; however, it should be noted that some of the objectives listed above are mutually exclusive. What needs to be kept in mind is that objectives should be chosen on the basis of their contributions to the peacebuilding process in the conflict-affected country in which it is to be implemented.

In order to assist the peacebuilding effort an objective of the electoral system should be the inclusion of minority groups. Ensuring minority groups are adequately represented in parliament will assist conflict management and increase chances for peace. Minority inclusion can be achieved in two ways. The first strategy is to allocate parliamentary seats to specific groups or facilitate over-representation in parliament from regions where minorities live. A number of countries around the world have adopted reserved seats for minority groups, including India, Columbia, Croatia, Taiwan and Niger. The second strategy is to ensure a system is implemented that provides incentives for majority groups to act moderately towards minority groups and to engage in inter-group bargaining in return for electoral

success. If the second approach is adopted, parliamentarians may not stem from the social groups they are purporting to represent, but they nevertheless have an electoral incentive to act as the minority group's representative in parliament, allowing their participation in the political process and protecting their interests.

Furthermore, it is not just a matter of crafting an electoral system that allows for participation and representation of all the stakeholders. If an electoral system is perceived as unfair or brings about a result that is perceived as unfair, then it will create conflict and work against peacebuilding efforts. This is particularly the case with new parliaments or new electoral laws where the application of the electoral system is untested. The result is that the lack of acceptance of the parliament by dissenting parties and the reluctance of the opposition to engage forcefully yet constructively prevents the parliament from performing its core functions.

In order to avert this challenge to the outcome, designers need to include all the stakeholders in the design process to ensure that the parliament is not only representative, but perceived to be representative by all the electorate. Furthermore, the system should be simple for voters to understand and simple to run, the results should be fair or proportional, areas of contention should be minimized, and the process must be transparent.

The Electoral Law and Electoral Management Bodies

The preliminary step in ensuring a transparent and legitimate election process is to set the rules that will govern conduct of the elections, usually through incorporation into the electoral law. The electoral law is often supplemented by regulations promulgated by government agencies or electoral management bodies. This can be compared to the electoral system, which is the method by which votes cast in the general election translate into seats won by candidates or parties.

Generally speaking, the issues that need to be canvassed in the electoral law or the constitution include:

- Qualification to register as a voter, together with any restrictions on such rights;
- Qualification for and restrictions on candidacy;
- Rules governing seat allocation, including minority quotas or allocations;
- Qualification on terms of office;
- Methods for fulfilling casual vacancies;
- Removal of mandates;
- Election offences/violations and mechanism for dealing with them;
- The secrecy of the vote; and;
- Election management.;

As the process for amending constitutions is usually more complex than normal legislation or regulations, it is usual for the constitution of a country to contain only the most fundamental electoral rights and basic electoral principles.

<u>Electoral management bodies</u> play a pivotal role in the conduct of transparent elections and are responsible for organizing the election and compiling the voter lists. One body usually undertakes the functions of an electoral management body, but in some circumstances, these duties are split between different bodies. The powers and responsibilities of the electoral management body should be clearly set out in the legal framework for the elections, such as how the body is constituted and how it conducts its business. Electoral management bodies have many and varying functions, including:

- Conducting elections and referendums;
- Compiling and maintaining a register of voters (voter lists);
- Promoting public awareness of electoral matters by conducting civic education, especially targeted at disadvantaged or disenfranchised minority groups and women;
- Ensuring that women and minorities are enfranchised;
- Training electoral officials/ workers;
- Keeping candidates and political parties appraised of the electoral process;
- Providing information and advice about electoral matters to the government, the legislature, and departments of the executive;

- Creating regulations to govern the electoral process;
- Enforcing the electoral law and regulations;
- Researching electoral policy;
- Engaging in international cooperation and assistance; and;
- Certifying and promulgating results.

In order to facilitate a transparent election process without political bias, parliaments can encourage and support legislation that would establish an independent electoral commission, along with constitutional protection of such a commission. Parliamentarians can develop a process, involving all political parties and representatives, from a broad range of interests in the community, to appoint members of the commission. Furthermore, parliamentary committees can provide oversight of the conduct of the independent electoral commission; it is desirable that they be similarly representative. Parliament can ensure that the Electoral Commission is provided with adequate funding through the budget cycle process.

The Role of the Opposition in Representing the Community's Collective Interest in Conflict-Prevention

Ensuring that parliament reaches its potential as a representative institution requires more than the successful implementation of a transparent and legitimate election process. Once a representative parliament has been elected it is the responsibility of parliamentarians to represent the community's common interest in preventing violent conflict and reducing poverty. However, when thinking about what parliament can do in order to contribute to conflict prevention, there is a tendency to focus on the role that the majority plays in parliament, rather than parliament as an institution. Every parliamentarian has the capacity and opportunity to represent the broad interests of their constituency and society in general in conflict prevention and poverty reduction. It is just as important for opposition and minority parties to be effective representatives and contribute to conflict prevention and peacebuilding as it is for the majority. The strategies employed by opposition parliamentarians may differ somewhat from majority members, depending on their opportunities to contribute. The enabling environment, including the political, financial, regulatory or electoral environments in which political parties, and in particular the opposition

parties, operate and function impacts their capacity to fulfill their roles, whilst influencing their strategy and structure.

When engaging in peace processes, parliament should develop a political consensus so that it can speak with one voice on important issues and provide continuity. Alternatively, if relations between the government and sectors of the community become acrimonious, and the conflict has the potential to escalate, opposition parties can act as a bridge between the conflicting groups and the government. This becomes the case especially in parliamentary systems in which the executive is drawn directly from the party that commands a majority in parliament; therefore, so long as the opposition party is not promoting the dispute or directly representing dissident groups, it is potentially the only democratically elected group that can act as an intermediary. This could also be the case in a presidential system in which the executive is drawn from the same party that holds a majority in parliament. By acting as third party intermediaries, opposition parliamentarians may be able to instigate confidence-building measures, which are essential pre-conditions to fostering negotiation among conflicting groups. In order to achieve this though, opposition parties and the executive must be willing to work together to resolve conflict across party lines. As noted above, this would depend on the enabling environment, party politics in parliament and the willingness of the government to forgo acrimonious politics so as to develop a national consensus in the spirit of reconciliation.

Conclusion

Parliament is a forum that utilizes dialogue and discussion to find workable solutions for problems within communities that satisfy, to a greater or lesser extent, all parties.

However, in order for parliament to reach its potential as a peacebuilding and conflict prevention forum it is imperative that the institutional design of parliament and the electoral system results in a representative outcome that facilitates broad-based participation in the democratic process. A representative parliament is important, as it is better able to contribute to peacebuilding by bringing together representatives

from all groups in society who, by working together, start to develop a common vision that accommodates the interests of all groups.

Every parliamentarian has the capacity and opportunity to represent the broad interests of their constituency and society in general in conflict prevention and poverty reduction. For this reason, when engaging in peace processes, parliament should develop a political consensus so that it can speak with one voice on important issues and provide continuity between election cycles. Opposition parties and members can contribute to conflict prevention, not only by working toward a consensus and creating continuity but also by acting as a bridge between the conflicting groups and the government.

Unit 2 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. How does meaningful participation and representation in parliament contribute to conflict prevention?

2. Taking into consideration your own conflict-affected country or a conflict-affected country of interest, what objectives do you think its electoral system should ideally seek to achieve and why?

3. What type of electoral management body is in existence in your conflict-affected country or a conflict-affected country of interest and what are its functions? How could the electoral management body be reformed in order to improve the transparency of elections?

4. What can opposition parliamentarians, in their representative capacity, do in order to contribute to peacebuilding?

5. Why should parliament seek to avoid building a relationship with the media that is adversarial or too close?

Select Bibliography

European Parliamentarians for Africa. 2001. *Parliament as an Instrument of Peace*. Amsterdam: AWEPA

Harris, P and B. Reilly. 1998. *Democracy and Deep-Rooted Conflict: Options for Negotiators*. Stockholm: International IDEA

Horowitz, D.L. 1991. "Ethnic Conflict Management for Policymakers." In *Conflict and Peacemaking in Multi-ethnic Societies*. ed. Montville J.V. New York: Lexington Books

Horowitz, D.L. 2003. "Electoral Systems: A Primer for Decision Makers." *Journal of Democracy* 14(4)

International Institute for Democracy and Electoral Assistance. 2002. *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*. Stockholm: International IDEA

Malhotra, G.C. 2001 "Safeguarding Democracy: The role of the opposition in the Indian Parliament." *The Parliamentarian*. Issue 4 Vol.LXXXII

Norris, P. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge, UK: Cambridge University Press

O'Brien, M. 2007. "Making Parliament More Representative." In O'Brien, M; R. Stapenhurst and N. Johnston (eds). *Confronting Conflict: Parliaments as Peacebuilders*. Washington DC: World Bank Institute

Reynolds, A; B. Reilly and A. Ellis. 2005. *Electoral System Design: The New International IDEA Handbook*. Stockholm: International IDEA

Sisk, T. 1993. "Choosing an Electoral System: South Africa Seeks New Ground Rules." *Journal of Democracy* 4(1)

United Nations Development Programme. 2004. *UNDP Background Paper for Working Group Discussions: Governance in Post-Conflict Situations, UNDP & Chr. Michelsen Institute Bergen Seminar Series 5-7 May 2004*. Bergen: UNDP