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**Elections and Electoral Systems in Emerging Democracies:  
A Case for Electoral-System Re-Design in Malawi**

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Before launching into a more detailed survey and analysis of elections and electoral systems, a very cryptic discussion on democracy and good governance is necessary as, in recent years, these concepts have been pushed to the forefront in the political discourse on Africa.

## 1. Introduction

Unfortunately, in the year 2006, with Africa having entered what is euphorically called 'Africa's century', there is still a profound sense of hope being frustrated, of stereotypes being reaffirmed: the most common perception about Africa remains that of democratic government under siege, of constitutional governance being undermined, of the rule of law being flagrantly disregarded. This situation presents itself not because of 'biased media coverage', 'racial prejudice', the 'arrogance of Western powers', or 'an un-African response' to a particular problem; rather, it is because there is no binding commitment to democratic governance and the consequences that flow from such a commitment (see Slabbert 2000).

- **Liberal Democracy: A Compelling Necessity**

The process of democratisation and efforts at promoting 'democracy' in Africa are focused primarily on political reform. Many African leaders fear such a situation: as they are being pushed by internal societal pressures, some resist energetically, others stall, and still others play charades with both internal and external critics (Callaghy 1991: 59). In tandem, the emphasis on 'governance' is designed to address the corrupt, capricious and arbitrary practices which seem to afflict Africa's politicians and bureaucrats (Arnold 1991: 17). Ultimately, better governance requires political renewal and a concerted attack on corruption. This can be done by strengthening the transparency and accountability of representative bodies (*inter alia*, by free elections in a multiparty system), by encouraging public debate, by nurturing press freedom and civil society organisations (CSOs), and by maintaining the rule of law and an independent judiciary. Clearly, efforts to create an economically enabling environment and build administrative and other capacities will be wasted if the political context is not favourable (Callaghy 1991: 58).

So, almost imperceptibly, the narrower concerns of governance have shifted to the more expansive notion of democracy. But without stable and reasonably developed economies and some degree of industrialisation, a literate and educated citizenry, a sophisticated communications network, and a relatively homogenous civic culture, it is difficult to see how democracy will ever truly flourish in Africa (Arnold 1991: 15 & 16). This is not to suggest that it is impossible for democracy to take root in African countries -- political elites will just have to work much harder at it. Critically important in the process of democratisation is the political will to uphold the basic principles of democracy, as well as to create the necessary enabling environment for democracy to thrive. Economic growth and sustained development are of the essence in supporting Africa's fledgling democracies and preventing further tragic relapse into despotism and authoritarianism. Relatively sound economies (to provide basic human needs) seem to be essential ingredients for the ultimate success of a democratic order in Africa. Moreover, democracy has to be carefully nurtured, because democratic values (especially, political tolerance) cannot be inculcated in African societies overnight (Venter 1995: 184-185). Clearly, the pro-democracy changes that have taken place all over the continent will take time to consolidate and stabilise; and Africans should not take these moves towards liberalisation and reform for granted -- rather, they should seek to institutionalise change, and prevent retrogression and a return to the past (Nyati 1992: 7).

What, then, are the prospects that these changes might lead to the consolidation or sustainability of reasonably fair and enduring multiparty democracies in at least an appreciable number of African countries? It may be necessary to use a broad definition of multiparty democracy to mean any system in which opposition parties are allowed to form and peacefully contest elections – even if, in practice, there is only one dominant party whose electoral victory can almost be taken for granted. The dismal record of democracy in Africa raises the question of whether there is anything about sub-Saharan Africa that makes it inherently difficult to sustain democracy. The political argument against democracy suggests that, in what are essentially artificial African states, democracy must inevitably lead to the mobilisation of ethnic identities, which will then, in turn, split the state into its constituent ethnic communities and render impossible any form of government based on popular consent. Evidence, however, strongly indicates that multiparty democracy is much more likely to promote national unity than destroy it -- whereas, conversely, those regimes which have nearly destroyed the unity or even the existence of their states have all been autocratic (Clapham 1995: 1 & 2).

Although one might wish to argue that the decline of ideology inaugurates an era in which each nation can follow its own path to development and democracy, this is not likely to happen. Efforts to dictate the form and speed of democratisation -- to usurp, in other words, the role of determining local political change -- while overlapping to some degree with the aspirations of democratic movements in Africa, have come into conflict with local sentiment, as the open resort to political conditionality has proved particularly controversial and unpopular in Africa. Therefore, the final product of transitions may yet take distinctive national forms (Hutchful 1991: 55 & 58). Clearly, how democracy is visualised and defined varies from situation to situation -- and nowhere is this more of a truism than in Africa. However, in almost all circumstances, democracy is conceived of as involving social justice, governmental accountability, and human freedoms. Certainly, liberal democracy involves the procedural minimum of contestation for political office and policy choices, popular participation in elections and other elements of political decision-making, and the accountability of elected public officials under the rule of law. All this must take place within a culture in which fundamental human rights and political freedoms are guaranteed (Keller 1995: 225) -- indeed, both in Africa and elsewhere, democracy is going to be *the* human rights issue of the 21<sup>st</sup> century (Arnold 1991: 15). To this inventory should be added military accountability to civilian authority for, throughout Africa, the military has demonstrated that it is not averse to stepping into the political arena whenever the politicians ‘mess up’ (Karl 1990: 2). Moreover, democratic values should be more effectively internalised by Africans; this is not to suggest that they are *a priori* hostile to liberal values, but in order for such values to make sense they have to be related to ‘something in African society’. Making democracy more authentic, therefore, implies a more flexible and open-ended approach that takes into account not only the liberal paradigm but also ‘African values and institutions’ that can be used to foster a local sense of democracy (Hyden 1997: 238).

Nevertheless, Zimbabwean President Robert Mugabe’s contention that there is ‘an African variant of democracy’ (although he is not the first African leader to make such an assertion) is quite disconcerting, especially in a context where, throughout the 1990s and into the 21<sup>st</sup> century, there has been a disturbing phenomenon in international life: the rise of illiberal democracy, also in Africa. Beyond any doubt, the values inherent in democracy are universal: democracy is *liberal* because it emphasises individual liberty; it is *constitutional* because it rests on the rule of law (Zakaria 1997: 22). Clearly, the time has come to acknowledge that the values of liberal democracy have spread universally, especially among the growing ranks of the educated middle classes, also in Africa. Prominent African intellectuals like Peter Anyang’Nyong’o (1987) and Claude Ake (1990) vigorously espouse the advantages of core democratic principles over the indeterminate, and possibly second best, forms of governance based on so-called ‘authentic culture’. As a political system, democracy is marked not only by ‘free and fair’, multiparty elections -- a rather ‘mechanistic conception’, so prevalent in the

pseudo-democracies in Africa and elsewhere, and fuelled by the fad of election monitoring and observation -- but also by what might be termed *constitutional liberalism*: the rule of law, a separation of powers, and protection of the basic civil liberties of freedom of speech, assembly and religion, as well as the right to property (Zakaria 1997: 22 & 26). Indeed, there is far more to a free society than multiparty elections (Hawkins 1990: 207). But, very often, the arduous task of inculcating democratic values in society is widely being neglected -- and today, the two strands of liberal democracy are coming apart: democracy, seen in the context of multiparty elections and rule by the majority, is flourishing; constitutional liberalism is not. It is, perhaps, salutary to note that constitutional liberalism is about the *limitation of power*; democracy, in its oversimplified form, about the *accumulation and use, or misuse (even abuse), of power*. One should be mindful of the Actonian dictum that ‘power corrupts and absolute power corrupts absolutely’. Therefore, democracy stripped of constitutional liberalism is not simply inadequate, but dangerous (Zakaria 1997: 23, 30 & 42). Clearly, as Woodrow Wilson said in a different context, the challenge for this millennium is not ‘to make the world safe for democracy’, but ‘to make democracy safe for the world’ – emphasised by the fact that Winston Churchill, perhaps somewhat tongue-in-the-cheek, once opined that ‘democracy is the worst possible form of government until the alternatives are considered’.

- **Good Governance: An Illusive Commodity**

Governance it is the practice of good government (Bratton & Rothchild 1992: 267), and it remains, essentially, a fragile process that depends on the restraint of the ruler and the tolerance of the ruled (Barkan 1992: 189-190). The concept of governance (see Hyden 1992: 5-24) refers in a generic sense to the task of running a government or any other appropriate entity (like a professional organisation or a business), and the crisis on the African continent has been identified as one of governance (see World Bank 1989), pointing to such phenomena as the extensive personalisation of power; the denial of fundamental human rights; widespread, and even endemic, corruption; and the prevalence of un-elected and unaccountable government. Certainly, ‘governance’ is a more useful concept than ‘government’ or ‘leadership’, mainly because it does not prejudge the locus or character of real decision-making (see Lofchie 1989): for example, it does not imply, as ‘government’ does, that real political authority is vested somewhere within the formal-legal institutions of the state; nor does it imply, as the term ‘leadership’ does, that political control necessarily rests with the head of state and government, or official political elites. Moreover, a ‘governance realm’ is grounded in an effective, rules-based leadership that is perceived to be legitimate, and from which authority or power is derived – it is a realm which, through the prerequisite conditions of reciprocity, trust and accountability, is based on the voluntary acceptance of an asymmetrical relationship between the ruler and the ruled.

What conditions, then, facilitate what is known as ‘good governance’ and, by implication, effective problem-solving? First, *citizen influence and oversight* -- the means by which individual citizens can participate in the political process and thereby express their preferences about public policy; how well these preferences are aggregated for effective policy-making; and what means exist of holding the leadership accountable for their decisions and actions. Second, *responsive and responsible leadership*: the attitudes of political leaders towards their role as public trustees, meaning respect for the sanctity of the ‘civic public realm’; the readiness to share information with citizens; and adherence to the rule of law. Third, and extremely important, what is known as *social reciprocity*, meaning inter-group tolerance -- how far groups demonstrate tolerance of each other in the pursuit of politics, and how far voluntary associations are capable of transcending the boundaries of kinship, ethnicity, or race.

Governance crises tend to occur because of the incompatibility of unprocessed community demands on the one hand, and limited public resources on the other. By ignoring the citizen-control dimension, leaders become increasingly arrogant and unresponsive, thus seriously

deprecating available social capital. In the light of a weak social capital base, regimes find it difficult to cope with these pressures, thus making effective governance hard, if not impossible. Governance is performance-oriented: it examines how well a polity is capable of mobilising and managing social capital, so as to strengthen the civic public realm. Governance offers a meaningful way of relating to the ongoing efforts in the African continent to reverse autocracy and build democracy; in fact, the prime contemporary challenge in African politics is how to restore the civic public realm. However, the trend in post-independence politics in most African countries has been to disintegrate the 'civic public realm' inherited from the colonial powers and replace it with rivalling communal or primordial realms, all following their own informal rules.

The result has been at least four major shortcomings, which are the cause of 'bad governance' in Africa. First, *personalised rule* encourages clientelist relations that may generate trust on a dyadic or two-person basis, but discourages the growth of new forms of trust and reciprocity (see Jackson & Rosberg 1982). Second, initially Africans saw human rights as communitarian or group based, and individual human rights were regarded as a Western concept; but following the *frequent and widespread abuse of human rights* by errant rulers, Africans gradually began to recognise their significance and vital importance (see An-na'im & Deng 1990). Third, a prominent feature of African post-independence rule has been a reluctance to decentralise or delegate authority, and the tendency to curb any independent political activity outside an institutional network controlled by a ruling party-state (see Chabal 1986). By marginalising civil society structures and curbing associational life, African regimes have fostered blind compliance and a lack of concern for a strong 'civic public realm'. Fourth, citizens tend to withdraw from politics, or to evade rather than engage political authorities; generally, because the shrinking of the 'civic public realm' has limited the opportunities for citizens to use their 'voice option', they have been reluctant to speak out for fear of being victimised. Instead, they have tended increasingly to exercise their 'exit option': their ability 'to vote with their feet' in order to escape from bad governance and repressive political control (see Hirschman 1970). Finally, governance is particularly relevant for African societies who, in the rapid rush to decolonisation and the crystallisation of post-colonial authoritarianism, have rarely enjoyed the opportunity to legislate a form of government rightfully their own; it is an affirmation of a people's right to self-determination, to participate fully in political affairs, and to make their rulers accountable to them for their actions (Bratton & Rothchild 1992: 284). Also of particular significance is that African governments, for budgetary reasons, have been forced to contract their activities: the state simply does not reach out into society as it used to do. Some believe that this vacuum creates opportunities for civil society to grow, and state contraction may, therefore, pave the way for stronger governance structures (Hyden 1992: 25; see Diamond 1988).

**In conclusion:** imageries are important not because they portray reality, but because they are capable of masking reality and giving it a sense of normality (Venter 2003b: 346). This is a truism in the case of quite a number of African political systems: the incongruence between their perceived image as guardians of democratic values and good governance principles and, quite often, their reality as instruments of civil dictatorship. Sadly, the significance of the role that democracy and good governance should play, the values and ideals they represent, and the functions they perform in the political life of citizens have been either misconstrued, even perverted, or negated by often corrupt political leaderships -- leaderships interested neither in democracy and good governance, nor in the pluralistic dividends multiparty systems are supposed to deliver. Multiparty politics portrays the form and not the content of the long-cherished relationship between pluralism (expressed in multiparty democracy, the cornerstone of democratic governance) and its role in harnessing the machinery of government -- in essence, constraining the government's lethal capacity for the abuse of power.

Despite the odds against responsible and accountable multiparty politics -- particularly, its potential for institutionalising majoritarian tyranny under the pretext of democratic rule --

these constraints are surmountable. Quite pointedly, the prospects of transforming African political systems into functioning, rather than imageries of virtual, democracies is an uphill struggle that requires the emergence of new leadership better placed to meet present-day challenges – challenges confronting the very core values that inform their current styles of governance. As adaptations to the Lesotho electoral system have shown, some ingenuous changes can bring discernable shifts in representation and, hence, political accommodation. By and large, this is a minimalist approach, which could solve the immediate and, probably, the more apparent problems of democratic rule in Africa. Naturally, the more structural problems require structural solutions: without such solutions, the futures of African democracies are bleak, to say the least, and the sustainability of fledgling democracies less secure than what the imageries tend to portray.

## **2. Elections in the African Context**

Many Africans remain sceptical about the appropriateness and the ultimate utility of elections as an instrument of change. In fact, elections can exacerbate social tensions by further polarising highly conflictual societies. This is true particularly when incumbent regimes manipulate election rules to their own advantage (see French 1995). However, others see elections in Africa as the only way to create truly legitimate governments that protect human rights, govern accountably, and genuinely represent the people. Although imperfect in many respects, elections – even in Africa’s predominantly rural, semi-literate, and deeply divided multi-ethnic societies – are the only vehicle through which democracy and long-lasting, peaceful politics can begin to take root. Indeed, elections have been more or less successful vehicles for establishing fledgling democracies, setting the stage for a longer-term evolution to full democracy and, hopefully, eventual democratic consolidation (Sisk & Reynolds 1998: 2-3).

There is ample evidence that elections have had both salutary and destructive effects on ethnic relations. The democratisation process can either serve to constitute a legitimate government and channel participation and contestation through inclusive, rule-governed institutions of the state, thereby opening up new opportunities for conflict management -- or, they can establish the context for heightened tensions, fears and ultimately widespread violence, especially but not inevitably along ethnic lines. Political actors have to make critically important choices over alternative institutions through which to manifest the transition towards democracy (see Sisk 1995: 45-59). These choices, particularly the choice of an electoral system and the consequences of this choice for the democratisation process, portend much for whether any given experience with democratisation will exacerbate conflict or ameliorate it. An analytical premium should therefore be placed on the role of institutional design, and particularly on the role of elections and the systems under which they are contested. The critical question for both research and policy is how democratisation can be conceived to achieve both aims of democracy promotion and the amelioration of potential conflict concurrently. There need not be a dichotomy that juxtaposes democratic elections and social stability. On the contrary, elections can help create an environment that promotes social stability through the creation of legitimate, inclusive, representative government (Reynolds & Sisk 1998: 12 & 13).

Clearly, elections must be viewed in context: they are neither the sole means to, nor the exclusive end of, democracy -- moreover, an election is not an event, but a process. The elections process is often misperceived as a rather simple, single-moment, horse race-type of event -- the actual balloting and the intriguing issue of who “wins” and who “loses”-- rather than as a varied set of events and decisions leading up to elections that have long-lasting consequences once the proverbial dust of political contestation has settled. Nevertheless, an election is a defining moment – a critical turning point – in any transition (see Druckman 1986), with clear and important ramifications for whether the outcomes will lead to greater democracy and new opportunities of managing political conflict through political institutions.

But even as a brief episode in a larger political process, elections are what can fruitfully be called linchpin events, in which progress towards greater democracy is made or set back, and in which the incentives and disincentives for violent conflict, especially ethnic conflict, are rearranged and redefined (Reynolds & Sisk 1998: 13-14). This is especially true of founding elections, which occur as the capstone of extended transitions from authoritarian rule to multiparty democracy (see O'Donnell & Schmitter 1986). Furthermore, transitions from authoritarian rule and "failed states" to democracy occur in stages and sometimes stall by failing to move from one stage to the next. Questions that arise are: what will be the relationship between key political elites, and between political elites and society (that is, state-society relations), between elections? What institutions will be established to structure these relations? As such, questions of electoral system design – for example, the choice of electoral formula, the level of effective thresholds, constituency magnitude, and assembly size -- cannot be considered independently of the larger question of what overarching constitutional framework, both formal and informal, is most likely to sustain democratic practice in a society given the configuration of key players (political parties) in the prospective political game (Barkan 1997: 18).

Regular elections are an important measure of democratic governance, though they do not necessarily constitute democracy *per se* (see Nzongola-Ntalaja 1997): reducing democracy to elections would amount to what is called the "fallacy of electoralism" (see Diamond 1996). But rightly or wrongly, the commitment to, and the holding of, elections has become the litmus test of a sincere commitment to democratic governance (Tekle 1997: 113). Moreover, periodic elections are seen as a means of popular intervention and participation in the political process and hence they contribute to the entrenchment of democracy (see Makoia 2005). Therefore, while the periodic holding of elections is a necessary condition for the establishment of representative democracy, elections by themselves (especially a 'first' or 'second' election that is flawed) do not guarantee a successful transition to democracy. Furthermore, the successful holding of an early election is itself dependent on a series of other conditions which form the corpus of the democratic process, and whose realisation is in large part the essence of any transition to democracy (Barkan 1997: 18): 1) the right of any individual to run for office; 2) the ability of candidates and/or parties to make their electoral positions known to the public via the media; 3) free and fair elections; 4) freedom of expression; 5) freedom of assembly and associational autonomy; 6) freedom of movement; and 7) the development of a democratic political culture in the minds of the citizenry (Dahl 1989: 221).

The majority of transitional polities are found in underdeveloped countries where half or more of the population (sometimes up to 90 percent) resides in rural areas and derives its livelihood from the land. Indeed, most people in agrarian or peasant-based societies define their identities and their political interests in terms of where they live or from where they originate, rather than in terms of what they do, their class position, or other interests that cut across the geographical boundaries that separate the constituent groups in society. Instead, politics is fundamentally local in content and concerned with meeting basic needs: how a specific community can obtain a school, or a health clinic, or water services, or a road to ease market access. Political parties in transitional societies are therefore organised on the basis of competing clientelist networks or coalitions of competing networks, which are established on a territorial basis by leaders who make overt appeals to the primordial identities and interests of the population. The result is that political cleavages occur along the territorial boundaries that separate ethnic or other groups. A major consequence of these conditions is that 'first' and other early multiparty elections are often marked by a high geographical concentration of the vote for the main parties contesting the election. Parties typically obtain majorities of 70 to 90 percent of the vote in several areas, while obtaining a small fraction of the vote in others – compare Malawi's election results of 1994, 1999 and 2004. The result is not a multiparty system in the classical sense of the word but rather a series of adjacent one-party systems or one-party dominant systems within the boundaries of one country. This result is likely to have

a highly divisive impact on the polity, because it exacerbates existing social divisions within society: from the perspective of the contestants, politics and elections is a zero-sum game. Conversely, this pattern is far less pronounced in urban areas. One would therefore expect that the less economically developed and less urbanised the society, the more voting patterns will exhibit these features and complicate the task of establishing a viable electoral system. This is why careful attention must be paid to how alternative electoral formulae are likely to function as the societal context varies. Finally, all elections may be mechanically similar, but they vary greatly in terms of the politics that surrounds them, the manner in which voters approach the electoral process, and the distribution of the vote.

A flawed election – one for which the results are regarded as illegitimate and not accepted by losing candidates and parties – can stall and in some instances indefinitely block any transition. The decision by political parties and individuals to participate or boycott an election is determined by whether the electoral process is administered by an independent, respected and impartial electoral commission and, especially, whether the security forces protect and permit all contestants to campaign freely. When either or both of these conditions are not met, the prospects for a “successful” election are dim. Here again, an election that is well run from an administrative viewpoint on election day, may not produce legitimate results if the run-up to the exercise has been otherwise flawed. The most basic requirement for a “successful” election, therefore, is that it creates legitimate representative government. At a minimum, this means an election in which all significant players compete and accept the outcome; this does not simply mean the largest players, but rather all parties, groups or individuals whose participation in the election and acceptance of the outcome are essential to a stable democratic order – and whose non-participation and non-acceptance of the outcome have the capacity to disrupt the post-election political process. Beyond this, a successful election is one that not only elects a government, but also elects a viable opposition that is respected by the government and with which the government is prepared to bargain. Opposition respect for the government is another sign of a successful election, as is a consensus on electoral procedures. This characterisation of a “successful” election is somewhat different and more stringent than the popular criteria of “free and fair”, because it focuses on the outcome and aftermath of the election, rather than on the integrity of the administration of the process on election day, or during the run-up to the election – for example, the competence and efficiency of those administering the election, and the existence of a “level playing field” for all candidates and parties. Important as these considerations are, an election that is merely procedurally “free and fair” may not set the stage for truly democratic politics. The “success” of an early election often turns on whether and how an array of issues that fall under the heading of “constitutional engineering” are resolved before the first election, and whether the resolution of outstanding and new issues is achieved between first and subsequent elections. Put differently: of vital importance for an election to pass the test of legitimacy is whether all significant contestants are agreed on the utilisation of a particular electoral system, and the electoral formulae and electoral rules surrounding it (Barkan 1997: 18-22 & 24).

To expand on this theme (Tekle 1997: 116-117 & 118): the “fairness” of an election is judged by the capacity of the electoral system and electoral law to enable all legitimate parties to compete for the electorate’s vote without any interference or obstacles. More often than not, the electoral law may be well nigh perfect, but the application of the letter and spirit of the law may be woefully lacking. An election can be considered “fair” only when it is ascertained that the letter and spirit of the law are scrupulously adhered to both by the electoral authorities and the government of the day, and when there exists an enabling environment which make it possible for all contesting parties to win the support of the electorate in an honest way. However, two predicaments become immediately evident in the African electoral setting. First, many an incumbent government has been too ready to violate the letter and spirit of not only the electoral law but also the Constitution by constant amendments or even direct executive order, if it perceived that it could gain or deny its opponent possible advantages.

This constitutes the crudest form of electoral fraudulence, *à la* Robert Mugabe of Zimbabwe. The use of state institutions and public resources is the second, and much knottier, problem and a more subtle issue since it may not involve illegality and can even be explained by the circumstances surrounding it – but, it is also a more serious issue since its abuse is more flagrant. It concerns the relationship between, and respective roles of, the police and other security forces and the election authorities of a country. Incumbents have used the police and intelligence units not only to harass the leaders of opposition political parties and their candidates but also to intimidate the electorate, especially during public rallies. Moreover, the issue of the use of state resources for political purposes is particularly relevant to incumbents which may abuse privileges related to office – vehicles, office equipment, official visits outside the capital with travel allowances, and so on. This has been as rampant in Africa as elsewhere.

Another issue is that in Africa, the media, and particularly the electronic media, is largely owned, or controlled, by the state. The media plays an important role in campaigning and in voter education; this empowers it to highlight the issue of the election and to influence public opinion. In the best of cases, the electoral law and subsequent regulations and guidelines provide for free access to, and equitable use of, the media. In most instances, these regulations and guidelines make arrangements for free air-time to be available on public radio and television to all parties and, in some cases, impose financial limits on party political advertising even in the privately-owned media. Enforcement, however, has been difficult if not impossible. How does one ensure that the public media distinguishes the genuine news value of action taken by the government in its official capacity from extensive coverage which may be an abuse of the position of incumbency during an election period? Furthermore, in Africa, where the literacy rate is low, the electronic media is more important than the print media and, among the electronic media, the radio plays if not a more significant role then at least a more accessible one. Perhaps this is why most African electoral guidelines on media use focus on electronic air-time and, more importantly, on radio (Tekle 1997: 117). Clearly, the development of a vibrant civil society and a democratic political culture will be conducive to nurturing a free press and electronic media, as well as cultivating positive attitudes towards human rights (Barkan 1997: 23).

Political analysts generally agree that elections serve multiple roles in a democracy, more or less simultaneously, and they recognise that elections serve limited, but crucial, purposes in the political process. In any democracy, elections can serve the following objectives (Reynolds & Sisk 1998: 15-17):

- ***Legitimizing Rule, or the Will of the People***  
The imprimatur of the support of the will of the people (or, at least, a plurality or majority of the people) is widely seen as the vehicle through which the ability to govern is legitimated. Robert Dahl (1989: 233), a pre-eminent theorist on democracy, declares that: “As an ostensible ideal, a component of prevailing ideologies, and a justificatory myth of rules, ‘democracy’ has become nearly universal today. [Even] in authoritarian countries, in an attempt to lend legitimacy to the regime, ‘democracy’ is often simply redefined. Yet, however much they distort and qualify the idea of democracy, in all except a handful of countries today government leaders not only claim that their government is for the good of the people, ... but beyond that, ... they also claim to be responsive to the will of the people”.
- ***Alternation in the Governing Coalition and Ruling Elites***  
In situations in which the defeat of an incumbent is possible, elections allow for alternation in governing coalitions: that is, today’s officeholders may be tomorrow’s opposition, and vice versa. Alternation in governing coalitions entails, essentially, an exchange of elites; such an exchange occurs when a governing party is defeated and an opposition party takes over, or when leadership change occurs within a given government or party as the result of an election. Moreover, alternation and exchange of elites is viewed as healthy and necessary in inducing fresh ideas to governance and specific

approaches to public policies (see Horowitz 1991; Przeworski 1991). The possibility of alternation is what keeps parties committed to playing by the rules of the game: it institutionalises uncertainty, which is viewed as healthy precisely because it provides incentives for continued play within the rules, as opposed to violently arbitrated conflicts in the streets. A comment by Donald Rothchild (1991) is quite instructive: "... elections represent ... the shadow of the future. If you feel you have a chance of winning someday, then one may have a motive to play according to the rules, and this encourages an ongoing democratic process" (see also, Tekle 1997: 120). Naturally, in situations of potential conflict along ethnic group lines, alternation ensures that, potentially, no group is permanently excluded from power, which some analysts would argue is a critical indicator of whether violence is likely (see Gurr 1993).

- ***Confidence-Building***

If structured appropriately, elections provide incentives for political minorities to participate if they feel they have a chance of playing a significant role in the political life of the country: that is, elections give minorities the opportunity to exert influence and build confidence in the political institutions.

- ***Encouraging Stability***

To the extent that elections are perceived as yielding representation, inclusiveness, and fairness, they foster identification with, and ownership of, the political process. The more a political system is perceived as representative, inclusive, fair and just, the less the likelihood that any group of citizens will mobilise to change it violently. A key value is the legitimacy of the regime -- stability based on order imposed by an illegitimate regime is illusory.

- ***Educating the Public***

Elections also serve a public education function by defining the issues, ideologies, and public policy positions of the contestants. Election campaigns force would-be rulers to articulate a vision for the society and to distinguish that vision from the vision of competitors. Elections offer significant opportunities for learning about the stated intent of parties to wield power as elected decision-makers, and about the personalities and views of any given candidate.

Elections, as competitions among individuals, parties, and their ideas, are inherently just that: competitive. Moreover, elections are, and are meant to be, polarising: they seek to highlight social choices. On the other hand, the management of potential conflict implies consensus-building, or reaching common ground. Is there an inherent tension between the competitive nature of elections and the consensus-seeking demands of managing potential conflict? It depends -- and perhaps the most important variable it depends on is the choices the parties make in the course of the democratisation process about the types of political institutions to be employed, including but not exclusively the electoral system. Institutions are susceptible to "political engineering", or structuring of the rules of the game to provide incentives for specific types of behaviour (see Sartori 1994). Appropriate institutions can nudge the political system in the direction of reduced chances for potential conflict and greater governmental accountability (Reynolds & Sisk 1998: 18).

### **3. Election Management**

Given the centrality and importance of elections to democratic governance, the impartial, transparent and professional management and administration of the electoral process is as important as the outcome of the electoral event (the actual election) itself (see Dulani 2005).

#### **The Electoral Commission:**

It is not possible to conduct free and fair elections in the absence of a competent, dedicated and impartial group of persons of unquestioned integrity, who enjoy the respect and broadest possible support of the population. Under the circumstances, those who have championed

change to a democratic order have insisted on the creation of an independent electoral commission composed of independent-minded experts in the field of election administration, who are committed not only to deliver free and fair elections but who, in the process, will also contribute to the promotion of a democratic culture in society. Such a commission must, of course, be legally enabled with the requisite functions and powers (Tekle 1997: 116). Playing a pivotal role as the highest electoral body in a country, the commission must be empowered to assert its status, independence and integrity. Furthermore, the impartiality and transparency with which commissioners and electoral administrators act and are seen to be allowed to act is equally important (Malunga 2001: 28).

There is a wide area of best practices in election management, characterised by *transparency*, *efficiency*, and *cost-effectiveness*, and towards which electoral reform should be directed (see Afari-Gyan 2001: 1-7). Although there is a need to be descriptive in places, invariably one would also need to be prescriptive and talk about what changes need to be brought about. It has now almost become the norm to call the body administering elections an ‘independent electoral commission’; however, attaching the word ‘independent’ to the name does not automatically make an electoral commission independent -- it may even be a way of consciously hiding aspects of lack of independence from public view. Electoral commissions in Africa differ in their structures, functions, powers, and the tenure of their members. In spite of this, ideally, the main attributes of an electoral commission should include:

- practical rather than theoretical legal guarantees of the independence of the commission from the government or any other external body;
- security of tenure of office of the commissioners and the key officers of the commission should be such that no person can be summarily removed or has to worry about his or her reappointment or retention;
- the ability of the commission to hire its own personnel and to plan for the professional training and development of such personnel;
- the complete subordination of everyone working for the commission to its direction and control – also the rewarding, disciplining, and firing of personnel; and
- the provision of adequate resources (including financial resources) must be guaranteed and be enforceable in law so as to enable the commission to effectively carry out its functions.

Electoral commissions should avoid a situation where they are totally centralised in the national capital and have no continuous or active presence in the regions and outlying districts. Quite problematical is the fact that, because a neutral civil service is not firmly rooted in African governmental practices, local government officials are usually perceived by the general public to be politically aligned to the government of the day. So, for the electoral commission, having to appoint local government officials to high positions in election administration is often viewed as compromising the neutrality and integrity of the electoral process. This staffing conundrum is of crucial importance, because in election administration perception is as important as reality itself.

There are, indeed, two major aspects to transparency. One has to do with the manner in which the election management body, or electoral commission, and its officials conduct their business. In this connection, transparency means *openness* across the board without discrimination as to party or candidate. With the exception of a few things that require secrecy, election administration is public business and must not only be done in the open but must also be opened to public scrutiny. Election administrators are increasingly coming around to an acceptance of this principle. The second aspect of transparency has to do with electoral system design – that is, the election framework itself. Everywhere election administrators are trying to put in place a transparent framework of procedures and processes for the conduct of elections. In this context, transparency goes beyond openness and involves *verifiability* and *accountability* as elements of the integrity of the system. Verifiability means

that one is able to ascertain the authenticity of the outputs of the electoral system, should disputes arise; and accountability means that one is able to trace any lapse in performance, mistake or deliberate wrongdoing to the exact point where it occurred. However, it must be borne in mind that electoral systems are not finished products; they evolve over time and are always subject to reform through changes to laws, regulations and administrative procedures. In a zealotry to prevent tinkering with the electoral process, very detailed election laws and regulations seek to govern practically every aspect of election administration, as if an electoral system can be established once and for all. This may have unintended consequences: one should remember that laws are not easy to change; this leaves hardly any room for innovation or administrative solutions to unforeseen problems, or even to take advantage of new electoral products. In the desire to achieve transparency and accountability, one sometimes ends up over-regulating and complicating the electoral process. It is also important to remember that the more complex the electoral system, the greater the number of points at which conflict may arise.

Dwindling donor support leaves the African election administrator with no choice but to find ways to administer elections in a more cost-effective manner. Obviously, this is not going to be an easy or pleasant task – but it must be done. Although self-evident but not exhaustive, the following are ways which could assist in cutting down the cost of elections:

- Having to register voters afresh for every major election is just too costly; it is more cost-effective to establish appropriate facilities and a permanent, computerised register, which is then updated by adopting a system of continuous registration, whereby persons who become qualified to vote can place their names on the register at any time. Combined with an efficient way of removing the names of deceased persons, and transferring those voters who have moved from one constituency to another, continuous registration has the merit of making the voters' register inclusive and current. Having to deal with huge volumes of data, the potential benefits of suitable technology in information management should be realised and implemented: data can be captured faster, stored safely and more conveniently, and retrieved more readily.
- Careful consideration should be given to the possibility of reducing the number of paid staff members used in the administration of elections by utilising the services of properly trained part-time personnel, especially during periods of peak activity.
- Adequate care must be given to the custody and proper preservation of re-usable electoral items to prevent loss, theft, or deterioration, and avoid unnecessary future costs.
- Reducing printing costs by culling the number of election forms and notices -- and, especially, the careful calculation of ballot paper booklet denominations in order to avoid an excessive number of extra ballot papers which could lead to accusations of electoral fraud.

The institution responsible for managing elections in Malawi is the Malawi Electoral Commission (MEC), set up under Chapter VII, Sections 75-77 of the *Republic of Malawi Constitution* and in terms of the *Electoral Commission Act* of 1998, whereby the Commission is required to exercise general direction and supervision over the conduct of every election in line with the provisions of Section 8 of the Act. In addition to the broad functions and powers conferred on the MEC by the Constitution, the *Presidential and Parliamentary Elections Act* of 1993 and the *Local Government Elections Act* of 1996 further define the mandate, powers, and functions of the Commission. In its mission statement, the MEC commits itself to the conduct of free and fair elections through the creation of a legal, policy and strategic enabling environment in order to contribute towards a meaningful and sustainable democracy (Potani 2001a: 150; Potani 2001b: 175-176). The key electoral functions of the Commission include 1) management of the voters' roll; 2) conducting of voter education; 3) provision of electoral personnel and voting materials; 4) supervision of the polls; and 5) announcement of the election results -- it also have administrative functions that include 1) determining new, and reviewing existing, constituency boundaries; and 2) handling electoral petitions and

complaints (Chirwa 2005: 44). In order to execute these functions, the MEC has its own Secretariat, headed by a Chief Elections Officer, who is assisted by two Deputy Chief Elections Officers: one is responsible for Operations and the other for Finance and Administration. There are four divisions in the secretariat: the Electoral Services Division, which deals with matters relating to the electoral process; the Civic Education and Information Division, which handles civic and voter education; the Finance and Procurement Division, which deals with the management of funds and procurement of materials; and the Administration and Personnel Division, which handles administrative and staff matters (Malunga 2001: 28-29).

Although Section 76 (4) of the Constitution states that “the [Malawi] Electoral Commission shall exercise its powers, functions and duties ... independent of any direction or influence by another authority or any person”, the way in which the Commission is appointed creates the impression that it might be susceptible to the influence of the executive (Chirwa 2005: 49). However, the procedures for appointing commissioners are not, in essence, much different from what the practice is in other African countries. The chairperson of the MEC is nominated by the Judicial Service Commission (JSC), but formally appointed by the President, who also appoints the other members, not fewer than six, in consultation with political parties represented in Parliament: in practice, the parties nominate their own representatives, who are then formally appointed by the President. But the President also has constitutional powers to remove a member of the MEC from office on the recommendation of the Public Appointments Committee of Parliament on grounds of incapacity or incompetence; it is the dominance of the executive in these specific circumstances that Chirwa (2005: 49) feels undermine the independence of the Commission -- in the minds of many it creates enough grounds for suspicion of possible manipulation by the executive. The nature of appointment of electoral commissioners is, therefore, absolutely crucial in establishing the MEC’s independence and autonomy. Any suspicion that the Commission and commissioners might be subjected to the political whims and manipulations of an incumbent government would be a recipe for disaster. There must also be security of tenure for commissioners: tenure should, preferably, not coincide with the normal 5-year term of an elected government and should be for a maximum of two consecutive 7-year terms. By staggering the tenures of commissioners, the Commission will be able to assure the all-important aspect of continuity by retaining critical expertise and experience. The Commission should, besides having its annual budget approved by Parliament (with complete control over its own finances), be accountable for its activities, at regular intervals, to Parliament and the Auditor-General only.

### **The Role of Political Parties:**

The tendency in the past was for an electoral commission to regard itself almost as an impregnable fortress and political parties and other stakeholders in elections (for example, independent candidates) as illegitimate or unwelcome intruders in its sacred domain. However, this situation is changing. In some places, political party representatives serve as members of the electoral commission; in some, political parties liaise with the commission on a formalised basis; in others, political parties and the commission collaborate under a non-statutory arrangement. Whatever the case, the essential factor here is the realisation that ongoing dialogue, discussion, consultation, and co-operation between the election management body and political parties is essential to the smooth functioning of the electoral system. There must be interaction with political parties even when elections are not pending. Through constructive engagement, opportunities to make inputs into electoral programmes and representation at key points in the electoral process, such as the registration of voters and the monitoring of election-day activities, it is possible for political parties to develop a sense of involvement, shared responsibility, and common ownership of the electoral system, which facilitates the ready and peaceful acceptance of electoral outcomes. At the very minimum, ongoing dialogue with political leaderships has the potential of easing tension, mistrust, suspicion, and unnecessary confrontation.

Not only do the requirements for registration as a political party differ from one African country to another, but in some countries political parties are registered afresh close to each election, and some parties go into long periods of inactivity or hibernation soon after the election only to somehow resurrect during the period leading up to the next election; while in others, once registered, a political party continues to exist indefinitely subject to the maintenance of certain conditions. Clearly, constructive engagement of political parties is facilitated where they exist on a continuous rather than periodic basis. Equally important, unless political parties operate on a continuous basis, they are less likely to play the role expected of them in a democracy, including that of educating, mobilising, and forming public opinion. This has led to calls for some form of state or public support to political parties, also enabling opposition political parties to operate on a continuous basis and be competitive with ruling parties, thus contributing to a levelling of the playing field and truly democratic elections. Alongside the issue of political party funding is the issue of campaign finance and the vexed question of how to restrict the role of money in elections. However, in view of the tremendous advantages that accrue to ruling parties, incumbent African governments are likely to resist attempts either to level the playing field through funding or to curb campaign expenditure.

### **Voter Registration and Other Election-Related Matters:**

In Section 77, the Malawi Constitution states that all persons shall be eligible to vote in any general election, by-election, presidential election, local government election or referendum, provided they are qualified to register as voters. Qualifications for registration are 1) citizenship by birth or 2) continual residence in the country for a period of not less than 7 years; 3) an age of 18 years or older, and 4) residence, employment or operation of a business enterprise in the constituency where the voter wants to exercise his or her vote. Major deficiencies in the management of the electoral process for the 2004 general elections in Malawi compromised these constitutional provisions on the franchise in a number of ways (Chirwa 2005: 44-51):

- First, the voter registration process was marred by irregularities and logistical problems ranging from shortages of registration forms and appropriate equipment to the actual transportation of materials to registration centres. This seems to be a perennial problem as similar deficiencies occurred in 1999, which suggests not only poor planning on the part of the MEC but also a failure to learn from past mistakes and take the requisite corrective action. This not only undermines public confidence in the electoral body, but also has the potential to seriously erode confidence in the elections themselves and, most crucially, their outcomes. It is no use to lay these deficits at the door of poor funding and delayed and inadequate technical and financial support from donors, which, in itself, is a tacit admission of poor planning. Quite clearly, it points to the need for the elections process in Malawi to be institutionalised and for its operations to become a standard item in the government budget -- if it is not already the case.
- Second, the franchise was also compromised by the mismanagement of the voters' roll. A serious problem arose when the MEC announced the figure for the total number of registered voters in 2004 (6,669 million) and this bore no relation to the country's natural demographic trends as, for example, projected by the National Statistical Office, NSO (5,594 million). Immediately, this served as a pointer to possible vote rigging. Indeed, the disputed voters' roll created a crisis of confidence in the management of the electoral process, the elections themselves, and in the MEC as an electoral body. Opposition parties interpreted it as an attempt by the governing United Democratic Front (UDF) to rig the elections, by manipulating and inflating the voters' roll through the MEC and, *inter alia*, by creating opportunities for "multiple voting". But it should be noted that the NSO's figures were mere projections and were not based on a concrete recent national population census, the last of which took place in 1998. Therefore, at the centre of all this controversy was the integrity of demographic databases in the country. Clearly, the registration of voters and updating of the voters' roll -- by, *inter alia*, removing all

deceased persons from the roll and, by so doing, preventing so-called “ghost-voting” -- should be a continuous activity performed by permanent electoral officials and should not be limited to a 14-day period prior to elections. As Barkan (1997: 23) argues, although expensive, in the modern era there should be a computerised register of voters; but there must also be the capacity and commitment to sustain such systems between elections.

Clearly, in any society it is of crucial importance that some form of personal identification documentation be introduced to underpin a credible process of voter registration. Any modern society needs a system of personal identification to run, for example, a proper banking and judicial system; and, in order to implement such a fail-safe personal identification system, also to determine voter eligibility based on age and citizenship requirements, fingerprinting should be obligatory. Although costly, every effort should be made to eliminate any perception that ‘the authorities’ can use incumbency to fraudulently manipulate the voter registration process (and the actual poll) to the ruling party’s advantage. It is vitally important to successfully address the problem areas in elections which usually cause results to be questioned: ‘under-age voting’, ‘ghost-voting’, and ‘double-voting’ -- also ‘absent-voting’, prior voting of election officials, police, security personnel, hospital staff, and other emergency services on the day before elections, and the safeguarding of their votes to the satisfaction of all parties (Venter 2003a: 28).

- Third, “buying up” or otherwise illegally obtaining voting certificates or voting cards -- in whatever guise, be they job offers or monetary/agricultural input incentives; essentially bribes -- create another serious deficiency in the electoral process. Nonetheless, voting regulations in Malawi allow a person who has “lost” his or her voting certificate in one of these ways to vote as long as he or she can be traced on the voters’ roll on polling day, and if he or she has authenticated identification or is positively identified by the polling staff or monitors. But the real issue at stake here has more to do with fear on the part of those who had “lost” their voting certificates and who believe that this meant they cannot vote. This may easily happen in a society that is still overwhelmingly rural in nature and where literacy rates are low, consequently leading to a lack of understanding of voting regulations.
- Fourth, another crucial deficit was the questionable integrity and professionalism of the MEC as an election management body; in fact, the MEC was rocked by constant controversy. Casting a cloud of suspicion on the Commission was the attack by CSOs, who accused it of “overall inefficiency”. Moreover, the public image of, and popular trust in, the MEC was further eroded by malpractice by top officials.
- Fifth, in the face of mounting criticism over the integrity of the voters’ roll, the MEC was forced to carry out a “cleansing exercise”; the work could not be completed in time for the voters’ roll to be readily available in all constituencies, with the result that voters did not have sufficient time to inspect the roll as required by the *Presidential and Parliamentary Elections Act*. The inability of the MEC to comply with the relevant sections of this Act (providing for the verification of the voters’ roll by the public) was a further indication of its failure to operate within the prescribed electoral rules and regulations and, in fact, highlighted a critical breakdown in undertaking its responsibilities in ways that would ensure a smooth electoral process (see Dulani 2005). This state of affairs served to further undermine not only the credibility of the MEC, but also the election outcome (see Chirwa 2004). In a stinging indictment of the MEC, the African Union Observer Mission stated that “the controversy surrounding the voters’ roll not only exposed the weaknesses of the Malawi Electoral Commission in the management of elections, but affected the ... conduct of the elections ... The very fact that there were problems in reconciling the figures of eligible voters, that the voters’ roll had not been finalised early enough to allow for proper verification and resulting in court action ..., pointed to insufficient capacity of the Malawi Electoral Commission to adequately prepare for the elections” (see African Union 2004).

The credibility of the electoral body was even further eroded by its failure, on two counts, to create a level playing field for the electoral process (Chirwa 2005: 51 & 52):

- First, the MEC exercised no control over the election campaign, although the law mandates it to do so. The legal requirement is that the election period is confined to two months; campaigning outside the official campaign period is an electoral offence. However, the governing party, the UDF, launched its campaign more than four months prior to the elections and the MEC failed to discipline it, despite numerous calls from stakeholders and a court order.
- The second problem was the ruling party's monopoly of the public media: on state radio (MBC) and television (TVM), the UDF was accorded up to 93 percent of all positive campaign coverage (see Neale 2004). This is a perennial problem in Africa and also featured as a contentious issue in the 1994 and 1999 Malawian elections. A media coverage study of the 1999 elections even show that there was a deliberate effort by the governing party to create a media disinformation campaign. Clearly, this undermines the democratic credibility of the entire electoral process.

Finally, there are four major impediments to electoral reform in Africa:

- ***A reluctance to depart from past practices:***  
Call it fear of the unknown or a natural resistance to change, but this is a well-known phenomenon and it operates, in particular, at the level of systemic or structural change.
- ***Considerations of power arithmetic:***  
This refers to calculations of present advantage over the longer-term interests of the country as a whole; often this manifests itself in the form of resistance by incumbent governments to systemic or structural reform.
- ***A wrong notion of sovereignty:***  
Some governments have used an archaic version of the doctrine of the indivisibility of sovereignty to prevent the establishment of an independent electoral commission; they see the existence of such a commission as an affront to the authority of the government.
- ***The role of political parties:***  
The leaderships of opposition political parties have sometimes offered the greatest resistance to the expansion of the democratic space, particularly in terms of giving more rights to the voter; this seemingly paradoxical situation is explainable in terms of their suspicion that any such move is intended to benefit the ruling party.

#### **4. Electoral Systems: A Primer**

Electoral systems do matter: this realisation is neither new to scholars, nor to politicians with an interest in such matters, as well as to institutional and constitutional engineers. Yet, it was only in the 1990s that a fuller realisation started to dawn in broader political decision-making circles that electoral systems *per se* have an independent and perceptible effect on the potential of the political system for accommodation and compromise, as well as the development of the political system as a whole (Elklit 1997b: 5). However, one has to come to terms with the fact that there is no perfect electoral system. Therefore, whatever system is chosen will have shortcomings, and these will have to be accepted by all political players for it to have any legitimacy (Keulder 2002: 1). Indeed, "optimal" electoral system design is never possible, because there is no single optimal solution for all political players (Barkan 1997: 24).

In the context of democratic governance, the electoral system adopted by any given country will have grave implications not only for the political system that it will create, and the structures and processes that will consequently evolve, but also for social harmony, peace, and stability. In view of the morbidity of the African state, it is imperative that the electoral system advance the dual causes of harmony within society, and harmony between government

and society, while genuinely reflecting the views of the electorate and its right to use the vote as a political tool. Therefore, the determinants that must impact upon the choice of an electoral system must go beyond representativeness, accountability, and accessibility to include reconciliation and inclusivity. If existing ethnic, regional and other hostilities are to be effectively restrained, it becomes important that electoral systems facilitate the creation of an environment that will foster co-operation. Mutual appreciation of opposing viewpoints must be accepted, and the conviction that losers 'lose everything' while winners 'take all' can no longer be the norm. It must be recognised that in a democracy winners and losers are partners and not enemies bent on destroying each other. The choice of an electoral system may vary from country to country if only because of differing objective realities and experiences. However, it must have the common objective of making it necessary for political groups and individuals to create political parties based on ideology and distinct programmes rather than grounded in ethnicity, regionalism, or some other defining characteristic (Tekle 1997: 119).

Therefore, electoral systems – the rules and procedures by which votes are translated into seats in parliament or the selection of political representatives – are critically important for promoting democratisation because they are highly manipulative instruments of "constitutional engineering". Constitutions, including electoral law, establish the rules of the political game: the premise of constitutional engineering is that these rules can be established to provide structural incentives for moderate, conflict-mitigating behaviour on the part of politicians. Elections -- if sequenced, structured, and conducted properly – are appropriate instruments of conflict management through democratisation. This emphasises the importance of choosing an appropriate electoral system to promote inclusivity and power-sharing. The details of electoral administration and electoral system design, no matter how arcane or technically laborious they may appear, are extremely relevant for policy-makers, and they have a tremendous influence on whether democratisation and the management of potential conflict are advanced simultaneously, whether one goal is advanced at the expense of the other, or whether any given election entails a setback in the pursuit of both aims (Sisk & Reynolds 1998: 3-4 & 6-7).

The set of democratic institutions a nation adopts is integral to the long-term success of any new regime as it structures the rules of the game of political competition. Moreover, the process by which these institutions are adopted is equally important. How inclusive and legitimate is the constitution-making process? In fact, within the constitution-making process, few choices are as important as which electoral system is to be used, because this single institution will help determine what parties look like, who is represented in parliament and, ultimately, who governs. This is why electoral system design or re-design is one of the chief levers of constitutional engineering (Reynolds & Sisk 1998: 19). As Arend Lijphart (1995: 412) notes: "If one wants to change the nature of a particular democracy, the electoral system is likely to be the most suitable and effective instrument for doing so". Clearly, the choice of an electoral system has powerful political consequences; nevertheless, it may be misleading to think that if certain changes in an electoral system are effected then a stable and well-functioning democracy will be the result (Elklit 1997a: 10; Tekle 1997: 120-121).

One size or, in this case, one understanding of the impact of alternative configurations of electoral rules on the legislative and governmental process, does not fit all – despite the advice of the "Tailor of Marrakesh". Barkan (1997: 17), unlike Taagepera (1996), is not confident that the principal competing interests in a transitional polity will "feel more comfortable" over time with whatever electoral rules they have embarked on in their country's transition to democracy – unless these electoral rules are the product of negotiations between those interests, and for which they all acknowledge ownership. But even so, electoral rules must at times be altered, either because they never did "fit" in the first place, or because the rules that were regarded by the principal players as the most appropriate to launch a democratic transition may no longer be regarded as such -- the most appropriate -- to sustain and consolidate the transition. Nevertheless, whatever generalisations may be drawn from

more than four decades of comparative electoral research must be tailored to the peculiarities of the local socio-political environment if they are to be appreciated by local political players and contribute to the establishment of an enduring electoral system.

An electoral system is designed to perform three main tasks (Reynolds & Sisk 1998: 19):

- First, it will translate the votes cast into seats won in a legislative chamber or parliament. The system may give more weight to proportionality (so that the disparity between a political party's vote share and its seat share is not great), or it may funnel the votes (however fragmented among parties, but based on the plurality-majority principle) into a parliament that contains two large parties representing polarised views.
- Second, any electoral system seeks to be the conduit through which the people can hold their elected representatives accountable.
- Third, the electoral system has a more normative function to structure the boundaries of "acceptable" political discourse and give incentives for those competing for power (political parties) to couch their appeals to the electorate in distinct ways – essentially, to make broadly based, inclusive appeals for support. However, the "spin" that an electoral system gives to the electoral political process is ultimately contextual and will depend on the specific cleavages and divisions within any given society.

In the context of the debate about "constitutional engineering" and how fledgling democracies can best design constitutions that give rise to political harmony and stability (see Lijphart 1991a; Lardeyret 1991; Quade 1991), electoral system design is increasingly being recognised as a key lever. But Horowitz (1991: 171) warns that "the incentive to compromise, and not merely the incentive to coalesce," is the key to political accommodation and stability in ethnically divided societies. This argument rests on the empirically well-founded premise that parliamentary coalitions between differing ethnic parties often fall apart because there is no substantive common-interest glue to keep them together (see Lipset 1979). Therefore, the encouragement of "vote-pooling" or party appeals across ethnic boundaries is central to crafting a stable and less ethnically divisive constitutional order.

Central to a discussion of electoral systems is whether there are an almost infinite number of electoral systems which one could play around with and choose from -- or whether there is only, in reality, a limited number of electoral systems with a relatively small number of variants on which one should concentrate. A further determination is whether one should look at electoral systems from a narrow perspective: the system through which votes are translated into seats -- or from a broader perspective: taking every institutional element into consideration which might, in one way or another, have a bearing on the eventual distribution of seats in the legislature to be elected (Elklit 1997b: 5). Tekle (1997: 121) argues that African electoral systems must, at the minimum, provide for 1) an independent electoral commission; 2) the promotion of tolerance, co-operative effort, and common interests; 3) the creation of strong, viable political parties, which can meaningfully mobilise popular support; 4) the equitable utilisation of state resources; 5) the neutrality of the security and armed forces; 6) the fostering of strong institutions of civil society; and 7) a well-developed civic education programme. But Barkan (1997: 24) contends that recent comparative electoral research has been preoccupied with the internal relationships between key variables of electoral system design, but in the process has neglected a number of "externalities" or exogenous factors that impinge on these systems. Variations in voting behaviour, the socio-economic structure, and cultural cleavages are three such variables that drive the electoral process; the impact of regionalism as well as the configuration of the party system are others.

### **Electoral System Types:**

There are nine main electoral system types, which can be classified into three broader categories: first, plurality-majority systems; second, semi-proportional systems; and third, proportional representation systems (Chirambo & McCullum 2000: 24 -27):

### 1) Plurality-Majority Electoral Systems

There are two plurality systems: the First-Past-the-Post (FPTP), and the Block Vote (BV); and two majority systems: the Alternative Vote (AV), and the Two-Round System (TRS).

- **The First-Past-the-Post (FPTP) System:** This is the most widely used electoral model and electoral contests are held in single-member constituencies. Voters may vote for one candidate only and the candidate who wins the most votes is elected, whether or not he or she wins a majority of the votes cast -- used in democracies worldwide.
- **The Block Vote (BV):** 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 overall votes they actually achieve – used in parts of Asia and the Middle East.
- **The Alternative Vote (AV):** Electors will rank candidates in the order of their choice by putting “1” against the name of their favourite candidate, “2” against their second choice, “3” against their third choice, and so on. If no candidate attains over 50 percent of first preferences, lower-order preference votes are transferred until a majority winner emerges – used in the South Pacific countries and Australia.
- **The Two-Round System (TRS):** Voting is conducted in two rounds, usually a week or a fortnight apart. The first round is held in typically FPTP fashion; if no candidate receives an absolute majority (50 percent plus one) in the first round, then a second round of voting is conducted between the two highest polling candidates from the first round, and the winner of this round is declared elected – used in France, current and former French colonies, and in Central Asia.

### 2) Semi-Proportional Electoral Systems

Semi-proportional systems are those which inherently translate votes cast into seats won in a way that falls somewhere between the proportionality of proportional representation (PR) systems and the majoritarianism of plurality-majority systems.

- **The Single Non-Transferable Vote (SNTV):** Each elector has one vote; there are several seats to be filled in a constituency, and the candidates with the highest number of votes attain these positions – used in Jordan.
- **The Parallel Voting System (PVS):** Some countries have adopted what is known as the parallel voting system which mixes the PR-list model with plurality-majority constituencies, running them side-by-side. A section of the legislature is elected by proportional representation and the rest by some type of plurality or majority method – used in Japan and Georgia.

### 3) Proportional Presentation (PR) Electoral Systems

All PR systems attempt to reduce the difference between a party’s share of the national vote and its share of the seats in parliament. The use of party lists is seen as the best method to prevent disproportionality.

- **The List-PR System (List-PR):** The list system is the most frequently used type of proportional representation. 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 or ranking – used in continental Europe, Latin America, South Africa, Mozambique, and Namibia.
- **The Mixed-Member Proportional (MMP) System:** Part of the legislature is elected by plurality-majority methods, often from single-member constituencies, while the rest is constituted through PR lists. The PR seats compensate for any disproportionality produced by the constituency seat results. Electors have two votes, one for a candidate and one for a party – used in New Zealand, Germany, Lesotho and, for local government elections, in South Africa.
- **The Single Transferable Vote (STV):** Although this system is very similar to the alternative vote, there are clear differences. It utilises multi-member constituencies, and

voters rank candidates in order of preference on the ballot paper. After the total number of first-preference votes is tallied, the count then begins by establishing the “quota” of votes required for the election of a single candidate. If no one has achieved the quota, the candidate with the lowest number of first preferences is eliminated, with his or her second preferences being redistributed to the candidates left in the race. At the same time, the surplus votes of elected candidates (that is, those votes above the quota) are redistributed according to the second preferences on the ballot papers until seats for the constituency are filled – used in Ireland, and Malta.

In summary -- although there is clearly a multiplicity of choice when it comes to designing the rules of the political game, the main electoral system choices are between *plurality-majority* systems and *proportional representation* systems (Reynolds & Sisk 1998: 20-21):

- Plurality-majority (PM) systems most often use single member constituencies. In a plurality (or *first-past-the-post – FPTP*) system, the winner is the candidate with the most votes – not necessarily an absolute majority of the votes (50 percent plus one). Conversely, in majoritarian systems -- the *alternative vote* (AV), or the *two-round system* (TRS) -- the winning candidate must receive an absolute majority. In essence, both majoritarian systems use second preferences to produce an absolute majority winner if no one emerges in the first round of voting. Although no African state has adopted the alternative vote, mainly francophone African countries have either inherited or adopted the two-round system. To date, pure FPTP or plurality single-member constituency (SMC) systems are often found in the United Kingdom and the African countries it has influenced – in southern Africa, countries like Botswana, Lesotho, Malawi, Zambia, and Zimbabwe.
- The underpinning rationale of all *proportional representation (PR)* systems is to reduce the disparity between a party’s share of the national vote and its share of the parliamentary seats: for example, if a major party wins 40 percent of the votes, it should win approximately 40 percent of the seats; and likewise, a minor party with 10 percent of the vote should gain roughly a tenth of the parliamentary seats. Proportionality is best approximated by using the *list PR* system, where political parties present a list of candidates to the voters, or the *single transferable vote* (STV), where voters rank candidates numerically in multi-member constituencies. The formula used to calculate the allocation of seats after the votes have been counted can also have a marginal effect.<sup>1</sup> Of more importance to overall PR results are constituency size (or constituency magnitude) and the threshold for representation (which can vary from as low as 0,25 percent to 1 percent, to 5 percent and to 9 percent). The larger the constituencies and the lower the imposed “threshold of representation”, the more proportional the electoral system will be and the greater chance small parties will have of gaining representation. Other important choices involve how constituency boundaries are drawn; how parties constitute their PR lists;<sup>2</sup> the complexity of the ballot paper (the range of choice given to the voter – between parties, or between candidates and parties); the size of parliament; and arrangements for electoral “vote-pooling” or coalitions between parties (also known as *apparentement*). List PR systems are most frequently used in democracies and they are becoming increasingly common. More than 20 established democracies use some variant of list PR, with seats allocated within a number of regionally based constituencies, while some award seats on the basis of a single nationwide constituency – in southern Africa, Madagascar and Mozambique follow the constituency-based list-PR model, while Angola, Namibia and South Africa calculate seats at the national level.

Ideally, any electoral system should fulfil the following key criteria that influence the quality of democracy and prospects for good governance. However, it must be noted that these criteria may not always be mutually compatible and that different electoral systems will do better in some categories than others. In both ethnically divided and more homogeneous societies, trade-offs have to be made among a number of competing normative ends and,

therefore, electoral-system design should meet the following criteria (Reynolds & Sisk 1998: 21-23; Reynolds 1995a: 97-98):

- **Representativeness:**  
In order to be legitimate and credible, and to maximise electoral consent, the electoral system needs to fairly reflect the opinions of the entire electorate, not just the majority, because parliament needs to be seen to reflect the composition of society as a whole along ethnic, regional, and other (such as rural-urban) lines.
- **Accountability:**  
The government and elected members of parliament must be accountable to their constituents to the highest degree possible. This level of accountability involves more than merely holding regular national elections. Accountability also depends upon the degree of geographical accountability (the size and territorial nature of constituencies) and the extent to which voters can choose among candidates, as well as between parties.
- **Inclusiveness and Accessibility:**  
The legislature will be representative only to the extent that people do not feel alienated and excluded from the political process. If citizens feel their vote makes a difference in elections, they are far more likely to exercise their democratic rights and even participate beyond the simple walk to the polling station once every five years. Put more starkly: citizens are more likely to work for change within the system than support anti-system parties and organisations that feed on societal instability. But accessibility to the political process through the electoral system does not imply just the representation of minority groups -- it also relates to the degree of difficulty less educated or illiterate voters encounter in bringing out their vote in the polling booth.
- **Stability of Government:**  
The electoral system needs to interpret the will of the people if it is to create a government that has the authority that stems from the support of the majority of the electorate. An electoral system is successful only if it gives rise to governments that are capable of enacting legislation, maintaining order, and being sensitive to shifts in public opinion. Any system adopted should also promote a viable parliamentary opposition grouping that can critically assess government legislation and safeguard minority rights.
- **Development of a Party System:**  
The electoral system should be designed to encourage the development of parties that are rooted in shared perspectives on issues, and based on ideological-political values and specific policy programmes, rather than on ascriptive (ethnic or regional) cleavages. It is clear from evidence that party systems based on socio-economic or ideological cleavages are more enduring than those based on ethnicity.
- **The Ability to Engender Reconciliation:**  
The electoral system must promote and all institutions must be designed to facilitate an environment of compromise and reconciliation. This does not necessarily mean enforced consensus, but rather the mutual recognition of opposing viewpoints. Any system that exaggerates adversarial and confrontational politics will perpetuate the divisions that exist within many fledgling democracies and retard the building of unified and cohesive nation states.

## 5. Advantages and Disadvantages of the Major Electoral Systems

Keeping these criteria in mind, what are the cited advantages and disadvantages of the major electoral systems?

### **The First-Past-the-Post (FPTP)/Plurality, Single-Member Constituency (SMC) System:**

Many advocates of a plurality, single-member constituency (SMC) or first-past-the-post (FPTP) system believe that the system has a number of beneficial properties or *advantages*

for emerging democracies in Africa (Reynolds & Sisk 1998: 23-24; Chirambo & McCullum 2000: 20-21):

- Plurality offers the electorate a clear-cut choice between two broadly based competing parties, and the national vote clearly translates into winning and losing parties.
- This clear-cut choice (and the “seat bonuses” inherent in plurality SMC) gives rise to single-party executives who are deemed to be more effective at protecting new democracies from gridlock, impotence, and ineffectiveness at the time of most pressing need.
- The dynamics of electoral competition when there are two large parties requires political elites to mobilise around broadly inclusive and politically moderate issues that reflect a socio-economic divide as opposed to a cultural or territorial divide. When there are no overwhelmingly dominant group, parties have to cobble together coalitions of disparate interest groups.
- While the system does produce single-party executives or cabinets, plurality SMC also facilitates strong parliamentary oppositions, which provide a restraining check on the government-of-the-day and position themselves as administrations-in-waiting.
- The way in which plurality discriminates against minority parties (either through parliamentary under-representation or through complete exclusion) curtails the potentially destabilising impact of political fragmentation – a proliferation of tiny or miniscule parties. However, the current situation in Malawi seems to belie this contention.
- Single-member constituencies preserve the vertical link between constituent and representative. If members of parliament have a defined geographical area for which they (and they alone) are responsible, they will have a closer affinity with their constituency, be more combative on its behalf, and be held to a higher level of accountability.
- In societies that are unfamiliar with democratic practice and that suffer high levels of illiteracy, the simplicity of plurality SMC’s “single vote” is perceived to be a major advantage.

In response, critics of the plurality SMC system argue that its ethos of exclusion, on a number of levels, can be fatal in divided societies where there is no real consensus on institutionalised competition for control of the state. As Lewis (1965: 71) warned 40 years ago, the vagaries of plurality elections can produce racially exclusive and geographically parochial governments that may exploit a “mandate” from a plurality of the electorate in order to discriminate systematically against minorities. Major *disadvantages* of the plurality SMC system are (Reynolds & Sisk 1998: 24-25; Chirambo & McCullum 2000: 21):

- Minority parties are excluded and they may prove to be a more destabilising presence outside the political system that they would have been if incorporated into structures of political representation.
- If voting behaviour dovetails with ethnic divisions, ethnic minority group members may well be excluded from parliamentary representation, which can prove destabilising for the political system as a whole.
- Evidence shows that women are less likely to be elected to parliament.
- Incentives for the mobilisation of ethnic divisions are fostered: in essence, “regional fiefdoms” are created in which one party, through winning a majority of votes in the region, wins all, or nearly all, of the parliamentary seats, excluding minorities from access to representation.
- Relating to this is the prevalence of “wasted votes”, where minority party supporters begin to feel that they have no realistic hope of ever electing a candidate of their choice. This can increase alienation from the political system and the likelihood that extremists or radicals will be able to mobilise anti-system movements. In Africa, approximately one-fifth or 20 percent of votes are wasted under plurality systems.
- The pattern of geographically concentrated electoral support in Africa means that one party can maintain exclusive executive control in the face of a substantial drop in popular support. Under plurality, a party may fall from 60 percent to 40 percent of the popular

vote nationally, but in the seats it holds this may represent a fall from 80 percent to 60 percent, which does not affect its overall seat-winning potential. Unless seats are highly competitive, the system is insensitive to swings in public opinion.

- Single-member constituency systems are particularly open to manipulation by ruling parties who can gerrymander boundaries to their own advantage.<sup>3</sup>

Critically, the results of FPTP or SMC-plurality elections throughout Africa indicate that this system cannot be relied upon to produce a distribution of parliamentary seats that closely mirrors the distribution of the popular vote, and thus will not necessarily facilitate a diverse and inclusive legislative body. Furthermore, plurality's potential to produce extremely disproportional results and legislative anomalies make it especially unsuitable for the fragile emerging democracies of Africa (Reynolds 1995b: 124).

<b>Some Distinctive Characteristics of the Plurality, Single-Member Constituency (SMC) or First-Past-the-Post (FPTP) Electoral System</b>	
<b>Advantages</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• offers a clear choice between two main parties</li> </ul>	<ul style="list-style-type: none"> <li>• excludes some minor parties from parliament</li> </ul>
<ul style="list-style-type: none"> <li>• ensures single-party governments</li> </ul>	<ul style="list-style-type: none"> <li>• exaggerates the electoral dominance of ruling parties</li> </ul>
<ul style="list-style-type: none"> <li>• gives rise to a coherent parliamentary opposition</li> </ul>	<ul style="list-style-type: none"> <li>• amounts to effective disenfranchisement because of a large number of wasted votes</li> </ul>
<ul style="list-style-type: none"> <li>• excludes extremist or radical parties</li> </ul>	<ul style="list-style-type: none"> <li>• might lead to a minority government</li> </ul>
<ul style="list-style-type: none"> <li>• links representative to constituency</li> </ul>	<ul style="list-style-type: none"> <li>• unresponsive to changes in public opinion</li> </ul>
<ul style="list-style-type: none"> <li>• allows independent candidates to contest elections</li> </ul>	<ul style="list-style-type: none"> <li>• open to manipulation of electoral boundaries</li> </ul>
<ul style="list-style-type: none"> <li>• allows floor-crossing of representatives</li> </ul>	<ul style="list-style-type: none"> <li>• less conducive to women being elected to legislatures</li> </ul>
<ul style="list-style-type: none"> <li>• offers simplicity and familiarity in the African political context</li> </ul>	<ul style="list-style-type: none"> <li>• may lead to a parliament based on single-party dominance</li> </ul>

### **The Proportional Representation (PR) System:**

In many respects, the strongest arguments for PR and, therefore, its *advantages*, emanate from the way in which the system avoids the anomalous results of plurality and facilitates a more "representative" legislature (Reynolds & Sisk 1998: 25-26; Chirambo & McCullum 2000: 22-23):

- It is far easier for minority parties to gain parliamentary representation under PR, and this acts as an important confidence-building mechanism, assuaging the fear of minorities that they will be submerged in the emerging democratic order.
- PR encourages parties, both large and small, to constitute regionally, ethnically, and gender-diverse lists as they need to appeal to a wide spectrum of individuals to maximise their overall national vote. There are fewer incentives to make ethnically exclusive appeals for support which, in turn, breeds hostility.
- Perhaps the strongest evidence linking electoral system design to conflict mitigation in Africa is that the PR system avoids the vagaries of the "Anglo-American" plurality SMC system, which often gives large seat bonuses and manufactured parliamentary majorities to parties which have won only a plurality of the popular vote, and sometimes have won fewer votes than their opponents combined.
- PR reduces the problems of wasted votes and regional fiefdoms, referred to above. Under PR systems only 2 percent to 5 percent of votes are wasted. Also, when PR has been used

in Africa, very few regions or constituencies have been monopolised by representatives of a single party.

- The coalition governments generated by PR electoral systems are more reflective of the realities of African states. Decisions are made in open government, rather than behind closed doors, between those who hold political power and those who retain economic control.
- Women are more likely to be elected to parliament under a PR list system.

The clear *disadvantages* of this electoral system (Reynolds & Sisk 1998: 23-26; Chirambo & McCullum 2000: 23) are:

- Under PR, no single party may have enough seats to govern alone, and so shifting coalitions effectively take the choice out of the hands of voters and places it in the hands of negotiating party bosses.
- It allows tiny minority parties to hold larger parties to ransom in coalition negotiations.
- It mitigates the building of non-culturally rooted, broadly based political parties that can have a shot at winning government outright.
- It can create legislative gridlock at the time of most pressing need.
- In not curtailing the potential destabilising impact of tiny extremist or radical parties, the inclusiveness of PR can prove to be a drawback to the political system.
- The vertical link between constituent and representative is lost once larger multi-member constituencies are brought into play.

<b>Some Distinctive Characteristics of the Proportional Representation (PR) Electoral System</b>	
<b>Advantages</b>	<b>Disadvantages</b>
• leads to a fair translation of votes into legislative seats	• establishes a weak link between representative and constituency, and consequent weak accountability
• include minority parties in parliament	• gives too much power to the party mandarins
• based on an inclusive and socially diverse list of candidates	• provide little, if any, room for independent candidates
• restrict the development of regional fiefdoms	• may provide a platform for extremist or radical parties
• leads to power-sharing and coalition government	• may be a potential for instability caused by partners to a coalition
• less wastage of votes	• less likelihood of dislodging a strong ruling party
• more conducive to the representation of women in parliament	• disallows floor-crossing
	• less known in, and less familiar to, the African political context

In summary: proportional representation (PR) helps to fulfil one of the basic principles of consociational democracy – a “government by ‘grand coalition’, that is, by a broadly representative coalition of all significant groups” (Lijphart 1994b: 222). Moreover, for new democracies, “moderate PR [with its high threshold] and moderate multipartyism ... offer more attractive models than ... [an] extreme PR [with its low threshold] and [extensive] multiparty systems”, because a highly fragmented party system will be detrimental to the formation of coalitions and subsequent government stability (Lijphart 1991a: 81). However, evidence from southern Africa suggests that the cost of excluding small but significant parties through a high (say, 5 percent) threshold far outweighs the benefits. Clearly, in the earliest

stages of a new democracy, the need for all significant groups to feel included in the political system outweighs concern about the obstacles that may face coalition-builders in subsequent elected parliaments (Reynolds 1995a: 91).

Contrary to Lardeyret's views (1991: 32-33): first, PR merely helps to fulfil the desire of minority parties for representation, rather than promoting new parties, and reflects the actual size of, rather than exaggerates, the support base of such parties. Moreover, in the most severely divided societies, allowing fringe parties to gain parliamentary representation may actually help the democratic polity to co-opt extremists, giving them an incentive to press their case with "ballots rather than bullets". Second, early evidence from southern Africa indicates that PR has exerted pressure for parties to be *less* rather than more ethnically exclusive. Third, despite Lardeyret's criticism that the multiparty coalition governments usually produced by PR in emerging democracies run the risks of instability and an inability to implement coherent policies is, perhaps, the most convincing, others have shown that governments elected through PR are no less effective than those elected by other means. Indeed, parliamentary-PR systems do better in terms of governmental longevity, voter participation, and economic performance (Lijphart 1991a: 81). Fourth, although Lardeyret's argument that PR gives extremist parties too much leverage may be true, as they often control the "swing" seats that can make or break a would-be coalition, including minorities – no matter how extremist or radical – in the democratic political order is a better alternative than banishing them to the fringes of the system. And last, the claim that plurality systems are more likely than PR to give rise to moderate parties, for under such a system parties are forced to compete constantly for undecided centrist voters, does not really wash in southern Africa. Of all the countries in the region, only Malawi lacks a single dominant party; and the Malawian electorate is divided along regional and ethnic lines, leaving few undecided voters floating in the centre (Reynolds 1995a: 91, 92 & 93).

The high level of geographical representativeness and accountability to the voters that single-member constituencies can provide has long been invoked as an advantage of plurality elections over PR. It is true that the large size of multi-member list-PR constituencies can virtually destroy the link between a representative and a specific geographical area. National PR lists, which are "closed" in the sense that the electorate is unable to alter or reorder them, allow parties to present ethnically heterogeneous groups of candidates with anticipated cross-cutting appeal. However, the use of "closed" party lists is, indeed, problematic, for the representatives that emerge are far more beholden to party bosses in national party headquarters than to local communities or society as a whole. In order to remedy this without violating the basic proportionality of parliament, the constitutional engineer can utilise smaller multi-member constituencies designed to dovetail with traditional geographic and societal boundaries, as well as "open" PR lists, in which voters choose among candidates as well as parties. Such a system would only entail placing one mark against one name and party symbol. Although levels of illiteracy are usually brought up as an argument in not making use of such "complicated systems", evidence borne out by the low level of spoiled ballots suggests that educational illiteracy is not necessarily synonymous with political illiteracy. While increasing geographical representativeness and accountability, such an adaptation of simple list-PR would also maintain the overall benefits that PR offers to diverse societies. Multi-member constituencies would still be able to provide a choice of representatives for citizens to approach concerning casework problems. Finally such a constituency-based list-PR system would serve as a further incentive for parties to be ethnically accommodating – that is, to present a diverse slate of candidates as a means of maximising both their total vote and their number of parliamentary seats (Reynolds 1995a: 91, 93 & 94).

Evidence from southern Africa, therefore, indicates that PR systems uniformly outperform plurality systems with respect to representativeness, accessibility, and providing incentives for conciliatory behaviour. Clearly, accountability is a problem in the large-constituency, closed-list variant of PR. There is also little evidence of the encouragement of cross-cutting parties

under either plurality or PR in southern Africa, but the evolution of such parties is best facilitated by the broad-based party lists necessary under PR (Reynolds 1995a: 98).

### **The Mixed-Member Proportional (MMP) Electoral System:**

As the major elements of the mixed-member proportional (MMP) electoral system are more or less similar to both those of the FPTP and PR systems, no detailed discussion is necessary here. Very cryptically (Matlosa 2003: 15):

- a part (say, two-thirds) of parliamentary seats is determined by way of a constituency vote;
- another proportion (say, one-third) of legislative seats is decided on the basis of a party vote;
- allowance is made for bringing out a double-ballot through either two votes on a single ballot paper -- or two votes, each on a separate ballot paper;
- independent candidates can only contest election on the constituency-based vote and not on the party vote; and
- a threshold (which could vary from 0,25 percent to 10 percent) is determined and used for allocating seats to the proportional component of the elected parliament.

<b>Some Distinctive Characteristics of the Mixed-Member Proportional (MMP) Electoral System</b>	
<b>Advantages</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• retains accountability of representatives inherent in the plurality/FPTP system</li> </ul>	<ul style="list-style-type: none"> <li>• relatively more complex than the FPTP and PR electoral systems</li> </ul>
<ul style="list-style-type: none"> <li>• retains broad-based representation in the legislature inherent to the PR system</li> </ul>	<ul style="list-style-type: none"> <li>• lack of familiarity as the system is relatively new in Africa</li> </ul>
<ul style="list-style-type: none"> <li>• widens the political composition of parliament through inclusiveness</li> </ul>	<ul style="list-style-type: none"> <li>• may lead to a politically fragmented parliament</li> </ul>
<ul style="list-style-type: none"> <li>• combine the virtues of the constituency vote and the party-list vote</li> </ul>	<ul style="list-style-type: none"> <li>• double voting either in a two-ballot or single ballot system</li> </ul>
<ul style="list-style-type: none"> <li>• establishes an entry threshold for representatives to attain seats in the legislature</li> </ul>	<ul style="list-style-type: none"> <li>• determining an entry threshold for representatives into the legislature may require rather lengthy negotiations, and consensus among parties</li> </ul>
<ul style="list-style-type: none"> <li>• facilitates power-sharing in parliament</li> </ul>	<ul style="list-style-type: none"> <li>• more costly system than straight FPTP</li> </ul>
<ul style="list-style-type: none"> <li>• opens avenues for a more balanced gender representation in the legislature</li> </ul>	<ul style="list-style-type: none"> <li>• may generate a proliferation of political parties</li> </ul>

Thus MMP, in general, aims to broaden representation (through the PR component), retain accountability of elected representatives (through the FPTP component) and, given its inclusiveness, add considerable value to political stability. Lesotho became the first African country to test the MMP electoral model in a parliamentary election (Elklit 2002: 1), despite the fact that, compared to the FPTP electoral model, the MMP system is rather complex because it combines two systems into one composite hybrid. Indeed, the most difficult aspect of this electoral system revolves around the formula for the entry of representatives into the legislature and the allocation of parliamentary seats.

### **Brief Comments on Presidentialism versus Parliamentarism:**

After the choice of electoral system, the second fundamental choice facing emerging democracies is that between a presidential and a parliamentary form of government. At present, Malawi can be categorised as a presidential-plurality system under Lijphart's "basic types of democracy" (1991a: 74). The performance of former African presidents, whether they were democratically elected or imposed by one-party systems, range from "fair" through

“poor” to “atrocious”. Although having endured a painful presidential history under the Banda regime – which one might think would have made the electorate eager to avoid vesting too much power in one individual -- Malawi opted for a directly, democratically elected presidency. However, good constitutional design for divided societies dictates against directly elected presidents for the emerging democracies of southern Africa. If the hypothesis is accepted that consensual rather than majoritarian democracy is what is needed in divided societies, then vesting all executive power in a single individual is clearly detrimental to constructive power-sharing arrangements. But, again, Lijphart (1991a: 72) has warned that while the combination of parliamentarism and proportional representation should be an especially attractive one to newly democratic and democratising countries, the Latin American experience shows that a presidential-PR system should be avoided. Besides the trait of majoritarianism (see Shugart & Carey 1992: 28-43), the winner-takes-all nature of a directly elected executive office, in itself, is an argument against presidentialism in southern Africa. In a divided society without a history of stable democracy, there is no assurance that the loser or losers of a presidential race will accept defeat in what amounts to a zero-sum game (Reynolds 1995a: 94 & 96).

Another danger of a presidential system is that a directly elected president tends to be pressured into ethnic or regional exclusivity. Such presidents have a great incentive to offer special privileges to their own ethnic or regional group as a means of ensuring re-election through a simple majority or plurality of votes. The risk to democratic stability, therefore, is particularly great in a country such as Malawi. Ex-President Bakili Muluzi won the 1994 presidential election with 47,2 percent of the vote, much of it coming in the form of a huge vote share in his native southern region. In the south, which accounted for half of the voting population, Muluzi won 78 percent of the votes cast, while in the central and northern regions he polled only 27,8 percent and 4,5 percent, respectively. As already indicated, Malawian politics is sharply divided along regional lines, and any constitutional structure that allows one or more regions to be permanently excluded from power will destabilise the state as a whole (Reynolds 1995a: 95). Any Malawian President may well turn out to embrace a strategy of nation-building, distributing resources fairly across the country, but such a positive outcome will have been due to the virtue of the man or the woman rather than the institutional structure of the office. The dynamics of Malawi’s current presidential system invites any President from the south or the centre to pamper his or her own region, do only enough to maintain a third of the votes from the other region, and largely ignore the voters from the less populous north.

Sometimes “premier-presidentialism” is offered as a persuasive alternative to presidentialism (see Shugart & Carey 1992: 49-51). In such systems, the presence of a prime minister tempers the president’s “exaggerated sense of mandate”. Because a premier’s cabinet is subject to parliamentary confidence, it will not be as narrowly representative of the president’s interests as will a presidential cabinet unless, of course, there is majority support in parliament for the president’s narrow interests. Moreover, the president can dissolve parliament and call new elections when crises arise, which mitigates the problem of rigid terms. However, because of its trait of majoritarianism, premier-presidentialism is as inappropriate to the emerging southern African democracies as straightforward presidentialism. Nevertheless, multiparty presidentialism is more likely to produce immobilising executive/legislative deadlock than either parliamentary systems or two-party presidentialism (Mainwaring 1993: 200). Such deadlock carries with it the danger of popular discontent with any new power-sharing government, which might well overwhelm any executive achievements in the realm of ethnic accommodation (Reynolds 1995a: 96 & 97). The experience of Malawi shows that investing substantial executive control in a directly elected president is detrimental to stability in a multiparty government. For this reason, Reynolds (1995a: 98) argues, a parliamentary-PR system of government is best for the fragile new Malawian democracy.

### **The Need to Foster Inclusive Political Outcomes:**

From the foregoing it is clear that electoral system choice has important ramifications for the evolution of the party system and for the outcomes that flow from electoral competition. Just as institutions constitute just one (although an integral) aspect of the socio-political-economic underpinnings of successful democratisation, electoral systems similarly exist as one cog in a wheel contingent upon the design of other influential institutions. Chief among these other democratic choices, which are related to elections, are issues of “democratic type”, meaning the choice between majoritarian government, where one party may rule alone if it can muster enough seats in the legislature, and power-sharing structures, where governments of national unity are mandated to include all parties with “significant” electoral support (see Sisk 1996). Also critical is the “executive type”, meaning whether to have a directly elected president, or prime minister whose legitimacy is based on his or her leadership of the largest party in parliament. A final important factor is the degree of centralisation of state power, meaning whether the constitution adopts a governing ethos of decentralisation and federalism or its opposite, a centralised unitary state. Over the years, it has become increasingly apparent that it is the “type of democracy” that most influences the success or failure of the emerging democracies in Africa – not only the electoral institutions chosen to constitute parliaments and governments, legislatures and executives, but the powers these respective bodies are given (Reynolds & Sisk 1998: 28-29 & 35).

A clear pattern is emerging that those countries that adopt institutional mechanisms that create an atmosphere of inclusion are doing considerably better than the states that opted for structures with an exclusionary bent. This ethos of the political inclusion of both minorities and majorities in decision-making structures improves the prospects for peace and stability on a number of levels. It has most value as a confidence-building mechanism that allows both political elites and cultural/ethnic communities to feel that they have influence on the decisions of the state and that their representatives will be able to ensure that their rights are protected. Inclusive structures not only build confidence in divided societies, they facilitate a better distribution of resources from the centre to the country as a whole, while democracies with exclusionary institutions create an incentive for ruling parties to pamper their home region or ethnic group to the detriment of the numerically smaller population groups who lose out in the electoral fray. Such is the case in Malawi, where a south-north regional axis, of the southern-based UDF and the northern-based Alliance for Democracy (Aford) adroitly excluded the central region, dominated by the Malawi Congress Party (MCP), from development grants. With the growing instability of coalition government, the situation may get worse, with a minority government excluding one or two of the three regions from future resource allocations (Reynolds & Sisk 1998: 29 & 30).

In Africa, only in Botswana has a majoritarian democracy endured, and this is the result of the unusual homogeneity of the Tswana population and the way in which Seretse Khama, and later Ketumile Masire, at the helm of a strong but “ethnically neutral” state, managed to bypass winner-take-all electoral structures to incorporate local leaders and powerful interest groups. Even so, government has never changed in Botswana (the ultimate test for a robust and functioning democracy),<sup>4</sup> and the opposition has been seriously disadvantaged by the prevailing electoral system for 40 years. And in Zimbabwe the attempt to facilitate a degree of inclusion, by bringing the Ndebele into the governing coalition, has failed to achieve long-term political stability or democratic consolidation; by 2000, Robert Mugabe’s ZANU-PF had transformed Zimbabwe into a part *de facto*, part *de jure* one-party state that had become defined by the politics of exclusion. While appropriate constitutional arrangements are central to the politics of accommodation, therefore, they are not a panacea, and they can be overwhelmed by the most extreme forms of division, lawlessness, and societal breakdown (Reynolds & Sisk 1998: 30-31 & 34). Moreover, while buying off one minority with economic influence does create a type of power-sharing, it is an unaccountable, undemocratic, and secretive method of power-sharing -- what is termed “hegemonic exchange” (see Rothchild 1991). It merely enables elites to skim the pot while the impoverished masses

continue to be excluded from a fair allocation of resources. In contrast, if power-sharing is politically entrenched and based on parties that have proven electoral appeal, the electorate has a better chance to restrain the elites from the malignant cancer of corruption (Reynolds & Sisk 1998: 32).

## 6. The Case for Electoral System Re-Design in Malawi

The argument that plurality elections exacerbate regional and ethnic polarisation draws considerable strength from the experience of Malawi's emerging democracy. The results of the May 1994 multiparty elections showed each of the three main political parties to be overwhelmingly dominant in its core region, and exceedingly weak in the remaining two regions. The number of seats that each party won in a given region, however, did not closely reflect the percentage of votes that it polled. The Aford, led by Chakufwa Chihana won *every* seat in the northern region, even though *non*-Aford candidates managed to capture nearly 15 percent of the vote. The MPC of then-President Kamuzu Banda won fully 75 percent of the seats in the central region while receiving slightly more than 60 percent of the vote. In the southern region, the UDF of successful presidential candidate Bakili Muluzi won 95 percent of the seats with just three-quarters of the popular vote. The overall proportion of the seats that each party gained in the National Assembly was surprisingly close to the percentage of the popular vote that it captured nationwide, but the distribution of seats created a false picture of homogeneous regional bastions that could derail efforts to build political unity across ethnic groups (Reynolds 1995a: 88).

The irregularities in the registration process and the mismanagement of the voters' roll may have affected the response of voters to the general election in 2004. Quite telling is the fall-off in the vote from a high of 80 percent in the 1994 election and an even higher 94 percent in the 1999 poll to a relatively low 58 percent in 2004. But there could also be other reasons. Some analysts suggest that there is a general disenchantment with politics in Malawi. As a result, enthusiasm for public participation in the electoral process is waning largely because of growing public dissatisfaction and disquiet about the conduct of politicians (Chirwa 2005: 52). It is argued that "political power and influence are viewed merely as a means of access to comfort, wealth, self-aggrandizement and other egotistical pursuits ... Any benefits from politics that may accrue to the majority are merely incidental" (Kamchedzera 1997: 14). Elections in Malawi, therefore, do not necessarily deliver good governance. There is also ample evidence to suggest that the political transition to democracy in Malawi has not translated into improved economic gains for the majority of the country's population: levels of poverty have increased, peasant agricultural incomes have fallen, wage employment opportunities have evaporated, educational standards have dropped, and hunger and disease are commonplace – all this against a backdrop of falling life expectancy rates due to the HIV/AIDS pandemic (Chirwa 2005: 53).

Questionable is the democratic outcome of elections in Malawi. An analysis of the votes in the presidential poll of 2004 under a first-past-the-post (FPTP) electoral system clearly illustrates the system's deficiency in the delivery of a democratic outcome. The five contestants were:

- Bingu wa Mutharika of the United Democratic Front (UDF) – also representing the Alliance for Democracy (Aford) and the New Congress for Democracy (NCD)
- John Tembo of the Malawi Congress Party (MCP)
- Gwanda Chakuamba of the Republican Party (RP) – also representing the Mgwirizano Coalition: the Malawi Democratic Party (MDP), the National Unity Party (NUP), the Malawi Forum for Unity and Development (Mafunde), the Movement for Genuine Democratic Change (Mgode), the People's Transformation Party (Petra), and the People's Progressive Movement (PPM)
- Brown Mpinganjira of the National Democratic Alliance (NDA), and

- Justin Malewezi, former Vice-President, who stood as an independent.

The narrow margin of the victory between the winner (Mutharika; 1,196 million votes – 35,97 percent) and the first runner-up (Tembo; 0,938 million votes – 28,22 percent) and second runner-up (Chakuamba; 0,836 million votes – 25,16 percent) is quite telling: the combined votes received by the two runners-up (Tembo and Chakuamba – 1,774 million) is considerably higher than those brought out on the winner (Mutharika – 1,196 million). Moreover, the votes of all four losers combined (2,128 million) total nearly twice those received by the winner, making it clear that Malawi has a minority president, who won the election but “lost” the vote. Such an outcome not only brings into question the legitimacy of the president, but also shows up a clear discrepancy between the wishes of the majority of the electorate and the outcome of the election. This scenario brings into question the effectiveness of the rules used to declare winners -- rules which satisfy some of the cardinal principles of democracy, particularly that of majoritarian rule (see Chingaipe 2004; Dulani 2005). Victory by candidates with minority support was also a characteristic of previous presidential elections. In 1994, Bakili Muluzi of the UDF won the presidency with only 47,16 percent of the vote. Again, in 1999, he won with less than 50 percent of the vote, resulting in a protracted legal challenge by the losing candidates, who argued that the constitutional provision that a candidate should win with “a majority of the electorate” meant 50 percent plus one of those registered and actually casting their vote (Chirwa 2005: 54). But, clearly, the result of the 2004 presidential election has not delivered a democratic outcome for Malawi. The principle of using a simple majority to declare a winner under the FFPF system has produced a president with a minority share of the vote, leaving him with a weak mandate. It also undermines the president’s legitimacy and ability to govern effectively (see Hajat 2005). In a field of three and more candidates, and without provision for a run-off election between the two candidates with the largest number of votes (essentially, the French two-round system – TRS), it is likely that a president will always be elected without any clear majority support. ***Clearly, in a situation like this, the TRS or run-off election is the only viable and, in fact, available option.***

The problem of candidates losing the vote but winning the election also applied to parliamentary elections: in 1999, 29 of 193 constituencies went to candidates who lost the vote, increasing to a staggering 103 of 193 constituencies in 2004, with the worst “winning” candidate being opposed by 78,85 percent of the voters. Equally worrying here is the size of the “wasted vote” (the vote that go to candidates who do not win the election), which results in losers winning votes but no seats, “tantamount to ... votes ... not [being] treated equally” (see Chingaipe 2004). For example, 3 122 637 valid votes were cast in the 185 constituencies contested on polling day in May 2004 – eight constituencies, for various reasons, had to hold subsequent by-elections. The total number of valid votes that elected the 185 members of parliament was 1 578 655, while a total of 1 543 982 valid votes were cast for candidates that did not win seats – in effect, “wasted votes”. This seriously calls into question the idea of representivity as the democratic choices of almost half the voters who cast valid votes are not reflected in the representatives who were elected (Chirwa 2005: 54 & 55).

Among the major factors accounting for the split vote and the resultant minority-supported electoral victories was the rise of independent candidates -- close to a third, or 29,36 percent of the 1 267 candidates who stood for election. This was due in large part to the UDF and Aford’s attempts to manipulate primary elections for party candidates. In a number of constituencies the parties either imposed candidates from the top, or manipulated primary election results to suit the candidates supported by the central party executives, and particularly by the party presidents (Chirwa 2005: 55). The manipulation of party primaries was a strategy to secure the regionalist bases of the major political parties by exercising stronger control over the choice of candidates. Clearly, the regionalist support bases of the UDF, the MCP, and Aford gave the party leaders (Muluzi/Mutharika, Tembo, and Chihana) considerable influence over their supporters, who are drawn predominantly from the regions

from which they come (see Chirwa 1998). On a more positive note, independent candidates provided voters with a broader political choice and an alternative mechanism for holding their parties and party leadership accountable. Indeed, the election of independent members of parliament in the areas where the parties had imposed candidates shows the electorate's lack of confidence in imposed leadership. Moreover, it serves as an indication that the electoral process allows voters to elect individuals who can put the public interest above their own interests. However, it could also be that the popularity of the political party as a legitimate election-contesting institution is not only at stake, but at serious risk (Chirwa 2005: 56).

In the parliamentary election, 9 parties and 39 independents initially gained representation:

- The MCP with 57 seats (all in the central region), representing 29 percent of the seat share, turned out to be the largest party.
- The UDF with 50 seats (mainly concentrated in the southern region with 39, but represented in the northern region with 3, and the central region with 8) had 26 percent of the seat share and was the second largest party.
- Independents won 39 seats (mainly in the southern region with 28, but also represented in the northern region with 6, and the southern region with 5) garnered 20 percent of the seat share and turned out to be the third largest grouping.
- The RP with 15 seats, distributed between the southern region (9) and the northern region (6) had 8 percent of the seat share and was the third largest party.
- Way behind followed the other parties: the NDA (8 seats, and 4 percent) with 7 in the south, and 1 in the north; the PPM (7 seats, and 4 percent) with 5 in the north, 1 in the centre, and 1 in the south; Aford with 6 seats (3 percent), all in the northern region; Mgode with 3 seats (2 percent), all in the northern region; CONU with 1 seat (0,5 percent) in the south; and Petra with 1 seat (0,5 percent) in the north.
- Mafunde, the NUP, and the NCD failed to obtain any seat.
- The RP and Mgode later merged with the newly formed Democratic People's Party (DPP), and the NDA merged with the UDF.

These election results indicated no clear majority in parliament, necessitating the formation of a coalition. Because the UDF won the presidency it was still regarded as the "governing party". An attempt was made to form a coalition government of the UDF, Aford, the RP and Mgode, but when President Mutharika resigned from the UDF after internal wrangling and formed his own party, coalition talks collapsed (see Chirwa 2005a). The President's resignation from the minority governing UDF further complicated the structure of Parliament, resulting in a "hung parliament" in which there was no clear indication of who had the mandate to govern the country, or who directed the business in the legislature. The problem was compounded by the absence of guidelines outlining the procedures for declaring which party forms the government. The conventional interpretation has been that the party that wins the presidential vote also forms the government. In both the 1994 and 1999 elections this interpretation created no problems because the party that won the presidential elections also had the largest number of parliamentary seats. However, the 2004 elections starkly showed up the weakness in this understanding. Moreover, the current situation creates problems for democratic governance because it allows for weak minority-led governments, led by a president elected by a minority at the expense of parties that might have majority representation in parliament (see Hajat 2005). The result has been constant political tension and ongoing legal contestation, also manifested in accusation and counter-accusation of financial impropriety and other forms of corruption, that bedevil the proper functioning of democratic institutions, amongst others, those of the presidency and the vice-presidency. These problems seem to be more of a political nature, although they might lead to serious constitutional complications. Clearly, the 'grey areas' in, and silence of, the Constitution on a healthy and mutually beneficial relationship between President and Vice-President, especially where they belong to different parties, has led to a situation fraught with complexity and almost predictable confrontation.

Political parties and independent candidates have increasingly contested elections since the adoption of multiparty politics in Malawi after the referendum in 1993, an indication that there is popular participation in political activities. Voter turn-out, despite a sharp decline in the 2004 elections, is fairly high by any standards – more than 55 percent of registered voters. But, despite these positive aspects there are numerous democratic deficits: especially, the mismanagement of the electoral process, and deficiencies in the electoral system, leading to inconclusive electoral outcomes. Clearly, the first-past-the-post (FPTP) electoral system has failed to deliver a democratic outcome in the 2004 parliamentary elections by failing to yield results that tally with the share of the votes parties received. ***A mixed-member proportional (MMP) electoral system is, most probably, the only hybrid that could bring about a proper balance into Malawi's electoral system: minimising the disadvantages of both the FPTP and the PR systems, and maximising the advantages of both.***

## 7. Conclusion

No electoral system or any other constitutional mechanism is a panacea. The task of the constitutional engineer is to find the least imperfect system and then adapt it to the needs of an emerging democracy, achieving a balance between a representative parliament and a coherent government; an understandable ballot and a broad range of voter choice; and a proportional parliament and solid links between representatives and specific geographic areas. Reynolds (1995: 97) puts it very aptly: “Although electoral-system design is only one cog in the intricate constitutional machine, a misshapen cog may cause the whole structure to grind to a halt”.

Discussions about possible electoral system change or re-design are now part of the political discourse in many African countries. The MMP model has been discussed in Tanzania, and its implementation is being considered quite seriously in Mauritius; in South Africa it is being applied in local government elections and was first put to the test in Lesotho in the May 2002 parliamentary elections. Clearly, if democratic consolidation is to be affected, entrenched and firmly institutionalised in southern Africa, states in the region will have to review and carefully re-design their electoral systems to suit their own peculiar historical and socio-political conditions. Very rarely have states in the region deliberately embarked upon electoral reform. It now seems imperative that Malawi re-design its electoral system towards the MMP model more or less along the lines followed by Lesotho (Matlosa 2003: 16, 18 & 22; Venter 2003: 27-34).<sup>5</sup> Clearly, actors in the different fields of governance (especially those dealing with elections and electoral systems) need to think much more creatively around how best they could nurture and consolidate democratic governance through electoral engineering.

## 8. Notes

<sup>1</sup> Formulas can be based either on the largest remainder (Hare or Droop) or highest average (D'Hondt or Sainte-Laguë) methods. The D'Hondt formula is the least proportional and often gives a slight bonus to the largest parties, Hare and Sainte-Laguë are the most proportional and lean towards favouring the smaller parties, and the results of the Droop system fall somewhere in between (see Lijphart 1995a).

<sup>2</sup> Lists are closed when political parties compile lists prior to the election and voters have no say on the individual candidates that are included or omitted, or the order in which they appear. Votes are cast for the entire list and voters can only reject the entire list (by not voting for that party) or approve the entire list (by voting for that party). Lists are open when voters can decide who gets on the lists and in what order candidates appear.

<sup>3</sup> The concept 'gerrymandering' has its origins in the United States. In 1812, the then governor of Massachusetts, Elbridge Gerry, signed a bill that allowed for constituency boundaries to be manipulated, ensuring electoral victory for his party – a practice only outlawed in 1985. These oddly shaped constituencies quickly became known as 'Gerry's salamanders', which in turn inspired the notion of gerrymandering.

<sup>4</sup> According to the "two-turnover test", a democracy may be viewed as consolidated if the party or group that takes power in the initial election at the time of transition loses a subsequent election and turns over power to the election winners, and if those election winners then peacefully relinquish power to the winners of a later election (Huntington 1991: 266-267).

<sup>5</sup> 'Schedule 5 -- Allocation of Seats in Accordance with the Principle of Proportional Representation' of Lesotho's *National Assembly Elections Amendment Act of 2001* sets out the method by which the 40 seats to be elected by proportional representation will be allocated by the Independent Electoral Commission (IEC; calculated on the basis of 80 plus 40 -- that is, 120 seats – and *not* on 40 only), and prohibits Members of Parliament (MPs) elected in this way from changing their political allegiance during the parliamentary term.

In the period before the May 2002 election, there was some concern that there would be confusion among the Lesotho voting public about the new electoral model, which required the casting of two votes: one for a single-member constituency representative, and one for the seats to be allocated by way of proportional representation – a mixed-member proportional (MMP) electoral system. Then, much work still had to be done around the vitally important issue of voter education – an area that was very often neglected, and only later regretted. The experience of non-governmental organisations (NGOs) in voter education had been that some voters were somewhat apprehensive of the two-ballot system, fearing that their vote in the single-member constituency (SMC) or 'first-past-the-post' (FPTP) election could somehow be manipulated by the ballot in the proportional representation (PR) election. Here there was a clear need to explain to the electorate, in very simple terms, that the allocation of seats according to the PR system could *only add* to the strength of their choice under the SMC/FPTP election – the PR vote could *not detract* from their strength in the SMC/FPTP election (or *diminish* or *weaken* that position). Therefore, there was an urgent need for a programme of institutional training at the grassroots level, especially in view of the new and complex electoral system – a task in which the services of NGOs and, hopefully, the media would have supplemented those already performed by the IEC.

Lesotho's ruling Lesotho Congress for Democracy (LCD) scored a landslide victory in the polls on 25 and 26 May 2002. Although retaining its overwhelming majority in the SMC/FPTP election by winning 77 of the 78 declared seats – replicating the voting pattern in the elections of 1993 and 1998 – the LCD's dominance in an expanded National Assembly of 120 members was tempered by the 40 additional seats, allocated to other parties under the new MMP system. The sole SMC/FPTP election success of an opposition party was that won by the leader of the opposition Lesotho People's Congress (LPC); and by-elections had to be held in two constituencies due to the death of candidates prior to the election date. The combination of PR with SMC/FPTP ensured that there was no repeat of the 1993 and 1998 election results, which were classical examples of 'winner-take-all'. The MMP electoral model adopted for the May 2002 elections worked to compensate parties (through PR) disadvantaged by voting in the SMC-FPTP election – although a party (the LCD) which had gained more seats (77) under the SMC-FPTP system than it was entitled to under the PR vote obtained *none* of the additional 40 seats. Losers are included by the political system, not excluded -- and they now had less reason to spoil the outcome. One of the main reasons for the "successful election" was the thoroughness and

openness of the IEC's preparations for the poll – deemed to have been the most technologically advanced election anywhere on the African continent – outside South Africa. Political parties had been involved throughout the process, and were represented on a range of IEC committees dealing with law, data management, logistics, security, voter education, media, election co-ordination, and conflict management.

#### Lesotho: May 2002 Election Results

Party	Votes Cast	% Votes Cast	Number of Seats	
			SMC/FPTP	PR
Lesotho Congress for Democracy (LCD)	304 316	54,8	77	--
Basotho National Party (BNP)	124 234	22,4	--	21
Lesotho People's Congress (LPC)	32 046	5,9	1	5
National Independent Party (NIP)	30 346	5,5	--	5
Basotho African Congress (BAC)	16 095	2,9	--	3
Basotho Congress Party (BCP)	14 584	2,6	--	3
Lesotho Workers' Party (LWP)	7 788	1,4	--	1
Marematlou Freedom Party (MFP)	6 890	1,2	--	1
Popular Front for Democracy (PFD)	6 330	1,1	--	1
National Progressive Party (NPP)	3 985	0,7	--	1
Undeclared	--	--	2	--
Others (9 parties)	7 772	1,4	--	--
<b>Total</b>	<b>554 386</b>	<b>99,9</b>	<b>80</b>	<b>40</b>

The mechanics of the MMP electoral system was beyond the vast majority of voters, but the important outcome was that leading politicians of the principal defeated parties, who had not obtained entry into parliament through the SMC/FPTP election, would now do so through PR.

The procedures to allocate seats on the PR list are described in the finest detail: see Lesotho Government Gazette Extraordinary, *National Assembly Amendment Act, No 16 of 2001*, XLVI, 105, 31 December 2001, pp 1171-1176. In a situation where 65% of 838 000 registered voters in Lesotho actually go to the polls, the IEC shall determine *the total number of votes cast for all political parties together* (participants in the elections), which shall be referred to as the 'total votes', as well as *the total number of votes cast for each political party separately*, which shall be referred to as the 'total party votes'.

A hypothetical example:

LCD -- total party votes: 268 103

BNP – total party votes: 67 237

LPC – total party votes: 59 679

Others – total votes: 149 681

Total Votes: 544 700

The Commission shall then determine the number of votes required for the allocation of a PR seat by dividing the total votes by 120, or any number of constituencies that successfully contested elections plus 40 PR seats, and rounding off to the next number, including a whole number, any decimal fraction. The resulting figure shall be referred to as the 'quota of votes'.

A hypothetical example:

544 700 divided by 120 = 4 539.1666

4 539.1666 → 4 540

The IEC shall determine the provisional total number of seats in the National Assembly to which each political party is entitled on the basis of its share of the total vote, which shall be referred to as the 'provisional allocation of the total number of seats'. It shall divide the 'total party votes' of each party by the 'quota of votes', the resulting number being the 'party's quota of votes'.

A hypothetical example:

LCD: 268 103 votes divided by 4 540 = 59.053524

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BNP: 67 237 votes divided by 4 540 = 14.809911  
 LPC: 59 679 votes divided by 4 540 = 13.145154  
 Others: 149 681 votes divided by 4 540 = 32.969383

The IEC shall then allocate seats to each party equal to the party's quota of votes without taking any decimal fraction into account.

A hypothetical example:

LCD: 59 seats  
 BNP: 14 seats  
 LPC: 13 seats  
 Others: 32 seats

The Commission shall then add all the seats allocated and deduct that total from the total number of seats in the National Assembly.

A hypothetical example:

$59 + 14 + 13 + 32 = 118$   
 $120 - 118 = 2$  seats still to be allocated

If there are fewer seats provisionally allocated than the total number of seats in the National Assembly, the first remaining seat shall be allocated to the next political party with the highest decimal fraction arising from the calculation to determine the 'quota of votes' for each party. Each further remaining seat shall be allocated to each political party with the next highest decimal fraction.

A hypothetical example:

LCD = 59.053524 = no additional seat = 59 seats  
 BNP = 14.809911 = 1 additional seat = 15 seats  
 LPC = 13.145154 = no additional seat = 13 seats  
 Others = 32.969383 = 1 additional seat = 33 seats

The IEC shall then determine each party's provisional allocation of PR seats. It shall do this by deducting the number of seats won by the party in the SMC/FPTP elections from the total seats already allocated, the resulting number of seats being referred to as 'the party's provisional allocation of compensatory seats'.

A hypothetical example:

LCD: 59 provisional seats less 48 SMC seats won = 11 compensatory seats provisionally allocated  
 BNP: 15 provisional seats less 12 SMC seats won = 3 compensatory seats provisionally allocated  
 LPC: 13 provisional seats less 11 SMC seats won = 2 compensatory seats provisionally allocated  
 Others: 33 provisional seats less 9 SMC seats won = 24 compensatory seats provisionally allocated

The Commission shall then add the total number of compensatory seats provisionally allocated and if the resulting total amounts to the same number of seats set aside for PR, the provisional allocation shall be the final one.

A hypothetical example:  $11 + 3 + 2 + 24 = 40$  seats

If this total amounts to more than the total number of seats set aside for PR, the IEC shall determine the final allocation of seats in the following manner:

- The seats acquired by a political party (the LCD) that has won more seats (60) – *or the same number of seats (59)* – in the constituency elections than it is entitled to under the provisional allocation of total seats, shall be its final allocation.
- The Commission shall deduct the number of seats acquired (59) by this political party (the LCD), as contemplated initially, from the total number of seats in the National Assembly ( $120 - 59 = 61$ ).
- The IEC shall then allocate to the remaining parties whatsoever numbers of seats are available for allocation by following the aforementioned procedures but on the basis of the numbers initially calculated.

If in any calculation two or more parties receive the same quota of votes or the same decimal fraction as a result of division and there are not sufficient seats to be allocated to both or all of the parties, the Commission shall allocate the seats as follows:

- The party with fewer seats than the provisional allocation shall be given preference.
- In all other cases by lot administered by the IEC in the presence of the parties affected.

## 9. Bibliography

- Afari-Gyan, K. 2001. "Overview of Electoral Reform in Africa", in Dundas, Carl W (ed). *Electoral Reform in Commonwealth African Countries: Selected Papers*. London: Commonwealth Secretariat.
- African Union. 2004. *Statement of the African Union Observer Team on the May 2004 Presidential and Parliamentary Elections in the Republic of Malawi*. 23 May.
- Ake, Claude. 1990. "The Case of Democracy", in Carter Center. *African Governance in the 1990s*. Atlanta: Carter Center.
- An-na'im, Abdullahi A & Francis M Deng (eds). 1990. *Human Rights in Africa: Cross-Cultural Perspectives*. Washington, DC: Brookings Institution.
- Anyang'Nyong'o, Peter (ed). 1987. *Popular Struggles for Democracy in Africa*. London: Zed Press.
- Arnold, M W. 1991. "Africa in the 1990s". *The Fletcher Forum of World Affairs*, 15, 1, Winter.
- Barkan, Joel D. 1992. "The Rise and Fall of a Governance Realm in Kenya", in Hyden, Goran & Michael Bratton (eds). *Governance and Politics in Africa*. Boulder: Lynne Rienner Publishers.
- Barkan, Joel D. 1997 "Early Elections in Transitional Polities", in Elklit, Jørgen (ed). *Electoral Systems for Emerging Democracies: Experiences and Suggestions*. Copenhagen: Danish Ministry of Foreign Affairs.
- Bratton, Michael & Donald Rothchild. 1992. "The Institutional Bases of Governance in Africa", in Hyden, Goran & Michael Bratton (ed). *Governance and Politics in Africa*. Boulder: Lynne Rienner Publishers.
- Callaghy, Thomas M. 1991. "Africa and the World Economy: Caught Between a Rock and a Hard Place", in Harbeson John W & Donald Rothchild (eds). *Africa in World Politics*. Boulder: Westview Press.
- Chabal, Patrick (ed). 1986. *Political Domination in Africa*. London: Cambridge University Press.
- Chingaipe, H G. 2004. *The Electoral System, Mass Representation, and the Substance of Political Liberalisation: The Case of Malawi* (Paper presented at the Conference on Electoral Systems and Reform in Representation, Institute for Multiparty Democracy (IMD), Mangochi, 29 June to 2 July).
- Chirambo, Kondwani & Hugh McCullum. 2000. *Reporting Elections in Southern Africa: A Media Handbook*. Harare: Southern African Research and Documentation Centre (SARDC).
- Chirwa, Wiseman C. 1998. "Democracy, Ethnicity and Regionalism: The Malawi Experience, 1992-1996", in Phiri, Kings M & Kenneth Ross (eds). *Democratisation in Malawi: A Stocktaking*. Blantyre: CLAIM.
- Chirwa, Wiseman C. 2004a. "Malawi's 'Bogus' Voter Statistics". *Election Talk*, 11, May.
- Chirwa, Wiseman C. 2004b. *Electoral Systems and Governance: Are Reversals Possible?* (Paper presented at the Conference on Electoral Systems and Reform in Representation, Institute for Multiparty Democracy (IMD), Mangochi, 29 June to 2 July).
- Chirwa, Wiseman C. 2005. "Malawi's 2004 Elections: A Challenge for Democracy". *Journal of African Elections*, 4, 1, June: 43-60.
- Clapham, Christopher. 1995. "How Permanent are Africa's New Democracies?". *Africa Institute Bulletin*, 35, 2.
- Dahl, Robert A. 1989. *Democracy and Its Critics*. New Haven: Yale University.
- Diamond, Larry. 1988. *Class, Ethnicity and Democracy in Nigeria: The Failure of the First Republic*. Syracuse: Syracuse University Press.
- Diamond, Larry. 1996. "Is the Third Wave Over?". *Journal of Democracy*, 7, 3, July.
- Druckman, Daniel. 1986. "Stages, Turning Points, and Crises". *Journal of Conflict Resolution*, 30: 327-360.
- Dulani, B. 2004. *Delivering Democratic Outcomes in Elections: Opportunities, Lessons and Challenges from the 2004 Malawi General Elections* (Unpublished Paper).

- 
- Elklit, Jørgen. 1997a. "Introduction", in Elklit, Jørgen (ed). *Electoral Systems for Emerging Democracies: Experiences and Suggestions*. Copenhagen: Danish Ministry of Foreign Affairs.
  - Elklit, Jørgen. 1997b. "Preface", in Elklit, Jørgen (ed). *Electoral Systems for Emerging Democracies: Experiences and Suggestions*. Copenhagen: Danish Ministry of Foreign Affairs.
  - Elklit, Jørgen. 2002. "Lesotho 2002: Africa's First MMP Elections". *Journal of African Elections*, 1, 2.
  - French, Howard W. 1995. "With a Firm Grip on Election Rules, African Leaders Rack Up Big Victories". *International Herald Tribune*. October 25.
  - Gurr, Ted R. 1993. *Minorities at Risk: A Global View of Ethno-Political Conflict*. Washington, DC: US Institute of Peace Press.
  - Hajat, Rafiq. 2004. *Electoral Systems, Election Monitoring and Observation: Good Practices* (Paper presented at the Conference on Electoral Systems and Reform in Representation, Institute for Multiparty Democracy (IMD), Mangochi, 29 June to 2 July).
  - Hawkins, Tony. 1990. "Black Africa: From Aid Dependence to Self-Sustaining Growth". *The World Today*, 46, 11, November.
  - Hirschman, Albert O. 1970. *Exit, Voice and Loyalty: Responses to Decline in Firms, Organisations and States*. Cambridge: Harvard University Press.
  - Horowitz, Donald L. 1991. *A Democratic South Africa? Constitutional Engineering in a Divided Society*. Berkeley: University of California Press.
  - Huntington, Samuel P. 1991. *The Third Wave: Democratisation in the Late Twentieth Century*. Norman: University of Oklahoma Press.
  - Hutchful, Eboe. 1991. "Eastern Europe: Consequences for Africa". *Review of African Political Economy*, 50, March.
  - Hyden, Goran. 1992. "Governance and the Study of Politics", in Hyden, Goran & Michael Bratton (eds). *Governance and Politics in Africa*. Boulder: Lynne Rienner Publishers.
  - Hyden, Goran. 1997. "Foreign Aid and Democratisation in Africa". *Africa Insight*, 27, 4.
  - Jackson, Robert H & Carl G Rosberg. 1982. *Personal Rule in Black Africa*. Berkeley: University of California Press.
  - Kamchedzera, G. 1997. "Parliamentary Strike and Public Trust". *The Lamp*, 9, July-September
  - Karl, Terry Lynn. 1990. "Dilemmas of Democratisation in Latin America". *Comparative Politics*, 23, 1, October.
  - Keller, Edmond J. 1995. "Liberalisation, Democratisation and Democracy in Africa: Comparative Perspectives". *Africa Insight*, 25, 4.
  - Keulder, Christiaan. 2002. *To PR or to Ward? Notes on the Political Consequences of Electoral Systems in Namibia*. Windhoek: Institute for Public Policy Research. Briefing Paper No 14, November.
  - Lardeyret, Guy. 1991. "The Problem with PR". *Journal of Democracy*, 2 Summer: 30-35.
  - Lewis, W Arthur. 1965. *Politics in West Africa*. London: Allen & Unwin.
  - Lijphart, Arend. 1991a. "Constitutional Choices for New Democracies". *Journal of Democracy*, 2, Winter: 72-84.
  - Lijphart, Arend. 1991b. "The Alternative Vote: A Realistic Alternative for South Africa?". *Politikon*, 18: 91-101.
  - Lijphart, Arend. 1994a. *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990*. New York: Oxford University Press.
  - Lijphart, Arend. 1994b. "Prospects for Power-Sharing in the New South Africa", in Reynolds, Andrew (ed). *Election '94 South Africa: The Campaigns, Results and Future Prospects*. New York: St Martin's Press.
  - Lijphart, Arend. 1995. "Electoral Systems", in Lipset, Martin M *et al.* (eds). *The Encyclopaedia of Democracy*. Washington, DC: Congressional Quarterly Press: 412-422.
  - Lipset, Seymour M. 1979. *The First New Nation*. New York: Norton.
  - Lofchie, Michael. 1989. "Perestroika without Glasnost: Reflections on Structural Adjustment", in Carter Center. *Beyond Autocracy in Africa*. Atlanta: Carter Center.
  - Mainwaring, Scott. 1993. "Presidentialism, Multipartyism and Democracy: The Difficult Combination". *Comparative Political Studies*, 6, July.
  - Makoa, Francis. 2002. *Elections, Election Outcomes and Electoral Politics in Lesotho*. Pretoria: Africa Institute of South Africa.

- 
- Malunga, Felix M. 2001. "Reform Undertaken/Taking Place in the Malawi Electoral Commission", in Dundas, Carl W (ed). *Electoral Reform in Commonwealth African Countries: Selected Papers*. London: Commonwealth Secretariat.
  - Matlosa, Khabele. 2003. *Survey of Electoral Systems and Reform Imperatives in the SADC Region*. Johannesburg: Electoral Institute of Southern Africa.
  - Matlosa, Khabele. 2005. Thinking about Elections and Governance in Southern Africa: Problems, Progress, and Prospects for Electoral System Reform (Paper presented at the Conference on Electoral Systems and Reform in Representation, Institute for Multiparty Democracy (IMD), Mangochi, 29 June to 2 July).
  - Neale, T. 2004. *Malawi's Media – 2004 and Beyond* (Paper presented at the GTZ Conference on Power of the Vote, Blantyre, 14 to 15 July).
  - Nyati, Eugene. 1992. *Africa in the Post-Cold War Era: The Emerging New World Order* (Paper presented at a meeting of the Pretoria Branch, South African Institute of International Affairs, 25 June).
  - Nzongola-Ntalaja, Georges. 1997. "The State and Democracy in Africa", in Nzongola-Ntalaja, Georges & Margaret Lee (eds). *The State and Democracy in Africa*. Harare: AAPS Books.
  - O'Donnell, Guillermo & Philippe Schmitter. 1986. *Transitions to Democracy: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.
  - Potani, Harris S B. 2001a. "Secrecy of the Ballot in Malawi", in Dundas, Carl W (ed). *Electoral Reform in Commonwealth African Countries: Selected Papers*. London: Commonwealth Secretariat.
  - Potani, Harris S B. 2001b. "The Role of the Courts in Malawi", in Dundas, Carl W (ed). *Electoral Reform in Commonwealth African Countries: Selected Papers*. London: Commonwealth Secretariat.
  - Przeworski, Adam. 1991. *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. New York: Cambridge University Press.
  - Quade, Quentin L. 1991. "PR and Democratic Statecraft". *Journal of Democracy*, 2, Summer: 36-41.
  - Reynolds, Andrew. 1995a. "Constitutional Engineering in Southern Africa". *Journal of Democracy*, 6, 2, April: 86-99.
  - Reynolds, Andrew. 1995b. "PR and Southern Africa: The Case for Proportionality". *Journal of Democracy*, 6, 4, October: 117-124.
  - Reynolds, Andrew & Timothy D Sisk. 1998. "Elections and Electoral Systems", in Timothy D Sisk & Andrew Reynolds (eds). *Elections and Conflict Management in Africa*. Washington, DC: US Institute of Peace Press.
  - Rothchild, Donald. 1991. "An Interactive Model for State-Ethnic Relations", in Deng, Francis & I William Zartman (eds). *Conflict Resolution in Africa*. Washington, DC: Brookings Institution.
  - Sartori, Giovanni. 1994. *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes*. New York: Columbia University Press.
  - Shugart, Matthew & John Carey. 1992. *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. New York: Cambridge University Press.
  - Sisk, Timothy D. 1995. *Democratisation in South Africa: The Elusive Social Contract*. Princeton: Princeton University Press.
  - Sisk, Timothy D. 1996. *Power-Sharing and International Mediation in Ethnic Conflicts*. Washington, DC: US Institute of Peace Press.
  - Sisk, Timothy D & Andrew Reynolds. 1998. "Introduction -- Democratisation, Elections, and Conflict Management in Africa: Exploring the Nexus", in Timothy D Sisk & Andrew Reynolds (eds). *Elections and Conflict Management in Africa*. Washington, DC: US Institute of Peace Press.
  - Slabbert, Frederik van Zyl. 2000. "What is Going On in Zimbabwe is Bad for Africa". *The Citizen*. 12 May.
  - Taagepera, Rein. 1996. *The Tailor of Marrakesh* (Paper presented at the Roundtable on "Electoral Systems for Emerging Democracies", organised by the Danish Ministry of Foreign Affairs at Sørup Heeregård, 12 to 15 November).
  - Tekle, Amare. 1997. "Elections and Electoral Systems in Africa: Purposes, Problems, and Prospects", in Elklit, Jørgen (ed). *Electoral Systems for Emerging Democracies: Experiences and Suggestions*. Copenhagen: Danish Ministry of Foreign Affairs.
  - Venter, Denis. 1995. "Malawi: The Transition to Multiparty Politics", in Wiseman, J A (ed). *Democracy and Political Change in Sub-Saharan Africa*. London: Routledge.

- 
- Venter, Denis. 2003a. "Democracy and Multiparty Politics in Africa: Recent Elections in Zambia, Zimbabwe, and Lesotho". *Eastern Africa Social Science Research Review*, XIX, 1, January.
  - Venter, Denis. 2003b. "Multiparty Politics and Elections in Southern Africa: Realities and Imageries", in Salih, M A Mohamed (ed). *African Political Parties: Evolution, Institutionalisation and Governance*. London: Pluto Press.
  - World Bank. 1989. *Sub-Saharan Africa: From Crisis to Sustainable Growth*. Washington, DC: World Bank.
  - Zakaria, Fareed. 1997. "The Rise of Illiberal Democracy". *Foreign Affairs*, 76, 6, November-December.