

CHOOSING AN ELECTORAL SYSTEM: ALTERNATIVES FOR THE POST-WAR DEMOCRATIC REPUBLIC OF CONGO

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INTRODUCTION

The civilised way of selecting individuals as the representatives of the citizens of a country is through free, fair and genuine elections. However, the translation of the results of an election into seats depends considerably on a combination of provisions and procedures known as the electoral system. Thus, the choice of an electoral system has a direct effect on the electoral results and bears serious political consequences on representation and political stability.

This paper is aimed at discussing types of electoral systems and their impacts on political representation and stability, and at pointing out what would matter the most for the citizens of the Democratic Republic of Congo (DRC) when choosing and engineering an electoral system for their country. The relevant experiences of various countries in the world will be underlined in order for the Congolese to draw lessons and expand their understanding of the political consequences of electoral systems. A special emphasis would be placed on the applicable experiences of countries in the Southern African Development Community (SADC) because of the comparability of the political, economic, cultural and social contexts in those countries.

There is no such a thing as the perfect electoral system. However, it is undeniable that some systems have advantages over others. The design of an electoral system is always influenced by each country's particular conditions, including its history, culture, politics, demographic composition and the views and roles of key actors. The post-war DRC has the challenge of designing an electoral system which would ensure political stability and representation, and sustain nation-building efforts.

The paper is subdivided into two sections. The first section gives a brief account of the political context in the DRC. This description would inform the choice of an electoral system in the Congo. The second section describes the types of electoral systems, with an emphasis on those used in the SADC region and their political consequences on those countries. In the conclusion, the author highlights his views as to which electoral system is the most likely to meet the political needs of today's DRC.

1. BRIEF HISTORICAL OVERVIEW OF THE POLITICAL CONTEXT IN THE DRC

Under the colonisation, movements of the indigenous populations from a province to another or from the rural to the urban areas were strictly restricted and were generally conditioned upon the presentation of a valid *feuille de route* or passbook, issued by the colonial authorities. Interactions between people of different ethnic groups or provinces were unusual in this country of "around 365 ethnic groups" (Ndaywel e Nziem, 1998). When, in 1957, the colonial officials authorised the creation of African political parties, the majority of them were ethnically or regionally based, as they mostly originated from tribal, ethnic or regional associations. Only a couple of political parties were able and interested in recruiting members countrywide, beyond ethnic and regional considerations.

Moreover, most Congolese knew little about the types of electoral systems, nor were they aware of the effects of a given electoral system on variables, such as political stability and representation. The outcome of the first ever held parliamentary and provincial elections of May 1960, demonstrated that ethnicity was the basis of voters' choice. The winner-takes-all electoral system combined with the ethnic and regional voting pattern culminated in an outcome which failed to give an overall parliamentary majority to one party, nor to a coherent coalition of political parties. This resulted in the composition of a coalition government consisting of nearly all the major parties, most of whom being ethnically or regionally based, with little ideological convictions.

In addition to the ill-designed electoral system inherited from colonisation, there were various endogenous and exogenous factors that caused the post-colonial political instability in the DRC. These factors include the lack of a proper political transition from colonial rule to a democratic dispensation, ethnic and political rivalries among the Congolese leaders, the inadequacy of some key constitutional provisions and the adverse roles of the former colonial power and the Cold War superpowers.

This poor beginning affected tremendously the functioning of the political system of the new state. The DRC has never fully recovered from this early post-colonial past. Thus, the history of the Congo has been characterised by a serious crisis of legitimacy resulting in secession wars, political conspiracies and assassinations and successive rebellions. Even during Mobutu Sese Seko's 32 years long reign, there were frequent armed attacks against his rule, particularly in the eastern and southern provinces of the Kivu, Katanga and Eastern provinces (Chomé, 1967; Young and Turner, 1985; Callaghy, 1986; Schatzberg, 1988 and Leslie, 1993).

After several decades of undemocratic rule which was opposed consistently by non-violent groups, the Mobutu administration was overthrown following a war that received a massive support of the population. The very same forces that helped Laurent Kabila in his fight against Mobutu, started a new war against the former. The current war has failed to receive similar levels of support from the Congolese people because widely seen as a war of aggression. It has been proved that some neighbouring countries orchestrated the current war against the DRC in order mainly to advance their economic interests (i.e. UN Report, 2001).

However, it must be admitted that the foreign aggression and the subsequent involvement of some Congolese politicians, mainly former dignitaries of the Mobutu regime and people of Tutsi descent, was possible owing to the high levels of discontentment by large segments of

the Congolese society. Indeed, the coalition that led Kabila to power, better known as the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL), used illegitimate means of access to power and governed in an undemocratic manner, which angered many Congolese people.

On the other hand, a number of provinces have been embroiled with ethnic hatred and/or open violent confrontations. In the *Province Orientale*, the rebel group in control of this part of the country remote-controlled the ongoing massacres between the Hima and Lendu ethnic groups, with the allegedly blessing and support of the Ugandan army. Violent conflicts between Congolese autochthonous populations and the Tutsi settlers in the North and South-Kivu provinces, where the latter are denied the Congolese nationality, have been accompanied with massive killings, rapes and other flagrant violations of human rights against civilians, mostly women and children. In Katanga, local militias massacred large numbers of mainly natives from the Kasai provinces, and violently drove hundreds of thousands of them out of the province in the early 1990's, illegally destroying or seizing their properties.

Congolese have the opportunity and the challenge to start afresh and design a constitutional and institutional framework which would ensure the peaceful coexistence between communities, political stability and fair representation of Congo's diverse population. Given the highly divisive nature of electoral competition, especially in a country where the state is increasingly the sole provider of resources, the engineering of an appropriate electoral system becomes of utmost importance. The design of a suitable electoral system would constitute an indispensable step forward toward the creation of a truly democratic republic of Congo, where various interest and ethnic groups live in harmony.

2. TYPES OF ELECTORAL SYSTEMS

An electoral system is a set of electoral laws, principles and mechanisms that specify the methods by which votes are translated into seats in the process of electing representatives into public office. There are almost as many electoral systems as there are countries. The variations between systems result from factors, such as the history, the culture, the practices and the roles of key actors in each country.

This section will focus on the three main types of electoral systems used in the SADC region, namely, single member plurality, list proportional representation and mixed electoral systems. The section will also describe briefly majoritarian electoral systems used particularly in France and in many of its former colonies in Africa.

2.1 Single Member Plurality

Inherited from the Anglo-American tradition, the Single Member Plurality (SMP) is used in countries like the United Kingdom, the United States of America, India and Canada as well as in most SADC countries, such as Botswana, Lesotho (until recently), Malawi, Swaziland, Tanzania, Zambia and Zimbabwe.

The SMP is also known as "first-past-the-post" system, "winner-takes-all", "simple majority" system or "relative majority" electoral system. The principle underlying the SMP type is the

simplest of all the electoral systems: the winner is the candidate who receives at least one more seat than each of the other candidates, and does not have to obtain more votes than all the other combined.

This can be illustrated with a hypothetical example. Let's imagine a single seat constituency where five candidates obtained the electoral results recorded in Table 1 below. Candidate D won the election with a relative majority of 29.9%. The victor is not required to secure an absolute majority of the valid votes cast. In the SMP system, smaller parties, such as A and C do not stand a chance of being elected.

Table 1: Hypothetical Example describing the functioning of the SMP

Party Names received	Number of votes	% of votes
A	51	5.10%
B	280	28.00%
C	85	8.50%
D	299	29.90%
E	285	28.50%
Total:	1000	100.00%

There is an abundant literature on the advantages and disadvantages of the SMP and other electoral systems. The first argument in favour of the SMP is that it is the simplest system, as all that voters have to do is to put an unequivocal mark next to the name of the candidate of their choice on the ballot paper. This system is said to be easy to use even in countries where the rates of illiteracy are the highest.

The most persuasive argument in favour of the SMP is its effect on political stability. David Farrell (2001) notes that the plurality system is said "to exaggerate the winning party's lead, making it easier to win a clear majority of seats, hence promoting greater parliamentary stability". Indeed, proponents of the SMP praise this electoral system for its propensity to produce stable governments, and therefore stable political system and regimes. By encouraging large parties at the detriment of small parties, the SMP ensures that the electoral competition ultimately takes place between the two largest parties of which one will win and form the government; hence, the emergence of a two-party political system in countries like the USA and the UK.

Another argument in favour of the SMP electoral system is that it maintains a link between an elected representative and his/her constituency; hence the high level of representative accountability offered by this system.

On the other hand, the critiques of the SMP have identified many weaknesses in this system which are discussed below. First, the argument that the SMP system ensures governmental stability while list proportional representation system, for example, may be risky for emerging democracies owing to the possible unstable shifting coalition governments has been questioned.

Arend Lijphart undertook an empirical study in order to determine the levels of stability enjoyed various countries using different electoral systems. He used a set of criteria like the holding of an election, changes in the composition of party composition and change of Prime ministers to determine the variable “government duration” in these countries. The result of the study (Table 2) demonstrates that “while having a non-proportional electoral system helps to promote government duration (and hence at least one indicator of stability), it is quite possible for proportional systems to have the same result” (Farrell, 2001).

Table 2: Proportionality and government stability

Country	Electoral System	Level of Disproportionality	One-party Governments	Average Government Duration (Years)
Switzerland	List	2.53	0.0	8.59
Jamaica	SMP	17.75	100.0	5.99
United Kingdom	SMP	10.33	100.0	5.52
Austria	List	2.47	33.8	5.47
Australia	AV	9.26	69.2	5.06
Canada	SMP	11.72	100.0	4.90
USA	SMP	14.91	89.1	4.45
Spain	List	8.15	100.0	4.36
Costa Rica	List	13.65	100.0	4.31
New Zealand	SMP	11.11	99.7	4.17
Colombia	List	10.62	52.9	3.48
Sweden	List	2.09	70.4	3.42
Norway	List	4.93	79.4	3.17
Ireland	STV	3.45	53.9	3.07
Greece	List	8.08	96.4	2.88
Germany	MMP	2.52	1.7	2.82
Venezuela	List	14.41	83.1	2.72
Netherlands	List	1.30	0.0	2.72
Japan	SNTV	5.03	46.2	2.57
France	2-Round	21.08	53.1	2.48
Denmark	List	1.83	42.9	2.28
Portugal	List	4.04	43.0	2.09
India	SMP	11.38	41.4	2.08
Belgium	List	3.24	8.3	1.98
Israel	List	2.27	0.1	1.58
Papua New Guinea	SMP	10.06	0.0	1.57

Finland	List	2.93	10.9	1.24
Italy	List	3.25	10.3	1.14

Source: Arend Lijphart quoted by David Farrell (2001: Table 9.1).

The above table shows that SMP countries like the UK, Canada and Jamaica are nearly as much stable as the countries using list proportional representation, such as Switzerland and Austria. Conversely, government instability, understood in the sense of short cabinet longevity, is as common in countries using the list proportional representation system like Belgium, Israel, Finland and Italy as it is in the SMP countries like India and Papua Guinea.

In the Lijphart's study mentioned above, government instability is defined only on the basis of elements, such as the holding of an election, changes in the composition of government party composition and change of Prime ministers. Measuring political stability should also encompass extra-constitutional actions used by citizens and politicians to destabilise the elected government, such as *coups d'Etat*, unrest and violent confrontations. While the SMP system may allow political stability through the dominance of one party like in Botswana (Tables 3 and 4), the disproportional representation generated by this electoral system led to the violent rejection of the electoral outcome, considered as illegitimate by the losing parties in Lesotho (Table 5).

Table 3: Percentage of Popular Vote by Party in Botswana

Party	1965	1969	1974	1979	1984	1989	1994
BDP	80.4	68.4	76.6	75.2	67.9	64.7	54.5
BNF*	-	13.5	11.5	12.5	20.5	26.9	37.3
BPP	14.2	12.1	6.6	7.4	6.6	4.5	4.1
BIP/IF	4.6	6.0	4.8	4.3	3.0	2.4	3.6
P	0.8	0.0	0.5	0.2	2.0	1.5	0.5
Others							

*Notes on the table: in 1965 the Botswana National Front (BNF), had not been formed.

Source: Somolokae, G: Botswana: Country Electoral Profile, EISA, 1999 (unpublished).

Table 4: Number of National Assembly Seats by Party (1965 - 1994)

Party	1965	1969	1974	1979	1984	1989	1994
BDP	28	24	27	29	28	31	31
BNF	-	3	2	2	5	3	13
BPP	3	3	2	1	1	0	0
BIP/FP	0	1	1	0	0	0	0
Total	31	31	32	32	34	34	44

Source: Somolokae, G: Botswana: Country Electoral Profile, EISA, 1999 (unpublished).

Table 5: 1998 Lesotho Parliamentary Election Results: Party Votes Achieved and Seats Won

PARTY	Votes Achieved	% of Votes	Seats won	% of seats
LCD	360 665	60.51%	79	98.75%
BNP	145 210	24.36%	1	1.25%
BCP	61 995	10.40%	0	0
Others	19 050	3.20%	0	0
MFP	9 129	1.53%	0	0
TOTAL	596 049	100.00%	80	100.00%

Source: Kadima, 2000a.

Table 5 illustrates an extreme case of how votes cast in an election are translated into seats, in the SMP system. This table shows that this system denied the Lesotho losing parties fair representation in Parliament. This clearly illustrates the most striking weakness of single member plurality electoral system that allows a disproportional representation of parties. The SMP had nearly ignored the choice of almost 40% of the Basotho voters. An example like the above-mentioned definitely confirms the bad reputation of the SMP.

The exceedingly disproportional character of the SMP caused popular frustration in Lesotho after the May 1998 elections, resulting in violent demonstrations by the supporters of the losing parties, a few days after the announcement of the (Sekatle, 1999; Kadima, 1999a). The violence was quelled only after the military intervention of SADC troops from South Africa and Botswana (Molomo, 1999; Makoja, 1999; Kadima, 1999a). Lesotho has since reformed its electoral system, moving from the SMP to a mixed electoral system, combining elements of SMP and list proportional representation.

Andrew Reynolds studied electoral system-design and executive-types in five southern African countries, namely Malawi, Namibia, South Africa, Zambia and Zimbabwe. His main finding is that “strong evidence suggests that presidencies, [single member] plurality electoral systems, and majoritarianism combine to create the democratic cousin of Hobbes’s all-powerful Leviathan state, thus, leaning towards an ethos of exclusion”.

In a country like the DRC, where there is no majority ethnic group nationally but only regional majorities, the single member plurality would have the effect of encouraging the emergence of ethnically and regionally concentrated parties. Table 6 shows the results of the May 1960 elections in the Congo. Only two of the eight major political parties, the MNC and PNP, were truly national parties. All the other parties, namely PSA, ABAKO, CERE, CONAKAT, MNC/Kalonji, BALUBAKAT, recruited nearly exclusively from one ethnic group, or at best, from one province. This resulted in the formation of a coalition

government consisting of many political parties, which had nothing in common, in terms of ideology. This contradicts the main argument in favour of the SMP that it encourages a two-party system. In the case of the DRC, the SMP stimulated ethnic politics and eventually jeopardised political stability.

Table 6: DRC general election results, 1960

<u>PARTIES & LEADERS</u>	<u>NUMBER OF SEATS</u>
M.N.C. (Lumumba)	33
P.N.P. (Bolya)	22
P.S.A. (Kamitatu)	13
ABAKO (Kasavubu)	12
CEREA (Kashamura)	10
CONAKAT (Tshombe)	8
M.N.C. (Kalonji)	8
BALUBAKAT (Sendwe)	6
Others	25
TOTAL	137

Source: Smith Hempstone: "Katanga Report", London, Faber and Faber, 1962, Page 90.

In young democracies, non-proportional systems, such as the single member plurality, have an inherent destabilising character because a chamber and cabinet that come to power by virtue of a simple majority may be perceived as illegitimate. Consequently, radical elements may resort to extra-constitutional means to overthrow such government.

Second, the argument that the SMP ensures greater accountability because of the link between the elected representative and the constituency is debatable for many reasons. It is doubtful that 70.1% of the electors, in the hypothetical example given in the above Table 1, might perceive Deputy B, who won with the support of only 29.9 % of the constituency's electorate, as their own representative.

This is more manifest in ethnically divided societies or post-war situations, where the levels of hostility and mistrust between candidates from different parties are high, especially if those parties were engaged in acts of violence against each other. Even in old democracies like the USA, one can wonder to what extent are the concerns of a Democrat voter served by a conservative Republican congressman or congresswoman from the same constituency.

In addition, debates and decisions in national parliament are taken on the basis of lobbying and votes. An individual action by a Member of Parliament is often of limited impact. More importantly, the focus of national parliaments is on national matters. Is it not, therefore, too much to expect an MP to shift the attention of the parliament to the particular problems of her or his constituency?

Third, the SMP has been criticised for its failure to ensure a fair representation of women and minorities, as this will be demonstrated in Section 2.3 of this paper. In the SADC region, this system has shown its limits in this respect. Several countries have introduced

constitutional provision aimed at correcting the main weakness of the SMP in order to enhance the representative character of parliament as far as the under-represented segments of the society are concerned.

In Botswana, besides the 40 contested seats, the Constitution entitles the President of the Republic to nominate four “specially elected MPs”. These appointments have allowed to increase the number of women MPs in the National Assembly in Botswana (Kadima, 1999c) though their levels of representation is still insignificant.

Botswana is not the only country in the region where the President is allowed to appoint MPs. Presidents of Namibia, Zambia and Zimbabwe are also constitutionally entitled to appoint a proportion of members of parliament. In Namibia, those appointed MPs do not have voting rights while Zambian and Zimbabwean appointed MPs enjoy full voting rights.

It is unclear whether the motives guiding the appointing authorities in these countries are not based on party allegiance rather than the need for a more representative legislature. It is doubtful that a constitutional provision which allows a president, who is not above politics to appoint MPs in a discretionary manner, falls within the democratic parameters. Each country should find proper mechanisms to improve the representation of all significant segments of the society, and those mechanisms should be based on the will of the people, expressed through votes and not on the will of an individual or a group of individuals.

An additional shortcoming of the SMP system is its vulnerability to gerrymandering. Indeed, Gerrymandering is this process of manipulating the process of demarcating electoral boundaries for electoral gain. The delimitation of electoral constituencies takes place at some intervals, generally after a census and a general voter registration exercise, or prior to a general election. It has been observed that this process is open to political manipulation to give an advantage to a political party or a candidate, or to make it harder for a particular party to win an election.

Gerrymandering is not applicable in the list proportional representation system, but it occurs in majoritarian systems because like the SMP, the majoritarian systems are also constituency-based electoral system and therefore entail the delimitation of electoral boundaries.

2.2 Majoritarian Electoral Systems

The SMP and majoritarian systems have several common features, including the fact that they both are non-proportional single seat-based electoral systems. The most distinctive difference between the two systems is that the former requires the winner to receive a simple majority of the votes cast while in the latter, the victor is required to receive an absolute majority of votes, that is, a minimum of 50% plus one.

There are two main types of majoritarian electoral systems, namely, “the two-round” system and the “alternative vote” system. None of these two electoral systems is used in the SADC region for national elections. Nonetheless, a brief description of this system would expand the range of electoral systems from which Congolese could choose and develop an appropriate electoral system for their country.

a) The Two-round system

The two-round system is also known as the “run-off” system or “two-ballot” system. It is used in France and some of its former colonies. The two-round electoral system is characterised by the fact that two rounds of voting take place on two different polling days in single seat-constituencies in order to increase the prospect of one candidate winning an absolute majority of the votes cast.

France uses two versions of this system in its parliamentary and presidential elections respectively. The “Majority – Plurality” is used in parliamentary elections. Its principle is simple: only candidates who receive a minimum of 12.5% qualify to stand for the second ballot. This is a way of reducing the number of candidates (and parties), and increasing the probability that the winner is elected with an absolute majority of votes. The winner in the second ballot is not required to obtain an overall majority of 51% because there could still be more than two candidates in the run off. The maximum number of candidates in the second round cannot exceed eight ($12.5 \times 8 = 100$).

The second version of the two round system, known as “Majority – Run off”, is used in the French presidential election. If none of the presidential candidates receive more than 50% of the votes in the first round, there will be a run off between the two leading candidates. This will ensure that the winner is elected with an absolute majority of the valid votes cast.

b) The Alternative Vote system

Also known as the “preferential voting” system, the alternative vote system is a single seat constituency-based electoral system which consists in ranking candidates in order of preference. If there are 5 candidates, voters will rank them from 1 to 5, one (1) being the highest preference, 2 the second highest, and so forth.

The main advantage of the majoritarian systems is that they ensure that the victor wins with a substantial majority, in contrast the SMP. However, it has been observed that majoritarian systems produce results which are even more inequitable than the SMP. In addition, they treat smaller parties even more unfairly than the SMP (Farrell, 2001).

Fair representation of significant segments of the population has been one of the most conspicuous strengths of the list proportional representation.

2.3 List Systems of Proportional Representation

The list systems of proportional representation (List PR) are the most widespread types of electoral system. The logic in the list PR is that the composition of a representative chamber should closely reflect the viewpoints, interests and demographic composition of the electorate. Parliament should therefore be a “microcosm” of the society.

There are two types of list PR system, namely, the “open lists” or “preferential” system and the “closed list” or “non-preferential” list PR. In the open list, electors are given the choices between casting a vote for one party or for a candidate. A vote cast for a candidate will result

in that candidate moving higher up the ranking order. This study focuses only on the closed list PR.

The closed list PR systems are characterised by the following features:

- They are not constituency-based;
- Voting is party-based (and not candidate-based);
- Party headquarters finalise the list of candidates and rank them;
- Parties may have as many candidates as there are seats in parliament; and
- The allocation of seats to a party is as closely as possible proportional to the percentage of votes received.

Let's illustrate the closed list PR system with a hypothetical example (see Table 7), portraying four parties which compete for 40 parliamentary seats. Blue Party achieved 49% of the valid votes cast and is entitled to 19 of the 40 seats in the Chamber, which represents 49% of the seats. To form the government, the Blue party will need to form a coalition with another party.

Table 7: Hypothetical Example of seats allocation in a List PR system

Party	Votes received	Percentage of votes	Seats won	Percentage of seats won
Blue Party	392	49%	19	49%
Yellow Party	240	30%	12	30%
Grey Party	80	10%	4	10%
Orange Party	88	11%	5	11%
TOTAL	800	100%	40	100%

Theoretically, the percentage of seats won by each party must equate the percentage of votes achieved. In reality, there are various degrees of distortion to the proportionality in all countries, owing to a number of factors. These factors may include electoral thresholds, the use of regions or provinces as sub-national constituencies, and electoral formulas used (i.e. largest remainders and highest averages). The analysis of electoral formulas is beyond the scope of this study.

List proportional representation is the most suitable system of representation as far as the fair representation of majorities and minorities is concerned. In addition, when well designed, list PR can be effective in nation building efforts, as it tends to encourage political parties to seek votes and membership across communities. This limits the attractiveness of mono-ethnic, racial or religious parties, and, therefore, prevents political instability which would result from the *de facto* exclusion of some communities from Parliament of government. Reynolds (1999) observes that "parliamentarism, proportional representation, and power-sharing structures provide the foundational level of inclusion needed by precariously divided societies to pull themselves out of the maelstrom of ethnic conflict and democratic instability."

Recent elections in SADC countries have shown that women and other under-represented groups, such as ethnic minorities, are better represented in list PR system. Table 8 below demonstrates this view in terms of gender representation. It must also be pointed out that among the countries using the SMP system the percentage of women MPs is relatively higher where there exist special constitutional arrangements or quotas to improve representation of under-represented groups. The countries are Botswana, Tanzania, Zimbabwe and Zambia. Malawi, Mauritius, Lesotho and Swaziland do not have such provisions and rank at the bottom of the table in terms of representation of women in their national legislatures.

Table 8: Women in SADC Parliaments

COUNTRY	Election	Seats	Women	% of Women	Electoral System
MOZAMBIQUE	Dec 1999	250	75	30.0	List PR
SOUTH AFRICA	June 1999	400	119	29.8	List PR
NAMIBIA	Nov 1999	72	18	25.0	List PR
SEYCHELLES	Mar 98	34	8	23.5	Parallel FPTP
BOTSWANA*	Oct 1999	47	8	17.0	FPTP
TANZANIA*	Oct 1995	275	45	16.4	FPTP
ZIMBABWE*	Apr 95	150	21	14.0	FPTP
ZAMBIA*	Nov 96	158	16	10.1	FPTP
MALAWI	June 1999	193	16	8.3	FPTP
MAURITIUS	Nov 95	61	5	8.2	Block
LESOTHO	May 1998	79	3	3.8	FPTP
SWAZILAND	Oct 98	65	2	3.0	FPTP

Source: Table compiled by Julie Ballington using a variety of sources: Regional Election Management Training Programme for Commonwealth Countries, Mauritius, 9 May 2000

It is worth pointing out that PR is better in representing women and other under-represented groups only when the political party leaderships are committed to improving this representation or if the law enforces this. In South Africa, only the ruling African National Congress (ANC) applies a gender quota system to ensure the increase of the political representation of women (Kadima, 1999b). Taking into consideration the importance of the ranking in closed-list PR system, the ANC's regulations provide that at least every third candidate on the list shall be a woman. The ruling FRELIMO party in Mozambique also uses a quota system in its lists to ensure a better representation of under-represented groups, such as women, the youth and the ex-freedom fighters (Kadima, 1999d).

Like all electoral systems, the closed list PR has its shortcomings. First, this system is blamed for allowing small parties in representative chambers, thus, creating opportunities for extremist and chauvinistic parties to find their way into government through coalition, and

* Countries with constitutional provisions allowing the President of the Republic to appoint additional MPs. At times, this provision has contributed to the increase of women and minority representation in parliament and possibly in government.

cause political instability by shifting their allegiance at will. These parties would also have the possibility to advance their minority interests at the expense of the majority.

Admittedly, it is worth avoiding the dangers of having extremist parties entering the system and destabilising it. Nonetheless, it would be preferable to have those extremist parties within the system where their views would be moderated through interacting with others, rather than keeping them outside the system, where they might resort to extra-parliamentary means to destabilise the country.

When there is really a serious risk associated with the easy entry of small extremist parties in parliament, electoral system designers would set legal thresholds to contain the rise of those extremist parties. Legal thresholds may also be used to discourage the proliferation of ethnically based parties. The Netherlands has one of the lowest threshold (0.67%) and Poland one of the highest (7%). In the SADC region, Mozambique has set the legal threshold at 5%, creating a *de facto* two-party political system while South Africa; there is no such threshold. In South Africa, a party may be elected with just 0.25% of the valid votes cast. The levels of distortion to proportionality are directly related, among other things, to the levels of the legal threshold.

Another argument against the List PR is that voters cannot pronounce themselves about the composition of and the ranking in the party lists. Can the contrary be said of other systems? Can one argue that voters have more say over who should stand for a party in a given constituency in the plurality and majoritarian systems? In all electoral systems, unless one is an influential party member, one cannot exert enough pressure on parties to get ones' preferred candidates selected.

Another recurrent argument against List PR is the lack of a link between the elected representative and the electorate, since electors vote for political parties and not individual candidates. Regardless of the type of electoral systems in force, a Member of Parliament (MP) might not be seen as "their own representative" by the percentage of the electorate who voted for another candidate, especially when the MP had won with a narrow majority. This is worse in ethnically divided countries or in situations where parties differ substantially on vital policy matters.

In South Africa, to minimise the absence of formally established constituencies inherent to the list PR, the ANC and several other political parties, have subdivided the country into "constituencies". They strive to maintain a regular link between the MPs and their supporters in those constituencies, thus ensuring some representative accountability. Prior to elections, some MPs lose their rank on the candidate lists and others are dropped from the lists during "party primaries", for failing to be accountable to the electors during their tenure.

Therefore, associating representative accountability to constituency-based electoral systems is debatable because in List PR, parties can organise themselves and maintain a regular link with the electorate in *de facto* sub-national constituencies. In final analysis, the individual accountability of a representative to his or her constituency is not as important and relevant as the collective accountability of a parliament vis-à-vis the nation, because national parliaments are not concerned with matters of local interest but with those of national interest.

2.4 Mixed Electoral Systems

Some countries have designed electoral systems combining the features of plurality and majoritarian systems and List PR in order to benefit from the advantages of both systems. These systems are known as Mixed Electoral Systems, and are briefly described below.

There are various types of mixed electoral systems. Therefore generalising about them is risky (Massicotte and Blais, 1999). The best-known mixed system is found in the post-war Germany (1949 – 1953). It combined elements of the single member plurality and proportional representation.

In the aftermath of the May 1998 elections, Lesotho opted for a mixed electoral system similar to the German model, which combines some features of the SMP and those of the closed list PR. The size of parliament has been increased from 80 to 120 MPs. The split SMP/ PR will be 80/40 respectively.

Electoral designers should note that the mere fact of combining features of constituency-based electoral systems with those of proportional representation does not suffice to obtain a better system. Care is required because the combination may result in a “bastard-producing hybrid” which combines the defects of PR and SMP (Sartogi, 1997).

3. CONCLUSION

As provided under the Lusaka Cease-fire Accord of July 1999, Congolese leaders are to meet in view to discuss and agree on political matters which would ensure to the country political stability, good governance, the protection of human rights and peace. The inter Congolese dialogue is due to start in October 2001 in Addis-Ababa, Ethiopia.

Some delegates to the Inter Congolese dialogue might be tempted to give priority to the ascension of their party to power rather than engage in a fruitful dialogue with a view to establishing an acceptable and realistic political framework for the exercise of political power in the DRC. It is therefore important that forums, like this one, discuss crucial matters which, for a variety of reasons, might be overlooked at the inter-Congolese gathering. Its conclusions should be made available the political leadership and the general public. The choice and design of an adequate electoral system for the Congo is one of the topics which deserve special attention given the lasting political consequences of electoral systems on political stability and nation building objectives. It is crucial that the discussion about the electoral system be done in a non-partisan, dispassionate, impersonal, disinterested and unbiased manner.

Having discussed various types of electoral systems and their political consequence on variables, such as political stability, representation and nation building, it is clear that there is no perfect electoral system. Furthermore, the same electoral system would have different political consequences in two countries because it does not function in a vacuum, and is affected by each country's specific political context, institutions, culture and actors.

The DRC is composed of a diversity of ethnic groups, languages, cultures and religions. Its 41 years of post-colonial history have been characterised by political agitation, institutionalised corruption and mismanagement, massive violations of human rights, civil wars, rebellions and secession wars. Such a diverse and somewhat divided-country would need an electoral system which would ensure a fair representation of political and ethnic groups, political stability and nation building. Based on the above description of different types of electoral system and their political consequences, the closed list proportional representation appears to be the most suitable electoral system for the post-war Congo, in spite of its inherent weaknesses for which corrective provisions may be developed.

The List PR system would have a number of advantages. Its inclusive and representative nature would ensure the legitimacy of the representative bodies.

The exclusionary character of plurality and majoritarian systems would exacerbate divisions in the DRC. We have seen how the disproportional representation generated by this SMP led to the violence and serious political instability in Lesotho when the supporters of the losing parties rejected the electoral outcome, as illegitimate. In contrast, proportional representation provides “the foundational level of inclusion needed by precariously divided societies to pull themselves out of the maelstrom of ethnic conflict and democratic instability” (Reynolds, 1999).

In a country like the DRC, where there is no majority ethnic group nation-wide but only ethnically and regionally based ethnic majorities, the SMP would stimulate the emergence of regionally concentrated parties, like in Congo’s first elections in the May 1960 elections. None of them managed to secure an overall majority of votes cast. The SMP led to the formation of an unstable coalition government with a large number of ethnic or regional parties hostile to one another, thus, contradicting the main argument that this system encourages a two-party system, and, as a result of this, political stability.

List proportional representation is the most suitable system of representation for the DRC because it can be effective in nation building efforts, as it tends to encourage political parties to seek votes and membership across communities. This limits the attractiveness of mono-ethnic politics, and, therefore, prevents political instability which would result from the *de facto* exclusion of some communities from Parliament and government.

In order to limit the tendency of the list PR system to encourage the mushrooming of political parties, electoral engineers should consider setting a reasonably high legal threshold to contain this risk.

Finally, the advantages of List PR, as described above, generally outweigh its disadvantages and hence this system is currently the most popularity worldwide. By opting for this electoral system, the DRC would gain tremendously in terms of political stability, peaceful coexistence of groups and nation building.

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