

The better Electoral system : Need of Nepal

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Abstract

The argument to prepare this research paper is that to analyze the various aspects of electoral systems which are practiced in the different countries of the world and discuss the better electoral system in Nepal as it is preparing itself for the system of federalism. It also studies the inclusive democracy and the electoral system practiced in the contemporary politics and the CA polls. The issue of election at different levels in federal system, in which inclusive democracy is again the question of national debate. It tries to raise the issue of the election system to be adopted in the upcoming elections. As Nepal faced the challenging situation in contemporary politics and the model of FPTP and List PR system practiced in the CA elections in 2008 and 2013. Here is the description of electoral system practiced in the world and their merits, demerits which give the clear idea to judge the electoral system suitable for a country like Nepal. The paper analyses the CA election 2008 and its result. Even it discusses about the reforms needed for the FPTP and List PR, Parallel mixed system or any other electoral system which can be more proportional and inclusive in the context of Nepal.

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Introduction

The study of electoral system is one of the complicated and difficult arguments to prove any system good for any country. There are various arguments which show that no electoral system is best for any country but we can say no governance system is better than elected ones. Thus the election and electoral systems must be discussed as election has become the heart and soul of representative democracies. Elections are popularly known as the democratic method of choosing the representative of the people with popular will. According to Nohlen, the election determines the rules according to which the voters may express their political preferences and according to which it is possible to convert votes into parliamentary seats in the case of legislative election, from which the executive is formed. Electoral system plays an important role in political system in which the electoral practices are common. As Nohlen says electoral system influence a number of factor including voting behavior and election results. It determines the nature and functions of political representation and party system in a particular political and electoral system and plays a crucial role to determine the political preferences and transfer power in any political system.

Objective

This paper is prepared with the general objective to analyze the various aspects of electoral system and to argue for the best system in the context of Nepal as Nepal again prepares itself for the election of president and the election at center , state and local levels. Here the paper tries to analyze the theoretical and conceptual aspects of the various electoral system practices in the different countries of the world so far. It also tries to focus on the merits and the demerits of these systems and identify the achievements and choose the best electoral system for the country like Nepal after the discussions of the problems and the challenges and case study of its experiences and the diversified society in which social division is overlapping in different ethnic groups and communities. It needed inclusiveness in the electoral system. In historical background, Nepal experienced First-Past-The-Post System (FPTP) since the electoral system introduced but it also experiences the proportional representation (PR) system during CA elections held on 28th Chaitra 2064 and 4th Mangsir 2070.

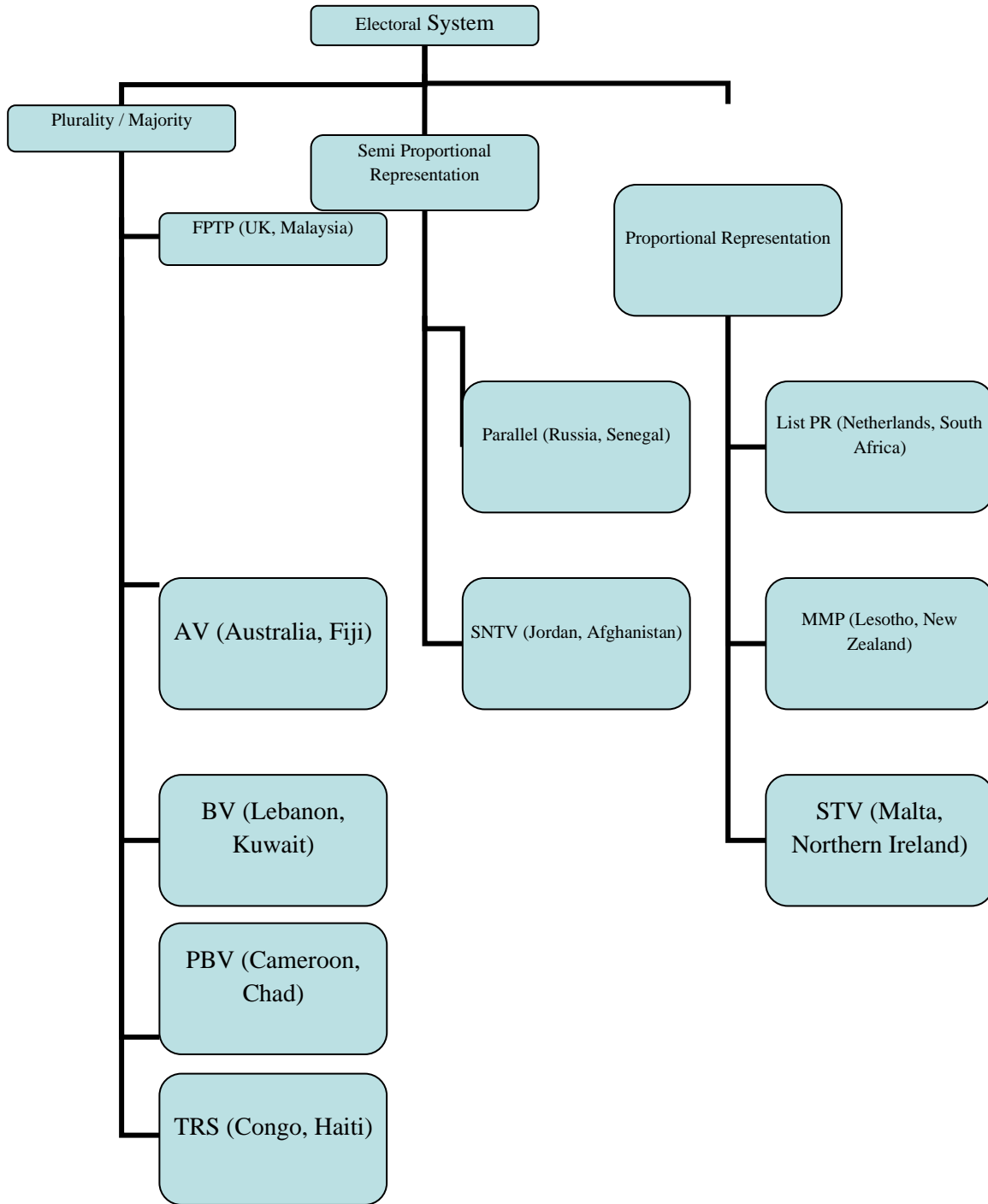
Now, there are some questions to be discussed

- a. What type of election system has to be adopted for the different levels of election in federal system?
- b. Isn't it necessary to discuss the problems and challenges faced by the FPTP with PR system in the CA polls?
- c. Were the CA polls held on 28th Chaitra 2064 and 4th Mangsir 2070 inclusive, impartial, free and fair?
- d. What type of election system do the political parties prefer?
- e. What is the better electoral system for the country like Nepal to address all the diverse groups of people and make their fair representation from local to central levels?

Description

There are various electoral systems prevailing in the countries of the world. Each of these systems has some merits and demerits.

The chart given below shows the electoral system in the world.



The electoral systems and their consequences. (Andrew Reynolds, Ben Reilly and Andrew Ellis: The system and their consequences/ case study of six countries/ Nohlen , Dieter and Kumar Sushil : Election and electoral system)

Plurality/ Majority system

The principle of Plurality/Majority system is simple. After the votes have been cast and counted, the candidate or the party with the largest number of votes is declared the winner. This way this system is achieved in practice very widely. Five varieties of this system can be identified.

- a. FPTP (First-Past-The-Post System)
- b. AV (Alternative Vote)
- c. BV (Block Vote)
- d. PBV (Party Block Vote)
- e. TRS (Two Round System)

First-Past-The-Post System

First-Past-The-Post System is the simplest form of Plurality/ Majority electoral system using single member districts and candidate centered voting. The candidate who gains more votes than any other candidates is declared the winner, even the candidate may get elected with one or two more votes than the other candidates. 22% of the world uses FPTP System. The countries practicing this system are UK, Canada, India, Malaysia, Bangladesh etc.

The merits of FPTP system:

- Clear cut choice of voter.
- Allows voters to choose the parties and the persons.
- Excluding the extremist party from representing the legislature.
- Gives rise to single party governance.

Promotes geographical accountability with the link between constituency and the legislature.

- The demerits of FPTP system:
- Encourage the political parties based on clan or ethnicity.
- Excludes smaller parties from fair representation.
- Leaves large number of votes wasted.
- Excludes common, minorities from their representation.Cause vote splitting.

Alternative Vote System

The Alternative Vote System is a preferential Plurality/ Majority system used in single member districts. Voters use numbers to mark their preference on the ballot paper. A candidate who receives an absolute majority of valid first preference votes is declared elected. If no candidate achieves an absolute majority of first preferences, the least successful candidates are eliminated and their votes are reallocated according to their second preference until one candidate has an absolute majority. The countries practicing this system are Australia, Papua New Guinea, Fiji, Presidential election in Ireland.

The merits of AV system:

- Supports the candidate who has little hope of winning.

- Advantage of transferring the ballots that enables the votes of several candidates to accumulate.
- Choose the candidate with second preference, not the parties.
- The diverse but related interest can be combined to win representation.
- Can provide significant incentives for accommodating and cooperative politics.

The demerits of AV system:

Requires a reasonable degree of literacy and numeracy.

- Doesn't work well when applied to larger, multi-member districts.
- Often produce results that are disproportional when compared to PR or FPTP System.
- Promoting centrist outcomes is very dependent on underlying social and demographic conditions.

Block Vote System

Block vote system is a Plurality/ Majority system used in multi-member districts. Voters have as many votes as there are seats to be filled in their districts and are usually free to vote for the individual candidates rather than the parties. The voters may use as many or as few of their votes as they wish. The candidate with the highest total votes wins the seats. The countries practicing this system are Kuwait, Laos, Lebanon, Tonga, Tuvalu etc.

The merits of BV system:

- Retaining voter's ability to vote for individual.
- Allowing for reasonable sized geographical districts.
- Increasing the role of parties as compared to FPTP system.
- Strengthening those parties which demonstrate most coherence and organizational ability.
- The demerits of BV system:
- Have unpredictable and often undesirable impacts of election outcomes.
- Single party may rule.
- The party may win more seats with less percentage of votes.
- Creates severe difficulties for the effective functioning of a parliamentary system.

Party Block Vote System

Party block vote system is a Plurality/ Majority system using multi-member districts in which voters cast a single party centered vote for a party of their choice and do not choose between the candidates. The party with most votes wins every seat in the electoral districts. There is no requirement for the winner to have an absolute majority of the votes. The major component of this system was found in four countries by 2004; Cameroon, Chad, Djibouti and Singapore.

The merits of PBV system:

- Encourages strong parties.
- Ensures balanced ethnic representation.
- Allows parties to put up mixed slates of candidates for minority representation.
- Enables parties to present ethnically diverse lists of candidates for elections.

The demerits of PBV system:

- May produce highly disproportional results.
- One party wins almost all of the seats.
- Sometimes there is no opposition.

Two Round System

The Two Round system is a Plurality/ Majority system in which a second round election is held if no candidate or party achieves a given level of votes, most commonly an absolute majority (50%+) in the first election round. It may take a Plurality/ Majority form, more than two candidates in the second round but the candidates only at the top can contest and the candidate with highest number of votes in the second round wins the seat. This system is practiced in Congo, Gabon, Mali, Haiti, Iran, Georgia, Egypt etc.

The merits of this system:

- Allows voters to have a second chance to vote for chosen candidates.
- Encourages diverse interest to coalesce behind the successful candidates.
- Lessens the problem of vote splitting.
- Enables voters to make a complete fresh choice in the second round if they desire so.

The demerits of this system:

- Places considerable pressure on the electoral administration.
- Shares more of the disadvantages of FPTP system.
- Implication for deeply divided societies.
- May prompt the opposition to boycott the second round.

Semi Proportional Representation

Semi Proportional Representation is the system in which both proportional representation and plurality/ majority components are present. In this system the voters have more choices and alternatives and can vote on the basis of parties and gives chance to become more inclusive than the FPTP system.

Two varieties of this system are identified:

- a. Parallel Mixed System
- b. SNTV (Single Non-Transferable Vote)

Parallel Mixed System

Parallel Mixed System uses both PR and Plurality/ Majority components but unlike MMP system, the PR components of the system doesn't compensate for any disproportionality within the Plurality/ Majority districts. It is a mixed system in which the choices expressed by the voters are used to elect representatives through two different systems, one the PR and the other Plurality/ Majority system. The parallel system is used in Armenia, Pakistan, South Korea, Japan, Seychelles, Russia, Senegal etc.

The merits of Parallel system:

- Usually gives results somewhere between pure Parallel/ Majority and pure PR system.
- Fragments the party system less than a pure PR system.
- Small minority party can be successful to get more winning seats in the proportional allocation.

The demerits of Parallel system:

- Two classes of representatives are created.
- Doesn't guarantee overall proportionality and some parties may shut out of representation.
- It is relatively complex and can leave voters confused as to the nature and operation of the electoral system.

Single Non-Transferable Vote system

Single Non-Transferable Vote system allows voters to cast a single vote in multi-member districts. The candidates with the highest vote totals are declared elected. Voters vote for the candidate rather than political parties but there is more than one seat to be filled in each electoral district. The political parties can face challenges in SNTV system. The SNTV system is practiced in Afghanistan, Jordan, Vanuatu,, Second chamber elections in Indonesia, Thailand etc.

The merits of SNTV:

- Better to facilitate the representation of minority parties and independent candidates.
- Encourages parties to become highly organized and instruct their voters to allocate their votes to candidates.
- Enables a number of popular non-party candidates to be elected.
- This system is praised for being easy to use and understand.

The demerits of SNTV:

- Gives voters only one vote and contains few incentives for political parties.
- Gives rise to many waste votes.
- Multiple candidacies from the same party may lead to fragmentation and discord internally.
- Larger parties can receive a substantial seat as bonus.

Proportional Representation

Proportional representation requires the use of electoral districts with more than one number. The rational underpinning all PR system is the conscious translation of a party's share of the votes into a corresponding proportion of seats in the legislature. PR system facilitates minority parties' access to representation, regional fiefdoms, women and minority groups. There is less chance to waste vote. When the thresholds are low, almost all votes cast in PR elections go towards electing a candidate of choice.

Three varieties of PR system are identified.

- a. List PR (List Proportional Representation)
- b. MMP (Mixed Member Proportional)
- c. STV (Single Transferable Vote)

List Proportional Representation

Under a List Proportional Representation system, each party or group presents a list of a candidate for multi-member electoral districts. The voters vote for a party and parties receive seats in proportion to overall share of the vote. The choice of List PR doesn't itself completely specify the electoral system, more details must be determined. The system used to calculate the allocation of seats after the votes have been counted can be either a Highest Average (HV) or a Largest Remainder Method (LRM). There are open, close and free list. The countries having List PR system are Cambodia, Belgium, South Africa, Netherlands, Israel, turkey etc.

The merits of List PR system:

- More likely to represent the minority and cultural groups.
- Representation of women and under privileged groups is promoted.
- Ensures that the legislature includes members of both majority and minority groups.
- Parties can be encouraged by the system to craft balanced candidate list.

The demerits of List PR system:

- Weak links between elected legislators and their constituencies.
- Excessive entrenchment of power within party headquarters.
- Need for some kind of recognized party or groups to exist. Close lists do not allow voters to determine the identity of candidates.

Mixed Member Proportional System

Mixed Member Proportional System attempts the positive attributes of Proportional Representation under MMP systems, the PR seats are awarded to compensate for any disproportionality produced by the district seat results. Voters may make only one choice, with the party totals being derived from the totals for the individual district candidates. It is a mixed system in which the choices expressed by the voters are used to elect representatives through two different systems; one is List PR and the other is Plurality/ Majority. The countries practicing MMP system are Albania, Germany, Lesotho, Mexico, New Zealand, Venezuela, Italy etc.

The merits of MMP system:

- Ensures the elected representatives are linked to geographical districts.
- Two votes; one for party and the other for local representatives.
- Creates two classes of legislature.
- This may have implication for the cohesiveness of groups of elected party representatives.

The demerits of MMP system:

- Less preferable than List PR.
- Votes to be wasted in the support of their own candidate.
- Gives rise to strategic voting anomalies.
- Provides candidate sympathy with the National Party's ideas.

Single Transferable Vote System

Single Transferable Vote System is a preferential system in which the voter ranks the candidates in multi-member districts and the candidates that surpass specified quotas of first preference votes are elected. The result is determined through a series of counts. At the first count, the total number of first preference votes for each candidate is ascertained. Any candidate who has the number of first preference greater than or equal to the quota is immediately elected. In second and subsequent counts, the surplus votes of elected candidates are redistributed according to the second preferences on the ballot paper.

The countries practicing this system are Republic of Ireland, Malta, Estonia, Australia, British Columbia, Local election of Scotland etc.

The merits of STV system:

- Allows the choice between the parties and candidates within parties.
- Final results retain a fair degree of proportionality.
- Provides a better chance for the election of popular independent candidates than List PR.
- Voters can influence the composition of post-election coalitions.

The demerits of STV system:

- It is not suitable in many societies at very least degree of literacy and numeracy.
- Produces pressure to political parties to fragment internally. Intricacies of a STV count are quite complex.
- Proves to be a little troublesome in practice.

Besides these electoral systems, other systems are also in practice which is given below.

Limited Vote System (LV)

Limited Vote System is a candidate centered electoral system used in multi-member district in which electors have more than one vote but fewer votes than there are candidates to be elected. The candidate with the highest vote total wins the seats.

Cumulative Vote System (CV)

Based on multi-member constituencies, the voter in this system are allowed to vote all candidates as needed. One of the fundamental characteristics of this system is that the voters are allowed to spread their votes over several candidates or concentrate the on one.

Finding

The description gives the clear figure of electoral systems and its need for any country according to its geographical, social, economical and cultural aspects. Nepal is a country of multi culture, multi religion, multi caste, multi-language, multi ethnic groups. They experience the diverse social divisions which sometimes overlap on one to other. If we see these diverse

groups, we can find that the culture, custom, tradition, language etc are different and have unique life style. Even many of these diverse ethnic and caste groups are deprived of their rights guaranteed by the constitution and face the crucial situation in the society. Many such groups lack the access to health and education facilities due to which their representation is less in any field. Even these people cannot have interest and understand the importance of electoral system and cast their votes. But in recent years the circumstances have been changed and the people are capable to make up their mind about their representation in different sectors, especially in politics.

Nepal has long historical background of the FPTP for legislature and STV elections for assembly. But the election of Constituent Assembly of 2008 introduced PR system along with FPTP which is the Parallel Mixed system. (Mishra,2008,9) The CA polls gave opportunity to various diverse groups to represent in the constituent assembly. It also gave chance to the representation of women around 33% (32.78%) in the CA 1 which was the greatest achievement in the history of election in Nepal. The CA election act 2008 has made the provision for the preparation of close list of candidates under PR system and determined percentage of Madhesis (31.2%), Dalit (13%), Adibasi Janajati (37.8%), Backward Areas (4%) and Others (30.2%) and among them the women's representation 50%.(Dahal,2009,23) From the closed list, the Janajati like Sunuwar, Meche, Dhanuk, Dolpo, Baram, Balunge, Pahari, Tokpegola had not been selected while the Janajatis which didn't give their candidacy were Kusunda, Bankaria, Raute, Surel, Hayu, Raji, Koosbadia, Singmama, Thudam, Bote, Bhote, Darai, Tajpuriya, Chhantyal, Fri, Larke, Lepcha, Chayrotan, Tingaule, Thakali and Kishan. The CA election tried to make the CA inclusive as indigenous groups, Janajati, Madhesi, Women, Dalit, Handicapped, and third gender got their representation. Although some groups didn't get chance to represent in the first CA.(Upreti,2009,7/ Election Commission Report 2064)

The two larger parties NC and CPN-UML had similar opinion of mixed elections, Madhesi Janadhikar Forum Nepal, Terai Madhesi Loktantrik, Janamorcha Nepal, RPP, RPP Nepal, Nepal Dalit Janajati etc favored for PR system as some other preferred FPTP system. Thus the parallel mixed system (FPTP + PR) was found more inclusive for the participation of marginalized, powerless and voiceless groups of people including Adibasi, Janajati, Madhesi, Women, Dalit, Handicapped and Third Gender on the basis of their population.

For the CA election for 601 members 240 members were elected through FPTP, 335 members were elected through PR and 26 members were nominated by the government. There were 25 parties which got chance to represent in the CA 1. Even some parties didn't get a single seat in the FPTP but there was their representation through PR. Although it got great achievement of inclusiveness from the past but wasn't complete proportionally. The countries which practice Parallel system must have equal seats in both FPTP and the PR system. But in Nepal it wasn't equal. Illiterate people were confused during the election due to two ballot papers which made 5% vote invalid which was the largest percentage of invalid votes till now. If the election system had been other, the result might have come different.(Upreti,2009,13) Thus it is necessary to have greater national discussion and debate to overcome the problems of Parallel Mixed System.

Conclusion and Recommendation

The electoral system needed in Nepal is reformed form of Parallel Mixed system. The elections ahead must be prepared better for the people to feel his/her ownership and

participation in the nation building process and institutionalising federalism in Nepal. The electoral system may provide rooms to correct the mistakes that took place in the CA elections as the voters were more dissatisfied to the closed list of PR system. The voters who cast their votes under List PR for the parties didn't know the name of the candidates whom they were casting their votes for. Under the List PR, the closed list was practiced and the leader of the parties overtook the power of election commission and selected the names of their favorable candidates to represent in the Constituent Assembly. We have already experienced the mistakes of Parallel Mixed system thus we must learn the ways to overcome those mistakes and use the better electoral system which is suitable for a country like Nepal.

A few practical remedial measures can be suggested to the policy makers to remove the existing anomalies and challenges in the field of both electoral systems in Nepal so far.

- Equal percentage of seats for FPTP and PR need to be allocated.
- Special voter's awareness programs need to be conducted.
- Practical training in the election need to be conducted to minimize the percentage of invalid votes.
- Election commission needs to get full authority for the List PR to elect the candidate.
- STV system can be preferred for closed list.
- Threshold should be fixed at the minimum margin of 5% like Germany, Russia or New Zealand according to which the parties which fail to secure 5% of the votes nationwide are ineligible to be awarded seats from the PR List.
- System of threshold can reduce the possibilities of splitting the parties and encourage the smaller and weak parties to merge together.

References

Baral, Lokraj: Local Leadership and Governance in Nepal: Lecture and Handout on 30th January 2009, Dhulikhel organized by NCCS.

Dahal, Ram Kumar: Elections, Electoral System and Inclusive Democracy in Nepal: Lecture and Handout on 3rd Feb 2009, Dhulikhel organized by NCCS.

Election Commission Report: Sambhidhansabha 2064: Ek Jhalak.

Kumar Sushil: Election and Electoral System, Institute of Constitutional and Parliamentary Studies: New Delhi.

Mishra, Birendra Prasad: Nirvachan Pranali: Bigatka Anubhutiharur Ra Bhavishyako Ganatavya, 2008.

Nohlen, Dieter: Elections and Electoral System: MacMillan India Ltd.

Reynolds Andrew , Reilly Ben and Ellis Andrew : The System and Their Consequences.

Upreti, Nilkhanth: Electoral System and Inclusion: Lecture and Handout on 2nd Feb 2009, Dhulikhel organized by NCCS.

Case Studies

Cheibub, Jose Antonio: Brazil: Candidate Centered PR in a Presidential System.

Elklit, Jorgen: Lesotho: Africa's First MMP Electoral System.

Ellis, Andrew: Palestine: Political Realities Shape The System.

Patidar, Vijay: India: First Past The Post on a Grand Scale.

Reynold, Andrew: South Africa: Electoral System, Conflict Management and Inclusion.

Roberts, Nigels: New Zealand: Learning to Live With Proportional Representation.