

CHOOSING AN ELECTORAL SYSTEM

Alternatives for the Post-war Democratic Republic Of Congo

By
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INTRODUCTION

The civilised way of selecting individuals as 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 has serious political consequences for representation and political stability.

In this paper I discuss types of electoral systems and their impacts on political representation and stability, and point out the most important elements that will affect the citizens of the Democratic Republic of Congo (DRC) when they choose and engineer an electoral system for their country. The experiences of various relevant countries will be outlined to enable the Congolese to draw lessons and expand their understanding of the political consequences of different electoral systems. Special emphasis is placed on the applicable experiences of countries in the Southern African Development Community (SADC) because of the similarity of their political, economic, cultural and social contexts.

There is no such 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 a 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 a system that will ensure political stability and fair representation and sustain nation-building efforts.

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

HISTORICAL OVERVIEW

In colonial times, movements of indigenous populations in the Congo from one province to another or from rural to urban areas were strictly restricted and generally required the presentation of a valid *feuille de route* or passbook, issued by the colonial authorities. Interactions between 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 the parties were ethnically or regionally based, originating from tribal, ethnic or regional associations. Only a few political parties were able to recruit, or were 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 parliamentary and provincial elections, in May 1960, demonstrated that ethnicity was the basis of the voters' choice. The winner-takes-all electoral system, combined with the ethnic and regional voting pattern, culminated in an outcome that failed to give an overall parliamentary majority either to one party or to a coherent coalition of parties. This resulted in a coalition government composed of almost all the major parties, most of whom were ethnically or regionally based, with few ideological convictions.

In addition to the ill-designed electoral system inherited from colonisation, various endogenous and exogenous factors caused the post-colonial political instability in the Congo. 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 its 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-year reign, there were frequent armed attacks, 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 in a war that received massive support from the population. The very same forces that helped Laurent Kabila in his fight against Mobutu however, soon started a new war against Kabila, a war that failed to receive similar levels of support from the Congolese people because it was widely perceived 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.

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 made possible by the high levels of discontent among large segments of 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 in ethnic hatred and/or open violent confrontations. In the *Province Orientale*, the rebel group in control of that part of the country remote-controlled the ongoing massacres between the Hima and Lendu ethnic groups, allegedly with the 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 Congolese nationality, have been accompanied by massive killings, rapes and other flagrant violations of human rights against civilians, mostly women and children. In Katanga, local militias massacred large numbers, mainly of natives from the Kasai provinces, and violently drove hundreds of thousands of them out of the province in the early 1990s, illegally destroying or seizing their properties.

The Congolese have the opportunity and the challenge to start afresh and design a constitutional and institutional framework that will ensure 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 is of utmost importance. The design of a suitable electoral system would constitute an indispensable step towards the creation of a truly democratic Republic of Congo, where various interest and ethnic groups can live in harmony.

TYPES OF ELECTORAL SYSTEM

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 to 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.

I will focus on the three main types of electoral systems used in the SADC region – namely, single member plurality (SMP), list proportional representation (PR) and mixed electoral systems. I will also describe briefly the majoritarian electoral system used particularly in France and in many of its former colonies in Africa.

Single Member Plurality

Inherited from the Anglo-American tradition, the Single Member Plurality 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', 'winner-takes-all', 'simple majority' or 'relative majority'. The principle underlying the SMP is simple: the winner is the candidate who receives a minimum of one more vote than each of the other candidates, and does not have to obtain more votes than all the others combined.

This can be illustrated with a hypothetical example. Let us 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 Showing the Functioning of the SMP

Party Names	Number of votes	% of votes received
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 abundant literature on the relative advantages and disadvantages of various electoral systems. The first argument in favour of the SMP is that it is the simplest system, as all voters have to do is to put an unequivocal mark next to the name of the candidate of their choice on the ballot paper. The 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 it for its propensity to produce stable governments, and therefore stable political

systems and regimes. By encouraging large parties, to the detriment of small parties, the SMP ensures that electoral competition ultimately takes place between the two largest parties, one of which 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 system is that it maintains a link between an elected representative and his/her constituency, thereby offering a high level of representative accountability.

On the other hand, critics of the SMP have identified many weaknesses in the system. First, they question the argument that it ensures governmental stability while the list proportional representation system, for example, may be risky for emerging democracies because of the possibility of it resulting in unstable shifting coalition governments.

Arend Lijphart undertook an empirical study to determine the levels of stability in various countries using different electoral systems. The results of the study (Table 2) demonstrate 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 stable as countries such as Switzerland and Austria that use list proportional representation. Conversely, government instability, understood in the sense of short Cabinet longevity, is as common in countries like Belgium, Israel, Finland and Italy that use the list proportional representation system as it is in the SMP countries like India and Papua New Guinea.

In Lijphart's study government instability is defined only on the basis of elements such as the holding of elections, changes in the composition of the governing party and changes of prime minister. Measurements of political stability should also encompass extra-constitutional actions used by citizens and politicians to destabilise the elected government, such as coups d' état, unrest and violent confrontation. While the SMP system may allow political stability through the dominance of one party, as it does in Botswana (Tables 3 and 4), the disproportional representation generated by this electoral system also led, in Lesotho, to the violent rejection by the losing parties of the electoral outcome, which was considered to be illegitimate (Table 5).

Table 3
Percentage of Popular Votes 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/IFP	4.6	6.0	4.8	4.3	3.0	2.4	3.6
Others	0.8	0.0	0.5	0.2	2.0	1.5	0.5

Source: Somolokae 1999

*Note: In 1965 the Botswana National Front (BNF) had not been formed.

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 (1999).

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. It shows that this system denied the losing parties in Lesotho fair representation in Parliament. This clearly illustrates that the most striking weakness of single member plurality electoral systems is that they allow a disproportionate representation of parties. The SMP all but ignored the choice of almost 40% of the Lesotho electorate.

The exceedingly disproportionate nature of the SMP caused popular frustration in Lesotho after the May 1998 elections, resulting in violent demonstrations by supporters of the losing parties a few days after the announcement of the results (Sekatle 1999; Kadima 1999a). The violence was quelled only after the military

intervention of SADC troops from South Africa and Botswana (Molomo 1999; Makoa 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 national majority ethnic group, only regional majorities, the single member plurality would have the effect of encouraging the emergence of ethnically and regionally concentrated parties.

In young democracies non-proportional systems, such as the single member plurality, are inherently destabilising 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 governments.

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 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 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 the concerns of a Democratic voter are served by a conservative Republican congressman or congresswoman from the same constituency.

In addition, decisions in national parliaments are taken on the basis of lobbying and votes. An individual action by a member of parliament (MP) is often of limited impact. More importantly, the focus of national parliaments is on national matters. Is it not, therefore, unrealistic 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. Certainly, this has proved to be so in the SADC region. Several countries have introduced constitutional provisions 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 increased the number of women MPs in the National Assembly in Botswana (Kadima 1999c) though their level 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 clear that the appointing authorities in these countries are motivated by party allegiance rather than the need for a truly 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 – manipulating the demarcation of electoral boundaries for electoral gain. Constituencies are generally redelimited after a census or 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, majoritarian systems are constituency-based and therefore entail the delimitation of electoral boundaries.

The Majoritarian System

The SMP and majoritarian systems have several common features, including the fact that they are both non-proportional, single seat-based systems. The most distinctive difference between them 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. Neither of these is used in the SADC region for national elections.

The Two-round System

The two-round system, also known as the 'run-off' or 'two-ballot' system, is used in France and some of its former colonies. The 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. The 'majority-plurality' is used in parliamentary elections. Its principle is simple: only candidates who receive a minimum of 12.5% of the votes 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 will be elected with an absolute majority. The winner of 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 receives 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.

The Alternative Vote System

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

The main advantage of majoritarian systems over the SMP is that they ensure that the victor wins with a substantial majority. However, it has been observed that majoritarian systems produce results that are even more inequitable than those produced by 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.

List Systems of Proportional Representation (List PR)

The list systems of proportional representation are the most widespread of the electoral systems. The aim of 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 society.

There are two types of list PR systems – the 'open list' or 'preferential' and the 'closed list' or 'non-preferential'. In the open list, electors are given the choices between casting a vote for a 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.

Closed list PR systems are characterised by the following features:

- They are not constituency-based.
- Voting is party-based (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.
- The allocation of seats to a party is, as closely as possible, proportional to the percentage of votes received.

Let us illustrate the closed list PR system with a hypothetical example (see Table 6) portraying four parties competing for 40 parliamentary seats. Blue Party achieved 49% of the valid votes cast and is entitled to 19 of the 40 seats (49%) in the chamber. To form the government, the Blue Party will need to enter into a coalition with another party.

Table 6
Hypothetical Example of Seat Allocation in a List PR system

Party	Votes received	% of votes	Seats won	% 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 equal the percentage of votes cast. In reality, various factors distort the proportionality in all countries. 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 PR 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 prevents the political instability that would result from the de facto exclusion of some communities from parliament or government.

Recent elections in SADC countries have shown that women and other under-represented groups, such as ethnic minorities, are better represented in list PR systems. Table 7 demonstrates this view in terms of gender representation. It must also be pointed out that in Botswana, Tanzania, Zimbabwe and Zambia, all of which use the SMP system with special constitutional arrangements or quotas to improve representation of under-represented groups the percentage of women MPs is relatively high. 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 7
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 1998	34	8	23.5	Parallel FPTP
BOTSWANA*	Oct 1999	47	8	17.0	FPTP
TANZANIA*	Oct 1995	275	45	16.4	FPTP
ZIMBABWE*	Apr 1995	150	21	14.0	FPTP
ZAMBIA*	Nov 1996	158	16	10.1	FPTP
MALAWI	June 1999	193	16	8.3	FPTP
MAURITIUS	Nov 1995	61	5	8.2	Block
LESOTHO	May 1998	79	3	3.8	FPTP
SWAZILAND	Oct 1998	65	2	3.0	FPTP

Source: Compiled by Julie Ballington from a variety of sources.

* 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.

It is worth pointing out that PR offers better representation to women and other under-represented groups only when the political party leaderships are committed to improving this representation or if the law enforces it. In South Africa, only the ruling African National Congress (ANC) applies a gender quota system to ensure an increase in 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 better representation of under-represented groups, such as women, the youth and former freedom fighters (Kadima 1999d).

Like all electoral systems, the closed list PR has its shortcomings. It is blamed for allowing small parties into representative chambers, thus creating opportunities for extremist and chauvinistic parties to find their way into government through coalitions, and cause political instability by shifting their allegiance at will. These parties would also be able to advance their minority interests at the expense of the majority.

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

When there is a serious risk associated with the easy entry of small extremist parties into parliament, electoral system designers may set legal thresholds to contain the rise of such parties. Legal thresholds may also be used to discourage the proliferation of ethnically based parties. The Netherlands has one of the lowest thresholds (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 in 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 of proportionality are directly related, among other things, to the levels of the legal threshold.

Another argument against the List PR system is that voters do not have a say in the composition of and rankings in the party lists. Can the opposite 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 one's 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 for individual candidates. Regardless of the type of electoral system in force, those members of the electorate who voted for the opponent of a successful candidate might not perceive the member of parliament as 'their own representative', especially if the MP has won only by a narrow majority. This problem is aggravated 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' because they have failed to be accountable to the electors during their tenure.

The value of associating representative accountability with constituency-based electoral systems is debatable because in list PR systems parties can organise themselves and maintain a regular link with the electorate in *de facto* sub-national constituencies. In the 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.

Mixed Electoral Systems

Some countries have designed electoral systems that combine 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.

The fact that there are various types of mixed electoral systems makes generalising about them risky (Massicotte and Blais 1999). The best-known mixed system is that of post-war Germany (1949-1953) which combined elements of single member plurality and proportional representation.

In the aftermath of its May 1998 elections, Lesotho opted for a mixed electoral system similar to the German model. The size of parliament was increased from 80 to 120 MPs. The SMP/ PR split will be 80/40.

Electoral designers should note that the mere fact of combining features of constituency-based electoral systems with those of proportional representation does not ensure a better system. Care is needed because the combination may result in a 'bastard-producing hybrid' combining the defects of PR and SMP (Sartogi 1997).

CONCLUSION

In December 2002, Congolese leaders met in Pretoria and agreed upon transitional arrangements and how political power will be shared among the Kabila government, the armed groups, the political opposition and the *forces vives*, or civil society organisations. The time has now come for the Congolese leadership and the population at large to discuss and agree upon the institutional and constitutional frameworks which would ensure for the country political stability, the rule of law, good governance, the protection of human rights and peace.

The choice and design of an adequate electoral system for the Congo is one of the topics that deserves special attention, given the lasting political consequences of electoral systems for political stability and nation building objectives. It is crucial that discussion about the electoral system take place in a non-partisan, dispassionate, impersonal, disinterested and unbiased manner.

It is clear that there is no perfect electoral system. Furthermore, the same electoral system has different political consequences in different countries because such systems do not function in a vacuum, they are affected by each country's specific political context, institutions, culture and actors.

The DRC comprises a diversity of ethnic groups, languages, cultures and religions. Its 43 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 divided country needs an electoral system which ensures a fair representation of political and ethnic groups, political stability and nation building.

The exclusionary nature of plurality and majoritarian systems would exacerbate the divisions in the DRC. We have seen how the disproportionate representation generated by the SMP led to violence and serious political instability

in Lesotho, when the supporters of the losing parties rejected the electoral outcome as illegitimate. By 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 nationwide but only ethnically and regionally based ethnic majorities and minorities, the SMP would stimulate the emergence of regionally concentrated parties. The result of such a scenario would be that the government might be made up of a large number of ethnic or regional parties hostile to one another.

In these circumstances the closed list proportional representation system appears to be the most suitable one for the post-war Congo, in spite of its inherent weaknesses, for which corrective provisions may be developed.

Among its advantages is the fact that it is inclusive and representative, which would ensure the legitimacy of the representative bodies. List PR can also 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, preventing the political instability that would result from the de facto exclusion of some communities from the national parliament and government.

To limit the tendency of the list PR system to encourage the mushrooming of political parties, Congolese electoral engineers should consider setting a reasonably high legal threshold.

The advantages of list PR generally outweigh its disadvantages, hence its popularity all over the world. By opting for this electoral system, the DRC would gain tremendously in terms of political stability, peaceful coexistence of groups and nation building, which are all key political prerequisites for sustained economic and social development.

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