

Selecting an Electoral System to Enhance Representative Democracy and to Respond to Challenges in Sustainable Communities: Proportional, First Past the Post or Mixed System: A Sri Lankan Perspective

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Background

In the modern world, only a democratically elected government will gain the recognition as a legitimate government. A state can enhance representative democracy only by adopting an accurate and appropriate electoral system to their election laws. Presently to meet the challenges of this globalized world, most nations have begun to see the need for a suitable electoral system. Quintessentially parliament must mirror public opinion and each and every democratic state should focus on the integrity of electoral system.

As we are aware, in Sri Lanka, under the Constitutions of Donoughmore, Soulbury and the First Republican Constitution our electoral system was a 'First Past the Post' (FPP) system. Under the 1978 Constitution our electoral system has been changed into a 'proportional representation' (PR) system.

In this post-conflict era to give a sustainable solution to the ethnic conflict and to sustain democracy the need of enhancing people's appropriate representation in parliament is essential. Therefore changes to the electoral system are determined as indispensable. So as a result, the main question which dominates the debate on electoral reforms is "should we abandon the present PR system and adopt the FPP system we have experienced previously or adopt some mixed or hybrid system?"

The purpose of this paper is to research on this question which is crucial to the present debates on constitutional reforms necessary to solve the present ethnic conflict and to respond to the challenges in sustainable communities. Accordingly, the main purpose of the author is to analyse the drawbacks and benefits of each systems. Apparently, both systems have failed to enhance the representative democracy in a meaningful way.

Methodology

This study is based on library research. The necessary information was gathered from secondary sources accessible and available in the library such as constitutions, journal articles, text books, research and working papers, government publications, newspapers, electronic databases and e - journals. In addition, for the purpose of providing recommendations for Sri Lanka, the author has done a comparative study using the electoral reforms in Germany, New Zealand and other relevant jurisdictions.

Outcomes

The PR system which is the election system we are familiar with in Sri Lanka is one of "simple plurality" of votes. As a result political parties are able to gain seats in parliament in numbers which do not resemble the votes polled by them nationally.

The proportional representation electoral system introduced by the 1978 Constitution, which makes the candidate dependent on the party for nomination, solidified party loyalty and diminished legislator responsibility to the electorate and voter. In an atmosphere where there was already a lack of internal democracy within parties this has led to the dominance of the party over the processes of nomination. Further, section 99 (13) of the Constitution states that a member of parliament who ceases to be a member of a recognized political party due to resignation, expulsion or any other reason is liable to lose his seat in parliament. This provision further erodes the independence of members of parliament and has enabled the executive, who is a member of the party that commands a majority in parliament, to have greater control of the legislature.¹

Like other former British colonies, Sri Lanka inherited a Westminster model of parliamentary government, with universal suffrage established in 1931 and full general elections in 1947, but over time found that First Past the Post (FPP) elections were incapable of representing minority interests (interests not supported by the majority). Under this system, the candidates who obtain a larger number of votes was declared elected. In this system if no one obtains the larger percentage of votes, a candidate, who only obtains 20% of the votes, will get the chance to be elected. This nature is thoroughly against the representative Democracy. Unless minority candidates compete in multi-member constituencies, they find it difficult to get representation. The possibility of a single party to obtain majority to govern on its own could in turn create an arbitrary government. There can be high degree of unused votes because other than multi-member constituencies minority voters will not show their attention on voting.

Recommendations and Conclusion

In 2003 the government appointed a Parliamentary Select Committee on Electoral Reforms which submitted a report in 2004. In 2006 a second committee was appointed to further consider the issue and it presented the interim report in 2007. The report proposes a mixed system (First Past the Post and proportional representation) for parliamentary and provincial council elections and the re-introduction of the ward system for local government elections. The most recent effort to reform the electoral system is as part of the process to formulate a political package to resolve the ethnic conflict through the All Party Representatives Committee (APRC) appointed by His Excellency the President Mahinda Rajapakse in January 2006.

It is clear that both PR and FPP systems have considerable benefits as well as certain drawbacks. Concentrating on those considerable benefits, this paper recommends a mixed or hybrid system which has been recommended by both the “People’s Alliance” and “United National Party” two major political parties in Sri Lanka in their election manifestos in 1994.

In suggesting a hybrid electoral system the study examines examples from Germany which has had substantial debate on electoral reform and has presently adopted a hybrid electoral system. In designing the electoral system of Germany, the framers of the Basic Law had two objectives. First, they sought to re-establish the system of proportional

¹ Radhika Coomaraswamy, ‘*Legitimacy and the Sri Lankan Constitution*’, *Ideology and the Constitution: Essays on Constitutional Jurisprudence*, Konark Publishers, 1997, p. 75.

representation used during the Weimar Republic. The second objective was to construct a system of single-member districts, like those in the United States. The framers believed that this combination would create an electoral system that would not fragment as the Weimar Republic had and would ensure greater accountability of representatives to their electoral districts. Hence, a hybrid electoral system of personalized proportional representation emerged.

In 1993, almost after a century, New Zealand switched to a mixed-member system (MMS). New democracies like Ecuador, Hungary, Russia, and Taiwan have also adopted "mixed" electoral systems, believed to combine the best of both proportional and majoritarian systems.

Therefore, there is no single "best" system for Sri Lanka; these arguments represent irresolvable value conflicts. For societies which are divided by deep-rooted ethnic or religious differences like Sri Lanka, the mixed or hybrid system may prove more inclusive to enhance representative democracy, to meet challenges among sustainable communities, and to build-up a legitimate democratic government.

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