

SRI LANKA'S ELECTORAL REFORM

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Electoral system is the necessary bone structure for representative democracy. Any defect in the bone structure will adversely affect the body politic. Sri Lanka has experimented and experienced two electoral systems after independence.

The first system, which operated from 1947 to 1978, was based on geographically demarcated constituencies with the apparent intention of keeping a close link between the voters and the voted. This was the system for parliamentary as well as local government elections. This system was a continuation of the electoral system introduced to this country with universal franchise in 1931. It was a mirror image of the electoral system in Britain. The elected representatives under this system were popularly identified with a particular constituency or ward. The elected representatives were considered agents of the voters. The system produced some of the very popular, down to earth and devoted MPs of the period. As the elections were contested at constituency level, the civil society at grass roots was more active and influential in determining the election outcomes under this system. There is considerable nostalgia still attached to this system among the older generation of voters. The system can generally be called constituency representation (CR).

Deficiencies

However, there were serious structural deficiencies in the system in terms of democracy. There was a considerable distortion of public opinion at the level of final representation. The system was not sufficiently reflecting peoples preference for minority parties, ethnic or political, and created weak parliamentary oppositions at times of major political swings towards one ruling party against the other. None of these conditions were conducive to democratic advancement. Two of the major repercussions were to frustrate the ethnic minorities and the left and to create tendencies towards political authoritarianism.

The above system, which was also called the first-past-the post (FPP) system, derived its name from the way the votes were counted to elect representatives. The weakness of this system was not only that the representatives were elected on the basis of the highest number (not the majority) of votes taken in the electorate but also the other votes cast were completely discounted in the final representation. As John Stuart Mill, as far back as the last century, argued: In a really equal democracy, every or any section would be represented, not disproportionately, but proportionately. A majority of the electors would always have a majority of the representatives; but a minority of the electors would always have a minority of representatives. Man for man they would be as fully represented as the majority. Unless they are, there is not equal government, but a

government of inequality and privilege: one part of the people rule over the rest.

PR System

The principles of proportional representation (PR) were conceived in Britain in the mid-nineteenth century. However, it became largely practised in continental Europe. It was Thomas Hare who first devised the scheme according to which the quota of voters who would be entitled to have a member is ascertained by the process of taking averages. For example, the number of voters divided by the number of seats. However, this has to be done not in small constituencies but in large districts, regions or the country at large. Since then there had been several varieties of proportional representation practised in different countries. What was adopted in Sri Lanka in 1978 was only one.

Compared to the FPP system, the PR system has had several advantages in terms of democracy. Under the system, the minorities were well represented in Parliament and provincial councils. Prior to that, the absence of proper minority representation was a major grievance especially after the Constitution of 1972. The 1972 Constitution abolished some of the supplementary devices for minority representation like in the Senate or the nominated members to Parliament. The PR system also benefited small left parties and disadvantaged groups after its implementation.

However, there are apparent weaknesses in the PR system as well. The critics are concerned about the alienated and divisive features. The system produces representatives largely divorced from the voters. It is supposed to create weak governments, instability and electoral violence. If the presidential system is abolished, the instability it would create is predicted to be immense. None of these conditions can be considered satisfactory. It is questionable, however, whether these conditions are the results of the PR system or something else.

Other Weaknesses

Electoral violence, for example, is not a direct result of PR. It is related, to an extent, to preferential voting. One can have PR without preferential voting. But it will alienate the voted from the voter more than before. Gamini Gunawardene has argued (*Daily News*, May 14, 1999) that it is not necessarily the preferential voting but the poster war that creates conditions for electoral violence. These conditions can be curtailed through strict election laws. It can also be argued that the alienation of the voted from the voter is largely due to the link between money/business and political power.

De-linking of these two, as far as possible, is more important in ensuring true representatives in a democratic fashion.

When one sketches a balance sheet of merits and demerits of the present system and the past, a rational conclusion seems to highlight the advantages of a mixture of the two. There seems to be some consensus emerging on these lines. Suggestions have been made to incorporate something similar to the German model; a combination of constituency principle and proportional representation.

One defect in the ongoing debate on the electoral system, however, seems to be the assumption that all representative bodies from local government to Parliament should be based on the same principle. This is perhaps a major mistake. It does not mean that electoral systems should completely be dissimilar from local government to Parliament. It means the combination of the two - constituency and proportional - can vary from one level of representation to the other depending on particular objectives of representation.

There are three important levels of decision-making bodies in our political system: local government, provincial council and national Parliament. The objectives, functions and needs of these bodies are interconnected, but different. Depending on these differences the electoral systems can easily vary to ensure democracy and expediency.

Local Government

Local government is very important in any democratic structure than we normally think. The matters handled by these bodies are very close to the day to day needs of the people and well being of the community as a whole. This is where the civil society should flourish. The local bodies are also the coordinating points of infrastructure handled by the provincial councils or the central government.

Local government politics is the primary school for political leadership. It is at this level that future leaders can be hatched. It is suggested that representatives for these bodies should be elected on the basis of constituency representation or wards. This will allow young local leaders to emerge and keep close contact with the people in their respective wards very closely. Nominations for these bodies can be by lists supplied by political parties or independent groups. This will allow a system of quotas for women and the young. It is suggested that at least 30 percent of nominees should be women. As N. Selvakumaran has already suggested, the counting of winners can be on the basis of single transferable vote. This will eliminate the past weaknesses of FPP. The single transferable vote is similar to what is prescribed for presidential election at present. This means, every voter while casting his/her vote for a candidate may specify his/her second or third preference in order for others. If no candidate receives a majority in the first round of counting, these preferences are counted until one among the two that receives the first and the second highest number receives a majority in the second counting.

Provincial/Regional Councils

Provincial or regional councils are important intermediary bodies between local governments and the national Parliament. The purposes of these councils are to ensure regional autonomy and devolution of power in some important matters. Some of these matters include land and land development, education, employment, infrastructure, police and civil administration. At this level of democracy, it is important to ensure an equal balance between representation of political parties/groups on a proportional basis, on the one hand, and a close link between the voters and the voted at constituency level, on the other hand. Within a broader policy framework, the provincial councillors are supposed to address the constituency needs of the voters. Therefore, the most appropriate electoral system might be a combination of both proportional and constituency system.

To ensure this combination, political parties or independent groups can submit two lists of nomination, one for constituencies and one for proportional representation at district level. Smaller parties might not win constituencies, but will get elected under PR. There can be specific quotas for women; perhaps 20 percent to start with. If this quota is priority in PR list, women will get elected almost automatically. There can be several mechanisms to combine the two systems, PR and CR. The simplest might be that the voters cast their votes for a candidate/party in a constituency on a preferential/transferable basis. Single transferable method is employed to select the final winner for the constituency. The first preference is counted for proportional representation. Preferential voting across party lines will eventually break rigidity in party loyalty. It will be better for democracy.

National Parliament

After the introduction of provincial councils, the role of the national Parliament is drastically changed. The tasks are reduced, but the status is elevated. This has not been properly grasped. The task of the national parliament is to formulate long term national policies for development, democratization and well being of the nation. This has nothing much to do with constituency development. This task has been taken over by the provincial councils. Perhaps what Edmund Burke stated last century is relevant here:

It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unre-served communication with his constituents. But when you have chosen him he is not a member of Bristol, but he is a member of Parliament.

Proportional representation seems to be the most appropriate system for the national Parliament given its tasks and functions. In electing members to Parliament what is primarily important is the party, and not the individual or constituency. It is the party that determines national policies. Individuals are important in terms of quality, sincerity and efficiency of Parliament.

If parties are not democratic enough to consider these matters in nominating candidates, preferential voting can be maintained to facilitate this condition through voters. But this is also not a firm guarantee. What is evident is the need for a more democratic party system. Some aspects of it might be achieved through election laws in respect of nominations. Others, however, are left to the parties themselves.

This paper does not suggest any substantial change to the principle of PR at the level of national Parliament. It supports the retention of PR but perhaps with certain modifications. One major modification necessary is to allow at least 20 to 30 percent women nominees by all parties and groups in district nomination. In addition, if national list nominations are preserved for women, 29 women members will automatically be elected to Parliament.

Conclusion

This paper attempted to highlight positive lessons from both proportional representation and constituency representa-

tion. It did not favor the first-past-the post counting method at all. Instead, it favored the single-transferable-vote in respect of any constituency representation.

The paper argued that constituency representation is more appropriate at the local government level but not necessary at the level of national Parliament. What is most necessary at the national level is true representation of public opinion through proportional representation. What is proposed for provincial councils is a combination of both. The proposal is for a graded structure for democratic representation. This proposal is made on the premise that there are three necessary levels of representation (local, provincial and national) and the tasks and needs of these three levels are different. What is proposed is a complimentary system beginning with constituency and gradually moving towards proportional representation. ■

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