

# The Institute for Social Inventions

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March 5th 1992

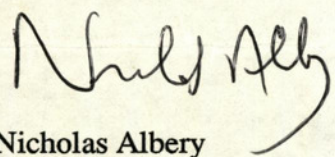
Dear Codesa Working Group 2 members,

Our work in trying to help design constitutions and electoral systems for Eastern Europe that will help prevent civil war lead us to believe that for South Africa too, Local Balance Representation would be the ideal electoral system.

It is outlined on page 2 of the enclosed newsletter.

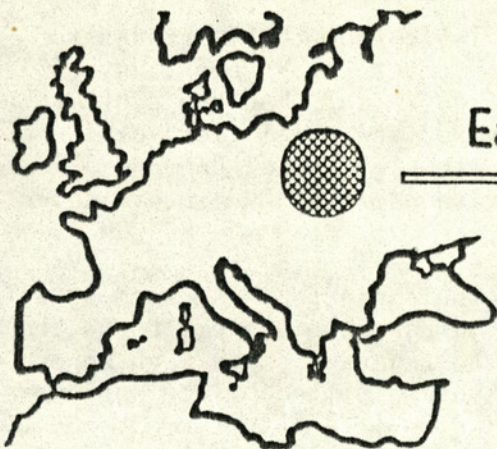
Its creator, Dr David Chapman, is available for detailed consultations if required.

With best wishes,



Nicholas Albery  
Chairman





# Eastern Europe Constitution Design Forum

A Network for action, research, support, and consultancy

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## FORUM NEWSLETTER February 1992

### Constitutional settlement as a means of solving ethnic conflict *Ralph Kinnear*

Dr Kinnear is the Programme Coordinator (Multilingualism and Ethnicity, Socio-economic Effects of Reconstruction, and Local and Regional Development programmes) at the European Coordination Centre for Research and Documentation in the Social Sciences, International Social Science Council, Vienna Centre

Whilst much has been written analysing and describing current ethnic conflicts in Central Europe and the USSR, very little has been suggested as a means of solving these conflicts beyond traditional negotiation and political trade-offs. The Multilingualism and Ethnicity programme has set itself rather higher goals, and in particular, constitutional settlements must be found as a means of protecting minorities and ensuring an equitable distribution of responsibilities between ethnic groups. Dr Chapman's extensive body of work on this subject is the only work we have seen to both analyse and suggest workable systems to solve these constitutional problems, and we regard it as both seminal and vital. It is very important that others now take up the issues that Dr Chapman has laid out with such clarity. In particular, a real effort must be made to bring them into the realms of practical discussion in all countries affected by his analysis. The European Coordination Centre for Research and Documentation in the Social Sciences will integrate this work into its existing programme in an effort to do that.

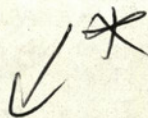
### AN ELECTORAL SYSTEM TO REDUCE ETHNIC CONFLICT

David Chapman

For the ex-communist countries, perhaps the greatest barrier to their establishment of democracy, lies in the ethnic divisions in the electorate. Under conventional electoral systems, parties tend to polarise on ethnic lines, and to exacerbate the ethnic antagonisms already existing in the electorate. I have therefore tried to design new electoral systems which give each party the incentive to become "inter-ethnic", i.e. to seek votes from each ethnic group, and to adopt a policy which protects each group, and equitably balances the interests of each group. In my recently published book Can Civil Wars be Avoided?: Electoral and

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Constitutional Models for Ethnically Divided Countries (available from the Institute for Social Inventions, price £7.95) I put forward about seven new electoral systems, any of which would appear to deal better with the problem of ethnic division, than the systems in common use. In this article I wish to set out briefly a revised and simplified version of one of them, the one which appears to be the most effective, that of "Local-Balance Representation", or LBR. (A more detailed paper on this revised form of LBR is available from the Institute for Social Inventions.)

LBR is designed for situations where each of the different ethnic groups is to some extent geographically segregated, i.e. concentrated into particular areas. This seems to be the pattern in much of Eastern Europe. The principle of LBR is to reward a party with more seats if its support is "locally balanced", i.e. if it gets votes from each local area of the country, and to penalise it with loss of seats if in any areas, it gets few or no votes. The idea is that the party then has the incentive to seek votes from each ethnic group, since if it neglected any one group it would get few votes from the areas which the group inhabited, and so would lose seats.

To achieve this, the country is divided into small electoral areas of perhaps ten thousand electors, or fewer if the country is small. Each area has its own ballot paper. A party puts up somewhat more candidates than it expects to elect, choosing for each one a constituency consisting of any set of these areas, such that the constituencies of all its candidates cover the whole country. The electors vote preferentially, writing "1" against their first-preferred candidate, "2" against their second-preferred, and so on, as far as they wish.

The basic principle of LBR is that each party gets seats according to its "adjusted vote". A party's adjusted vote is its normal vote, i.e. the total of votes cast for its candidates, adjusted downwards according to the degree of unevenness with which its votes are spread over the different areas of the country. The formula for a party's adjusted vote is this: one-tenth of its normal vote, plus nine times its votes in its "lowest sector". The party's lowest sector is that one-tenth of the electoral areas in which it does worst, or more precisely, that set of electoral areas, together containing one-tenth of the electorate, in which the party obtains its lowest percentages of votes. For example, suppose a party gets 10 million votes overall, and 0.1 million in its lowest sector. Its adjusted vote will therefore be  $10/10 + 9(0.1) = 1.9$  million.

Thus a party will obtain its maximum adjusted vote when it manages to get exactly the same percentage of votes in each electoral area, and this maximum will be equal to its normal vote. However, in practice perhaps the highest adjusted vote a party could achieve might be about 80 per cent of its normal vote. The party will get its minimum adjusted vote, one equal to 10 per cent of its normal vote, when it gets no votes at all in its lowest sector. In other words, a party can lose about 87 per cent of its seats, by getting no votes at all in some areas.

If no party has a majority of seats, it would be possible to form a government in the usual way, i.e. by forming a coalition. But under LBR, there is another option, which might well be considered preferable. This option is Direct Election of Government, i.e. one of the parties is directly elected by the people, to be the sole government party. This election is of course carried out on LBR lines, as follows. The party with lowest adjusted vote, calculated on the basis of first-preference votes, is eliminated, and its first-preference votes are transferred, each one going to the party it indicates as next preferred. The adjusted vote of each non-eliminated party is then recalculated, to allow for the votes transferred to it. The party which then has lowest adjusted vote is eliminated, its votes are transferred, and each party's adjusted vote is recalculated. And so on, if necessary, until one party has one-half or more of the total of adjusted vote, and is declared elected as the government party.

But this party elected as government will still have a minority of seats. Therefore, in order to ensure that this government party can in fact govern, and has an adequate majority of votes in the legislative assembly, it is given, as a party, a block of extra votes, equal in number to the non-government seats, minus four-fifths of the government seats. For example, if the government party has 100 seats, and the others have 200, the government gets a block of  $200 - 80 = 120$  votes. Thus the government has 220 votes as against the opposition's 200. The party is therefore in exactly the same position as, let us say, a



typical UK single-party government with a majority of 55.55 per cent--it can pass its legislation provided one-fifth of its members do not abstain, or one-tenth do not vote against it.

What then will be the result of using this LBR system? Changing from a conventional electoral system, to LBR, will drastically alter a country's politics. Typically, a party will have to greatly modify its policies and public image, so as to get votes from areas and ethnic groups from which previously it has received little or no support. It will adopt candidates from these ethnic groups to which it is now trying to appeal. It will abandon any appeal to ethnic antagonisms, and indeed will avoid any action or statement which might give offence to any ethnic group. It will seek in its policy to present an equitable and acceptable compromise between the needs of each group.

It will often be advantageous for parties to merge, so as to get a more even spread of votes over the country. In particular, a small party with support limited to one region, is likely to merge with another party or parties which have support where it does not. It is also at least possible that previously mono-ethnic parties attached to different ethnic groups, will, in order keep their seats, abandon their traditional antagonisms and merge as a single inter-ethnic party. This merger will be easier to form, if all the parties in it are otherwise similar, e.g. all are centre parties, or all are left-wing.

Even if some parties remain mono-ethnic, they are likely to get only a small minority of the seats. Thus if the government is formed by coalition, the inter-ethnic majority will be able to form a government, and this government will be an inter-ethnic one, responsive to each ethnic group.

Alternatively, the option of Direct Election of Government might be used. This has the advantage that it guarantees single-party government, and it can be expected to elect as that government a generally acceptable moderate centre party, that one which is most successful in appealing to the different ethnic groups. Thus while LBR allows few seats to extremist or mono-ethnic parties, the electors who vote first preference for them, still exert their due political influence with the major inter-ethnic parties, which must compete for their lower-preference votes, in their effort to be elected as government.

#### ETHNIC-ROLL LBR

The above form of LBR is designed for a country where the different ethnic groups are sufficiently segregated, each group having some particular areas where its members are concentrated. But for a country where at least one of the ethnic groups is spread more or less evenly over all areas, or has no areas where it forms more than a small minority, a modified system is proposed, that of Ethnic-Roll LBR, i.e. LBR in which at least one of the different ethnic groups, is registered on its own separate electoral roll. An ethnic group will need to be separately registered, if it is evenly spread, or if it has few or no areas where it has a majority of the vote.

In Ethnic-Roll LBR, a group of electors who live in the same small electoral area, and who are on the same electoral roll, is referred to as a "set". The rules of the preceding form of LBR are then applied, except that a party's votes in its "lowest sector" is defined as follows: its votes in that one-tenth of sets (not areas) in which it has its lowest percentages of votes.

Thus a party which gets few or no votes from any one separately registered ethnic group, gets few votes in the sets of that ethnic group, and so gets few votes in its lowest sector. It therefore has a lower adjusted vote and receives fewer seats, and (under Direct Election of Government) has a lower chance of election as the government party. Thus however little the different ethnic groups are geographically segregated, or however much the groups are mixed and spread over all areas, Ethnic-Roll LBR will provide each party with a powerful incentive to respond to the needs of each ethnic group.

#### A DEMOCRATIC STRUCTURE FOR THE NEW COMMONWEALTH OF INDEPENDENT STATES

David Chapman

The new Commonwealth of Independent States which has succeeded the Soviet Union, if it is to



thrive or even to survive, needs some permanently existing coordinating body. What is needed is not a revived authoritarian centre, but an elected Commonwealth government, effective and coherent but strictly limited in its powers and subject to full democratic control, which could coordinate economic change, and prevent the inevitable clashes of interest, and the deep-seated ethnic antagonisms, from escalating into armed conflict. This article puts forward ideas for a Commonwealth structure, using the electoral system described in the previous article, and certain decentralisation proposals set out in the book Can Civil Wars be Avoided?

1. A Commonwealth Assembly should be elected by the LBR system (Local-Balance Representation). As explained in the previous article, LBR is designed to give each party the incentive to seek votes from each local area and from each locally concentrated ethnic group. In doing this, it will clearly also provide the incentive to seek votes from, and to be responsive to the needs of, each republic, be it large or small, and each local area of each republic. (Perhaps at a later stage, it might be advisable to change to Ethnic-Roll LBR, placing small and widely dispersed ethnic groups on separate ethnic electoral rolls, in order to ensure that each party would be responsive to them.)
2. LBR with Direct Election of Government should be used, to allow the people of the Commonwealth directly to elect one of the parties in this Assembly to be the single-party government of the Commonwealth. The party elected as government would thus be the one most likely to be responsive to each republic and each ethnic group, a moderate centre party, likely to be generally acceptable to the different opinion groups among the electorate.
3. The powers of this Commonwealth government, and the functions it was to undertake, should (apart from those, if any, which were predetermined by some agreed Commonwealth constitution) be decided by the Functions Commission, a body elected by the deputies of each republican assembly in the Commonwealth. The members of the Commission should be elected for a fixed term by the Single Transferable Vote system of proportional representation, in one Commonwealth-wide constituency, in secret ballot, each deputy having a multiple vote, the multiple being the number of electors he/she represents. (See chapter 10 of Can Civil Wars be Avoided? for more detailed discussion.)
4. A similar democratic structure is proposed for any republic in which ethnic divisions are likely to create a problem. Thus LBR could be used to elect a republican assembly and a republican government, which could therefore be expected to be responsive to each ethnic group in the republic. It would also be possible for there to be a republican Functions Commission elected by the deputies of all regional or local assemblies in the republic, which would decide which functions were to be exercised by the republican government, and which by the regional or local governments. This could be expected over time to bring about a gradual decentralisation of government, in that powers would tend to be transferred from the centre to the lower-level governments as the latter became ready and able to exercise them.

Thus, in the proposed CIS democratic structure, the Commonwealth government would have only limited powers and functions. Its powers would be those allowed to it by the Functions Commission, which, being elected by the republican-level deputies, would assign to it only those powers which at that time the republics accepted it should have. The Commission would no doubt over time adjust the government's powers and functions, and transfer functions from the republics to the government or vice versa, as circumstances altered and the need for change became evident, or as the preferences of the republics changed.

At the same time, the Commonwealth government, being formed by a party elected under the LBR system, would have a strong incentive to exercise whatever powers it had, in a manner responsive to the needs of each republic and each ethnic group. Further, since this would be a single-party government with an adequate majority of votes in the assembly, it can be expected to be a unified government, following an integrated and coherent policy--in short, to be a fully effective government within its limited powers, and one responsive to the needs of all republics and all sections of the electorate.

I would like to ask readers to send me any comments they have on this proposal, and any suggestions for improving it, publicising it, or helping it to be put into practice.



# Democracy Design Forum

A Network for the Enhancement of Electoral and Constitutional Systems and Democratic Processes

Coles Centre, Buxhall, Stowmarket, Suffolk IP14 3EB, UK, tel 0449 736 223

**DIRECTOR:** Dr David Chapman. **COUNCIL MEMBERS:** Nicholas Gillett, Dr Hugh Miall.

**HONORARY CONSULTANTS:** Professor Josef Blahoz (Czechoslovakia), Professor Peter Jambrek (Slovenia), Leon Louw (South Africa), Professor Michael Nicholson, Professor Cedric Smith, Professor Boris Topornin (Russia), Dr Hugh Ward.

16 January 1992

Dear Peet Kask

Many thanks for sending to me for comment the draft constitution of Estonia, which is a very impressive document, and sets out very well the conditions for democracy. My comments are as follows.

I understand that Estonia has about 35 per cent of persons belonging to ethnic minorities. Thus the possibility of ethnic polarisation (e.g. on the lines of Northern Ireland--which has about the same population and ethnic split) should at least be considered. Proportional representation (which is required by article 52) offers no barrier to this, and indeed might be held to encourage it. Nor will articles 28 and 29 give much protection, if parties become ethnically polarised. In my book Can Civil Wars be Avoided?: Electoral and Constitutional Models for Ethnically Divided Countries (Institute for Social Inventions, 1991), a copy of which I believe was sent to you last summer, I put forward several systems designed to reduce or avoid ethnic conflict, in particular Local Balance Representation (LBR). LBR was further developed (and simplified) in my paper of December 1991, "Designing an electoral system to reduce ethnic conflict in Eastern Europe", a copy of which I am sending you by mail. The principle of LBR is that it penalises a party by loss of seats, if in some areas of the country it gets few or no votes. Thus, to the extent that each ethnic group is geographically concentrated in particular areas, each party is given the incentive to get votes from the areas occupied by each ethnic group, and so to become an inter-ethnic party, appealing to each group. (If a minority is not geographically concentrated, it might be necessary to register it on a separate ethnic electoral roll.) A government formed by such an inter-ethnic party or parties would be responsive to each of the ethnic groups in the country, whether it was a majority or a minority.

I am not suggesting that you should actually write LBR or some similar system into the constitution. But it is important that the option of adopting such a system should be left open. The proportionality requirement of article 52 closes the option, since LBR and at least some of the other systems might often not be strictly proportional in their electoral results. Thus I suggest you leave out this requirement of proportionality.

Chapter 14, article 144, provides that local governments shall deal with "local issues", but it gives no procedure for deciding which issues are local, and what powers and functions LGs should have. Thus the central government will presumably decide the LG functions, and will tend to decide in its own favour, probably resulting in the same over-centralisation we have in the UK. Thus I suggest you write into the constitution at least the general principles of the following method of allocating powers and functions between the different levels of government (such as central, regional, local), designed to have a bias towards decentralisation. (See chapter 10 of my book for details.) For each



lower level of government, a national commission is elected by all the elected representatives at that level, over the whole country (by secret-ballot proportional representation in one national constituency). Instead of being fixed by a more or less rigid constitution (e.g. as in the usual type of federalism), the powers of any set of lower-level governments can be changed at any time by negotiation between this set and the higher-level government or governments involved. In case of disagreement between them, the powers of the lower level are decided by the commission elected at that level. Thus there is a national commission for each level of government below the centre, and in case of disagreement between them, the lower-level one has primacy. Thus the scheme can be expected over time gradually to transfer powers to the governments of the lower levels as they become ready to exercise them, i.e. to decentralise as fast as it is appropriate. The scheme is thus an institutional mechanism for deciding, and implementing, that much-discussed condition of "subsidiarity".

Note that if an ethnic minority is mainly concentrated in its own territory, this scheme might further help to reduce ethnic tensions, by allowing this territory greater autonomy, so that the ethnic group can largely run its own affairs.

Chapter 15 gives the Riigikogu a veto on all amendments to the constitution. This might be dangerous--for example, reform of the R. might some time become desirable, and the R. might veto this out of self-interest (this is currently our problem in the UK). Thus I suggest the following as an additional route for amendments: initiation by (1) some minimum of signatures of electors, or (2) some percentage of the votes of local-assembly representatives, or (3) a constitutional assembly specially elected by the most proportional system possible, for this purpose only; and subsequent passing by referendum.

I don't know if you received my letter of last October about the Democracy Design Forum. This is a network, recently set up, to develop, and later to publicise, proposals for electoral and constitutional reform, in Europe and elsewhere. It will operate by circulating discussion papers and holding seminars to revise and develop proposals, and will make the results known by publication or by direct consultancy with relevant decision-makers.

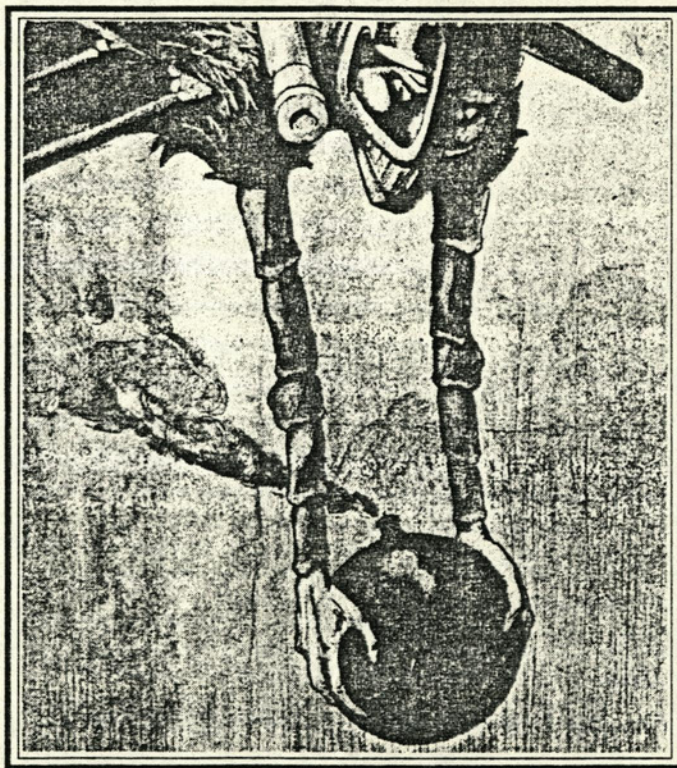
I would like to invite you to become an honorary consultant of the Forum. As a consultant you would have no set responsibilities or commitments, but it does mean that the Forum will send you all published papers, on which you would be welcome to make comments. The Forum would also of course accept papers from you for distribution within the network, or for wider publication. Your name would be listed as a consultant on the notepaper of the Forum, as on the heading of this fax. If this is acceptable to you, I should be very pleased if you could let me know as soon as is practicable.

It was very good to hear from you again after our interesting conversations in Malta. I hope you're keeping well.

All best wishes  
David Chapman



# Can Civil Wars be Avoided?



**Electoral and Constitutional Models for  
Ethnically Divided Countries**

**by David Chapman**

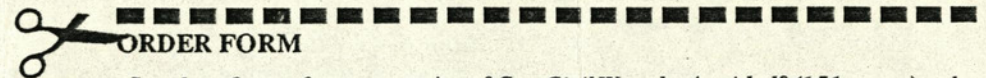
The main political agenda for the end of the century is likely to centre on attempts to avoid and control outbreaks of ethnic turmoil and civil war in the new and unstable democracies around the world. Dr David Chapman has studied constitutional and electoral systems for over thirty years, and in this book he outlines the ways in which innovative electoral safeguards for minorities and a careful and gradual decentralisation of power will prove as necessary for stable democracy as the more customary measures such as Bills of Rights.

'David Chapman's extensive work on this subject is the only work we have seen to suggest workable systems to solve these constitutional problems and we regard it as both seminal and vital'

*Dr Kinnear, Multilingualism and Ethnicity Programme, Vienna Centre*

'David Chapman is an established authority on electoral systems and this book is a fascinating account of various different electoral systems with their advantages and disadvantages. It is an invaluable survey and analysis which is of crucial practical importance at this time'

*Professor Michael Nicholson, Director of the London Centre for International Relations of the University of Kent*



## ORDER FORM

• I enclose £..... for ..... copies of *Can Civil Wars be Avoided?* (151 pages) at the special mail order price of £7-95, including p&p, to be sent to me (libraries and institutions £12-95).

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Airmail £6 extra per copy. UK sterling bank cheques please, or add £6-50 for foreign cheques to cover bank charges. Details for those filling in a card for this book at the reservation desk of their local libraries: *Title* Can Civil Wars be Avoided?, *Author* Dr David Chapman, *Publisher* The Institute for Social Inventions, 20 Heber Road, London NW2 6AA (tel 081 208 2853), *Publication date* July 12th 1991, *Price* £12-95 for direct (non-bookshop) to libraries, *ISBN* 0 948826 26 6. Return form to: ISI, 20 Heber Road, London NW2 6AA, tel 081 208 2853; fax 081 452 6434.



### Which electoral systems for which countries?

O= Optimal, in the author's view  
P= more likely to prove Politically Possible

Country	<i>Electoral Systems*</i>						
	1 DEG	2 DEG with PSR	3 LBR	4 CBR	5 AEG	6 APG	7 DEP
<i>See page:</i>	<i>p. 22</i>	<i>p. 51</i>	<i>p. 62</i>	<i>p. 88</i>	<i>p. 92</i>	<i>p. 114</i>	<i>p. 141</i>
Azerbaijan		O					
Baltic Republics	P		O				
Bangladesh		O			P	P	
Belgium		O?	O?				
Bulgaria			O				
Canada		O?	O?				
Croatia			O				
Cyprus			O				
Czechoslovakia		O?	O?				
Ethiopia						O	
Fiji			O?	O?			
Georgia			O		P	P	
Guiana			O?	O?			
India		O			P	P	
Iraq						O	
Israel		O			P	P	
Israel-Palestine			O				
Japan		O				P	
Malaysia	O?	O?					
Netherlands		O					P
New Zealand	P	O					
Northern Ireland			O?	O?			
Poland		O				P	
Russia		O			P	P	
Serbia			O				
Slovenia		O					
Somalia						O	
South Africa			O				
Soviet Union		O			P	P	P
Sri Lanka		O?	O?				
UK	P	O					
USA		O				P	
Yugoslavia			O				

\*1 DEG = Direct Election of Government

2 DEG with PSR = Direct Election of Government with Preference-Score Representation

3 LBR = Local-Balance Representation

4 CBR = Communal-Balance Representation

5 AEG = Assembly Election of Government

6 APG = Assembly-Presidential Government

7 DEP = Directly Elected President with Limited Powers