

## ■ Proportional Representation Simplified

Since Kenya attained its independence, it has used only one system to elect members to parliament. Under this system, the candidate who garners most votes wins the election. A party wins as many seats as its successful candidates do.

Looking at Kenya's 210 constituencies in 1997 for example, the Kenya African National Union (KANU) sponsored 210 candidates. Out of these, 107 won in their respective constituencies. The party, therefore, had 107 Members of Parliament (MPs) while the combined opposition had 103. This system is called the **First-Past-The-Post** electoral system, usually abbreviated as FPTP.

Besides Kenya, the FPTP system is used in Britain and majority of other countries, which were her colonies, for example, India, Uganda and Canada. FPTP belongs to a class of electoral systems with similar characteristics that are referred to as **majoritarian** or **plurality-majority** systems.

In some countries, votes are cast for political parties and not individual candidates. In the end, a party receives only as many seats as the proportion of votes it has obtained overall. Taking the example of Kenya again, KANU had 2,243,463 (39%) while the combined opposition had 3,563,048 (61%) of the total valid votes cast. In purely proportional terms, KANU would have had 39% of the 210 seats (81), while the combined opposition would have had 61% (129). Put simply, if a party has 10% of the votes, it should only be entitled to 10% of the seats. An electoral system that seeks to consciously maintain the proportionality of votes cast with the seats won is called a **proportional representation** system, usually abbreviated as PR. The PR system is in use in many European countries, such as Sweden and in new democracies such as South Africa.

## ■ What is the Difference between the Two Systems?

The key difference between the two systems is that FPTP is not geared towards achieving proportionality in representation while PR is. Indeed, FPTP systems rarely achieve proportionality. Theoretically, this can only happen by accident. The system is not designed with proportionality in mind! PR systems, on the other hand, are consciously designed to achieve proportionality – one of the basic tenets of democracy. It is not fair for a party to receive 10% of the votes and end up with, say, 30% of the seats in

Parliament. Yet that is what has consistently happened in Kenya's multi-party elections.

In the 1966 Little General Election, KANU got 29 (76%) of the 38 House of Representatives and Senate seats, while Kenya Peoples Union (KPU) had 9 (24%), yet KPU had more votes! In the 1992 General Elections, KANU had 98 (52%) while the combined opposition had 90 (48%) of the 188 seats. Yet KANU only obtained 35% of the popular vote vis-à-vis the 65% of the combined opposition. In 1997, KANU had 107 (51%) of the 210 seats with a popular vote of 39% compared to the combined opposition's 103 (49%) of the seats with 61% of the popular vote.

Votes cast for the losers in majoritarian elections are therefore, essentially wasted. No wonder then, that people are heard to say during campaigns that they do not want to waste their vote on a (apparent) loser. In a PR electoral system, there are also losers and winners but every vote counts. If a winner gets 30% of the votes they win 30% of the seats. The rest of the votes go to determine who wins the remaining 70% of the seats. PR systems therefore, occasion less apathy and have consistently higher voter turnout than elections held using a majoritarian electoral system. In a 1995 survey published in the *Almanac of European Politics*, Belgium, which has a PR system, had the highest voter turnout of 93% while the highest turnout by a country with a majoritarian system was the United Kingdom's 76%. Of the 20 countries surveyed, only the UK, France and the United States of America (USA) used majoritarian systems.

Other benefits of a PR system include the availability of more diverse representation, since even the smaller parties get seats. Due to the fact that PR elections are not winner-take-all affairs like majoritarian elections, they are associated with electoral contests that are not zero-sum in nature. Campaigns where a PR system is being used are run more often on issues and not mud-slinging. They reduce use of large amounts of money (read bribery, and vote buying) and to a large extent violence since campaigning is not as localized as that done during an FPTP system.

A PR system could take any of a number of forms. The most common types are **List-PR**, **Single-Transferable Vote** and **Mixed Member Proportional**. The **List PR** system is the most common type. In this type, elections are held in large multi-member constituencies (each constituency

has more than one member) to maximize proportionality. Each party presents a list of candidates to the electorate and gets as many seats as the proportion of votes it obtains. The winning candidates are taken from the list in order of their position on the lists. Lists can be "open", in which case voters get to choose who they prefer, or "closed", in which case voters have influence only over which party gets how many seats and not who gets elected.

A PR system could also use a **Single Transferable Vote (STV)**. In this system, voters have one vote but they rank the candidates in order of preference. Instead of marking on the ballot paper, a voter numbers the candidates in their order of *preference*. Based on the total number of votes, a quota is established for the election of a single candidate. Candidates with the lowest number of preferences are eliminated from the contest, with their preferences being distributed until all the available seats for that constituency are filled. If there are 5 candidates in a constituency with 30,000 voters with a quota of, say 5,000 votes, every candidate with less than 5,000 votes will be knocked out and their votes re-distributed to the remaining ones. The winner is the person who receives the most votes after the re-distribution of the lower preferences.

Lastly, there are the **Mixed Member Proportional** systems. These attempt to combine the positive attributes of majoritarian systems (such as clear geographical links to representatives) and PR systems (such as proportionality in representation). A proportion of the representatives is elected by majoritarian methods while PR lists determine the remainder, with the PR seats being used to compensate for any disproportionality produced by the constituency seat results. In Kenya, where the citizenry is still keen on a representative beholden to a certain geographical area – which they "represent" – the MMP is the better option. If the present number of seats were increased to, say 300, then the current 210 could be contested in a majoritarian election while the other 90 would be obtained on the basis of party lists, in proportion to the proportion of votes each party has won. STV is too complicated, while List PR systems have the tendency to produce unstable governments.

The rest of this publication discusses the PR list portion in an MMP system.

## ■ Proportional Representation and Women

In order to see clearly what benefits PR has for women in Kenya, one has to look at Kenya's historical circumstances and the country's performance with

regard to women in leadership and decision-making. This would involve an analysis of the nature of electoral contests for Kenyan women, the factors that militate against the breaking of the "glass ceiling" with regard to leadership and how PR systems would affect women's chances of ascending to leadership.

In Kenya, women have always been a minority in Parliament. Since 1963, there have never been more than 4.1% women in Parliament (Table 1). This is due to a number of factors, which include their relative lack of economic power, entrenched gender stereotypes and the nature of party politics. The last one is important because of the nomination process, the stage at which party gatekeepers actually choose the candidates. An aspirant's track record in the party and the constituency is an important characteristic in potential candidates. Although many studies show that voters, even in a majoritarian system, vote primarily for parties rather than individual candidates, party officials still believe that the individual counts and continue to carefully choose which individuals they put on the party's ticket. In a country with entrenched stereotypes such as Kenya, the ordinary perception of capable leadership is ordinarily male-centred. Combined with the perceptions of the voting public, who are the final decision-makers, it makes for a situation in which women are disadvantaged than men in an election.

**Table 1: Women in Kenya's Parliament (1963–2002)**

Term	Number				% Women
	House Total	Elected Women	Nominated Women	Total Women	
1963-1969	163	0	0	0	0.0%
1969-1974	170	1	1	2	1.2%
1974-1979	170	4	2	6	3.5%
1979-1983	170	4	1	5	2.9%
1983-1988	170	2	2	4	2.4%
1988-1992	200	2	1	3	1.5%
1992-1997	200	6	1	7	3.5%
1997-2002	222	5	4	9	4.1%

By changing a country's electoral system therefore, one can shift the levels of decision-making with regard to the recruitment of women into

**Table 2: Women in Legislatures around the world, 1994: Inter-Parliamentary Union and the Centre for Voting and Democracy**

Country	% Women	Election Date	System
Sweden	41%	Sep-94	PR
Finland	39%	Mar-91	PR
Norway	36%	Sep-89	PR
Denmark	33%	Dec-90	PR
Netherlands	29%	Sep-89	PR
Germany	26%	Oct-94	PR
South Africa	25%	Apr-94	PR
Iceland	24%	Apr-91	PR
Austria	21%	Oct-90	PR
Switzerland	18%	Dec-92	PR
Slovak Republic	18%	Dec-92	PR
Spain	16%	Dec-93	PR
Italy	15%	Mar-90	Mixed
Latvia	14%	Dec-93	PR
Bulgaria	13%	Oct-91	PR
Estonia	13%	Sep-92	PR
Russia	13%	Dec-93	Mixed
Ireland	12%	Nov-92	PR
USA	11%	Nov-94	FPTP
Czech Republic	10%	Dec-92	PR

A more important effect of PR systems with regard to women's representation regards the manner in which they fundamentally change political party attitudes. In Norway, once the smaller parties began to nominate substantial numbers of women to prominent positions on their lists, the larger parties followed suit to avoid being at an electoral disadvantage. This process of *contagion* (borrowed from the manner in which disease spreads) amplifies the other effects of PR systems mentioned above. This is possible in Kenya too. When parties like the Democratic Party of Kenya (DP) began making provisions in their manifestos for a minimum of one-third representation of women in party structures, other large parties like KANU and the defunct National Development Party (NDP) amended their constitutions accordingly.

Last, but not least, changing the electoral system very often results in a chain reaction that could result in better representation for women. For one, since it encourages parties to put women and minorities on their tickets, it

Parliament. Indeed, changing a country's electoral system is often a far more realistic goal to work towards than dramatically changing the cultural view of women. With an FPTP system, a woman candidate has not only to convince the party gatekeepers (ordinarily male) that she is the best candidate for the party but also convince the voters (both male and female) that she is the best candidate. In a PR system, with the exception of those that use an "open" list, this is not the case. The aspirant only has to reckon with the party gatekeepers. Needless to state, this can only succeed if women mobilize candidates for the elections and lobby party gatekeepers. The message should be clear: any party interested in getting women's votes should show it by deed, on the party list. This approach worked well for Norwegian women in the early 1970s.

Different electoral systems lead to different outcomes. However, the proven fact so far is that it is only in countries using PR systems that women have been able to translate demands for equal rights on a whole array of issues into greater representation. According to the Inter-Parliamentary Union and the Center for Voting and Democracy, out of 20 countries with the highest number of women in legislatures in the world by 1994, 19 used PR systems (Table 2). Only the USA, with 11%, used a majoritarian system. In majoritarian systems, the same demands have been made but have been largely unsuccessful or only very modestly successful. There are a number of reasons why this is the case.

To begin with PR systems ordinarily have higher seats in each constituency and thus greater possibility of a party winning a seat in that constituency. This affects party strategy, because party gatekeepers are more liberal and accommodative towards women candidates when faced with more choices than when they only have one option.

Secondly, PR systems encourage party gatekeepers to regard gender-balanced lists as a way of attracting voters. Rather than look for a specific candidate to appeal to a certain section of society, they will look at a slate of candidates to appeal to specific sub-sectors of voters. Seen this way, a woman candidate is looked at favourably as she may attract voters to the party without requiring powerful male interests to step aside, as would be the case in a majoritarian system. Put simply, PR systems encourage the nomination of more women: if more women are nominated as candidates, it increases the chances of more women winning.

will trigger a similar effect on other parties that are seeking to balance their ticket. This effect has a multiplier effect on the other benefits of the system, which helps to achieve even greater change than the reservation of seats by quotas.

It is now increasingly accepted that women have an important role to play in leadership and decision-making. There is no longer justification for putting obstacles in the way of women running for political office. Yet our electoral system continues to operate as one of the obstacles to increased participation of women in the electoral process. Indeed, the study of electoral systems of the world reveals that the FPTP is the worst possible electoral system for women. There is need for a system that makes it easier for women to be nominated and presents them with a fairer chance of being elected. That system is PR.

#### ■ PR and Minorities

It was John Stuart Mill who said that democracy is “the government of the whole people by the whole people, equally represented”. Inherent in this expression was the idea of majority rule. However, Mill was also warning of the possibility, quite evident in some countries, of the complete disfranchisement of minorities. This is one of the most vexing problems facing new and old democracies alike in the world today. Studies have shown that it is easier for certain electoral systems to ensure fair representation for minorities than others.

Take the USA for example. When African Americans make up a minority of voters in a district (constituency), say 20%, their chances of electing their own representatives are almost non-existent. It is therefore, not surprising that the election of black representatives in predominantly white districts is still rare today. Majoritarian electoral systems are about majority representation and nothing more. This means that the systems discriminate against whatever group happens to be in the minority – be they blacks, Latinos, Asians or whites.

In Kenya, where politics is ethnicized, this state of affairs exists as well. In cosmopolitan constituencies like Westlands and Kwanza there will be certain communities that will not get an opportunity to participate in leadership. This inevitably leads to disenchantment and apathy. There is need for a

system that will ensure such minorities a fair chance of election to leadership. The same goes for minorities like the Ogiek, pastoralist communities and people with disabilities.

With a PR system, minorities have a fairer chance of being elected. Since every vote counts, parties will be more inclined to take measures that endear them to minorities as opposed to a majoritarian system where they may tell them, as one Kenyan politician is said to have told a group of people in the campaigns, “You can eat your vote”. It is also easier, in a multi-member constituency with 5 possible contestants, for all the blacks in the above example to cast all their votes for the black candidate and thereby secure one seat out of the possible 5.

In New Zealand, they had a majoritarian system for a long time. The Maoris, who are a minority indigenous group, did not get an opportunity for representation. When they changed to an MMP system, amongst other things, the Maori managed to secure substantial representation in that country’s legislature. The Maori example is also a fitting counter-argument against the usual argument that a more complicated electoral system would put relatively less literate populations at a disadvantage. Indeed, the opposite could well be the case: the more important consideration ought to be fairer representation.

#### ■ What Is In It for Political Parties?

Political parties are one of the most important institutions for mobilizing political support in a democracy. As such, their support for social transformation cannot be gainsaid. Noting that their support would not necessarily be driven by undiluted altruism, what benefits would accrue to political parties if an MMP system were introduced in Kenya?

Obviously a PR system increases the importance of political parties much more than does a majoritarian system. It does this by shifting the focus of electoral choice from individuals to political parties – by requiring people to vote for party lists. In a PR system, parties are hence in a better position to determine who gets to parliament and to determine this in a manner that is more predictable than in a majoritarian system.

Secondly, political parties will have greater choice in the organization of

their election strategies. Whereas a majoritarian system offers them limited choice (with difficulties in choosing between, for example, a balanced ticket and their key supporters), a PR system will enable them to make room for their key supporters while maintaining some semblance of a balanced ticket. This is extremely important in maximizing their national (gender-balanced) outlook.

Because every vote counts in a PR system, it increases the opportunity of the smaller parties to also get something, so long as they obtain sufficient votes to meet a certain established quota. In the long-term, majoritarian systems tend to produce a political system in which the larger parties unduly dominate the political scene and limit electoral choice. In this sense, the voters in a PR system have a larger arena for choice rather than just the two or so dominant political parties.

As a result of the foregoing, a PR system would strengthen political parties better than a majoritarian system. This would be the by-product of more political party influence in national affairs, better party discipline and more inclusive electoral strategies.

#### ■ Correcting Some Misconceptions

There is need to correct a couple of common misconceptions about PR. The first is usually as a result of confusion over the meaning of the word “proportional”. PR is about consciously ensuring *proportionality* between the votes cast and the seats won by political parties. The reason for this is to ensure a government that closely mirrors the various interests in the body politic. It should not be confused with other measures to ensure *equitable* representation, such as affirmative action quotas. Quotas are only a variation to the existing electoral system and do not change its basic characteristics. They are good as a stop gap measure, and have been used in Tanzania and Uganda to shore up women’s representation in the respective legislatures, but they are **not** the same as PR.

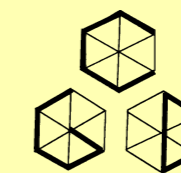
PR, by its very nature, represents a much more fundamental change in a country’s politics. Properly implemented, it achieves results by rewarding or punishing good or bad political behaviour as opposed to setting aside special seats for women or minorities. In this sense, it is probably preferable to affirmative action measures, which are not only short-term in focus but

are also quite unpopular. Recent events in Kenya with regard to the National Assembly and Kenya’s nominees to the East African Legislative Assembly illustrate the difficulty of instituting affirmative action quotas in leadership.

Another disadvantage of quotas is their tendency to result in rear guard actions by the sections of society that view them negatively. Very often, when a quota is established for say *at least* 30% representation, women get just that and nothing more. It becomes a ceiling as opposed to a mere floor. *At least* 30% is interpreted to mean *only* 30%! In this sense, then, quotas go against one of the objectives of affirmative action measures – to provide a stop gap mechanism – and the affected section, say women or pastoralists, may find themselves on *affirmative* action quotas for longer than if they went by systemic change. A change in the electoral system will obtain more sustainable results without ceilings. The 1999 *Latimer House Guidelines for the Commonwealth*, drawn up by the Commonwealth Parliamentary Association and a number of other Commonwealth organizations, acknowledged the benefits of affirmative action quotas in national constitutions but recognized their insufficiency for securing adequate and long-term representation by women.

The foregoing must not be taken as wholesale condemnation of quotas. When one looks at the list of countries with the highest number of women in parliament, besides the fact that all of them use some form of PR, one also notices that at least 8 of them have major political parties that set quotas for women candidates. Of the countries known, only one of them, Argentina, has a national law requiring a certain percentage of women candidates from all parties. This shows that quotas can indeed be a useful intra-party mechanism to secure equality in representation but are not essential at the national level to attain the same result.

Finally, it is important for both women and minority communities to remember that a change to PR will not get the necessary results by itself. Rigging of elections can still happen within a PR system. There is need to lobby party gatekeepers and for awareness in the respective sections of society so that voters send a clear message to the leadership about rewarding good political behaviour. Women and minorities should not sit on their laurels because there has been a change in the electoral system: they should continue to lobby for nomination for the FPTP elections even as they secure representation through the party lists.



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# Fairer, Friendly Electoral System for WOMEN & minorities in Kenya

