



Electoral Politics in Southeast & East Asia

edited by
Aurel Croissant
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Marei John

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Foreword

Democracy is about the meaningful participation of citizens in politics. Elections are the most powerful way for people to participate in modern, representative democracies. A necessary instrument for participation is the electoral system. If this does not allow citizens to express their political choices and preferences, elections can become an almost meaningless exercise. Electoral systems determine seemingly technical details, such as the constitutional choice between the plurality system and proportional representation, but these significantly influence the parameter of electoral politics in any democratic system.

As described in more detail in the Introduction by Aurel Croissant, the empirical studies in this book look at the relationship between elections and democratic development in Southeast and East Asia. Seven out of nine political systems with multi-party elections at the national level have been selected. Most of the studies have been written by citizens of the respective countries.

Looking at the range of countries we have chosen, the diversity of political regimes and electoral systems is immense. Some countries have a long (if interrupted) history of democracy, while the democratic experience of others has been relatively short. Cambodia, for instance, only had its first national elections in 1993, after 30 years of civil war. In this case, it can be clearly seen that even reasonably clean elections do not guarantee a consolidated democracy. Democratic development is as much influenced by the political culture in between elections as it is by elections themselves. Nevertheless, elections are one step towards familiarizing people with democracy and setting up democratic processes.

There are countries in which 'managing' elections has turned into an intricate if doubtful art. Again, the conduct of elections may be unobjectionable, but at the same time, it is apparent that the electoral systems are designed in such a way that the playing field is hardly level for all participants, and popular choices may be insufficiently translated into parliamentary voices.

This book had its origins in the co-operation between the Friedrich Ebert Stiftung offices in South Korea and Thailand, and Aurel Croissant from the University of Heidelberg. Later, the Singapore Office for Regional Co-operation took over the co-ordination of the publishing. We wish to thank Professor Dr Peter Mayer, former Residential Representative of Friedrich Ebert Stiftung-Seoul, for coming up with the initial idea of producing this book. We would also like to thank Christian Bruder and Timo Freudenberger (Heidelberg) for their most valuable research assistance.

We hope that this publication will stimulate further discussion on the topic of electoral systems and on the institutional reforms which are suggested by the authors.

Aurel Croissant, Gabriele Bruns and Marei John

Editors

Introduction

Aurel Croissant

The late twentieth century was a time of global democratization. Between 1974 and 2000, the number of democracies world-wide increased from 39 to 120 (Diamond, 1999; Freedom House, 2000a). However, comparative studies on democratic development in different continents paint a clear picture: the global trend of democratization was weakest in Asia (Croissant, forthcoming). Annual reports of the United States-based Freedom House Institute, for instance, show that in terms of political and civil rights, Asia even lags behind Africa, a region notorious for its record of authoritarian regimes and human rights violations (Freedom House, 2000a; Emminghaus and Nord, 2000; Karatnycky, 2000).

Freedom House's data as well as several case studies¹ disclose two trends of political development in Pacific Asia in the last 25 years: First, democratization processes are fragile. During the 1970s and 1980s, many endangered and unstable democratic regimes developed, which often fluctuated between democracy and dictatorship. It was not until the early 1990s that the data indicated a trend toward stable democracy. Second, new democracies exhibit one common characteristic: at the end of each transition stands the institutionalization of the model of representative democracy. In representative democracies, elections and electoral systems are of crucial importance because elections are the most significant mechanism for citizens to exercise their rights of political participation; and the electoral system is the main institution for transforming political preferences, expressed by votes, into political representation.

Because most democracies in Asia show significant deviations in form and substance when compared to liberal democracy in Western Europe and North America, the liberal and even democratic character of these regimes is often doubted (Neher and Marlay, 1995; Zakaria, 1997: 22-43; Aquino, 1998: 1; Jones, 1998: 147; Hewison, 1999). Depending on the observer's theoretical preferences, analytical tools and, last but not least, his/her normative ideals, democracies in Asia are classified as 'Asian-style democracy' (Neher and Marlay, 1995), 'illiberal democracy' (Bell et al., 1995) or 'Confucian democracy' (Chaibong, 1995: 343). Because of a lack of space, we cannot discuss this point at length.

1. Since the early 1970s, Freedom House has compiled an index of political regimes which is composed of two partial indices: the Political Rights Index and the Civil Rights Index. Both range from one to seven points (the higher the score, the lower the quality of political and civil rights in a system). Together these two indices can be seen as an indicator for liberal democracy. Once again, the lower the score, the higher the level of democratic constitutionalism. For methodology see Emminghaus and Nord, 2000: 167 and Schmidt, 2000: 408. For an overview see Croissant, forthcoming; Hewison, 1999: 224.



However, what is notable is that there is a decisive difference between countries such as South Korea, Taiwan or Thailand, for example, and other political systems in Southeast and East Asia, i.e. the People's Republic of China, Vietnam, Myanmar and North Korea: the former conduct multi-party elections to fill seats in their legislatures and to recruit governments, whereas the latter do not. Therefore, this book starts from the observation that multi-party elections are a common and meaningful element of the institutional architecture of many countries in Asia at the beginning of the twenty-first century.

Approach and Goals of This Book

This book examines a topic that is ambiguous in title and complex: that of the role of elections and electoral systems – taken together as electoral politics – for political development in Southeast and East Asia. Some years ago, Arend Lijphart noted that '[a]mong the most important constitutional choices that have to be made in democracies [is] the choice of the electoral system, especially majoritarian election methods versus proportional representation [...]' (1994: 202). However, the electoral system is always embedded in the broader institutional context of a democratic system. Therefore the effects of this constitutional choice must be explored within the broader structural architecture of social and political systems. All the studies in this volume follow this rather broad research strategy.

The aim of this book is to discuss the following three overarching questions:

1. Which electoral systems can be found in the region?
2. Do elections and electoral systems contribute to democratic development in Pacific Asia?
3. How can institutional reforms strengthen sustainable democratic development in different Asian countries?

This book addresses these questions on a theoretical level and on an empirical level. The centre of each analysis deals with the question of which institutional reforms offer promising paths for sustaining the quality of elections and democratic rule in general. It is clear that there is no universal master plan for institutional reform. Each proposal has to take into account the specific conditions and contexts of a given society and its cultural and political system. In addition, the authors and contributors to this volume agree with the statement that institutions matter; however, we do not think that only political institutions matter. Institutions are located in a broader social fabric. Culture, economics, history and agents also matter.

So why choose electoral systems and elections as the point of reference? The selection of this criterion is reasonable if one assumes that elections are '*the*



democratic method' of choosing representatives by the people (Nohlen, 1990: 17).² Elections are the defining principle of a democracy. Elections are a key criterion for fixing the threshold that separates autocracies from polyarchies. Even the most influential definition of democracy during the last three decades – Robert Dahl's concept of 'polyarchy' – includes this assumption: Polyarchy, according to Dahl the realistic form of democracy, is 'contestation open to participation' (1971: 5). Dahl defines polyarchy by the two interdependent dimensions of political participation (of citizens) and contestation (of the elite). The open and competitive access to power exercised through the correct and regular holding of elections, based on a universal active and passive franchise, is the *conditio sine qua non* of democracy. It is clear that this criterion does not allow a differentiation between fragile and consolidated democracies. Democracies that are consolidated, liberal and based on the rule of law, as well as 'hybrid regimes' (Karl, 1995: 72), in which political rights and civil liberties are massively violated, are characterized by this criterion. Even in authoritarian and totalitarian regimes, the holding of elections is an often-used ritual of political legitimization and self-affirmation by the ruling class. However, we do think that elections and the electoral system are an important element of democracy. The reform of electoral systems can improve the quality of elections as well as in some sense the democratic quality of the political system. Therefore, we believe analysis of the electoral dimension of political systems can give valuable insights into the political dynamics of societies and the prospects for further democratic development.

Analytical Framework

Based on these considerations, the following five questions arise:

1. What is the general function of elections and electoral systems, and which functions do they have in different political settings?
2. How can we classify electoral systems and how can we order them typologically?
3. How can we measure the democratic quality of elections?
4. Which research criteria can be developed to analyse the role elections play in the process of political transformation?
5. Which institutional reforms can we pursue in order to improve the democratic quality of elections and electoral systems?

Functions of Elections and Electoral Systems

Elections are a necessary but not sufficient condition for democracy. Democracy requires more than just elections. Representative democracies, however, depend crucially on elections. Elections are not only supposed to reflect the will of the

2. Italics are the author's own.



people and integrate citizens into the political process, but also to legitimize and check the power of the government. The essential means of attaining these objectives is the electoral system.

But what are the guiding principles of the electoral process? We can identify a specific concept of representation behind each existing electoral system. They concern us only in so far as they are based on the fundamental principles of universal and equal votes. The two principles must be obeyed in order to safeguard the equal representation of the people. Another important question in every representative and democratic system is in what ways the electoral system obstructs or promotes the integration of voters and social groups into political parties (Nohlen, 1990: 45) and the formation of a parliament and government able to legislate and to govern.

Three functional demands can be discerned: representation, integration and decision. First, elections ought to represent the people and the political will of voters. Representativeness is a prerequisite for the legitimating power of elections; legitimacy is crucial in a democratic constitutional state, where all state power is derived from the people; the legitimacy of political power itself needs to be refreshed periodically by elections in order to be in effect. The regular holding of elections also makes possible regular political control of the ruling elite by the electorate. The functional demand of representation requires an electoral system to be sufficiently proportional so as to achieve an adequate conversion of the range of pluralistic social interests into political mandates (*representativeness*). Second, elections ought to integrate the people. Following the German constitutional theorist Robert Smend (1968: 154), it is most important that the electoral system leads to the formation of political parties and brings about majorities, not just single representatives. How well these functions are fulfilled is strongly influenced by the electoral system (*party-building*). Third, the electoral system has to generate majorities large enough to ensure the stability of government and its ability to govern (*governability*).

The effect of the electoral system on the representativeness of the political system depends on the degree of proportionality to which votes are translated into political representation. From this it follows that the distribution of seats has to reflect appropriately the political will of the electorate as it is expressed in elections.

Besides more general representativeness, there is also the question of whether and how the representation of social groups and pluralist interests is promoted or blocked by the electoral system. There are two branches to this. The first is institutions which are supposed to guarantee a certain level of political representation for particular groups or strata: women, aborigines, ethnic or religious minorities, etc. Here the task is not only to examine which sets of rules exist, but also to examine day-to-day workings. The second is social

inclusiveness. The question here is to what extent the nomination of candidates and elected institutions comply with the ideal of democratic representation. In other words, do elections have the effect of recruiting incumbents out of different social classes and functional groups? Or, do they lead to the oligopolization of the access to political office by privileged groups, and thereby become a means to guarantee privileges? In order to examine this question the socio-demographic background of candidates and representatives has to be analysed.

With regard to the integration of the political will of the people into political parties and political majorities, two effects of the political system are interesting. First, to what extent do electoral systems affect the process of party formation; and second, to what extent do electoral systems contribute to the formation of political majorities? Electoral regulations affect political parties with regard to the conditions of campaigning as well as to the feedback between the will of the people and the state outside of elections; the communicative function of parties has to be protected from serious disturbances. The work of parties on the local level has to be guaranteed in particular. With regard to the link between party and electoral system therefore, it has to be examined whether the electoral system stabilizes the party system.

A number of political scientists argue that the relevance of political parties is about to decline. Philippe C. Schmitter (1995: 15) has called this phenomenon part of the emergence of a 'post-liberal democracy'.³ Party memberships are decreasing in established Western democracies, while the critical distance of citizens from parties increases, and a wide variety of new social movements and organizations of civil society offers citizens new opportunities for political participation. Movement-style political organizations, e.g. in Italy or some Latin American countries (Colombia, Venezuela), are shaking the decades-old structures of party systems. In the new democracies in Eastern Europe and East Asia, problems with establishing integrative, representative and programmatic parties are almost the rule (Croissant, 1997: 293; Merkel, 1997). In these regions 'cartel parties' (Katz and Mair, 1995: 1-20) and 'hovering party systems', where the electorate and the organizational structure are hardly linked to each other, dominate the political landscape. Nevertheless, it has to be noted that in no region has a functional equivalent for parties been identified so far. Political parties are still the dominating political players almost everywhere. Therefore, the 'party forming' function of electoral systems is still relevant.⁴

In order to evaluate the influence of the electoral system on the governability of the political system we have to estimate how much it promotes the efficient formation of government. It is obvious that this function cannot be analysed in isolation from the form of government. In parliamentary systems like Thailand's, the majoritarian effects of the electoral system are directly connected with the

3. For a broader discussion see the concluding chapter by Aurel Croissant.

4. For a broader discussion see Croissant and Merkel, 2001 and the concluding chapter by Aurel Croissant.



formation of government, because the political majority in parliament generates the government. Presidential systems, such as that in the Philippines, use two electoral systems, which also duplicate this function. While the electoral system for the presidency has a direct effect on the formation of government, the electoral system for parliament influences this process only very indirectly (e.g. the United States of America). In systems of government such as those in Taiwan and South Korea, both electoral systems are important for the formation of a government: elections of parliament affect the formation of government more significantly than in presidential systems, but less than in parliamentary systems. The formation of majorities in parliament has at least a hypothetical influence on the composition of government, because the parliament elects the prime minister.

In totalitarian systems without political pluralism, elections do not influence the composition of government. The political principle of party leadership as well as the legitimacy of the government is based on the ideology of the ruling party. Therefore, elections take place at irregular intervals (e.g. North Korea). They only serve the purpose of mobilizing all social forces under the supremacy of the Communist Party in order to confirm and consolidate the unity of the people, and to demonstrate the identity of workers and party. This is expressed most clearly in the extraordinarily high rate of participation and strong patterns of consent.

While the analysis of electoral systems and elections in totalitarian systems seems fruitless, the analysis of authoritarian or semi-authoritarian regimes, 'pseudo democracies' (Diamond, 1999), can be a valuable exercise. Although elections in authoritarian regimes also do not regulate the distribution of political power, they at least offer opportunities for the limited articulation of opposition. Under some circumstances, in Taiwan for instance, they can provide opportunities for the socialization of democratic patterns of behaviour, and for recruiting political staff on a sub-national level before democratization on the national level comes into perspective. Elections therefore can be an important element within an incremental and gradual development towards democracy. Even in those cases where elections do not fulfil the function of government formation, they can be an offshoot of democracy by promoting the distribution and internalization of democratic views.⁵ Eventually the election process can develop a dynamic, not intended nor calculated by the authoritarian elite. If the election process becomes self-dynamic, as happened in Thailand in 1992 and to some extent in South Korea in 1985, there is a good chance that events will literally sweep away the dictatorship in the aftermath of the elections (Murray, 1996; Croissant, 1998).

Generally speaking, elections in authoritarian regimes have the function of stabilizing the system. Their purpose is to legitimize the established patterns of

5. See, for examples, *The China Quarterly*, 2000.



political power. Nevertheless, this function is difficult to realize because, in contrast to totalitarian regimes, elections in authoritarian regimes enable the articulation of dissenting opinions. Given that the regime cannot rely upon a sufficient base of support, it has to fall back on the use of fraud and manipulation of elections in order to get the intended vote. However, there is a higher risk for authoritarian regimes that such practices will be exposed, which could in turn lead to a further delegitimization of the regime. In addition, elections in authoritarian regimes often serve the purpose of easing tensions within the system by offering the opposition a controlled channel for the articulation of criticism. By channelling discontent into the institutions of the regime, and thereby keeping it away from the streets, disputes can take place within the regime's own rules of the game; the options of the opposition are thus restricted significantly. Whether such a strategy is successful depends naturally on the social, political and economic context in which elections take place. The strategy of a partial integration of the opposition in elections may be appropriate if the objective performance of the dictatorship is good and public support for the regime is significant; but elections can also turn into a 'window of opportunity' for democratic agents. In the case of an actual and rapid decline of legitimacy, opposition and dissident factions within the regime itself may take this opportunity to turn away from the authoritarian leadership. This happened, for instance, in Indonesia between 1997 and 1999.⁶

Finally, elections always serve the purpose of producing an external reputation. This end has to be satisfied the more a regime relies upon the support of foreign democratic actors. If this goal has a high priority – for example, in the case of the election-like referendum on independence in East-Timor – only moderate manipulation of the election process and the results is possible. The presence of foreign observers and media would be dangerous for a regime concerned about the election process slipping out of the hands of the elite. It follows from here that elections are supposed to have different functions for different regimes. To analyse the functions of elections it is clear that we have to take the broader institutional and procedural context of electoral systems into account. Therefore, an appropriate empirical analysis also requires a broader examination of the architecture of power within a given regime.

Types and Classifications

In principle, two basic types of electoral system can be identified, under which almost all real electoral systems can be classified. Within the immense diversity of real existing democracies, both types often occur in combination, while the logic of one type is predominant (Nohlen and Kasapovic, 1996: 19). Classified according to the electoral formula, those two types are the plurality system and the proportional system. Based on their effects on the votes-seats, relation as well as some additional combinations of technical elements (district magnitude,

6. For Indonesia's recent democratic development see the chapter on Indonesia by Hermawan Sulistyono in this book; also Case, 2000: 51 and Dosch, 2000a: 16-23.



electoral thresholds, supplementary seats, etc.), we can differentiate ten subtypes of electoral system.

Table 1: Types of Electoral System

Plurality Systems	Proportional Systems
1. Plurality System in SMCs	1. PR in MMCs
2. Majority-Plurality in SMCs	2. Compensatory PR with Threshold
3. Plurality System with Minority Representation (including SNTV)	3. Personalized PR with Threshold
4. Plurality System in MMCs	4. SNTV System
5. Plurality System with Proportional List (including Segmented System)	5. Pure PR

SMC - Single-member Constituency; MMC - Multi-member Constituency; PR - Proportional Representation; SNTV - Single Non-transferable Vote System
Source: Nohlen, 2000: 180.

The different technical elements of an electoral system can combine in various ways. Depending on the particular combination, both basic types may generate very different outcomes. However, with a view to the fundamental functions of electoral systems, the two types can be easily distinguished:

- While proportional systems aim at reflecting the political will of the electorate as far as possible, plurality (first-past-the-post) systems try to generate solid majorities in order to secure stable governments. The first emphasizes the representation of the political will of the people, whereas the latter focuses on the concentration of this will into political majorities (Nohlen and Kasapovic, 1996: 18; Sartori, 1994).
- With regard to representativeness, we can again differentiate between both systems: the proportional system tries, at least principally, to represent exactly all political opinions within parliament. The plurality system focuses on the representation of local units and their interests. Therefore, it produces at first local majorities within constituencies. Majorities on the national level are a derivative of the local majorities.

Proportional representation thus tends to grant a more proportional transfer of votes into mandates (higher representation); it puts more emphasis on representation than plurality systems. Plurality systems put more weight on integration and decision.⁷ Once again it is clear that empirical analysis requires more than a mere classification of existing systems. Careful examination of how a particular electoral system combines elements of both types, how the technical elements of the electoral system are arranged and what corresponding regulations are formulated concerning the organization and activities of political parties and social organizations, is necessary.

7. As an overview see Sartori, 1994.



Electoral Quality

Following Axel Hadenius (1992: 42), an election is classified as democratic when it is 'meaningful'. The term 'meaningful' refers to three criteria: openness, correctness and effectiveness of the election. It is clear that all three criteria have to be fulfilled not only on election day, but also during the election campaign and the period of vote-counting. Finally, it means that elected officials really can take office.

Openness of elections means that access to the election is open to every citizen (universal suffrage), that there is a principle choice between real political alternatives (competitive candidatures) and that the result has not been fixed a priori (Hadenius, 1992: 42). Open access means that the suffrage rights are really universal, that is, all citizens have the right to vote. It is not a contradiction that in democracies the right to vote regularly requires that certain minimal conditions have to be met (for instance mental health). Exclusion from the 'demos' has to be bound to impersonal and non-discriminatory criteria and should not be subject to the arbitrary decisions of political authorities. Also connected to this is the principle of equal vote, which means that all votes count the same. Besides giving every voter an equal vote, this principle is also relevant for the technical organization of electoral systems.

Elections are competitive only when *de jure* and *de facto* no limitations are set in order to exclude certain candidates or groups for political reasons. Furthermore, voters must have the choice between meaningful political alternatives; the conditions of competition have to be the same for all candidates in the sense of a 'levelled playing field' (Elklit and Svensson, 1997: 32.) The single most important aspect here is discrimination with respect to the banning of political parties. Whether and in what way a democracy has the right to protect itself 'preventively' against enemies of the democratic order by banning 'anti-system parties' or excluding them from elections (Sartori, 1976) is controversial. For our purposes, it is sufficient to classify the electoral contest as free and competitive as long as all groups who are not hostile to the democratic order can participate (Hadenius, 1992: 43).

The criterion of 'correctness' aims at the registration and identification of voters, the election campaign and the election procedure in a stricter sense: all candidates must have access to state and private media on the basis of equal legal standards; the state apparatus has to be politically neutral when organizing elections (Nohlen, 1990; Bausback, 1998; Elklit, 1999: 26). Finally, for giving a meaningful expression to the sovereignty of the people, elections have to be 'effective'. This means that the legislature and – in presidential systems – the presidential office have to be filled solely by elections (Elklit, 1994: 93). This principle is violated when access to the central positions of power is regulated only partially or not at all by elections (Hadenius, 1992: 40; Gastil, 1993: 26), but is by simple (self) appointment. This criterion requires



furthermore that the electoral system adequately translates voters' preferences into seats. This measures the degree of disproportionality of an electoral system.

Meaningful political participation of citizens for the purpose of the vertical legitimacy of political power and the accountability of political authorities to citizens also needs additional effective political rights. The right of political organization and activity must not be withheld from any group loyal to the democratic order,⁸ citizens must enjoy the right to form and act freely in associations independent from the state (Hadenius, 1992: 51). Elections defined as a meaningful expression of the will of the people require furthermore that before and after elections certain rights are effective. These are the right of freedom of speech, the right of demonstration, the right of information and the right of freedom of the press, and they are necessary for the formulation of political opinions, the circulation of political views and the control of the political process. The spreading as well as the receiving of information and news should not be subject to politically motivated restrictions. The freedom of the press and the freedom of information should be guaranteed by an independent judiciary. This aspect therefore deals with the evaluation of the quality of elections within the broader context of the complete political system.

Research Criteria

The questions dealt with so far are more of theoretical and analytical interest. They build the conceptual starting-point for this book. Based on this background are five groups of questions, which form together the heuristic framework for the country studies. The five research topics are:

1. Historical development
2. Contemporary system
3. Performance of the contemporary system
4. Contribution to democratic participation and governance
5. Institutional reforms

1. Historical Development

This topic makes provision for the sketching of the research objective in its chronological dimension. However, the question here goes further than describing the institutional framework. It also asks what functions electoral systems have had in the past, what problems occurred in the context of the given system, which actors were responsible for the design of the electoral system and which actors influenced the implementation of elections and participated in them:

8. See also Dahl, 1989: 221.



1.1 Development, Performance and Agents

Introduction	<ul style="list-style-type: none"> - Mode of introduction - Mode of reform - Concrete features
Organization and conduct of elections	<ul style="list-style-type: none"> - Agents - Institutional framework
Continuity of electoral systems	<ul style="list-style-type: none"> - Regularity - Dynamics of development - Acceptance of the rules - Acceptance of the results - Significance of manipulations
Realization of principles and normative ideals of democracy	<ul style="list-style-type: none"> - Party formation - Representation performance - Integration performance - Majority formation/government formation - Contribution to democratic development
Representation of territorially based interests	<ul style="list-style-type: none"> - Participation of political parties - Structure of the party system
Representation of functionally defined interests	<ul style="list-style-type: none"> - Broader context of social interest structure - Socio-demographic patterns of candidates/elected authorities - Position of other relevant agents with respect to elections
The media and the public	<ul style="list-style-type: none"> - Realization of political rights necessary for meaningful political participation - Public discourse on electoral systems

1.2 Socio-economic Context

Social context	<ul style="list-style-type: none"> - Social problems - Social cleavages
Economic context	<ul style="list-style-type: none"> - Poverty - Social disparities - Economic inequality - Principle features of the economic system
Stateness context	<ul style="list-style-type: none"> - Problems of stateness - Problems of nation-building - Experiences with colonial rule - Foreign policy context



2. Contemporary System

In addition to the historical embeddedness, we have to deal with the question of how the *current* electoral system can be classified. In most cases, the electoral system is not the first but a very recent one. While the former section outlines the historical development, this section describes the immediate past and the present state of the electoral system and its reforms. It is highly relevant to put the concrete history of the origin of the electoral system at the beginning of this section. Special significance has to be attached to the motives and strategic options of the actors during the legislation process of the electoral system.

2.1 Mode of Introduction of the Current System

Modes of introduction	<ul style="list-style-type: none">- Democratization- Reform in an established democracy- Partial reform or new beginning
Political context	<ul style="list-style-type: none">- Relevant players- Constellation of agents- Interests and motives

2.2 Institutional Patterns

Technical criteria	<ul style="list-style-type: none">- Provisions for candidature- Provisions for organizing elections- Provisions concerning other relevant aspects
Typological classification	<ul style="list-style-type: none">- Plurality or proportional rule- Combinations

3. Performance of the Contemporary System

This dimension focuses on the relative performance of the electoral system. Based on the research criteria formulated above, the performance of the electoral system in central functional areas has to be evaluated. On the one hand, quantitative indicators have to be applied. On the other hand, explicit reference to the conditions of the social and institutional context is considered a valuable instrument for evaluating the relative functionality of the electoral system. A second, separate question is the meaning of elections as an instrument for democratic participation. To be considered here are the intensity and quality of participation as well as the quality of the election process.



3.1 Performance

Representativeness	<ul style="list-style-type: none">- Proportionality- Mode for candidate selection- Realization of affirmative rules concerning the representation of social groups- Socio-demographic background of elected officials
Inclusiveness/Integration	<ul style="list-style-type: none">- Party formation- Majority formation
Context	<ul style="list-style-type: none">- System of governance and regime type- Social context- Economic context

3.2 Participation

Level of participation	<ul style="list-style-type: none">- Voters' participation- Candidates' participation- Interest of voters in campaigning/elections
Motivation for participation	<ul style="list-style-type: none">- Political attitudes of the voters concerning political parties and elections- Motives for voters' decisions- Links between voters and candidates

3.3 Election Quality

Context	<ul style="list-style-type: none">- Openness of the elections- Effectiveness of the elections
Significance of deficits	<ul style="list-style-type: none">- Organizational deficits- Fraud, vote-buying and other abuses- Political violence

4. Contribution to Democratic Participation and Governance

Since elections are not an end in themselves, their functionality has to be evaluated within the broader context of the political system. On the one hand, it is essential to test whether elections promote the expression of the will of the people and the legitimacy of the political system. On the other hand, the consequences of elections and the electoral system for the political system as a whole have to be evaluated (for instance, good governance). The use of quantitative indicators is not an adequate method. A qualitative analysis is therefore advisable:



- On the demand side, the question is how voters themselves perceive elections. Do they demand or evaluate elections as an effective instrument for the independent participation of the individual? Are there alternative mechanisms for deliberation and interest representation? On the supply side of political candidates, the question of whether the openness of the electoral process is given with a view to programmatic diversity and political agenda-setting has to be answered.
- What are the consequences of elections and electoral systems with regard to the efficiency and effectiveness of political institutions and decisions? Do they lead to a misallocation of political resources and to the emergence of competing decision majorities within the institutions of the system of government; or are they effective transition belts, that reconnect the will of the voters to political decision-making processes in the form of controlling regular abuses of power and sanctioning wastage of resources? Do they lead therefore to 'anticipated reactions' (Friedrich, 1946), which support qualitative improvement of political decisions?

5. Institutional Reforms

The issue of electoral reform and its contribution to more democratic representation and participation enjoys particular attention and is also the centre of a controversy in Southeast and East Asia. Various young democracies in the region, for instance, are attempting to reform the institutional access to political decision-making by reforming the voting rights of underprivileged social groups such as women and ethnic or religious minorities. Examples are the special party-list system aimed at an increasing representation of so-called marginalized groups in the Philippines,⁹ the separate list system for Overseas Chinese communities and reserved seats for representatives of indigenous minorities in Taiwan, and extra seats in the legislative assembly for women in Bangladesh.¹⁰

The discussion about reform options has to include the following points:

- **Government system**
How do reforms of the electoral system affect the working of the government system?
- **Social context**
Are preferred reforms reasonable concerning the given social and economic conditions, and what social/economic reforms would be needed?
- **Cultural context**
What are the chances of realizing reforms concerning cultural contexts?
How can cultural traditions be integrated into reform proposals?

9. See the chapter by Julio Teehankee.

10. As an overview about electoral provisions see Nohlen, Grotz and Hartmann, 2001.



- **Acceptance of reform proposals**

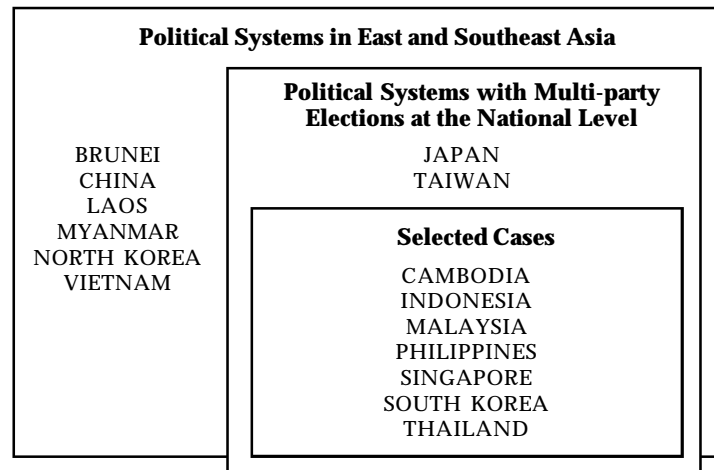
What is the political preference of decision-making elites?

How can the discourse on electoral reforms be strengthened?

The Structure of the Book

At the outset of putting together a book about electoral politics one has to make a decision about which cases to include. This volume examines seven cases, which are, in alphabetical order, Cambodia, Indonesia, Malaysia, the Philippines, Singapore, South Korea and Thailand. This sample includes almost half of the political systems in East and Southeast Asia. However, the fundamental and necessary condition which a political system must have met to be included in this book is conducting multi-party elections at the national level. When those political systems which do not meet this condition are excluded, the total number of possible cases shrinks to nine. Seven out of nine cases is a representative and appropriate sample.

Figure 1: Systematic Map of East and Southeast Asia



Still, the diversity of political regimes and electoral systems is immense. On the one side are three new, but in some sense 'old', democracies of the most recent wave of democratization in Pacific Asia. While the Philippines and South Korea are sometimes even referred to as successful cases of democratic consolidation,¹¹ Thailand adopted some constitutional reforms in 1997 and 1998 which are considered by most observers as a major step towards democratic deepening and consolidation. This view might be too optimistic. Nevertheless,

11. See the chapter of Orathai Kokpol in this book; also Croissant and Dosch, 2001.

these political systems are at least 'electoral democracies'.¹² Of all the political regimes in Pacific Asia (with the exception of Japan) they come closest to the 'Western' model of liberal democracy. Each of these countries has made significant progress in democratic development since democratization in 1986 in the case of the Philippines, 1988 in the case of Korea and 1992 in the case of Thailand; elections are the accepted method of selecting political leaders.

On the other side is Cambodia. After nearly 30 years of civil war, with very few economic resources and a political culture still shaped by the memories of the wars and the tyranny of the Khmer Rouge, Cambodia probably faces the most difficult circumstances for developing a working democracy in Southeast Asia. Cambodia is still one of the poorest countries in the region. However, its political stability and the capacity of its political leaders to act has improved. After fighting between the military groups of the two coalition partners, the royalist party FUNCINPEC and the ex-Communist Cambodian People's Party in 1997 – seen by some observers both inside and outside Cambodia as a 'coup' by Second Prime Minister Hun Sen against First Prime Minister, Prince Ranariddh (Dosch, 2000a) – political stability increased recently. National elections were held in June 1998 after the Japanese government, the European Union and the members of the Association of Southeast Asian Nations (ASEAN) pressured the Cambodian government to do so. In March 1999, the government of Prime Minister Hun Sen committed itself to initiating democratic reforms, improving human rights standards, fighting corruption in politics and bureaucracy, as well as starting economic reforms. Meanwhile, Cambodia became a member of ASEAN and several foreign governments and international donors pledged to give development assistance to the country. Because the conflict between the government of Cambodia and the United Nations over the question of how to deal with the leaders of the former Khmer Rouge is still not resolved, the pace of democratic reform is very slow. However, the local elections of February 2002 might become a major step towards democratic reforms.

More 'advanced' are democratic reforms in Indonesia. After the fall of the sultanistic regime of President Suharto in 1998, Indonesia began initiating major political and economic reforms, which have started to lead the country from autocratic towards democratic rule. Elections were a major element in this still open and uncertain transition (Malley, 2000: 153-180; Dosch, 2000b: 213). Malaysia and Singapore, the other cases included in this book, are described by some Western observers, as well as by some Asian researchers, as models of 'soft authoritarianism', or at best 'blocked' or 'limited democracies'.¹³ While some see both as (unusual) members of the 'democratic club',¹⁴ others argue that since 'civil and political freedoms are so constrained in these two countries that the minimum criterion of electoral democracy (a sufficiently levelled

12. From different points of view and with different conclusions see Thompson, 1996: 127; Sanders and Reinecke, 2000; Bünte, 2000; Croissant, 1998; Croissant, forthcoming.

13. For an overview see Emmerson, 1995: 223; Vennewald, 1994.

14. See Emmerson, 1995; also Yeo and Lim in this volume.

electoral playing field to give opposition parties a chance at victory) is not met' (Diamond, 1999: 289, footnote 58), we should not classify either as democracies. This phrase hints that the question about being a democracy or not has to be decided after an in-depth analysis of the real working of the electoral process. This important question alone is reason enough to include these two cases in this book.

Table 2: Electoral Systems in Southeast and East Asia

Country	Political Status	Regular Elections	Elections as Only Method*	Type of Electoral System#
Cambodia	Non-democracy	Yes	De facto restricted	PR in MMC
Indonesia	Democracy in transition	Yes	Restricted (reserved seats for the military)	PR in MMC
Malaysia	Semi-democracy	Yes	Since 1960s	Plurality System in SMC
Philippines	Democracy	Yes	Since 1987	Segmented System
Singapore	Semi-democracy	Yes	Since 1960s	Plurality System in SMC and MMC
S. Korea	Democracy	Yes	Since 1988	Segmented System
Thailand	Democracy	Yes	Since 2000	Plurality System in MMC (until 1998); Segmented System (since 1998)

* Elections as only method for filling seats in legislature and recruiting government

PR - Proportional Representation; MMC - Multi-member Constituency; SMC - Single-member Constituency
Sources: Compilation by the author according to information provided in this book; Freedom House, 2000b; Nohlen, 2000: 255 (Table 1).

In the process of compiling this book, we were intensely aware of the limitations that space and other factors imposed on us. Some of the themes raised in this introduction are dealt with more extensively in the following chapters, while other equally important aspects had to be discussed only cursorily. Though each case is characterized by distinctive features that require specific attention, all studies are based on the same general analytical framework outlined above.

This volume brings several researchers from different countries in Asia and abroad together. Most of the authors are citizens of the countries about which they write. This means that they have a vital interest in improving the standards of election quality there. Therefore, for most of the authors, writing these papers was not only an academic exercise but also a way of influencing their own 'life-world'. In this sense, the foreword to the first chapter on Cambodia, written by *Kassie Neou*, a member of the Cambodian National Election Commission of

Cambodia, is not only an academic piece but also a discursive element of the democratic reform process itself. While Cambodia's political system remains in flux, electoral politics is still far from a 'normal' political game, as the analysis of electoral politics in Cambodia by *Jeffrey Gallup* clearly shows. The record of democratic transition is mixed. Over the last ten years there have been remarkable successes in reducing political violence, improving state power and even in the settlement of ideological conflicts between numerous political groups. However, the electoral system has not acquired the status of a generally accepted institution, nor 'has it become the reliable instrument of a particular party in its quest for power'. Therefore it seems fair to conclude that the 'prospects for the survival and development of Cambodian democracy are uncertain'. However, as Gallup also shows, there is the opportunity to bring transition to a successful end. Whether this opportunity is used depends not only on the strategies of domestic political agents but also on the policies of foreign organizations.

Hermawan Sulisty discusses the hard way to democracy in Indonesia and the role of elections and the electoral system in the process of transition from authoritarian rule to democracy. The paper examines the 1999 general elections but with an eye to earlier experiences with electoral politics and the need for broader institutional reforms. Sulisty's chapter then illustrates the problems that may exist for democratic transformation at various institution sets in Indonesia and reminds us that the intention of external supporters may not always be fulfilled in the outcome: while external organizations and institutions may prefer introducing a proportionally representative system as the key to political integration in a plural society, for many Indonesian scholars the lack of political accountability of elected representatives to their constituents is a source of disappointment. So, a plurality system in single-member constituencies may be a better institutional solution to some of the problems of Indonesia's democracy, because what the proportional system actually provides is at odds with what Indonesians aspire to and expect from elections.

The next chapter by *Lim Hong Hai* explores the historical developments, motives, structures and results of 'managed elections' in Malaysia. He shows that political mobilization in Malaysia follows the lines of ethnic division. In a plural society like Malaysia, the electoral system is under extreme pressure to become an instrument of the power struggle among political parties representing particular ethnic groups. Also mal-apportionment in favour of rural areas and the Malay population is a means of ensuring ethnic political dominance within the ruling party alliance UMNO, as well as within the political system in general. Malay opposition parties also profit from this. Therefore mal-apportionment and district gerrymandering is not so much a method to secure the political dominance of a specific party or coalition, but an instrument to balance difficult ethnic relations. As Lim argues, the opposition complains that the problem with elections is not 'vote rigging', cheating, or open manipulation of the electoral process, but what they call 'pre-rigging', especially



constituency delineation. And the problem with elections and the electoral system is not the restriction of the free use of franchise rights or a deficit of fairness when election time comes. Rather, it is, according to Lim, with reference to other authors, the distortion of the 'one-man-one-vote-one-value principle', due to ethnic gerrymandering and weightage of votes. His conclusion is, therefore, that voters in Malaysia are free to cast their vote, but the electoral system itself is not fair. However, one has to keep in mind that Malaysia is a society of extreme religious, ethnic and cultural heterogeneity. Compared with other plural societies in the region as well as outside the region, Malaysia's 'limited democracy' is able to guarantee a high degree of political stability and peaceful relations among communal groups within the multinational state. This is one of the reasons why one prominent political scientist mentioned Malaysia nearly 25 years ago as one of the most important examples for the virtues of consociational democracy¹⁵ outside Europe (Lijphart, 1977: 150-58). Nevertheless, electoral reforms could help to improve electoral quality in Malaysia and diminish democratic 'defects' without endangering the consociational democracy. Still, as long as voting is free and elections are competitive (as they are), even managed elections provide a powerful instrument of vertical accountability, Lim argues. Concerning the difficult balance of power between communal groups, it seems that managed elections are a condition of democratic stability in Malaysia and not an obstacle to it.

In her chapter on Singapore, *Yeo Lay Hwee* gives a historical account of the development of the electoral system in Singapore, and provides an evaluation of its performance, and how it contributes to the democratic development of Singapore. Yeo's paper discovers significant deficits of electoral fairness in Singapore. These deficits range from gerrymandering to the institutionalization of a multi-member constituency system, which heavily favours the ruling People's Action Party (PAP). This phenomenon is accompanied by constraints on oppositional activities based on the International Security Act, a suppressed media and the rationalization of the state treasurer's power to influence the choice of voters. However, Yeo argues conclusively that these power instruments alone do not explain one-party dominance in the city-state. The weakness of opposition parties and the prolonged electoral dominance by the ruling party is the result of several more reasons, of which good governance and the party's high ideological appeal are the two most important. Elections do have a political meaning in Singapore, are competitive and appear free and fair. They do provide therefore the legitimacy for the PAP's continued rule, while at the same time they do not offer to the opposition any opportunity to get into power. Electoral reforms might improve the quality of the electoral process, but there is no certainty that they would end the PAP's rule.

Aurel Croissant discusses in his chapter the development of electoral politics in South Korea. Starting with a description of the historical development of

15. 'Consensus-oriented democracy'. For an elaborated discussion on consociational democracy, Lijphart, 1977.



elections and electoral systems in this East Asian country, he focuses on the reform discussion of the 1990s. Embedded in the broader context of democratization and democratic consolidation he analyses what the perils and virtues of the electoral system are with regard to the general functions of electoral systems, which interests and strategies are guiding the discussion about electoral reforms and to what extent the most recent reforms meet the reform demand. His discussion shows that the functional weaknesses of the electoral system in South Korea are related neither to the technical aspects of conducting free and fair elections, nor to its capacity to produce political majorities. Rather it is the party-building function of the electoral system which represents the strongest deficit of the current system. He also shows, however, that this problem is not discussed very much in South Korea. Moreover, the reform discourse in the 1990s does not seem helpful for improving this function. He therefore concludes his chapter with some alternative reform proposals.

The chapters on Thailand and the Philippines analyse two cases which are often taken as empirical evidence that democracy without adjectives like 'Asian', 'illiberal' or 'restricted' is possible in the region. While the Republic of the Philippines has one of the longest traditions of elections in Asia, only interrupted for a short period during the personalized rule of President Ferdinand Marcos, the role of elections in and the contribution of the electoral system to the process of political development are still problematic, as *Julio C. Teehankee* argues in his chapter. This holds true not only for the correctness and meaningfulness of the electoral process, but also for the two functional demands of representation and integration of the political will of the people. Still, vote-rigging, vote-buying, cheating and political violence are common elements in elections, and the electoral system is characterized by high disproportionality and an insufficient integrational effect on the party landscape. The institutionalization of the party system remains weak, while traditional politicians have virtually institutionalized the practice of political turncoatism. The deficient social representativeness of congress, a lack of responsiveness to the voters' demands on the side of the political parties and the elitist nature of congressional politics are closely related to the decades-old dynamics of electoral and party politics, going back to the period of colonial rule in the early twentieth century. These problems have not been tempered so far. Moreover, the Philippine Constitution of 1987 makes parliamentary representation easier for various social groups by establishing a party-list system, employed for the first time in 1998.

The chapter by *Orathai Kokpol* on Thailand starts with the observation that even though Thailand's experience with holding elections goes back to the year 1933, elections have not always played a significant role in Thai politics. Only for a short period during the 1970s were elections a meaningful method of political participation for Thai citizens. However, Thailand's electoral reforms, which were adopted in 1997 and 1998, had far-reaching implications for the nation's political system. They were an essential part of a process of political

reform, which started in 1992 with the overthrow of the last military-led cabinet of General Suchinda and climaxed with the adoption of the kingdom's sixteenth constitution since 1933. While the new constitution introduced direct elections to the senate and established new provisions for elections to the house of representatives, another significant element of institutional reform was the founding of an independent election commission in 1998. The first election to the senate took place between March and June 2000 followed by house elections in January 2001. Here the author takes up two important questions: were the elections the beginning of new politics in Thailand with regard to the composition and role of parliament; and did the new system have the desired effect in terms of a cleaner, fairer and more transparent electoral process? Orathai's conclusions are ambivalent. Despite the satisfaction of the new system's overall performance, there are still problems concerning the integrity, transparency and efficiency of the electoral processes. On the other side, the elections led to a generational change in parliament. In the senate the dominance of the old forces of bureaucratic polity was reduced with the rise of new social forces; a shift of political generation is also evident in the house of representatives, as shown, among other things, in the extraordinarily high rate of newcomers.

In the final chapter, *Aurel Croissant* summarizes synoptically the data and results presented in the book and puts them into the broader perspective of regional comparison. The aim is to lead the studies toward some general conclusions about the role the electoral system plays in Southeast and East Asia: does it offer institutional incentives for political transformation and democratic development, or is it an institutional element of political stagnation?

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Cambodia's Electoral System: A Window of Opportunity for Reform

Jeffrey Gallup

Foreword by Kassie Neou

Foreword

I am pleased to write this foreword to Jeffrey C. Gallup's study of the Cambodian electoral system. There are many Cambodians both inside and outside the country who will endorse heartily every word he has written. Some might say he has painted a rosier picture than reality. Others may find his assessment too harsh. They would say that not enough credit has been given for progress and achievements to date and more explanation is needed about the obstacles. One such obstacle comes readily to mind – the very poor state of Cambodia's education system and the lack of human resources. These are major handicaps to progress. What is important is not whether Mr Gallup's words are laudatory or critical, but that they are written to help Cambodians identify and address areas for improvement in their electoral system. As the electoral system is strengthened, so will the prospects for Cambodian democracy and a peaceful and prosperous future. Mr Gallup's report should thus be studied closely for the insights and useful suggestions for reform that it provides. I agree with him that the present provides a unique opportunity to make needed changes in the electoral system. I agree that Cambodia's democracy is not yet firmly established, but from my unique position of being both inside and outside of Cambodia's election and democracy-building machinery, I would wish to portray a more optimistic view.

When a country has endured the scale of tragedy and resultant trauma that has befallen Cambodia in recent decades, it would be surprising if a recovery were quick or certain. Yet Cambodia has come a long way in just ten years since the Paris Peace Accords. Those Accords represented a comprehensive attempt to end prolonged conflict. But the fate of Cambodia, in terms of peace, justice and prosperity, depends on Cambodians at every level in society, from the top leadership down to the humble rice farmers. After all, this is what our nascent democracy is all about and that is our recipe for avoiding a repetition of the tragedy of the past.

I do believe that we are beginning to move towards pluralism. Some progress

may already be irreversible, and there are significant opportunities that could begin to dismantle the very real polarization in society that Jeffrey Gallup describes. When I first joined the National Election Committee (NEC) I was aware of its political balance and the limitations of all of us, myself included, in terms of our technical knowledge. Today there is a better balance, we have all learned a lot, and there is evidence to show that the NEC is delivering better elections for the people of Cambodia. For example, for the February 2002 local elections, the NEC agreed to re-open some 24 voter registration stations, extending the original schedule. This meant that 594,120 more people were able to register, increasing the voter registration turnout by 9.5 per cent to attain an overall figure of 83.04 per cent, a figure that many advanced democracies would envy for local elections.

There is a tendency, both inside and outside Cambodia, to be hypercritical about its government and political system. What is imperfect is deemed worthless. Oddly enough, this attitude seems to spring from deep affection for Cambodia and fervent hopes for the country's future. Were people indifferent to Cambodia, they would not bother to criticize it. Many countries with worse problems than Cambodia's escape censure because nobody cares. It is Cambodia's blessing – and its curse – that so many are concerned about us. Still, positive praise for good moves could encourage more such moves, whereas endless castigation falls on deaf ears.

I do take satisfaction in positive achievements. Much credit must be given for the impetus towards democracy generated by Cambodia's vibrant civil society. Most certainly, there will be setbacks. I like to say 'Angkor Wat was not built in a day'! Our famous world heritage site, Angkor Wat, is a symbol of a once proud ancient Khmer civilization. I believe that Cambodians can recapture that pride and build a modern civilization, but it will take time, just as it took many years for the other great democracies of the world.

Now that I approach the end of my term as NEC vice chairman, I can reflect on the NEC's role in Cambodia's emerging democracy. The NEC is gradually evolving into one of the country's important state institutions, but more needs to be done. Some of my recommendations parallel those of Mr Gallup; others do not. My suggestions focus mainly on the structure and operation of the NEC, which is my area of special expertise. The following is a proposed agenda for reform:

1. The NEC should be separated organizationally and physically from the Ministry of the Interior. It should have its own premises in the capital and the provinces.
2. The Committee membership, the top policy and decision-making body, should be restructured so as to reduce the present 11 members to 5 or 7. This will produce swifter, more corporate management.

3. Membership should be non-political, genuinely neutral, so 'party representatives' should be removed. Membership should instead be based on factors such as distinguished public service or professional and technical expertise. If past or serving government officials are appointed, they should be drawn from the ranks of a neutral professional civil service, rather than party appointees. Above all, the members should enjoy the confidence of the people and civil society, and the respect of the political parties.
4. The permanent staff of the NEC should consist of election administration and support professionals only. The level of staffing should be based on organizational need, i.e. actual workload at national, provincial or local levels.
5. The NEC should have one secretariat office, instead of several, connecting the NEC members with the staff. Having several offices (recently introduced as a reform) has engendered confusion, lack of co-ordination and high personnel costs.
6. Finally, but quite importantly, the NEC should look for ways to improve the area of its weakest performance in 1998 – post-election dispute resolution. Internal procedures should be elaborated and more resources devoted to settling complaints. The NEC should emphasize transparency by holding public hearings on important controversies. Indeed, transparency and accountability should be the guiding principles in all NEC decisions.

These organizational changes would lead to the NEC becoming a permanent independent standing election administration body, one that would conduct continuous operations that would allow elections to take place at any time, whether for the National Assembly, the Senate, for local government, or for other public appointments or issues that should be put directly to the people. Further changes will be needed to consolidate this continuous role.

First of all, the NEC budget, like those for the Royal Government, the National Assembly, the Senate and the Constitutional Council, should be separate and subject to annual state budgetary approvals. The NEC's basic operations should not be dependent on applications for funding to donor countries. Second, the NEC's internal management, especially its procurement procedures, must improve so that when it does require external assistance for major capital items, the funding can be allocated directly rather than through a United Nations Trust Fund. The trust fund at present consumes 5 per cent for administration charges. The NEC must adhere strictly to its own master plan for expenditure and a policy of best value in local or foreign markets. These changes will reduce delays in ordering and acquisitions that have caused surcharges to be levied or discounts forfeited. Third, the NEC should seek to establish the principle of volunteerism when it needs to expand its workforce to 80,000 for administering elections. Elections belong to the people. Serving as a polling station clerk is serving one's fellow citizens. If Cambodia's newly elected commune councils

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work well as genuine separated legal entities from central government after February 2002, then they could take the place of the NEC's local election administrative bodies, the Commune Election Committees. This would link voter registration with the local authority's responsibility for registration of birth, deaths and marriages. The NEC and PEC (Provincial Election Committees) would then be responsible for inspecting voter registration, not conducting it.

Taken together, these changes would help Cambodia build a stronger, more efficient, capable and admired electoral administration. They would promote peaceful, free and fair elections, and thus encourage Cambodia's fledgling democracy to take wing. More mundanely, they can also help reduce the cost considerably, to below US\$1 per vote cast, i.e. well down on the nearly US\$400 per vote for elections organized by the United Nations in 1993 (although this includes all the costs of the United Nations Transitional Authority, not just election operations), and below the estimated US\$7-8 per vote for the 1998 elections and the estimated US\$3 per vote for the 2002 commune elections. In a poor country like Cambodia, the financial burden of elections must be kept within limits because of the many other pressing needs for public expenditure.

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A Brief Electoral History of Cambodia

Elections are nothing new in Cambodia, but genuinely competitive ones have been a rarity. Under Cambodia's traditional monarchies, the king was elected by a group of notables. Once chosen at the beginning of his reign, however, the king held office for life. Governance, while sometimes benevolent, was also autocratic.

During the later years of French colonial rule in the 1940s and 1950s, several elections more closely approaching modern democratic norms were conducted. The elections were contested and were arguably representative of the voters' will, resulting in national assemblies which included both a ruling party and a substantial opposition. Following Cambodian independence in 1953, King Norodom Sihanouk abdicated and, as Prince Norodom Sihanouk, became Head of State. Political power was increasingly concentrated in his hands. Political parties were abolished in favour of a single political movement, the Sangkum Reastr Niyum, usually translated as the People's Socialist Community, with Prince Sihanouk at its head. The government became more authoritarian, and elections lost their democratic character. Despite these setbacks for democracy, many older Cambodians still fondly remember Prince Sihanouk's rule as a golden era of peace and prosperity (M.A. Martin, 1994: 61-86).

By the late 1960s, Cambodia had entered a period of cataclysmic political change. The country became embroiled in the Vietnam War, its territory partially occupied by the Vietnamese Communist forces, and border areas bombed and invaded by the United States and South Vietnamese military in what British author William Shawcross described as a tragic 'sideshow' to the Vietnam War (1979). In 1970, Prince Sihanouk, while travelling abroad, was overthrown in a coup and replaced by the Khmer Republic under General Lon Nol. The Khmer Republic held its own election which, like its predecessors, was manipulated in favour of the incumbent regime. Eschewing Prince Sihanouk's determined, if ultimately futile, efforts to keep Cambodia out of the Vietnam War, Lon Nol used the army to attack the occupying Vietnamese forces head-on and was roundly beaten. His government also faced an indigenous Cambodian Communist insurgency, the Khmer Rouge, which over the next few years grew steadily stronger, took over much of the countryside, encircled the capital, Phnom Penh, and finally seized power in April 1975.

The Khmer Rouge have become infamous for the exceptional brutality of their regime, resulting in the deaths of one million or more Cambodians, one-sixth of the population, during less than four years of mad misrule. Yet even the Khmer Rouge staged an election. It was controlled by the regime and without democratic significance, serving only as domestic and international propaganda.

After a series of border clashes, the military forces of Vietnam, unified under

Communist rule since 1975, invaded Cambodia at the end of 1978 and occupied the country within a few weeks. The Vietnamese installed a Cambodian government, the People's Republic of Kampuchea, later renamed the State of Cambodia, whose leaders were mostly ex-Khmer Rouge who had fled to Vietnam during Khmer Rouge internal purges. Soviet-style national elections were conducted in 1981, with a predictable win for the ruling Communist Party against no genuine opposition. Vietnamese military forces remained in Cambodia until 1989 when the collapsing Soviet Union could no longer subsidize its client states in Vietnam and Cambodia. Throughout the Vietnamese occupation and beyond, the Cambodian government was under guerrilla attack by remnants of the Khmer Rouge and non-Communist resistance forces.

The history of Cambodia in the latter decades of the twentieth century was scarred by wars, violent regime changes, dictatorship in various guises and, at its nadir, the murderous depredations of the Khmer Rouge. As Stephen Heder (1998: 10) has noted, elections were held even under the most undemocratic governments, but they were aimed at bolstering the legitimacy of the incumbent regime and consolidating its power. Their purpose was not to give the people a free choice of government.

The United Nations-run Elections of 1993

An important break with the practice of undemocratic elections came with the elections of 1993, organized by the United Nations (UN). With the collapse of the Soviet Union's support and the pullout of the Vietnamese military, a peace agreement was forged in 1991 and signed by the four main warring factions: the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, commonly known as the Paris Peace Accords. The Agreement handed extraordinary power to the UN. In essence, the UN Transitional Authority in Cambodia (UNTAC) was to take on the temporary administration of the country under the aegis of a Supreme National Council composed of the four Cambodian factions. The UNTAC contingent ultimately grew to more than 20,000 military and civilian personnel and cost nearly US\$2 billion. The UN forces were charged, among other things, with providing for the disarmament and cantonment of the warring factions, ensuring a neutral atmosphere and conducting free and fair elections leading to a government based on the principle of liberal multi-party democracy.

In many respects, the UN was unable to exercise the power it was formally granted: the factions did not disarm, they retained their military forces, and the incumbent regime, now styled the State of Cambodia, kept control of the government administrative apparatus and often defied or circumvented UN control. The Khmer Rouge eventually withdrew from the peace settlement altogether and launched bloody guerrilla attacks against ethnic Vietnamese, the State of Cambodia, the UN and the elections (Doyle, 1995).

The crowning achievement of the UNTAC period was the elections of 1993. The Paris Peace Accords described the election scenario in some detail, requiring not only free and fair polls, but also proportional representation. It should be noted, however, that these elections were not solely, or perhaps even primarily, about the promotion of democracy. Rather, they were an integral part of the peace settlement, an agreed non-violent means for determining which of the feuding Cambodian factions would rule.

The UN election law for Cambodia prescribed a democratic election to choose a Constituent Assembly. The Constituent Assembly would in turn draft a constitution and then transform itself into a unicameral National Assembly. The Paris Peace Accords did not describe how a government would be formed on the basis of the election results, a serious failing as matters turned out.

The UN election law established a proportional representation system with 21 mostly multi-member districts. Each province or municipality constituted an electoral district. The number of legislative seats allocated to each district was proportional to its estimated population. However, six sparsely inhabited provinces and municipalities were designated as single-member districts, although several had far too few voters to justify a seat. Consequently, these districts were (and are) over-represented in the legislature. After the election, each party was to be allocated a number of National Assembly seats in each district proportional to the relative number of votes it received in that district. The seats were to be assigned to individual candidates according to a closed list for every province, which was submitted by each political party to the UN election authorities. The manner in which candidates were nominated was left up to the parties.

Many variants of proportional representation systems exist to deal with the fact that the number of votes received by a party rarely if ever translates exactly into a whole number of seats. The UN election law selected the 'greatest remainder' formula to deal with this problem. According to this system, the initial seat allocation gives to each party the whole number of seats its proportion of the vote would justify. If there are additional seats to be filled, the party whose fractional remainder is the largest receives the first unassigned seat in the district. The party with the next largest fractional remainder receives the second unassigned seat, and so forth. The greatest remainder system allocates seats in a way that favours small parties.

The elections that were held resulted in a majority for the royalist opposition party, the National United Front for an Independent, Neutral, Peaceful and Co-operative Cambodia (FUNCINPEC), with 58 seats. The Cambodian People's Party (CPP), the ruling party of the State of Cambodia, came in second with 51 seats to its surprise and chagrin; the Buddhist Liberal Democratic Party (BLDP), already split between pro- and anti-CPP factions, garnered ten seats; and the small Molinaka party won a single seat.

A grave post-election crisis ensued. The CPP refused to accept its loss, claiming that the UN election authorities had cheated it. Several provinces under CPP control briefly 'seceded' from Cambodia. Under this pressure, the parties agreed to form an interim grand coalition, with co-Prime Ministers from FUNCINPEC and the CPP. Afraid it might be excluded from future governments, the CPP then insisted on a constitutional provision requiring that any new government be approved by a two-thirds vote of the National Assembly.

The UN-conducted elections were generally praised as free and fair in an administrative and technical sense, although criticized for the atmosphere of violence and intimidation surrounding the polls. The UN instituted numerous safeguards against fraud, and the votes were correctly cast, counted and tallied, contrary to CPP claims. Safeguards included voter registration, issuance of voter identification cards with photographs, a computerized, centralized voter registry, use of locks and seals to secure ballot boxes and bags containing accountable documents, and indelible ink into which voters' fingers were dipped. The fingers were checked for the ink under ultraviolet lamps to make sure the voters had not already cast a ballot.

Balloting itself was relatively simple. After being checked against the voters' list and presenting his or her voter identification card, a voter was handed a single ballot with the names and symbols of the 20 competing parties, went to an enclosed voting booth, ticked the party of his or her choice, and then placed the folded ballot in the slot of the locked and sealed ballot box in public view.

Blame for violence and intimidation was mainly laid on the Khmer Rouge, the State of Cambodia and its affiliated party, the CPP. Many concluded from the opposition victory that CPP coercion and intimidation had failed to get the party many votes, a conclusion bolstered by the fact that over 90 per cent of eligible Cambodians registered to vote and nearly 90 per cent of registered voters went to the polls on what was seen as a cheerful, even festive occasion. Improprieties and post-election conflict were surface manifestations of a broader political dynamic at work, in which fierce political rivals, recently at war with one another, were struggling to keep or acquire power at any cost. While all parties were willing to try elections as a route to power, their commitment to the democratic election process as such was weak. The CPP, in particular, proved unwilling to relinquish power in the face of defeat. The most brilliantly designed electoral system would not likely have prevented the post-election crisis, but the lack of a specified method for forming a government gave an opening for the CPP to insist on a solution on its own terms.

The Coalition Government of 1993-1997 and the Aftermath

The coalition government had one achievement of historic importance: the final demise of the Khmer Rouge as a significant political force. In a controversial move, Second Prime Minister Hun Sen granted amnesty for various high Khmer

Rouge officials in return for the defection of thousands of Khmer Rouge fighters to the government side.

In general, however, the coalition government functioned poorly. Prince Norodom Sihanouk became King again, but as a constitutional monarch with little power. FUNCINPEC's chief, Prince Norodom Ranariddh, son of the King, became first prime minister, while Hun Sen, the head of the erstwhile State of Cambodia government, was named second prime minister. Decisions of national importance were to be agreed by the two prime ministers. Ministries were divided between FUNCINPEC and CPP ministers, with a few key ministries such as defence and the interior having co-ministers from each of the two parties. Where a minister was from one party, his senior deputy was usually from the other party. At the provincial level, governorships and deputy governorships were divided up between FUNCINPEC and the CPP in a similar fashion.

Under the coalition, the winning party, FUNCINPEC, was in reality the junior party in the government. Power-sharing was more illusion than reality, because the CPP remained in effective control of most of the armed forces, the bureaucracy within the ministries and local government throughout the country. The judiciary remained in the hands of CPP appointees. Dissatisfied with its inferior position, FUNCINPEC began to insist on a greater share of power and tried to find ways to bolster its military strength. The CPP resisted. This led to paralysis within the executive branch and the National Assembly. Armed skirmishes between military units loyal to the two parties broke out. Amid rising tensions, Prime Minister Hun Sen's forces took on and defeated the pro-FUNCINPEC military in two days of bloody battles in July 1997. Prince Ranariddh and many other important parliamentarians and political leaders opposed to the CPP fled abroad. The CPP became undisputed master of the country.

After the ouster of Ranariddh, much international aid to Cambodia was halted, Cambodia's imminent membership in ASEAN was indefinitely postponed, and the country was shorn of its UN seat. Foreign tourism and investment dried up, severely damaging the economy. Small-scale guerrilla resistance by pro-FUNCINPEC forces and Khmer Rouge remnants flared along the border with Thailand. From the international community perspective, the CPP's greatest sin was shattering the peace agreement so arduously hammered out. In the ominous atmosphere of subsequent months, most parties opposed to the CPP ceased political activity within Cambodia, because of fear, intimidation or caution. According to the UN, during and after the ouster of Prince Ranariddh about 100 people, especially senior military and intelligence officials associated with him, were killed in an apparent effort to destroy FUNCINPEC military capability (United Nations, 1998a).

All sides soon saw elections as a way out of this new Cambodian crisis. For the CPP, elections could lead to renewed foreign aid, greater international respect

and a revived economy. For the opposition parties, they could mean re-entry into political life with some international protection. For the international community, elections could restore peace and possibly put Cambodia back on the democratic path. The Hun Sen government agreed to hold free and fair National Assembly elections in 1998, in accordance with the five-year cycle prescribed by the constitution. Under intense international pressure, the government reluctantly permitted Hun Sen's archrival, Prince Ranariddh, to return to Cambodia and campaign. Nevertheless, with virtually all power concentrated in a CPP-led government and the opposition demoralized, disorganized and intimidated, the prospects for genuinely democratic elections seemed dim.

The Current Electoral System

Given the political context, the new electoral system created for the 1998 elections closely mirrored the 1993 model. The extensive technical safeguards installed by the UN experts remained in place. One small substantive change – an alteration in the formula used for seat allocation – proved to be a time bomb. After the 1998 elections, the Cambodian electoral system has continued to evolve. A second national legislative body, the Senate, has been created, and for the first time, officials below the national level are to be elected in the commune council elections of February 2002. These developments are discussed in greater detail below.

A crucial difference between 1993 and 1998 was that the 1998 elections were not conducted by the UN, but by the Cambodians themselves, albeit with extensive international funding and technical input.

The National Election Committee and Related Election Bodies

The model for election administration incorporated by the National Assembly in the December 1997 election law was an impartial National Election Committee (NEC), independent of the government, with comprehensive authority to conduct all aspects of the elections. The NEC would receive funds from the government and foreign donors, but autonomously administer its own budget. The independent NEC format was chosen after years of public debate, much of it inspired by Cambodian civic organizations and fostered by international donors.

The NEC was composed of 11 members for the 1998 elections. Its structure is defined precisely by the election law: a chairperson and vice-chairperson who are distinguished professionals; two representatives of the Ministry of the Interior; two citizens' representatives; one representative of each party in the National Assembly; and one representative elected by non-governmental organizations (NGOs). The government presents the list of proposed NEC

members to the National Assembly, whose approval is required. The major provisions of the election law, including the formal structure of the NEC, were negotiated behind the scenes by FUNCINPEC and the government. The NEC structure represents a curious mix of two principles: impartiality, as the law exhorts and as exemplified by the requirement to include various distinguished citizens and NGO members; and political balance, as reflected by the nomination of party representatives.

The NEC appoints a secretary-general to oversee the staff as well as other national-level employees, over 20 provincial and municipal election commissions, more than 1,500 commune election commissions, and tens of thousands of polling station staff, all under its supervision. The election law bans certain government officials, such as military personnel and commune chiefs, from membership of the provincial and commune election commissions, but other government officials may serve. Under the law, the NEC's election functions are nearly all-encompassing. The NEC adopts all election regulations and procedures; conducts voter, party and candidate registration; supervises the election campaign; regulates media access; organizes the actual voting and counting; investigates and adjudicates complaints; imposes civil penalties for election violations; and announces and certifies the election result.

A separate body, the Commission for the Determination of National Assembly Seats, composed of a mix of party representatives and government officials, is responsible under the law for reapportioning legislative districts, but has not yet been activated. The National Assembly itself increased the total number of seats from 120 in 1993 to 122 for the 1998 elections, through the creation of two new municipalities with one seat each.

One other institution that is key to the election process is the Constitutional Council, which, in accordance with the constitution, has responsibility for deciding disputes in National Assembly elections. The election law further defines the Constitutional Council as primarily an appeals body which rules on complaints previously heard by the NEC. The Constitutional Council is additionally charged under the constitution with deciding on the constitutionality of laws. It is composed of nine members, who must either be lawyers or possess higher-education degrees in fields such as economics, administration or diplomacy. Of these, three members are chosen by the King, three by the Supreme Council of the Magistracy (the supervisory body for judges), and three by the National Assembly. Like the NEC, the Constitutional Council is structured as an independent body.

Technical Details of the Electoral System

The 1997 election law, like the UN law, provides for universal suffrage for males and females 18 years and older. Suffrage is limited in two significant

ways. Under the provisions of the nationality law and the 1997 election law, the definition of a Khmer citizen eligible to vote is narrower than under the UNTAC election law. The apparent purpose of the restriction is to reduce the number of ethnic Vietnamese residents of Cambodia who can vote. The law requires not only that a voter be born in Cambodia, but that both of his or her parents were born in Cambodia and legally resident there. This narrow definition favoured the opposition FUNCINPEC and Sam Rainsy Party: they campaigned on anti-Vietnamese platforms as Vietnamese voters are widely assumed to be pro-CPP. On the other hand, the CPP benefited from a second restriction on the franchise. Under the UN law, a provision, largely symbolic, was made for voting abroad. Cambodians could vote in Paris, New York and Sydney if they had previously registered in Cambodia. However, the 1997 election law made no provision for voting by Cambodians overseas, many of whom oppose the CPP.

The 1997 election law retains the essence of the proportional representation system of the 1993 elections, with eight single-member districts (up from six in 1993) and 15 multiple-member ones. As in 1993, each party presents a party list of candidates for each district. Only the party name appears on the ballot, not the candidates. The National Assembly departed from the UN-prescribed proportional representation system in one small but important respect. Instead of the 'greatest remainder' formula for dealing with leftover votes, the National Assembly incorporated the 'highest average' formula, also known as the Jefferson or d'Hondt formula, in the 1997 Election Law. The 'highest average' system favours larger parties, sometimes disproportionately giving them seats at the expense of smaller parties. None of the parties raised objections to the 'highest average' system at the time it was adopted. The implications of this change were probably not clear at the time.

Political parties must register with the Ministry of the Interior, in accordance with the Political Party Law. The Political Party Law requires certain organizing documents from each party. Signatures of 4,000 party members must be submitted. The parties then register for the election with the NEC, providing similar documentation, plus a candidate list, and posting a bond of 10 million riels (roughly US\$2500), which is refundable if the party receives a specified percentage of the vote.

The 1997 election law and regulations adopted by the NEC include many technical safeguards for the security and integrity of the vote, most derived from the 1993 UN law. First, the provision for advance voter registration and issuance of voter identification cards with photographs was carried over from the 1993 elections. As in 1993, voters' rolls were compiled in 1998 on centralized computer files in order to provide a check on double registration. In order to vote, the voter's name must appear on the official list and the voter identification card must be presented. After voting, each voter's index finger is marked with

indelible ink to prevent double voting.¹

Second, an unusual feature of the 1997 election law is that votes are not counted at the polling place. Instead, ballots from all the polling places within a commune are transported to a single commune counting centre. The ballots from at least three polling places are then mixed and counted.² This departure from international norms was made at the insistence of the opposition parties, which threatened an election boycott otherwise. They considered individual polling places too insecure for counting. In addition, the opposition parties wanted to obscure the voting trends of individual polling places because the voters there might be subject to retaliation. In 1993, counting was done at the provincial level because of even greater security concerns. Some opposition leaders wanted the same in 1998 and acceded with extreme reluctance to commune-level counting.

Third, independent domestic and foreign observers and party representatives are allowed to watch all these phases of the election. Fourth, the 1997 election law limits the official election campaign to 30 days; whereas it had been six weeks under UNTAC. The election law forbids derogatory language and incitement to violence by any party or candidate. Under NEC regulations each party received five minutes on national television and five minutes on national radio per day during the campaign to present its programme. The NEC also sponsored occasional roundtable discussions with several parties.

Fifth, the election law bans bribery, intimidation and various forms of fraud, and allows the NEC to impose civil penalties such as denial of voting privileges and fines. No limitations on campaign funding are prescribed, although the NEC has the authority, so far unexercised, to check parties' accounts. No penalty of imprisonment is authorized under the election law, although criminal offences such as murder and assault, whether or not election-related, remain punishable under the criminal law.

Sixth, the 1997 election law provides extensive dispute resolution procedures, including one or more appeals. The law imposes strict time limits on submission of complaints and appeals as well as on NEC adjudication of them, as little as 48 to 72 hours. The NEC is required to hold public hearings in cases where it finds a complaint has 'reasonable grounds'. The law requires the NEC to issue a formal statement of rejection for each complaint it turns down.

Seventh, and finally, the Constitutional Council has appellate jurisdiction on all election complaints and original jurisdiction in some cases. The Constitutional Council is allowed a more leisurely 10 to 20 days under the

1. Visible dark purple ink was used in 1998 instead of clear ink as in 1993, because this required ultraviolet lamps at each polling place to check for the presence of the clear ink.
2. In 1998, counting took place on the day following voting.

election law to investigate and rule on complaints. Public hearings by the Constitutional Council are discretionary. The Constitutional Council's decisions are final; there is no court jurisdiction in election disputes.

Performance of the System: A Good System Flawed in Execution

On the surface, the 1998 elections seemed very much a replay of the 1993 polls. The technical conduct of the election was generally proficient; but the surrounding atmosphere was clouded with reports of violence, intimidation, vote-buying and other irregularities.

There was one shocking difference from 1993: the CPP won this time. The CPP secured 64 seats, a slight majority in the legislature, although it improved its percentage of the vote only slightly, from 1993's 38 per cent to 41 per cent in 1998. FUNCINPEC's percentage of the vote dropped precipitously, by almost 14 percentage points, to about 32 per cent, and it obtained only 43 seats this time, down from 58. The upstart Sam Rainsy Party, campaigning vigorously as a democratic, reformist, anti-corruption, anti-establishment party, won 15 seats with 14 per cent of the vote. The plausible explanation for the CPP victory was that the Sam Rainsy Party had drawn away many votes from FUNCINPEC. These three parties accounted for about 88 per cent of the total vote; the other 12 per cent was scattered among 36 minor parties. Only one of these approached 2 per cent of the national vote, and none received a single legislative seat (National Election Committee, 1998c).

Table 1: Election Outcomes

Parties*	1993		1998	
	Percentage	Seats	Percentage	Seats
CPP	38.23	51	41.42	64
FUNCINPEC	45.47	58	31.71	43
SRP			14.27	15
BLDP	3.81	10		
Moulinaka	1.37	1		

* CPP - Cambodian People's Party; FUNCINPEC - National United Front for an Independent, Neutral, Peaceful and Co-operative Cambodia; SRP - Sam Rainsy Party; BDLP - Buddhist Liberal Democratic Party
Source: Gallup, 2002: 168 (1993 elections) and 179 (1998 elections).

FUNCINPEC and the Sam Rainsy Party rejected the results as fraudulent, lodged more than 800 complaints, and mounted street demonstrations to protest alleged cheating and mishandling of their complaints. After weeks of escalating tension and sporadic violence, the demonstrations were put down by force. Finally, more than four months after the election, FUNCINPEC dropped its election

complaints and agreed to join in a coalition government. The new government looked much like the one that followed the 1993 polls. This time, however, only one prime minister emerged, the CPP's Hun Sen. Prince Ranariddh became president of the National Assembly. Ministries were again split and shared between FUNCINPEC and the CPP. The Sam Rainsy Party declined to join the coalition and enthusiastically took on the role of official opposition. It has remained a vocal critic of the government and both ruling parties.

Representativeness and Integration

The electoral system of 1998 (and 1993 too) should be given high marks for popular participation and representativeness. In contrast, the integrative character of the systems – the ability to promote the formation of a stable government – was poor.

The rate of participation of citizens and parties in the 1998 election was remarkably high, as it was in 1993. In 1998, over 90 per cent of the estimated voting population registered to vote and over 90 per cent of those registered actually voted (National Election Committee, 1998c; 1998a). This high rate of participation suggests that the elections of 1993 and 1998 reflected the political preferences of the public, as a whole, well or better than elections in countries where only a bare majority of eligible adults may vote. High participation was due to the enthusiasm of the voters, active voter education, the efforts of parties to get their voters to the polls and competent NEC programmes to register everyone eligible. The barriers to political party participation in the election were low, indeed perhaps too low. Twenty parties competed in the 1993 election. This figure had ballooned to 39 by 1998. The system's accessibility to many parties may seem a triumph of participatory democracy, but the sheer number of parties meant that the public was realistically familiar with only a handful. Few parties had meaningful party programmes. The requirement that each party receive equal broadcast time meant that the airwaves were cluttered with daily hours-long programmes consisting of one party spot after another. Accordingly, for the voters, an informed choice was difficult. Further, the lengthy ballot was unwieldy and confusing, especially for the many illiterate voters.

The current Cambodian electoral system is poor in terms of its integrative character or how well it promotes the creation of a stable, effective post-election government. Under the constitution, the King names a representative of the winning party to form a government. The winner is the party gaining the most parliamentary seats, whether a plurality or majority. However, the constitution requires a two-thirds majority vote of the National Assembly to confirm the new government. Neither in the 1993 nor the 1998 elections did the winning party gain that many seats. The persistent division of Cambodian society into two major political formations, one pro-CPP and one anti-CPP, each of roughly equal size, suggests that the winning party in the future will continue to be forced to form a coalition with its bitterest and strongest adversary. One can

argue that the resulting forced marriage requires enemies to work together, thus promoting peaceful coexistence, and allays the losing party's fear of exclusion, but the historical record is not encouraging. The 1993-1997 coalition was first paralysed and then destroyed because of the inability of the coalition partners to work together. After the 1998 elections Cambodia suffered nearly five months of political unrest before the two largest parties were able to come together in a coalition. It should be noted, however, that so far, the post-1998 coalition has worked somewhat more smoothly than its pre-1998 incarnation.

The Role of NGOs in Improving Electoral Quality

Formally and informally, Cambodian NGOs made substantial positive contributions to the 1998 elections. In fact, their involvement probably merits more praise and less criticism than any other participating organization. NGOs lobbied the government, parties and the NEC to initiate good election laws and practices, with some success. For example, the establishment of an independent national election committee was originally an NGO initiative. Civic organizations carried out a massive voter education programme, which reached more than one million voters in direct voter education sessions; educated even more through professionally produced radio and television shows and promotional spots; distributed hundreds of thousands of leaflets, posters and booklets; and disseminated 600,000 detailed voters' guides with information on each of the political parties' programmes.

Although outside experts differ on the effectiveness of the voter education effort conducted by the NEC and NGOs, it seems fair to say that the NGOs were critical to informing the public. Some found their activities quantitatively insufficient.³ Others, however, noted the very high rate of voter participation. In fact, voters' apparent understanding of balloting procedures was shown by little confusion at the polls and few spoiled ballots; and voters were confident that the balloting was really secret despite efforts, often by CPP officials, to insinuate otherwise (Hughes, 2001).

Another crucial NGO contribution to the election was domestic election observers. Foreign governments and international organizations provided a quite considerable 800 observers on election day, but they could cover only a small fraction of the polls. Domestic observer groups provided over 20,000 observers, blanketing almost every polling station and counting centre in the country. Moreover, two domestic observer groups undertook parallel vote tabulations, which, though incomplete, confirmed the overall accuracy of the NEC's consolidated figures. NGOs also monitored and reported on voter registration, the campaign, election-related violence and post-election dispute resolution. The NGO observer role undoubtedly deterred election mischief. It also provided a much greater degree of confidence in the quality of the voting, counting and consolidation of results than would otherwise have existed.

3. See, for example, ANFREL, 1999.

The Correctness of the Electoral Process: Success and Failures

The popular image of the 1993 and 1998 Cambodian elections is that the former were free and fair, whereas the latter were fundamentally, if not fatally, flawed, not only by violence and intimidation, but also by fraud and other misconduct by election officials. One reason for the differing perceptions is that those deemed democrats by conventional wisdom won in 1993 while the ex-Communist ruling party triumphed in 1998.

A closer look indicates that the election process unfolded in astonishingly similar ways in both years. Despite vehement denunciations by the CPP of the 1993 polls (which it lost) and condemnation by FUNCINPEC and Sam Rainsy Party of the 1998 polls (which they lost), both elections were generally well and fairly administered in a technical and organizational sense (Frieson, 1996; Gallup, 2002). Given the NEC's precarious starting point in 1998 with no staff, no equipment, no funds and no experience, its administrative accomplishment in bringing off the elections with minimal technical glitches in less than six months was considerable.

No evidence of large-scale fraud or crucial error was produced in either election, although the losing parties in both years doubted the validity of the results. The simplest explanation for their attitude is that they did not believe they could lose and resisted that harsh reality; hence the only acceptable explanation for defeat was official malfeasance or cheating. In both years, the losers took numerous small irregularities and a few documented instances of real fraud as signs of more serious, widespread misconduct lurking just out of view. Whatever the parties did not see – because they did not have 100 per cent coverage – was suspect. Other notable problems were evident in 1993 and 1998. The incumbent party enjoyed important advantages of resources, state power and media control. The incumbent was also widely accused of unfair tactics, including intimidation, violence and vote-buying.

Contrary to conventional wisdom, the NEC largely performed in a professional, technically correct and impartial way in 1998. Most of the 11 NEC members saw their task as organizing a free and fair election under severe constraints. The NEC's acceptable performance was a great surprise, since from the beginning its membership was manipulated to serve partisan ends. Under the law, only a few members were to be chosen for presumed party affiliation or sympathy; in fact, all were. While FUNCINPEC tapped three persons for membership, the CPP, through its control of the government and National Assembly, as well as questionable manoeuvres to get the NGO slot, managed to install a majority of CPP-friendly members on the panel. Only two or three of these members were CPP hard-liners. But the perception of a pro-CPP bias in the NEC counted more than the reality of its performance. The NEC would never enjoy the confidence of the opposition parties and much of the public.

Early missteps by the NEC further damaged its reputation for independence and neutrality. Under government pressure, the NEC hired a private firm to run important aspects of the election. Its reputation, once spotted, could not be restored to virgin purity even when it dropped the contract under international and domestic pressure. The opposition justifiably complained that the NEC's employees, including provincial and commune election commissions and polling station staff, were dominated by CPP members. The reasons for the imbalance were not wholly political. Government employees, especially schoolteachers, were often recruited because they were literate and organizationally competent; and most were at least nominal CPP members as a condition of their employment (Gallup, 2002). As with the NEC, official party affiliation made little actual difference in the performance of lower-level election employees. They were generally diligent and punctilious. Very few blatant attempts to manipulate the process in the CPP's favour were noted. Yet the opposition could not help believing that a biased election administration had caused or at least contributed to its defeat.

The election law required equal access to the media for all political parties during the 30-day campaign period in 1998. On this point, the NEC's efforts proved less than satisfactory. Formal media access was minimally adequate, with each party granted five minutes on national television and five minutes on national radio every day during the campaign, plus participation in occasional roundtable discussions. This precisely equal allocation of time closely followed the precedent of the UN 1993 elections, but treated with confusing even-handedness serious contenders and tiny parties with no real support. More seriously, the ruling party had enjoyed a massive advantage in news coverage since July 1997, when radio and television stations affiliated with the opposition parties were shut down. From that point, the broadcast media ignored the opposition and focused almost exclusively on the government, the CPP and its allies. This extreme imbalance prevailed both in news coverage and in political programming (United Nations, 1998a).

The NEC made a quirky effort to bring more balance to television and radio news coverage during the 30-day campaign. It banned overt political propaganda except for the five-minute slots, while allowing reporting along factual lines. The odd result was a reduction in coverage given to the government and CPP, *not* an increase in coverage of the opposition. Opposition leaders remained virtual non-persons on television and radio. The desired balance was achieved by banishing all parties from the media. In 1993, the counter to news slanted toward the incumbent had been the UN-run Radio UNTAC, which provided professional, balanced news coverage. The opposition's media disadvantage in 1998 was only partly redressed by the extensive coverage accorded it by Voice of America radio, which is widely heard and respected in Cambodia.

Newspaper coverage was more balanced than broadcast media in 1998. The

CPP, FUNCINPEC and the Sam Rainsy Party all had outlets. Yet in Cambodia, while newspapers reach an audience of tens of thousands, radio and television reach millions. Many newspapers, especially those affiliated with the Sam Rainsy Party, continued inflammatory political propaganda during the campaign, in defiance of NEC warnings. The NEC had no power to force the government to abandon its near monopoly on the broadcast media or to allow FUNCINPEC and the Sam Rainsy Party to open their own stations. Moreover, a fundamental journalistic principle in Cambodia seems to be that news outlets should report the activities of their owners and promote their interests. The NEC changed no attitudes in this regard. The imbalance in domestic media coverage may not have hurt the opposition as a whole, since it garnered an almost identical vote percentage in 1993 and 1998. However, the virtual news blackout on the Sam Rainsy Party may have greatly reduced its name recognition, which lagged far below that of CPP and FUNCINPEC. A survey conducted shortly before the 1998 elections indicated that the CPP and FUNCINPEC enjoyed high degrees of public awareness, 91 per cent and 81 per cent respectively, while the Sam Rainsy Party was known to only 30 per cent of those polled (Wirthlin Worldwide, 1998: 45).

Post-election Dispute Resolution: A Fiasco for the NEC and Constitutional Council

The post-election period was a disaster in 1998 as well as in 1993, and for similar reasons. Fortunately, in both cases a complete collapse of the election process was averted.

Part of the problem was simply the losers' unwillingness to accept defeat, and consequent determination to reject the official election process and its results. To a lesser degree, dispute resolution laws and procedures and flawed implementation may be blamed. In the 1998 elections, as to some extent in the 1993 polls, dispute resolution procedures were inadequately elaborated at election time. In 1998, the detailed procedures were written only after the election and in great haste. No dispute resolution panel was in place; it was formed four days after the election. To make things worse, the 1997 election law imposed unrealistically short deadlines for the filing of complaints and appeals and for their adjudication. The election law made no allowance for the inexperience of Cambodian political parties and election officials alike, nor for the unavoidable delays caused by the lack of communications facilities and a wretched transportation network.

Before the 1998 election, the NEC demonstrated the ability, given adequate time, to resolve election disputes to the reasonable satisfaction of all parties. In public hearings, it ruled on more than 1,000 disputes concerning voter registration. After the elections, however, the NEC was exhausted and inadequately prepared to handle the more than 800 complaints about the voting

and counting filed by the opposition parties. It did not have the staff and resources to conduct thorough investigations in the short time allowed. Some problems were solved through ad hoc personal interventions by NEC members as well as time-consuming recounts of the results in eight communes where the opposition parties suspected massive fraud. The recounts revealed no evidence of major errors. Because the recounts were not done using random probability sampling, they unfortunately provided no assurance of the validity of the count nationwide. Under pressure from the CPP to end the squabbling over the results and uphold its victory, the NEC cut the recounts short and dismissed all remaining complaints without public hearings. Like the UN in 1993, the NEC was unconvinced of the merits of the complaints and confident that its procedures and electoral watchdogs had prevented large-scale fraud.

In summarily rejecting almost all the complaints, the NEC made a technically defensible but politically disastrous mistake. The NEC's action may have been mostly within the bounds of its legal authority. The somewhat vague language in the election law suggests a rather high hurdle for complainants to get their complaints accepted for review, and higher hurdles still to get a public hearing or favourable decision: the irregularities at issue must be serious, and must affect the outcome of the election. To merit a public hearing, complaints must have 'reasonable grounds'. To prevail, a complaint presumably must have convincing evidence. Many, though not all, complaints submitted in 1998, as in 1993, were trivial, inconsequential, or unsubstantiated. The most serious confirmed charge was that election officials in many places restricted the number or location of party observers so that they could not clearly see each and every ballot as it was counted. In addition, some observer groups simply did not have enough observers on hand when counting was unexpectedly conducted simultaneously at several counting stations within a commune counting centre. Evidence was not presented that the counters had actually rigged the count, merely that the potential existed.

Politically, the NEC's peremptory rejections exacerbated the opposition's already deep-seated and emotional conviction that its election loss must be due to fraud and official bias. In the charged atmosphere, the NEC's action proved incendiary. Tension quickly mounted, the opposition massed demonstrators for weeks on end, violence against ethnic Vietnamese erupted, and the government with bloody force eventually put down the protestors. The Constitutional Council compounded the NEC's error by using minute technical deficiencies of format and alleged late submission to avoid even considering the vast majority of the opposition's appeals. The mere 17 complaints the Constitutional Council agreed to judge were all rejected, after testimony and investigation, as baseless or unsubstantiated. No public hearings were held. These decisions were not, in a legal or evidentiary sense, necessarily incorrect. But from a political perspective, the NEC and Constitutional Council chose the moment of highest tension, when the election hung in the balance, to reject the

opposition's complaints dismissively, using a rigid and exacting interpretation of the election law. A more transparent, flexible, politically astute approach might have assuaged opposition concerns about fair treatment.

The opposition parties were not without blame in the post-election period. Like the NEC, they were unprepared for handling a large number of complaints in the short time permitted by law. The parties generally failed to raise their objections properly at the polling or counting stations where the alleged infractions occurred, but instead lodged the complaints later at the provincial election commissions or directly with the NEC. Complaints were often submitted without the necessary precision or supporting evidence. In addition, there is reason to believe that the submission of a huge number of complaints was a form of civil disobedience intended to paralyse the election apparatus (Grainger, 1998: 1, 7).

Problems Arising Outside the Electoral System: Disproportionate Resources, Coercive Power

The most serious problems afflicting the 1998 elections were external to the formal electoral system. While the NEC took some measures to deal with these factors, they remained largely beyond its control. The CPP's advantages in 1998 (and 1993 as well) went far beyond the benefits of incumbency in established democracies. The CPP used state personnel and resources to campaign and gave small presents to numerous citizens who pledged to vote for them.⁴ Because of the virtual monopoly on coercive power by the ruling government and party, CPP solicitation of party membership and votes was seen by many Cambodians as inherently intimidating. Those who resisted party entreaties to imprint their thumbs or swear allegiance to the CPP were considered dissidents and sometimes subjected to ostracism or retaliation. CPP appeals for votes were at times accompanied by veiled or direct threats.

The CPP's election strategy seemed based on the notion that it was the only legitimate party; that those who disagreed were renegades; and that a good campaign method was simply rounding up voters and sending them to the polls with instructions to vote CPP. The idea of appealing to voters' desires and interests was clearly secondary in the CPP's internal campaign strategy. In short, the CPP's campaign tactics, in 1998 just as in 1993, owed much to old Communist mass organization techniques, which rely largely on expectations of obedience to unquestioned authority (Cambodian People's Party, 1997; Ledgerwood, 1996).

A perception of widespread violence perpetuated by the CPP marred the 1998 elections, but the reality was less dire. There was relatively little serious election-related violence in the run-up to the elections, according to the most careful

4. Other parties gave gifts as well, but their resources were fewer.

monitoring organization, the Cambodia Office of the High Commissioner for Human Rights (Peschoux, 1998; United Nations, 1998c). The domestic and international impression was of rampant violence, perhaps because victimized parties and human rights groups energetically publicized and denounced reported violations. The perceived atmosphere of danger may well have frightened local party activists away from campaigning in the countryside; harassment of low-level opposition party workers was documented.

One may also argue that earlier violence – the overthrow of Prince Ranariddh and targeted killings of about 100 senior FUNCINPEC military and security officials and associates in 1997 – had cast a chill over the entire election process, if only by reinforcing the impression that the CPP was willing to use force against its enemies and insistent on staying in power by any means necessary. In the months following the 1997 Ranariddh ouster, opposition activity was greatly inhibited.

Dealing directly with intimidation and violence was beyond the NEC's ken. NEC appeals to the government apparently led to the decline of some of the more coercive campaign tactics such as gathering voters to swear oaths to vote for the CPP. However, apprehension and prosecution for serious crimes of violence and intimidation were matters for the police and judiciary. The NEC imposed civil penalties in a handful of cases, but no arrests or prosecutions of election-related crimes were conducted. This inaction was nothing new in Cambodia where government or ruling party officials were suspected of criminal activity. UN Special Representatives for Human Rights in Cambodia have deplored this persistent impunity (United Nations, 1998d).

The NEC creatively employed indirect measures to curb intimidation and violence. With the Defence Ministry, it designed a competent security plan to protect the balloting and counting process. Little election-day violence was reported. The NEC conducted a publicity campaign to promote peaceful polls and to assure voters that they were free to vote according to their conscience in a genuinely secret ballot. They enlisted King Sihanouk to use his great prestige to convey these ideas through broadcasts and thousands of royal messages imprinted on posters.

The Meaning of Elections: The People's Will or a Manipulated Result?

We have contrasted the high technical quality of the Cambodian elections of 1993 and 1998 with the less satisfactory surrounding environment, in which gross inequality of resources, coercive methods and the sheer concentration of power in one political faction were all present. How does one reconcile these contradictory elements, assign the proper weight to each and arrive at a consolidated assessment? Here scholars have differed in theory as well as

practice. Their task has been complicated by the lack of accepted universal standards for judging elections (Elklit and Svensson, 1997: 43).

The quality of the 1998 Cambodian election process overall can only be described as mixed. A level playing field existed neither in 1993 nor in 1998. No domestic or international observer group called the 1998 election process as a whole 'free and fair'. The largest domestic observer group, the Committee for Free and Fair Elections (COMFREL), termed the polls 'reasonably credible', meaning the process was marred by significant improprieties but the results were deemed valid (COMFREL, 1998: Sections 1, 10). The biggest international group, the Joint International Observer Group (JIOG), which was denounced for its supposedly lavish praise of the election, used the words 'free and fair' *only* to describe what its observers saw on voting and counting days. This positive assessment of voting and counting was shared by almost all observer groups (Government of Australia Department of Foreign Affairs and Trade, 1998; International Republican Institute and National Democratic Institute for International Affairs, 1998). JIOG briefly criticized the pre-election environment. Its spokesperson, in his confidential report to the European Union, sharply faulted the handling of post-election disputes (Linder, 1998). Still, the JIOG placed more emphasis on the (positive) formal administration of the voting and counting than on the surrounding (negative) political environment and other factors (Joint International Observer Group, 1998).

The 1993 elections had been similarly mixed. Although the term 'free and fair' was bandied about by the UN and others in describing the polls, this characterization can properly be used only for the formal administration of the voting and counting. The UN followed the practice, now considered obsolete by many experts, of focusing exclusively on the formal process of voting and counting when delivering its verdict (Carothers, 1997: 22). Improprieties outside the formal process were serious. Killings and other violence were probably more severe in 1993 than in 1998. Because the opposition won, however, the effect of wrongdoing directed against them was obviously not decisive at the polls and could safely be discounted.

A cruder test of the acceptability of the 1998 elections is whether its flaws were so severe that they turned a CPP defeat into victory, rendering the overall process unacceptable and invalid as an expression of the voters' will. The losing parties and a few critics have advanced this argument, but they must go to extraordinary lengths to make their case (Morris, 1998; Sanderson and Maley, 1998: 247). The argument for the effects of subtle intimidation can be carried further. The CPP, through its control of the levers of state power, has continued to dominate Cambodian state and society. In the Cambodian context, incumbency has often been equated with legitimacy. The CPP's history of coercive authority over 20 years of rule may have led to the belief that voting against it could result in retaliation, even if the party is behaving acceptably at the moment. Caroline

Hughes (1999) has speculated that some voters may have consciously chosen the CPP although they preferred other parties because they were convinced the CPP would violently reject a defeat at the polls. Accordingly, a vote for the CPP was a vote for peace.

The effect of 'intimidation by incumbency' as described above is particularly troubling, because the incumbent need not do anything grossly wrong to win. The effect can be dispelled only by democratizing trends within the government and parties or by alternation, with ruling party and opposition trading places at the helm of government. Future opposition electoral victories remain possible, in light of the fact that FUNCINPEC and the Sam Rainsy Party collectively commanded the allegiance of more voters in the 1998 elections than did the CPP; the question of CPP acceptance of alternation is still open. The majority of commentators have looked at the evidence in a fairly direct and simple way. Because the voters were not visibly intimidated or obviously voting for financial reward, and evidence of fraud was minimal, observers mostly discounted the effects of misconduct as limited and ultimately inconsequential (Solarez, 1998). Most voters resisted CPP intimidation and blandishments: 58 per cent of all voters chose parties other than the CPP. Even huge numbers of CPP members were not loyal to the party: the CPP received a vote equal only to 53 per cent of its own claimed membership. International and local observers reported the voters' mood on election day as cheerful and festive, not fearful or oppressed. A pre-election survey by the Center for Advanced Study suggested that only a small percentage of voters would vote 'as a powerful person told them' (Center for Advanced Study, 1998). From anecdotal accounts, voters appeared to understand and believe in the secrecy of the ballot. These sorts of observations led most foreign and domestic observer groups to conclude that the voters had overcome serious pre-election flaws, particularly intimidation, to vote freely on election day (International Republican Institute and National Democratic Institute for International Affairs, 1998). They condemned misconduct, especially by the ruling party; they did not praise the election process as a whole, given its flaws; but they also did not declare the results wrong or invalid (International Republican Institute, 1999; National Democratic Institute for International Affairs, 1999).

The national margin of victory for the CPP over FUNCINPEC was approximately ten percentage points, not a small hurdle to overcome, though much smaller shifts in local vote percentages could have caused the CPP to lose its legislative majority if the provinces were chosen carefully enough. One can speculate that CPP misconduct influenced just enough voters to make a decisive difference in the outcome. But most observers rarely try to make such fine distinctions, preferring to rely on gross trends.

The current Cambodian election system has demonstrated the ability to generate elections of adequate technical quality, even if some significant improvements

are required. Yet under current political conditions, the election environment is likely to be seriously flawed. These flaws do not necessarily render the 1993, 1998 or subsequent elections meaningless or unrepresentative of the popular will. The 1993 and 1998 elections were genuinely competitive. Their outcome was not foreordained. The electoral system has not – as yet – been so manipulated or subverted that it generates a predictable or managed outcome.

Perhaps the most disturbing phenomenon in both the 1993 and 1998 elections was the notable rejection of democratic norms. The electoral mechanisms may have been reasonably fair and democratic, but the political parties either played outside the rules or refused to accept unfavourable results. This behaviour is partly attributable to the political culture among Cambodian leaders in which democracy and obedience to the legal system have lower priority than the quest for power and the struggle to defeat one's enemies.

Several reasons may be adduced for this lack of elite commitment to the electoral system, and to the democratic process as a whole. One is the absence of a long tradition of stable democracy in Cambodia. Its leaders have been accustomed to ruling autocratically, without accountability or challenge, except the kind that comes from illegitimate usurpers. Furthermore, the extreme suspicion and hostility between the major parties meant that either side saw defeat as leaving them helpless at the hands of a vengeful victorious enemy. Defeat was therefore almost unthinkable. Politics and elections, like war, were played as a zero-sum game. One might even argue that to the Cambodian factions, elections were war by other means (Gallup, 2002). A war-based political culture meant that violent, extra-legal routes to power were not precluded. The CPP ousted Prince Ranariddh by force only the year before the 1998 polls; after those elections, some opposition leaders called for forcing Hun Sen from office and invited foreign military intervention to do so (Johnson, 1998).

An additional reason for undemocratic behaviour is that the electoral system is new and relatively untested, and therefore does not yet enjoy public or elite allegiance. Both the CPP (in 1993) and opposition (in 1998) seemed to believe, once they lost, that the electoral system could easily be manipulated against them in mysterious but highly effective ways. They had no abiding faith in electoral safeguards and surmised that despite them the election authorities conspired to hand undeserved victory to their opponents.

The Limited Contribution of Elections to Cambodian Democracy

In principle, elections should contribute to the consolidation of democracy. It is therefore ironic that both of Cambodia's recent democratic elections, in 1993 and 1998, have precipitated grave crises which threatened to end Cambodia's

democratic experiment. The imminent prospect of gaining or losing power elicited undemocratic behaviour from various parties. To the parties' credit, they eventually found a solution within Cambodia's constitutional framework and did not step over the brink into rule by junta or civil war. At the same time, scholars have observed that repeated elections have failed to produce democratic consolidation (Manikas and Bjornlund, 1998). Some critics are disappointed, if not outraged, by elections that have failed to sweep the CPP from power. In their view, democracy cannot be achieved in Cambodia until the CPP, with its legacy of Communist one-party rule, is removed (Morris, 1998). Cambodia has not experienced what Huntington calls a 'founding' or breakthrough election, heralding a new democratic era (Huntington, 1991). The *ancien regime* remains in place.

Though lacking a dramatic shift from authoritarianism to democracy, Cambodia has nonetheless undergone some gradual democratizing changes since the 1993 elections. It remains an open question whether the momentum will continue toward full democracy, or whether Cambodia will become an 'illiberal democracy' as Fareed Zakaria terms it (1997). The country could even slip back into traditional authoritarian rule, although the growth of civic groups and a public increasingly supportive of democracy militate against a wholesale return to the past.

To fulfil the task of establishing a firm democracy in Cambodia more reforms have to be undertaken. Most important are additional reforms inside the system of government.

The National Assembly has been operational since 1993. So far, it has not lived up to its full potential as an active, independent legislative body, sensitive to the citizenry it represents. It has produced some exemplary legislation, such as the constitution and the 1997 election law. It has passed other laws, such as the press law, which restrict civil liberties more than is usually considered appropriate in established democracies. The number of laws passed has been relatively low, in part because the rival coalition partners who run the government have often been at loggerheads. Some legislators have also been lax: members of parliament have been chastised by their own leaders for repeatedly failing to attend sessions. A further criticism has been that legislators prefer to stay in the capital and rarely visit and consult their constituents.

To some degree, Cambodian laws encourage legislators who are passive and distant from the voters. The government, not individual parliamentarians, proposes legislation. Candidates for the National Assembly are chosen by the national party leadership. Some have been put on the party list only days before the election. As a result, voters may scarcely know who is running for office. It is not surprising that many National Assembly members feel more accountable to their party than to the constituents they represent. Also, the

parties exert strict discipline over their members. They have expelled dissident legislators from the party and the National Assembly.⁵

By constitutional amendment, the National Assembly created a second chamber, the Senate, as part of the negotiations to form a new coalition government after the 1998 polls. The purpose of the Senate was not to expand democratic representation, but to give a new home to the then-president of the National Assembly, the CPP's Chea Sim, and to make him the acting chief of state in the absence of the King. Under the un-amended constitution, that powerful position would have gone to the CPP's archrival, Prince Ranariddh, the new National Assembly president.

In its first session, the Senate was appointive. In its second session, it will be partly appointive and partly elective, though no law defining the electoral method has been passed. The Senate has the power to debate and delay legislation, but not to prevent its passage. The Senate's achievements thus far are limited, but it has been the scene of meaningful debate on some legislation. A Cambodian civic activist, Chea Vannath, has been quoted as saying that 'Instead of simply rubber-stamping legislation from the National Assembly, the Senate has several times raised legitimate questions about the constitutionality of laws' (2002).

Within the executive branch, longstanding authoritarian traditions have yet to be dispelled. Frequently, as in times past, major decisions have been made on high, sometimes secretly, and imposed with little or no debate or popular consultation. Although leaders may well have the welfare of the people in mind, little attempt is made to ascertain what the population actually wants. At lower levels of government too, officials – all of whom to date are appointed by the central government – are accustomed to enforcing orders received from above rather than responding to the wishes of the local population.

Still, a few signs of responsiveness to popular desires have surfaced. For example, Prime Minister Hun Sen's personal programme to construct more than 2,000 schools, all named after him, was undoubtedly inaugurated with an eye to a favourable reaction from voters. At the same time, the prime minister's generosity fits neatly into the tradition of public largesse followed by Cambodia's rulers through the centuries. At the behest of National Assembly President Prince Ranariddh, Prime Minister Hun Sen recently instructed ministers to attend the National Assembly in person to respond to questions; they had previously avoided any semblance of parliamentary 'question time'. This may give some sense to the government that it is responsible to the elected National Assembly.

5. The quality of the National Assembly's work may be improving through experience. Prince Ranariddh, the current National Assembly president, reportedly called the previous National Assembly (1993-1998) a 'rubber stamp', but also stated that the quality of debates has improved in the current session.

The judiciary remains composed almost exclusively of CPP appointees and is subject to political influence from the executive branch and ruling party. Accordingly, the rule of law remains weak. However, the Constitutional Council has asserted its independence from the government and National Assembly in a few cases, overturning as unconstitutional laws passed which imposed the death penalty and which required a woman as head of the Ministry of Women's Affairs.

The most striking development of democracy has taken place in the private rather than government sector. Hundreds of NGOs have sprung up in Cambodia since the beginning of the UN-sponsored transition process in 1991; a considerable number are vigorous promoters of democracy, human rights, responsible public policy and good governance. Elections have proved an important, legally sanctioned opportunity for NGOs to expand their membership and activities. They have engaged in lobbying on policy issues, provided voter education to millions of citizens and trained and dispatched tens of thousands of election observers. Similarly, Cambodia's print media have grown from a few, government-controlled outlets to dozens of newspapers. Though newspapers tend to be inflammatory, uncivil and highly partisan, they have diversified the information available to the public.

The general public's appreciation of democracy has been enhanced by the election process. Cambodia's elections of the 1990s repeatedly exposed Cambodian adults to the basic concepts of democracy. Elections gave citizens the rare chance to be consulted. Their enthusiastic participation suggests that they have welcomed the opportunity. In 1998, large numbers of Cambodians received a more intensive introduction to democracy and elections: some 70,000 poll workers, tens of thousands of party observers and campaigners, as well as the NGO activists mentioned above. In a country where public debate is often timid, the pre-election period provided a window for robust political expression. Intense discussions of parties, candidates and public policy ensued, since by law, all parties' viewpoints must be heard during the campaign.

Elections also provide a unique opportunity for foreign governments and institutions to promote democratization through activities that might be considered interference in internal affairs at other times. If a government wants respect and foreign acceptance of its elections, and foreign financial help in mounting them, it must adhere to international norms for free and fair polls. The help of the international community in the form of material support, advice and election observers was sought by all Cambodian factions in the 1998 elections.

On balance, Cambodia's recent elections have made a positive contribution to a gradual democratic evolution in Cambodia. They have not vanquished autocratic attitudes or institutions. They have produced governments chosen

by the people and ultimately accountable to them at the polls. Because they were competitive events, not sham polls, the elections of the 1990s have awakened a popular regard for democracy, which governments and political parties will ignore at their peril.

Proposals for Reform

Given the unsettled state of democracy in Cambodia, electoral system changes may lead toward democracy or away from it. The following suggested changes might strengthen electoral quality as well as democratic stability. They fall into several categories: essential reforms, correcting major flaws which impede the functioning of the election system; desirable reforms; and reforms which merit discussion. The latter may have significant drawbacks as well as important benefits. They should thus be discussed and scrutinized intensely and adopted only if a consensus for them develops.

Reforming the NEC and Constitutional Council

The NEC is the single most important institution involved in Cambodian elections. To be fully successful, it must enjoy broad respect and support across all major political factions. It must also function with a high degree of competence, independence and impartiality. The NEC's professional competence has improved through accumulated experience and the judicious use of foreign advisors. However, the NEC and its staff operate in a broader political milieu, which prizes partisanship and obedience to authority above professionalism and independence. The NEC and its staff would benefit by experiencing the electoral function in the context of established democracies, through appropriate visits, exchanges and secondments.

Continued use of foreign advisors and technical training would be advisable, though the aim should be to enable Cambodian authorities to perform all tasks themselves rather than produce long-term dependency on outside help. Foreign contacts should not be restricted to wealthy Western democracies, which may address election problems with expensive technological solutions, but also include democratic states such as India, where problems of financing, transportation, communication, organization and literacy, comparable to Cambodia's, are encountered.

Even with better professional skills, building greater confidence in the NEC is essential. It was the lack of such confidence that helped precipitate the dangerous confrontations which followed the 1998 elections. The NEC came under intense criticism because it was perceived (if not entirely accurately) as a partisan body. Several steps can be taken in this direction. The best single solution would be to reconstitute the NEC so that its membership as a whole is acceptable to all major factions. There is no set formula for doing this; negotiation would

be required. Ideally, the NEC would be composed exclusively of non-partisan members of great distinction and integrity agreeable to all factions.

Achieving a completely non-partisan NEC might be difficult, because in Cambodia's polarized society, even outwardly non-partisan officials are suspected of being secret supporters of one party or another. Some combination of partisan and non-partisan members, as long as they are collectively agreeable to all sides, would be acceptable. This solution would require a careful balance between sympathizers of opposing parties. Choosing all members for political moderation, fairness and negotiating skills would go far toward improving NEC operating dynamics and increasing public faith.

To some degree, moves in this direction have already been taken. Before the 1998 election, the NEC's membership was seen as being tilted as much as eight to three in favour of the CPP. Near the 2002 commune elections, FUNCINPEC and the Sam Rainsy Party named NEC representatives who reflected their parties' views; the presumed pro-CPP majority in the NEC dwindled to six to five at most. Some of those deemed CPP are non-ideological moderates. Even some of the NEC members who saw their duty as zealously defending their party's interests in 1998 have subsequently seen virtue in compromise. More could be done to depoliticize the NEC without endangering the vital interests of any party.

The NEC headquarters staff, the provincial and commune election commissions, likewise suffer from perceived pro-CPP bias. They should be reconstituted to command broader acceptance. The NEC should ensure that its recruitment is transparent and that employees meet appropriate civil service standards of neutrality and professionalism. At the level of provincial and commune election commissions and polling station staff, the NEC should strive harder to appoint impartial members, or at least remove those who are blatantly partisan. The same standards of general acceptability, impartiality, moderation and fairness used for the NEC should be applied to these bodies.

The question of the NEC's independence also needs to be addressed. On certain issues it has evinced vulnerability to government or CPP pressure. Perhaps this susceptibility cannot be wholly eliminated in an environment in which state power, including the use of force, is overwhelmingly concentrated in the hands of the CPP, there is no important countervailing authority and the law provides little protection.

The NEC's independence (and effectiveness) might be enhanced by changing the term of appointment of NEC members. The election law implies, somewhat hazily, that NEC members have a five-year term starting at least nine months before each national election. In fact, several changes have already been made since 1998 to reflect the changes in party membership in the National Assembly.

Apparently, then, members actually serve at the pleasure of the government and National Assembly. The law also seems to assign the organization of each national election to a panel of complete newcomers installed only nine months previously. These inexperienced officials then linger in office for four more years of relative inactivity after the election until replaced shortly before the next election by more novices. This seems an odd way to ensure that the NEC is competent and experienced at election time. A more effective method would be to appoint members to a longer fixed term, and perhaps stagger the appointments. For example, the Constitutional Council members serve nine-year staggered terms; the terms of three members expire every three years. A longer fixed term would help insulate the NEC from direct political pressure, while staggering the terms would ensure continuity. Of course, a long fixed term will require special care in making appointments, since a member who proves incompetent or biased would remain in office for many years. Special rules might be required for appointment of political party representatives to ensure that each party currently in the legislature is also represented in the NEC.

A further desirable change would be to reduce the NEC membership from nearly a dozen members to a smaller group, perhaps five. The larger body has proved unwieldy and fractious. As a result, endless debates have ensued on issues requiring prompt action.

A key NEC procedural reform to increase confidence in the integrity of the election process would be to ensure sufficient party observers with a clear view of the counting, so that each ballot can be scrutinized by each party as it is counted. A complete parallel vote count should be facilitated. The consolidation of results must take place in a transparent and orderly fashion, making the process easy to verify for parties and other observers. Similarly, the signed results for each counting centre should be promptly and publicly posted, as required by law but often neglected in the 1998 polls. Lapses in these areas fed losers' doubts about the 1993 and 1998 polls. If parties can see everything and check everything for themselves, they should be reassured about the honesty of the process.

Improved Dispute Resolution

Dispute resolution was disastrous in the 1998 elections. Improvements are consequently essential. The election law and procedures should permit more time for filing and adjudication of complaints. In addition, the law should foresee the possibility of prolonged disputes and specify how a government may continue to function while final resolution is still pending. Possible scenarios would include keeping the existing government and National Assembly in office temporarily with full powers, forming a caretaker government, or creating an interim government reflecting the provisional

election results. Such revisions might reduce the confusion and uncertainty which attended the NEC's inability to deal thoroughly and in a timely fashion with the deluge of complaints received after the 1998 elections.

The procedures for dispute resolution, for both the NEC and Constitutional Council, need to be more clearly laid out in writing and widely publicized before the next election. Standards for accepting complaints, for holding hearings and for finding for or against complainants should be unambiguous and well understood. One or more seminars for political parties, the media and NGOs on the precise requirements for submission of complaints should be conducted in advance of the elections. The NEC needs to make sure that its rejections of complaints are in proper form legally, so that the Constitutional Council cannot use NEC errors as excuses not to hear appeals, as it did in 1998.

The NEC and Constitutional Council need to devote additional resources and staff to dispute resolution so that they are not overwhelmed if large numbers of complaints are filed. Both the NEC and Constitutional Council should hold public hearings, preferably televised, on momentous issues, even if they feel they do not strictly merit a hearing. Fair and open hearings may go far towards meeting complainants' concerns that their complaints are being given due consideration.

The weaknesses in pursuing election violations, especially serious incidents of intimidation and violence, can ultimately only be remedied by a neutral police force and independent judiciary, unafraid to tackle crimes committed even by the powerful. Pending a general judicial reform, the NEC could expand its investigative staff and include in it a seconded police detachment with the authority to investigate and arrest those culpable of criminal offences related to elections. The regular courts, with their history of poor performance in political cases, would still adjudicate these criminal infractions, unless the government were willing to establish a special election crimes court, an intriguing option but not a very likely prospect. But more aggressive investigation and apprehension of suspects should still deter violations.

Improving Public Confidence in the Constitutional Council

The Constitutional Council faces the same crisis of public confidence as the NEC because of perceived partisanship and lack of independence. The legal framework for appointing members currently facilitates a CPP slant. As with the NEC, the appointing authorities should go beyond the minimum legal requirements by striving for a collective membership which is broadly respected for its non-partisan professionalism and legal acumen. If a purely non-partisan panel is unrealistic, a politically balanced membership comprising distinguished jurists of moderate views should be ensured. The objective is to produce a council universally respected for fairness and integrity. Revising the composition of the NEC and Constitutional Council to emphasize impartiality

would be difficult, since it goes against the basic political instinct to exert control through partisan appointments. Yet party leaders may be open to the argument that independent, non-partisan election bodies are preferable for protecting their interests over the long term, especially on those occasions when they may find themselves out of power.

The Constitutional Council's legal expertise should be reinforced. The constitution permits members to be selected from among persons with higher education degrees in law, administration, economics, or diplomacy. In reality, the Constitutional Council's work is deciding complicated legal and constitutional issues. While other areas of expertise can be useful, all, or at least the vast majority, of Constitutional Council members should be eminent lawyers or judges. At present, applying this standard is problematical since few of Cambodia's lawyers survived the terror of the Khmer Rouge years. Only recently has the university's Faculty of Law begun to graduate new attorneys. Over time, however, it should become easier to fill all the council posts with distinguished members of the legal profession.

Like the NEC, many Constitutional Council members have had little or no familiarity with the practice of law in a democratic environment. (The vision of the law in Cambodia's Communist past was obedience to the dictates of the party.) Foreign visits, exchanges and secondments for council members and staff would be highly desirable, both to improve technical and administrative expertise and to expose members to judicial work in free societies where the rule of law prevails.

Constitutional Changes to Improve Cabinet Stability

The proportional representation system adopted by Cambodia represents voter preferences accurately enough, though a clear choice among variants must be consciously made. The system's integrative function requires improvement. A major reform would be to reduce the two-thirds majority vote in the National Assembly required for confirmation of a new government to a simple majority. The two-thirds requirement has forced Cambodia's two main political groupings, bitter rivals, into two coalition governments. The formation of the coalition was prolonged and violent both in 1993 and 1998. The first coalition functioned poorly and ended disastrously. Moreover, the interlacing of officials from the two parties throughout the ministries and governorships has made it difficult for voters to hold the parties individually accountable. The coalition also produces an overwhelming government majority which may contribute to hubris and a tendency toward diarchy, with potential rivals marginalized. A simple majority vote of confidence in the National Assembly would make it easier for the winning party to form a new government and to govern in accordance with its principles. The government would not be paralysed by disputes between hostile, feuding factions. The ruling party could easily be held responsible for its policies by voters. A narrower majority might also

strengthen the hand of individual members, whose votes would have more value.

However, governments based on a simple majority vote also have drawbacks. With Cambodia's weak judicial system and the absence of any competing power to counterbalance that of the executive branch, the loser in an electoral contest may reasonably fear persecution. In any event, exclusion from government deprives the loser of many benefits: power, patronage, resources and prestige. Some will fear that a simple majority rule would give the CPP a permanent legislative majority and thus a perpetual hold on power. The result could be a return to unaccountable one-party rule. Dropping the two-thirds requirement is a profoundly political, not just technical, issue. Hence it should be subject to careful analysis and a full public debate to determine whether it should be approved or not.

Improving Electoral Proportionality

Proportional representation appears to be generally acceptable to all Cambodian factions. Yet it was the minor issue of which precise variant to use which provoked civil strife in the 1998 polls.

In the 1997 election law, the National Assembly evidently intended to adopt the 'highest average' or Jefferson/d'Hondt system. In drafting the electoral regulations, the NEC and its experts mistakenly wrote down a slightly different formula known as the 'quota method' of Dr Michel Balinski and Dr H. Peyton Young, first published in the *American Mathematical Monthly* in 1975 (Balinski and Young, 1975: 701-730). This quota method eliminates d'Hondt's advantage to larger parties and comes closer to true proportionality. The NEC caught its error and reinserted the highest average system in its final published regulations. No particular publicity was given to the correction. Various parties and NGOs used the quota method after the elections to calculate the seats to be allocated to each political party. Only then was it realized that two methods, yielding different results, were being used, one by the NEC, the other by the opposition parties. Under the quota method, the CPP would have lost seats and its legislative majority. Unsurprisingly, the opposition insisted that the quota method was the best and only legal allocation formula and must be applied. The use of the Jefferson/d'Hondt system became a central opposition grievance.

In fact, both the d'Hondt system and the quota method have disadvantages. D'Hondt can result in a party receiving considerably more or fewer seats than its strict percentage of the vote would justify. It often 'violates quota' in technical terms. The quota method does not violate quota, but suffers from the 'population paradox'. For example, a party may increase its vote from one election to the next, while another party loses votes, yet the former may lose seats to the latter. This is why Balinski and Young have not advocated the quota method since

1980 (Young, 2001). The quota method's drawback and its obscurity – it goes unmentioned in almost all standard texts and has apparently never been used in any election – make it exceedingly improbable that any Cambodian authorities ever intended to adopt it (P. Martin, 1994; Cotteret and Emeri, 1994; Gaughhofer, 1988).

The formula episode shows how an atmosphere of poisonous distrust can turn a minor mistake into a grave political crisis. In the future, the election ground rules must be clearly understood and accepted by all major parties before the elections. Extraordinary transparency is required.

For Cambodia's next national election, d'Hondt, which is the most widely used proportional representation method (Lijphart, 1995), the quota method, or another formula such as St Lague could be used. The most important thing is that all parties understand the characteristics of each and agree on the formula. St Lague is favourably regarded by Balinski and Young. While no system can possess all desired features simultaneously, St Lague is generally more satisfactory than d'Hondt and the quota method. Alternatively, Cambodia could revert to the UN 'greatest remainder' system. Basing proportional representation on the votes received by each party nationally rather than provincially (as in the current system) would also tend to bring the National Assembly seat allocations closer to the national vote percentages.

Finally, eliminating the single-member districts (by combining them with other districts) would decrease the disproportionate representation that some of these districts currently receive. However, the CPP, noticing that it swept all but one of the one-seat districts in 1998, may be reluctant to change the status quo.

Focusing the System on Viable Parties and Introducing Barriers to Entry and Media Access

The National Assembly should debate whether the barriers are too low for the participation of parties and candidates in national elections. The cacophony of the 39 parties competing in 1998 necessarily limited the attention given to serious contenders. Several mechanisms for reducing the number of competing parties might be considered, such as increasing the registration fee, increasing the number of signatures required per party to above the current 4,000, or excluding from the next ballot established parties who fell below a small predetermined percentage of the vote in the last election. Such measures might induce like-minded parties to combine and hopeless would-be political leaders to abandon their ego-driven efforts to achieve personal glory. It is also possible that the field of parties may naturally decline over time for the same reasons: only eight parties are contesting the 2002 commune elections. Restricting the number of parties could also be misused to eliminate political rivals. Accordingly, such measures should not be imposed lightly, but be thoroughly debated and decided open-mindedly.

In a related vein, the government and the NEC should consider ways to improve broadcast media access for the major parties, whose campaign messages on television and radio in 1998 were almost drowned amongst the 36 other parties which won not a single legislative seat (United Nations, 1998a). The election law should be revised to permit major parties more broadcast time than minor ones, or at least more prominent placement, e.g. several half-hour prime time programmes devoted to the top parties. The qualification for bonus time or placement could be the percentage of votes or legislative seats won in the previous election or the number of districts in which the party is competing (only a few parties proposed candidates in all election districts in 1998). This would focus voter attention on the more viable parties and reduce the information overload from numerous minor political groups. A method equally agreeable to all parties is probably not achievable, since small and large parties' interests are diametrically opposed.⁶

In 1998, especially before the official campaign, domestic news broadcasts were dominated by government officials, usually CPP, and allied personalities, to the virtual exclusion of opposition figures and opinions. Although it has resisted mightily in the past, the Cambodian government should facilitate the acquisition of radio and television stations by independent owners, including those affiliated with other political parties. Journalists should be inculcated in the ethics of modern professional news reporting, which emphasize balance and objectivity. Over the long term, the establishment of an independent national broadcast service along the lines of the British Broadcasting Corporation or the United States' Public Broadcasting System could foster non-partisan news coverage fair to major parties.

Making the National Assembly More Responsive to Voters

The responsiveness of National Assembly members to the public they represent could be enhanced by changes in legislation or practice. One simple measure would be for the NEC to insist that the party list of candidates for each constituency be finalized and publicized long before the elections, rather than just a few days before polling, as happened in the 1998 election.⁷ Voters would be more familiar with the individual candidates and better able to judge them on their merits. Successful candidates would have a greater sense that they were consciously chosen by voters, not just by their party.

A more dramatic, long-term reform might be to require that parties' selection of candidates be accomplished through a transparent and participatory process such as provincial or national primaries or party conventions. Party inner

6. The electorate might better absorb political programming if the period for campaign broadcasting were lengthened from 30 to 60 days (or another reasonable figure) and the blocks of time set aside for political messages were broken up into shorter, more digestible periods than the hours-long marathons which prevailed in 1998.
7. The unenforced law requires 90 days advance notice.

circles might well resist the dilution of their powers this implies.

A complementary move would be to prohibit the questionable practice whereby expulsion of a National Assembly (or Senate) member from his or her party automatically results in expulsion from the legislature. This practice has been used to eliminate dissidents from both houses, and to strengthen the already firm grasp that parties have on their parliamentary representatives. The growth of both legislative chambers into independent deliberative institutions, not mere instruments of the party leadership, would foster these august bodies' own contributions to law and national policy. A different sort of measure, not related to the electoral system per se, would be for the National Assembly to require (and fund) regular public consultations between National Assembly members and their constituents in their home provinces. This would increase legislative accountability.

A final, general note might be made on how legislative and regulatory reforms might best be achieved. Given the deep divisions and profound distrust between Cambodia's political factions, significant electoral system changes should be made on the basis of consensus between all major parties, including the Sam Rainsy Party. The CPP (or CPP and FUNCINPEC as coalition partners) may well have the National Assembly majority needed to impose new laws, even over the vocal objections of other parties. But failure to achieve general agreement may lead the other parties to reject the changes and the electoral system as stacked against them. An example: the 1997 election law reflected a broad consensus, and was serviceable in almost all respects; the actual membership of the NEC was imposed despite vocal objections from the opposition, and hence that body and its decisions were discredited in their eyes from the beginning. Furthermore, numerous major changes should probably not be made all at once in order to ensure continuity and stability in the electoral system. The efficacy of a few important changes can be tested before Cambodia goes on to other reforms.

Reforms Currently Underway – the Senate and Commune Elections

Cambodia's electoral system is still evolving. Two major changes are in process. The first is the creation of a Senate. Final legislation on senatorial elections should preferably make the elected membership a strong majority, and the idea of 'sectoral elections' would best be abandoned in favour of a more representative and less easily manipulated formula for genuine popular vote. If appointed members continue, they should be picked on the basis of disinterested and distinguished public service. Cambodia does not need a legislative body whose membership simply perpetuates in another forum the pre-existing domination of one or more political parties.

A reform of potentially enormous ramifications is the election of commune councils in February 2002. This is intended to bring representative democracy to the local level by giving voters the chance to elect responsive commune officials. Up to now, commune chiefs, the administrative heads of each commune, have reported solely to the central government, not to the local population. Many were appointed by the Vietnamese-backed government immediately after the ouster of the Khmer Rouge in 1979. Unsurprisingly, some commune chiefs have been notorious for iron-fisted control of the persons under their jurisdiction, or for other misdeeds, since they have been secure and unchallenged in their fiefdoms.

The commune elections will elect commune councils of five to 11 members by party list proportional representation. The candidate at the top of the list of the party which garners the largest number of votes will be the commune chief or chief administrator of the commune, as well as the presiding officer of the commune council. The commune chief's deputy will, with some exceptions, be the candidate at the top of the list of the party with the second-highest number of votes. In practice, this means that commune chiefs and their top deputies will likely come in pairs consisting of one CPP and one FUNCINPEC member, or vice versa. This mirrors the sharing of positions within ministries and governorships under the existing coalition agreement, with the same virtues and shortcomings.

A preliminary status report on the commune elections gives reason for modest optimism amidst familiar problems. As with the national elections, voters choose a party; candidates appear on party lists, not on the ballot. In total eight parties are standing, a welcome reduction from the 39 parties in the 1998 elections, although one, the Khmer Women's Party, is only standing in one of the communes. Only the big three parties, CPP, FUNCINPEC and the Sam Rainsy Party, are fielding candidates in all or virtually all communes. The total number of candidates listed by all parties for what will eventually be 12,000 or so council seats is 75,244, of which 12,055 are women.

Overall voter registration for the commune polls, at 83.04 per cent, is down by about 10 per cent from the 1998 figure. This may be partly due to CPP efforts to discourage opposition sympathizers from registering. Another factor may be that local government generally attracts less public participation than national elections.

The NEC has been somewhat accommodating to opposition complaints about low registration figures by extending registration time in certain areas where serious errors had been committed, such as offices being closed during hours when they should have been open, or registration being denied to people still in the queue when closing hour was reached. The NEC also made changes that allowed workers and serving security personnel to register where they worked,

not just in their home areas, a problem recognized but not addressed in the 1998 elections. They also urged employers to give workers time off to register, and requested government support for this. Many garment factory employers did in fact do this. The NEC abandoned early efforts to control the content of NGO voter education materials.

To a degree, commune council elections are a daring experiment from the CPP perspective; the party will certainly lose some of the 100 per cent control it now maintains over local administration. The real success of the elections will be the extent to which they promote local government responsiveness to citizens. If the previous system of rigidly centralized, top-down governance prevails, local officials will likely remain the enforcers of central government dictates, perhaps different from their predecessors in style but not in substance. Real devolution of power and resources to the local level will be necessary to make democracy work at the grass roots. If the commune council election experiment is successful, the Cambodian government might consider whether elections at higher levels, such as district chief and provincial governor, are also warranted, reflecting the practice in established democracies of elections at many levels.

Past and Potential Contributions of Foreign Organizations to the Cambodian Electoral System

In the 1990s, Cambodia enjoyed exceptional international community support for the creation of a new democratic electoral system. In 1993, the UN designed and implemented the electoral system, which, with some modifications, remains in place today. Many Cambodian employees of the UN received on-the-job training in electoral operations. Unfortunately, the UN did not leave behind the operational documentation and massive voter education materials that would have helped guide Cambodian election authorities in the next elections.

The international community participated in but did not control the 1998 election process. It provided about US\$26 million in funding, services and equipment, supplied technical advisors, sent international observers and supported the voter education and election monitoring projects of NGOs. The international community's signal contribution was to the technical quality of the polls. Individual countries as well as collective international groupings such as Friends of Cambodia and the ASEAN Troika used diplomatic means, including demarches, negotiation, direct pressure and leverage to make the 1998 elections as free and fair as possible. These diplomatic efforts enjoyed mixed results in comparison to the success of technical advice and assistance.

The UN was prominently involved in the 1998 elections. It agreed to co-ordinate foreign election observers. The Secretary-General's Personal Representative for Cambodia used his good offices to help resolve election disagreements between

the government, the NEC and opposition parties. The UN Development Program co-ordinated foreign assistance for the election, establishing a trust fund for international contributions. The Cambodia Office of the UN High Commissioner for Human Rights and the Secretary General's Special Representative for Human Rights in Cambodia deserve special mention. Through their many authoritative reports and statements on election-related violence and similar topics, they highlighted shortcomings in the election process and pressed for remedial action.

A long list of other foreign governments, institutes and NGOs supported the 1998 elections in various ways. Among other activities, the Friedrich Ebert Stiftung, with its local partner, the Cambodian Institute for Cooperation and Peace, jointly organized a conference entitled 'National Elections: Experiences and Expectations in Cambodia and ASEAN'. The proceedings were published as a book. The Konrad Adenauer Foundation produced thousands of educational booklets on various aspects of the elections. The Canadian International Development Agency sponsored a programme to train provincial election committees in conflict resolution. Canada also provided essential technical assistance in drafting laws, regulations and procedures. The Asia Foundation was the largest single funder of domestic NGO election monitoring and voter education as well as instruction for thousands of Cambodians with election security responsibilities. The International Republican Institute trained political parties, and in particular, their election observers. The National Democratic Institute for International Affairs supported non-partisan domestic election monitoring organizations. Australia provided experts and financing to refurbish and operate the computerized voter registration system. Sweden strongly supported Cambodian NGOs.

In general the foreign efforts were complementary. The United States government declined to support election operations directly, but provided substantial aid to local and international observers, voter education and UN election security monitors. Japan and the European Union, in contrast, gave millions of dollars for the NEC, election equipment and materials, as well as provided experts. In 1998, occasional clashes between 'duelling experts' from different foreign organizations interfered at times with smooth operations.

The successes and failures of foreign intervention in the 1998 elections yield clues as to useful strategies for future interventions. In 1998, foreign donors achieved their highest rate of success in providing technical assistance in the form of election advisors and concrete aid such as secure ballot boxes, photo identification cards for registering voters and tamper-resistant documents. Election authorities welcomed this form of involvement. This foreign role was central to the creation of an electoral system that met high technical standards. Foreign organizations also sponsored public discussions of key election issues in the pre-election phase. Several public seminars, run or financed by foreign

organizations with local NGOs, sometimes with foreign experts, raised important election law issues in the years preceding the 1998 polls. These seminars helped form a broad political consensus among NGOs, political parties and the government to establish an independent national election committee to run the 1998 elections. Similarly, a public meeting on the code of conduct for election observers helped the NEC design rules that were acceptable to all factions.

A more difficult situation arises when a particular electoral reform has already become the subject of antagonism among political parties. Changing minds under such circumstances is problematic, and those who try may be dismissed as partisans, even enemies. In the 1998 elections, such issues typically arose too suddenly or too belatedly to be the subject of leisurely public consideration. Accordingly, diplomatic or political pressure was brought to bear, with mixed results. The international community had considerable leverage in 1998, because it underwrote most of the cost of the elections and held out the prospect of restored international aid, ASEAN membership and Cambodia's seat in the United Nations predicated on successful elections. Much less leverage may be available in the future.

Several successful diplomatic interventions were made. The international community insisted that Prince Ranariddh and other opposition leaders be permitted to return to Cambodia and take part in the elections. It joined in successful efforts to move the counting of votes from polling station to commune. Just prior to election day, the elections were faced by tens of thousands of untrained Cambodian election observers of doubtful credentials, apparently recruited by CPP sympathizers, who could have crowded out legitimate non-partisan domestic monitors. Strong demarches were made, including one from the Joint International Observer Group threatening not to find the elections free and fair if the problem was not resolved. The *faux* observers were banned (United States Embassy, Phnom Penh, 1998).

On other issues, such as the composition of the NEC and other election bodies, ensuring media access and preventing election-related violence, the international community expressed its concern but was unable to get full satisfaction. The international community did not engage itself vigorously on the disputed composition of the NEC, in part because it did not foresee a serious practical problem, in part out of a fastidious reluctance to interfere with the formal constitutional act of the legislature in approving the NEC membership. A brief attempt by the European Union to enforce non-political provincial election commission membership by withholding funding was angrily rejected by some NEC members who perceived it as an assault on Khmer sovereignty.

The international community was not of one mind on the importance of media access for the opposition and balanced news broadcast coverage. Some foreign

officials, such as the UN Secretary General's Special Representative for Human Rights in Cambodia, were deeply concerned by pre-election violence. At the same time, the Philippine Foreign Minister, Domingo Siazon, expressed understanding for a certain level of violence, citing the numerous election-related murders that typify elections in the Philippines (*Cambodia Daily Weekly Review*, 1998: 4-5).

The most serious lapse by the international community was its lack of preparedness for the contentious disputes and the civil disorder that followed the 26 July 1998 elections. Foreign diplomats were not impressed by the opposition's objections, but assumed that adequate dispute resolution would take place and that the losers would eventually, if grudgingly, accept the results. Instead, over many weeks, positions hardened and tensions grew. Generic international appeals for calm failed and violence erupted. Only a few foreign governments and domestic and foreign NGOs urged more serious consideration of opposition complaints. The absence of international unity, determination and an agreed plan of action led to a poor outcome. Had the international community jointly and tenaciously pressed for a specific solution and 'read the Riot Act' to the NEC, the government *and* the opposition, the post-election crisis might have been averted or minimized.

Based on the 1998 example, prospects for success of direct political pressure are greater if interventions are early, the international community is unified and insistent, the problem is clearly defined, the proposed remedy is specific and the authorities can implement it readily. Concrete leverage may also serve as an inducement, although threats can be counterproductive if they are seen as extortionate.

Conclusion

Cambodia's political system remains in flux. Democracy is not yet firmly implanted. The behaviour of political elites is often conditioned by the violent decades-long struggle for power between enemy factions. For many, the measure of political success is the acquisition, consolidation, maintenance and expansion of power, not the democratic quality of government or its ability to meet people's needs. Cambodia's current electoral system provides a serviceable non-violent mechanism to decide who governs, but Cambodian politicians have so far been reluctant to subordinate their perceived vital interests to it. Given the political culture, the stabilizing and democratizing functions of elections have yet to be demonstrated conclusively. Because of the new and relatively untested character of Cambodia's electoral system, it has not acquired the character of a sacred institution, a respected traditional authority. Nor has it become the reliable instrument of a particular party in its quest for power.

The lack of a firm, generalized commitment to the electoral system has both good and bad implications. The electoral system is not strongly respected, and so it has been unable to contain and manage political disagreements which have often exploded outside the law. On the positive side, the electoral system is open to improvement. Yet changes in the electoral system could turn it into a less, rather than more, democratic institution. Elections stage-managed to keep a particular party or parties in power have one virtue: they can be tranquil, if only because uncompetitive elections are not worth fighting over. The other path to peaceful elections is to build respect for the electoral system. Legal and structural reforms can contribute to this goal; electoral reforms of a formal nature – changes in Cambodian laws, regulations and structures – can help make Cambodian elections more broadly accepted and thus less volatile and crisis-prone. The following reform measures are particularly important:

1. The most essential reform is to reinforce the independence, non-partisanship and professionalism of the NEC and Constitutional Council. If these institutions are fair and seen as such by all sectors, then the electoral process and its results will be more acceptable to all political elements. More explicit, generous and transparent dispute resolution will increase trust in the election process.
2. If the requirement for approval of a new government is dropped from two thirds to a simple majority, this may reduce the need for contentious coalition negotiations among bitter rivals and hence make the transition to the new government smoother.
3. The present electoral system gives adequate representation to different currents in Cambodian politics; indeed the barriers to participation of extremely minor political parties may be too low. Almost any proportional representation system will do, provided it is agreed by consensus among major parties. The St Lague formula is among the best options.
4. Holding elections at the commune and perhaps other levels has the potential of extending democracy to the daily life of average citizens. A large majority of Cambodians are rural farmers whose horizon rarely reaches beyond the commune government. Local elections need to be combined with the genuine decentralization of power and resources if democratization is to be meaningful.
5. The responsiveness of the National Assembly and Senate to the voters can also be improved through legal changes to make members of both houses better known and accountable to the citizens. For the Senate, the new election law should emphasize genuine elective members rather than appointive ones; care should be taken to fashion an independent deliberative body, not a mere appendage of the executive.

What are the prospects for these reforms? Incremental technical reforms are entirely feasible, since they do not directly challenge the vital interests of those

in power. Indeed, some prominent senior Cambodian officials seem deeply interested in the concepts of good governance and reform. Reform is also favoured by the activists of Cambodian civil society. However, reforms which may directly undermine party or government authority and control are problematical. Renouncing the disproportionate resources available to governing parties, promoting separation of powers and an independent judiciary, eliminating coercive campaign techniques and abandoning the broadcast media monopoly will all be very unattractive for those in power. No political will to make such daring reforms is evident. No obvious solution presents itself. The diffusion of democratic values among key sectors and a consequent general public demand for more democratic practices may be necessary to effect change.

Where the force of the law is tenuous at best, as in Cambodia, paper reforms may be meaningless if not backed up by the will to implement them. The search for reforms must therefore look beyond formal measures to the question of political culture. Fundamental beliefs may be changed, over time, through education, both formal and informal. Cambodia has made a start among schoolchildren with its social science curriculum, which gives some – but still too little – attention to human rights and democracy, based on pioneering work by local NGOs. Informal human rights and democracy education for adults is being carried out, though on a limited scale, by Cambodian civic organizations. The students have included Khmer Rouge defectors, military personnel, government officials at all levels, rural women and other groups. The broadcast media should be consciously employed by the government to promote democratic values, beyond the limited time now accorded to NGOs.

Cambodia's political leaders often seem less receptive to democratic ideals and practices than average citizens. To be sure, an educated public thirsting for democracy cannot be totally ignored by Cambodia's politicians. Officials of high status are unlikely to sit down like schoolchildren to be instructed in democracy when their life experience has taught them a brutal *Realpolitik* based on the utility of raw power. However, this does not mean they are closed to new ideas or unable to learn. Some wish not only to govern, but also to govern well, an ideal long praised in Cambodian history and Buddhist tradition.

The key is to demonstrate to the leadership that democracy is a more successful form of governance than autocracy, a boon to leaders as well as to the general population. The promotion of ongoing, substantial contacts between Cambodia's rulers and foreign democratic figures of stature would give Cambodia's rulers direct experience with the most knowledgeable practitioners of the art of governance. Distinguished current and past heads of government would have the status and prestige to speak directly and authoritatively to Cambodia's leaders.

Finally, the extreme hostility which prevails between Cambodia's political factions must be neutralized. Their vision of Cambodia's future must grow to encompass the peaceful co-existence of different parties and philosophies, not merely the triumph of their side and the defeat and destruction of their adversary. *Feindbilder* must be broken down. Peace- and confidence-building activities should be conducted between rival groups. The transition from enemies to friendly rivals will take time and effort, but animosities among the Cambodian factions are not as entrenched as those between Israelis and Palestinians, for instance. In a governmental context, the concepts of loyal opposition, government-in-waiting, co-operation between winners and losers, and honourable retirement from politics need to replace the prevalent war-based idea that power must be held on to at all cost and no quarter may be given to the enemy.

Foreign organizations may make a difference to the survival of Cambodian democracy. Foreign organizations, governmental and non-governmental, can continue to play important positive roles in the development of Cambodian democracy. The players – current or potential – may be institutes like the German *Stiftungen* (foundations) and the National Democratic Institute for International Affairs and International Republican Institute in the United States; foreign governments and official bilateral aid organizations; and multilateral inter-governmental organizations such as the UN, World Bank and Asian Development Bank. Foreign NGOs such as Amnesty International and Human Rights Watch have also been involved, usually by documenting, publicizing and decrying human rights abuses. One atypical contributor has been the International Crisis Group, which has presented lengthy policy analyses and recommendations on the elections and related democratization issues to Cambodian and international leaders (International Crisis Group, 1998a; 1998b).

An important lesson for foreign organizations is that interventions restricted to the election cycle are not enough. Democracy also grows or withers between elections. Foreign engagement should be long-term. Serious reforms may take years to present, nurture, debate and enact. Nor should activities be limited to promoting specific legal or administrative reforms. 'Soft' measures such as sponsorship of public debates on electoral reform, supplying information and experts and supporting education, training, election monitoring and democratic culture change may yield greater results than 'hard' intervention such as direct lobbying for specific reforms or diplomatic and political pressure.

Cambodian civic organizations merit much more foreign attention. They have become no less a part of the election process than the government, the NEC and political parties. Their demonstrated non-partisan support of good governance and free and fair elections make their work respected across the Cambodian political spectrum. In the 1998 elections, Cambodia's election monitoring

coalitions were often critical of the government and the NEC; but in the face of vehement objections by the opposition, they maintained their steadfast opinion that the voting and counting were fairly conducted.

Prospects for the survival and development of Cambodian democracy are uncertain. Undaunted, many Cambodians, in and out of government, are working every day to promote free and fair elections and democratization in a broader sense. They incur a certain risk in doing so. Foreign organizations have an opportunity to exert a positive, and perhaps even decisive, influence on Cambodia's democratic development, both through the encouragement of electoral reform and wider efforts to change Cambodia's political culture. The only fatal mistake they can make is to neglect the opportunity that is currently available.

List of Abbreviations

BLDP - Buddhist Liberal Democratic Party
COMFREL - Committee for Free and Fair Elections
CPP - Cambodian People's Party
FUNCINPEC - Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif (National United Front for an Independent, Neutral, Peaceful and Co-operative Cambodia)
JIOG - Joint International Observer Group
NEC - National Election Committee
NGO - Non-governmental Organization
PEC - Provincial Election Committee
SRP - Sam Rainsy Party
UN - United Nations
UNTAC - UN Transitional Authority in Cambodia

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Electoral Politics in Indonesia: A Hard Way to Democracy

Hermawan Sulisty

Introduction

This chapter investigates the relationship between elections and democratic development in the Republic of Indonesia. It traces the emergence and institutionalization of electoral politics at various junctures in Indonesian history. It then explores the virtues and perils of the current system, and the modalities for reforming the electoral system in order to enrich the democratization process. Starting with a historical overview, the introduction of the current system is discussed. Particular emphasis is given to the 1999 general elections, the founding elections of the second Indonesian democracy. The problems of the institutionalization of democracy are then examined, followed by a look at the incentives and obstacles for further democratic transition in the realm of electoral politics, and a proposal for a reform agenda. Finally, perspectives of electoral politics in the era of democratic transition are sketched out.

Historical Overview

The first general election in Indonesia was held in 1955, ten years after the Indonesian declaration of independence in 1945, and five years after the temporary constitution of 1950 established a liberal representative democracy with a parliamentary system as its form of government. When the Republic of Indonesia was proclaimed in 1945, one of the first programmes espoused by its founding fathers was the holding of general elections. However, elections could not be held for several years while an independence war was waged against the Dutch colonial armed forces. When it ended in 1949, then Vice-President Mohammad Hatta issued Vice-Presidential Decree No. X/1949, aimed at liberalizing the political system. The constitution of 1950 replaced the first Indonesian constitution of 1945. It established a parliamentary system instead of the former, strong presidential system, with a president as head of state and a prime minister as head of government. However, the new system was a failure, for cabinets were continuously unstable; the most durable cabinet survived for only two years. The legitimacy of the constitutional system was also challenged by numerous separatist rebellions.

A general election for a constitutional assembly (*konstituante*) was believed to be the answer to political instability. The 1953 Election Law paved the way for the country's first legislative elections in September 1955. It established a proportional representation system in multi-member constituencies (MMCs). Although the election process was fair and democratic, the outcome was disappointing for those who had hoped it would increase the stability of parliamentary democracy. None of the competing parties even won a quarter of the total valid votes cast. The Indonesian Nationalist Party (Partai Nasional Indonesia, or PNI) gained 22.3 per cent, followed by the Indonesian Modernist Islamic Party (Majelis Syuro Muslimin Indonesia, or Masyumi) with 20.9 per cent, the Indonesian Traditional Islamic Party (Nahdlatul Ulama, or NU) with 18.4 per cent and the Indonesian Communist Party (Partai Komunis Indonesia, or PKI) with 18 per cent (Feith, 1957: Table 1).

Although the 1955 election, followed by local elections in 1957, was generally seen as democratic, it did not solve the chronic political crisis. The struggle between different ideological camps, between parliament and cabinet, as well as between communal groups, created a highly unstable political situation. Finally, backed by the military, President Soekarno proclaimed martial law in 1957. The parliament was dissolved and the 1945 constitution replaced the 1950 temporary constitution. This step enabled Soekarno to replace the elected parliament with an appointed council, return to the presidential system and ban political parties resisting these changes. President Soekarno later consolidated his power by establishing an authoritarian regime known as 'Guided Democracy'. He appointed members of parliament and mainly drew support from the PKI and the PNI.

In the following years, Soekarno leant more and more to the left, bringing him into direct confrontation with the military. After years of tension, an abortive coup was launched in 1965. The coup failed, suppressed by General Soeharto, then commander of a special task force, but the tumultuous situation following the coup weakened the power of President Soekarno. The army blamed the Communists for masterminding the coup, and in the months that followed suspected Communists were hunted down and killed by army units together with Muslim youths, and hundreds of thousands of 'Communists' were detained for years without trial. The army emerged from the struggle with the upper hand.

By 1967, Major General Soeharto had wrested all power from President Soekarno.¹ A new authoritarian regime, called the New Order, was established. Soeharto was 'elected' as acting president by the parliament. Backed by the United States and other Western countries, which praised Soeharto for his success in crushing the Indonesian Communist Party, the New Order started to prepare for the first election, scheduled for 1971. Without the participation of

1. Soekarno was confined to house arrest and died in 1970.

the two largest political parties – Masyumi had been banned by Soekarno and PKI dissolved by Soeharto – the 1971 general election was effectively a legitimacy tool for the New Order regime. Ten political parties contested the election. One of them was GOLKAR (Golongan Karya, or Functional Group). Established in the early 1960s as a united front to fight the Communist Party, GOLKAR was an assembled organization of different social and state groups and not a political party in the legal sense. However, it emerged as the de facto leading party of Soeharto’s new regime.

As expected, GOLKAR won the election. The party gained 62.8 per cent of the total valid votes and 236 out of 360 seats in parliament – enough to control the legislature. Under the new, stable authoritarian order, the regime gave economic development top priority. Political participation was reduced to various forms of political mobilization of support for the regime and its leader, President Soeharto. To further consolidate his power, President Soeharto initiated a restructuring of the party system in 1974. All political parties and groups, with the exception of GOLKAR, were dissolved; two new parties were allowed to organize: the United Development Party (PPP) and the Indonesian Democratic Party (PDI). Although these three parties were legally independent and separate political organizations, the party system was in reality a ‘hegemonic system’ (Sartori, 1976), for GOLKAR was the dominant political party, with the other two parties serving as satellite parties. Within the framework of this manufactured party system, the New Order regime successfully held five consecutive general elections for the House of Representatives (*Dewan Perwakilan Rakyat* [literally People’s Representative Body], DPR), in 1977, 1982, 1987, 1992 and 1997. None of the elections was competitive or free and fair, with the entire state apparatus, the military and the business community mobilized in support of the regime and GOLKAR, its front organization.

Table 1: Legislative Elections under the New Order, 1971-1997

Year (%)	1971*		1977		1982		1987		1992		1997	
	S	V	S	V	S	V	S	V	S	V	S	V
PNI	4.3	6.9	-	-	-	-	-	-	-	-	-	-
NU	12.6	18.7	-	-	-	-	-	-	-	-	-	-
GOLKAR	51.3	62.8	50.4	62.1	52.6	64.3	59.8	73.2	56.4	68.1	65.0	74.5
PPP	-	-	21.5	29.3	20.4	27.8	12.2	16.0	12.4	17.0	17.8	22.4
PDI	-	-	6.3	8.6	5.2	7.9	8.0	10.9	11.2	14.9	2.2	3.1
Others	10.0	11.6	-	-	-	-	-	-	-	-	-	-

* In 1971, 1977, 1982, 1987 and 1992, 100 additional seats were reserved for the armed forces. In 1997, 75 additional seats were reserved for the armed forces.

S - seats; V - votes

Source: Rueland, 2001: 83-129.

Not surprisingly, GOLKAR achieved landslide victories in all elections, as Table 1 shows. GOLKAR dominated the legislative arena because it gained the majority of seats in parliament, was supported by the military (for which 100 seats were reserved) and could count on the submissive role of its satellite parties in parliament, as they were too weak to challenge the regime anyway.

The regime continued to manipulate the parliament as a support system for the government. Any potential for opposition was managed with a stick and carrot strategy, while any overt opposition was controlled by repressive measures. As a result, throughout Soeharto's 32 years in power, elections served more as a means of political mobilization than participation. As political machinery for the regime, elections did not allow for any meaningful political competition between different parties, programmes or ideologies. The House of Representatives (DPR) did not develop into an independent branch of government, separated from the executive, but served only as a rubber stamp for Soeharto's increasingly sultanistic regime.² Elections thus served as a 'useful fiction' (Liddle, 1996) to increase reliance on the procedural element as the basis of authority, which would indicate the growing strength of the regime and progress in legitimization (Alagappa, 1995: 53).

Regime stability, however, turned out to be a fragile facade when the effects of the so-called Asian crisis started to hit Indonesia in the second half of 1997 and developed into a dramatic financial and currency crisis in the following year. A multi-dimensional crisis was sparked: an economic crisis developed into a crisis of public confidence in the political order. Following the largest student demonstrations in modern Indonesian history and large-scale riots in six major cities in May 1998, President Soeharto was forced to give up his one-man rule and step down. He was replaced by a transitional government, led by Vice-President B.J. Habibie, an engineer-turned-politician. With the takeover of the presidency by Habibie the so-called Reformation Era began. The government could not withstand public pressure to liberalize the political system. The process of transition developed from the stage of liberalization in late 1998 into a full-blown democratization of the political regime, paving the way for the founding elections of the second Indonesian democracy in June 1999. Out of more than 100 political parties founded in the following months, 48 passed the requirements to participate in the first free and fair elections Indonesia had seen since 1955.

The Current System: Elections in Transition

Electoral provisions remained more or less the same throughout the New Order regime (1966-1998). In 1995, President Soeharto himself commissioned a group

2. For a general discussion of the type of sultanistic regime, see Chehabi and Linz, 1998. For its application on Indonesia, see Dosch, 2000.

of researchers from the Indonesian Institute of Sciences (LIPI), a government think-tank, to research and draft a proposal for changes in the electoral system.³ The team proposed changes to the electoral system in three stages, from a 'refined proportional system', to a 'mixed system', to a 'refined single-member constituency system'. Despite the fact that the president had himself commissioned the team, the government rejected the proposal. At that time, the proposed changes were considered too radical to be implemented.

The economic crisis that hit Indonesia in 1997 snowballed into a political crisis, which finally brought down Soeharto and set in motion a new period of political transition. In late 1998, under increasing public pressure, the administration of President Habibie initiated efforts to revise the three main political laws enacted in 1985, i.e. the Law of the Republic of Indonesia on Political Parties, the Law on General Election and the Parliamentary Law. Two drafts – one by a team of researchers from LIPI⁴ and another by a team of experts from the Ministry of the Interior⁵ – were submitted to the DPR. In addition, several non-government organizations (NGOs) also submitted their own versions of the laws. Under the free atmosphere of the Reformation Era, political participation enabled social scientists and scholars as well as the public to play a significant role in drafting these new laws. For the first time since the early 1960s, scholars, not politicians or bureaucrats, played a significant role in designing the institutional structure of the political system.

Finally, the DPR, which was still dominated by members of the old regime, collected various inputs from the submitted proposals, with most articles of the new laws coming from the Ministry of the Interior's proposal. Concerning the electoral system, the new election law was enacted by the DPR as the Republic of Indonesia's Law No. 3 of 1999 on General Election. In addition to this law on elections, the DPR enacted two other related laws, Law No. 2 of 1999 on Political Parties and Law No. 4 of 1999 on the Structure and Composition of the People's Consultative Assembly (Assembly) and the People's Representative Body (House).

The unicameral parliament or House (DPR) is composed of 462 directly elected representatives and 38 members from the armed forces. The People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR) is an expanded parliamentary assembly formed by the 500 members of the DPR and 135 representatives of the regional parliaments plus 65 delegates selected from different functional groups. The latter are appointed by the Election Commission. The DPR is a classical legislature, while the MPR elects the president and vice-president, and performs limited legislative functions (Rueland, 2001: 90). Thus the DPR is the only constitutional power whose

3. See Lembaga Ilmu Pengetahuan Indonesia (LIPI), 1998.

4. The work first appeared as a monograph and later (in 1998) as a book entitled *Menata Negara: Usulan LIPI tentang RUU Politik* (Bandung: Mizan).

5. This draft has never been made public.

members are directly elected by the Indonesian people. It is the only institution deriving its democratic legitimacy directly from the participation of the people in a democratic electoral process.

The new election law for the DPR introduces proportional representation in 27 multi-member constituencies, ranging from four to 82 seats. The constituencies are territorially identical to the country's provinces. Candidates are nominated by the political parties. The electoral law also adopts the proportional system of election. Political parties reserve the right to list their candidates according to their 'district of constituency'. Voters vote for the party list and not for a specific candidate. In addition, the number of voters in each district determines the minimum votes a candidate needs to be elected as representative. The idea is to balance the number of representatives from the densely populated island of Java and the less populated outer islands. A candidate from East Java, for instance, has to garner more votes than a candidate from another province on an outer island. A seat with a larger quota for the votes is called a 'fat seat', while a seat with a lower number of votes is called a 'skinny seat'.

In reality, the minimum 'quota' of votes cannot always be met. In such a case, a party might change the name of its first candidate with the second name in line, or with another candidate from another district. In the latter case, the second person steps aside and gives the seat to the person from another district. This step usually involves the practice of money politics.⁶ This means the central boards of parties have strong discretionary power to decide which candidates become elected members of parliament, even after voting has taken place and a party has failed to win enough votes to pass the threshold in a local district.⁷ At the provincial level, two or more political parties may combine their below-the-threshold votes to reach the minimum quota of votes for a seat. The system is called *stembus accord*, or pre-election consensus. The electoral law requires that a decision to combine votes should be made before election day. In reality, however, consensus is often reached after the ballot. As in the case of under-representation at the lowest level of 'constituency', where a candidate may gain a seat without passing the threshold or with minimum votes, the final counting at the provincial level opens up opportunities for the practice of money politics.

It should be noted that the Law on General Election is inseparable from two other political laws, the Law on Political Parties and the Law on the Structure

6. Another criticism is that such a change neglects the right of voters to decide for which candidates they want to vote, since a candidate moving from one district to another is not the same person who is listed on the list and chosen by the voters. So, the central board of a political party is more important than the voters in choosing and selecting a representative. Data can be found in Sulistyono et al., 1999.
7. To give an example, a political party may garner 230,000 votes in a local constituency with a threshold of only 150,000. The party will gain a seat and keeps the rest of the votes. In another district with a 'quota' of 200,000 for a seat, the same party may garner 300,000 votes. The party will then add the 80,000 votes garnered from the first district to the 100,000 votes from the second district to gain another seat in the DPR with a total of 180,000 votes. The election committee arbitrarily decides how many votes constitute the threshold in each constituency.

and Composition of the People’s Consultative Assembly and the People’s Representative Body.⁸ These two laws were also revised during the transition period. The party law liberalized the legal framework of the formation and work of political parties. However, some articles of the party law and the parliamentary law contain regulations which contradict provisions in the election law. For example, the minimum age to be an active functionary in a political party is 21 years, while the minimum voting age is 17. While the party law aims to enable as many political parties as possible to represent various public groups and interests, the electoral law includes some provisions which aim to reduce the number of parties artificially. For example, it states that only those parties conquering at least 2 per cent of seats in the DPR or at least 3 per cent of the seats in the local legislatures are allowed to run in the next election.

Due to a lack of financial, intellectual, managerial and organizational resources, most new parties, which had had less than a year to prepare for the elections, could not compete successfully with the large, already established parties. Therefore, the legislative elections held on 7 June 1999 – the founding elections of Indonesian democracy – ended with a victory for the four larger parties. Of the remaining 44 parties nominating candidates, only 15 managed to win at least one seat.

Table 2: The 1999 Elections for the DPR*

	Seats# (%)	Votes (%)
PDI-P	30.8	33.8
GOLKAR	24.0	22.5
PKB	10.2	12.6
PPP	11.8	10.7
PAN	7.0	7.1
Others [^]	8.6	8.8

* Totals do not round up to 100 per cent due to inconsistencies of data and reserved seats.

38 additional seats were reserved for the armed forces.

[^] Including 14 political parties.

Source: Preliminary and incomplete data provided by Rueland, 2001: 83-129.

The Indonesian Democratic Party-Struggle (PDI-P) won with a third of total valid votes, GOLKAR came second with 22.5 per cent, the National Awakening Party (PKB) third with 12.6 per cent and the United Development Party (PPP) fourth with 10.7 per cent of total valid votes. The rest of the political parties shared a small number of votes, ranging between 0.3 and 7 per cent of total votes and seats. Dozens of political parties did not pass the threshold of the minimum vote quota to gain a seat.

8. Before the *Reformasi*, or Reform Era, there existed two other ‘political laws’, the Law on Mass Organization and the Law on Referendum.

Two results of the election are particularly important. First, the outcome clearly demonstrates a strong fragmentation of the party landscape in Indonesia's young democracy. Obviously, there is no political party dominating the party system or the legislative arena in parliament. This is a rather frequent phenomenon in new democracies, and can be found in most transitional regimes of the 'third wave of democratization' practising proportional representation in their first democratic elections. However, it is of particular significance for the working of Indonesia's government system. Because in Indonesia's semi-presidential system the MPR elects the president, strong party system fragmentation increases the difficulties in building a government and also threatens the governability of the democratic system.

The decline of former ruling party GOLKAR was dramatic. Compared with the results of the 1997 election, GOLKAR lost more than 61 million votes in 1999, and its share of total votes went down from 74.5 to 22.5 per cent. GOLKAR's performance was in stark contrast to other cases in Asia, where the former ruling party managed to come out of the first democratic election as the new, democratically legitimated ruling party, as in Taiwan, or at least as the strongest party in parliament, as in Korea. The party lost its hegemonic position and almost all its political potential to form the government. GOLKAR's satellite parties, PPP and PDI, also came out as main losers of democratic elections.

Nevertheless, the second outcome was that there was an element of political continuity in the electoral results. The pattern of the garnered votes resembled the 1955 election, where political parties were clustered into two big groups, Islamic parties and nationalist-secular parties. After more than 40 years, the most salient cleavage in Indonesian society had not lost its significance, and re-emerged with the liberalization of the political sphere.

The 1999 election itself was watched closely by domestic as well as international institutions and organizations. Although some protests occurred during the electoral process, the ballot itself was generally seen as democratic and fair. Some international organizations monitoring the election immediately issued statements that the election was democratic and fair, before the counting had even been completed. In some areas, however, protests were so serious that the votes had to be recounted. Consequently, the political parties contesting the elections never endorsed the final results. The Electoral Commission never published the results of the official vote counting – except the number and percentage of the allocated seats. According to the Law on Elections the election results must be endorsed and signed by at least 75 per cent of the competing parties, or 36 of the 48 political parties competing in the 1999 election. Nevertheless, Acting President B.J. Habibie signed a presidential decree, Keppres No. 92/1999, officially recognizing and endorsing the results of the ballot, even as disputes over counting remained unresolved in some areas, and before the number of signatories for the final results had reached the minimum quorum.

Although this does not seem to be a relevant issue in the political debate either for the parties or the public, it could become a problem in the next election in 2004 if doubts over the correctness of the electoral process were to increase.

Political reforms during the Reformation Era of 1998-99 also included the enactment of a new Law on the Structure and Composition of the People's Consultative Assembly, People's Representative Council House and Regional People's Representative Council House. Membership of the MPR was downsized, from 1,000 to 700 members. Of this, 500 members are directly elected representatives of the DPR. The remaining 200 members fall into two categories: 135 are 'regional representatives' of the regional legislatures and 65 are 'group delegates' of functional groups.

The first category consists of five representatives from each province, elected by members of the Regional Council Houses (DPRD I).⁹ The procedure enabling the DPRD I to elect their own representatives to the MPR aims to strengthen the participation of regional and local institutions in national affairs. It is part of a broader restructuring of the institutional framework of Indonesia's state organization, which should give more power and authority to the regions. While state power was highly centralized in Soeharto's New Order regime, one of the political principles of the new democratic order is 'local autonomy' and decentralization of state power.

The second category includes representatives from 'functional groups' such as NGOs, the intelligentsia, mass organizations, disabled people, professional organizations, arts and culture, religious groups, etc. While those representatives serving in the current MPR (1999-2004) were appointed by the president, in the next round (2004-2009) the 'group representatives' will be appointed by the Election Commission. Interestingly, despite intense struggles between political parties over the election of regional representatives in the MPR, no serious political fights occurred for the 'group delegates'.

The 500-member DPR itself consists of only 462 elected representatives. The other 38 members are representatives of the armed forces (TNI) and the police (Polri). In some sense, the reservation of additional seats for the military and the police force is a compensation for the two groups' loss of franchise. However, as some critics argue, this provision strongly over-represents both groups in parliament for their total manpower is only about 650,000. Based on the average quota for a DPR seat of about 150,000 votes, only four to six seats should be reserved for these groups. Instead, the existing legal framework unfortunately gives the armed services a privileged political status.

9. When the election was held in June 1999, East Timor was still a 'province' of Indonesia, contributing to the total of 27 provinces. East Timor voted for its independence in August 1999, but five new provinces were formed in the following two years.

From Mobilization to Participation: Problems of Democratic Reform

Under Soeharto's New Order regime, the DPR and the MPR were no more than rubber stamps giving consent and procedural legitimacy to whatever policy the executive adopted. Contrary to the constitutional order stipulated in the 1945 constitution, the government system was a pure form of 'hyperpresidentialism' or presidential dictatorship; the policy-making process was in effect monopolized by the executive, and personalized by Soeharto himself. Legislative elections were only an instrument for the mobilization of political support for the regime rather than a meaningful instrument of free political participation of the citizens. They were political rituals, with predictable results. In particular, the 'election' of the president by the MPR was nothing more than an acclamation ceremony.

While GOLKAR was the main political machinery behind the Soeharto regime, two other pillars provided additional political support. Together, these three pillars, called ABG, formed the power structure of the authoritarian regime. 'A' stood for ABRI (the Indonesian Armed Forces), 'B' for *birokrasi* (bureaucracy) and 'G' for GOLKAR and the mass organizations supporting it. The former two pillars supported the primary one, GOLKAR. The military played a particularly important role in supporting GOLKAR in elections due to its territorial organization, command structure and authority to deal with social and political affairs.¹⁰ ABRI intervened heavily in elections and supported GOLKAR as a recruitment pool for serving and retired military officers and as a campaign machine. In 1997, for example, Army Chief-of-Staff General R. Hartono issued a statement that all soldiers and officers were GOLKAR cadres and should wear the yellow GOLKAR jacket. In 1998, there were around 40,000 military and retired officers in such a position; a year later, the number had declined to about 15,000.¹¹ The role of the state bureaucracy in supporting GOLKAR was also obvious since party membership was mandatory for civil servants. Another pillar of political support for GOLKAR were various mass organizations, particularly youth organizations, which clustered around a loose coalition named Kino GOLKAR (Kelompok Induk Organisasi GOLKAR, or GOLKAR's Group of Leading Organizations). The government directly or indirectly financed these organizations through state sponsored programmes.

The transition era opened a window of opportunity for political change. Legal reforms of the party system, the electoral system and the legislature liberalized

10. The territorial command usually overlapped with the provincial administrative units, although some territorial commands at the provincial level, known as *Kodam*, covered and oversaw more than one province. At the lower levels, there were *Korem* which oversaw territory covering several regencies, *Kodim* which oversaw a regency, and *Koramil* which oversaw a subdistrict. The number of these territorial commands varied.
11. Sources quoted varying figures; this figure is from a statement made by then Armed Forces Chief-of-staff for Social and Political Affairs Lieutenant General Susilo Bambang Yudhoyono at a conference held in the Hague in November 1998. Other sources believe that the number is much lower.

the political system, provided for a more balanced structure of political power and improved the status of the only directly elected institution, the DPR. The political reality of democratic reform, however, was rather disappointing, particularly for the most politically active segments in Indonesian society, i.e. students, intellectuals and scholars. *Desencanto*, as the phenomenon of post-transition political frustration was called in Spain after the downfall of the Franco regime in the second half of the 1970s, had several reasons. One was the disappointment of the public with the functioning of the DPR and MPR. A major point of criticism is that the debates and working of the houses are largely dominated by *fraksi* [literally fractions] – clusters of members from a single big party or coalitions of small parties. A slight change of decision from a small party may greatly influence the balance of power, making the Assembly very shaky on sensitive and divisive issues such as the presidency. Critics argue that the formal institutions and mechanisms of the democratic process are subject to personal and fractional influence of a small but influential group of ‘leading’ party politicians who are using the parliamentary arena for their personal interests and power-struggles, while the ‘collective’ interests of Indonesian citizens are mostly ignored. This may or may not be true, but the public has already developed a very negative opinion about post- Soeharto party politics.

The reform era also paved the way for the introduction of various elements of political decentralization. There was concern that a single-member constituency system of election would increase the fragmentation of the political system according to regional, religious and ethnic identities. Thus the adoption of the proportional system in the 1999 general election was meant to improve the representativeness of national political institutions as well as balance the principles of representativeness and governability. Compared to a ‘pure’ plurality system in SMCs, the proportional system was generally seen as the better option since most experts believed that a proportional system might increase the tendency of the political parties and their representatives towards national politics.

From the beginning, however, the electoral system proved to have some serious weaknesses. Dual layers of ‘district-based constituency’ – the second administrative unit and the provincial levels – resulted in serious confusion over the rank of candidacy and the quota system. This in turn increased the vulnerability of elections to money politics. The few cases of money politics involving candidates for the DPR that became public belied the widespread problem money politics has become, particularly in local elections. Many new players quickly picked up the mechanisms and tactics of pork barrel politics from the old politicians of the authoritarian regime. Since administrative and political decentralization has been accompanied by increasing political corruption of the now elected representatives, decentralization is in danger of becoming a reform failure.

The situation is worsened through the practice of *stembus accord*, in which a political party combines its under-quota votes with under-representation of another party to gain a seat. This openly denies the principles of political representation of voters, as their votes for certain political parties or candidates are then chalked up to another party or candidate. These horse-tradings make voters' decisions meaningless since political parties decide which parties should send which candidates to parliament, independent from the political will of the voters. Additionally, in the 1999 general elections, most of these deals took place after the elections in contravention of the election law which clearly stipulates that political parties must agree and make such agreements public before the ballot so the voters know in advance who may benefit from their votes.¹²

In the first half of 2001, the new semi-presidential government appeared to be a major institutional weakness of Indonesian democracy. Bitter bickering between the DPR and President Abdurrahman Wahid culminated in the House exercising its rights of interpellation over the alleged involvement of the president in the Bruneigate and Buloggate scandals. In the first scandal, President Wahid was suspected of receiving money from the Sultan of Brunei, although he denied this, claiming that the money was for the settlement of the Aceh conflict. In the second scandal, the president was accused of using money from the Office of Logistic Affairs for his personal use, although he again denied his involvement. The result was a tug-of-war between the president and the DPR on the constitutional rights of the House. Soon the political crisis of the government developed into a crisis of the new democratic regime. Since the opposition controlled the DPR, and the House dominated the MPR, which, in turn, held the right to impeach the president, any move by the House against the president became a serious threat to the government. Critics of the legislature argued that the situation had developed into a 'parliamentary dictatorship'. Others criticized the president for his controversial and stubborn resistance to his political opponents and his erratic decisions on many state affairs and issues.

It was no longer a question of whether the president had violated the law or the constitution, but whether the MPR could impeach the president without proper trial because he had lost the support of the majority of representatives in the Assembly. Other controversies also emerged, i.e. on the prerogatives of the president and his vice-president, the authority of cabinet formation and the division of prerogatives between DPR and MPR. Initially, the MPR wanted to decree a rigid separation of powers between the president and the vice-president, seemingly aimed at further weakening the president as head of government, leaving him only as head of state. However, the president insisted that he would assign only certain specific tasks to the vice-president, not his presidential authority. He would remain chief executive responsible to the

12. In some cases, there are 'under-the-table-deals' where two candidates agree to 'share' a mandate, with one representative serving a first two-and-a-half-year term and the other serving the second.

MPR, while the vice-president would be responsible to him. As chief executive, the president would have the authority to interfere in the day-to-day running of the government, a task constitutionally assigned to the vice-president. Decisions would have to be made collectively by the president, the vice-president, and the two co-ordinating ministers in charge of economic affairs and security policy. However, the arrangement failed, further weakening the position of President Wahid. In the end, the confrontation between the president and the legislature on the so-called Buloggate and Bruneigate developed into a serious constitutional crisis damaging all major constitutional organs of the democratic system. The lack of any politically independent constitutional organ of judicial review holding the authority to decide constitutional controversies between (or within) the executive and legislative branches of government was also a major obstacle to resolving the crisis. In the end, President Wahid was ousted by a 'parliamentary coup' on 22 July 2001. The Assembly immediately replaced him with Vice-president Megawati Soekarnoputri. When President Megawati Soekarnoputri assumed the presidency, she made a proposal that her PDI-P party should initiate the establishment of a commission to amend the constitution. However, her proposal was not well received by the MPR, which finally proceeded with its own committee, called the Ad Hoc Committee, or PAH, to initiate further amendments to the 1945 constitution, after some previous minor changes.

Electoral Politics: Incentives and Obstacles for Democratic Transition

Despite the fact that the 1999 election has not contributed to more political stability, in itself it served as a significant turning point in the democratic development of Indonesia. It generated the development of several new democratic organizations, became the focus of the still vulnerable democratic movement in Indonesia's society and a meaningful step in the dissolution of the old authoritarian power structure. Although there were deficits in the transparency and technical correctness of the election process and, in some cases, in the credibility of the officially declared results, the election itself proved to be an important exercise in democratic practice. What does seem lacking is the accountability of political representatives to their constituents, voters and supporters. The major difficulty of electoral politics in Indonesia is not the lack of electoral quality but the lack of political accountability. Political reforms aiming to increase the vertical representativeness of democratic institutions and the governability of the political system cannot exclusively focus on electoral reforms. They should encompass the major political institutions, the party system and the process of local decentralization as well.

So what are the obstacles to such reforms? Firstly, the recent political conflict between the different branches of government appears to arise from a

constitutional design whose basic principle is not separation of power, but diffusion of power. The People's Consultative Assembly, or MPR, serves as the supreme constitutional power, or a quasi 'super parliament', representing the people's sovereignty as an institution with nearly ultimate power. The Assembly supervises the three branches of government – the double-headed executive consisting of the president and the vice-president, the legislative power consisting mainly of the DPR, and the judiciary. As stipulated in the constitution, the MPR has nearly unlimited authority to decide any state affair, from impeachment of the president to the dissolution of the Republic of Indonesia. Thus the MPR is also called the State Supreme Institution (*Lembaga Tertinggi Negara*), whereas the DPR, the supreme court of Indonesia and the government – consisting of the president, the vice-president and the cabinet – are called State High Institutions (*Lembaga Tinggi Negara*).¹³ The MPR's membership composition, however, does not allow for such a 'supreme' status since the DPR dominates the MPR, and thus party politics influence the Assembly's working. At the same time this institutional arrangement contradicts the constitutional structure of checks and balances between the three branches of government; checks and balances cannot be implemented as the DPR's hegemonic position in the MPR gives the legislature more power than the other two branches of government. The potentially disastrous effect of this power structure became obvious during the 2001 impeachment controversy. The strengthening of the DPR has reduced the power of the executive, while it has left the prerogatives of the House almost uncontrolled.

Secondly, the real power in the House lies in the so-called *fraksi* or party groups, albeit in a party system that is far from stable and well institutionalized. However, without a majority party in the DPR, it is not easy for the *fraksi* to reach a consensus to achieve concluding votes. The impeachment against President Abdurrahman Wahid was a special case, for his erratic decisions contributed greatly to the disappointment of many *fraksi* within the DPR (and finally MPR), which had the effect of 'unifying' the deeply fragmented parliament. However, in the case of 'normal' legislation, fragmentation and confrontation between the different party groups in parliament is a major obstacle to deepening democratic reforms as well as the governability of the democratic system.

Thirdly, political regionalism is another problem of democratic transition which is also related to the electoral system. The *reformasi* movement has removed the central government's power to enforce in the regions political decisions taken on the national level. Therefore, the power locus has shifted from the centre to the previous periphery of the state. Before the 1999 general election, national decision-makers believed that a single-member constituency or district system would increase the political fragmentation of the country in terms of a regional

13. There are two other State High Institutions – the State Financial Audit Body (*Badan Pemeriksa Keuangan*, or BPK) and the Great Advisory Council (*Dewan Pertimbangan Agung*, or DPA).

bias of the party system. A proportional system, on the other hand, was seen as an institutional solution to the problems related to the ethnic, political and regional segmentation of Indonesia. While the new electoral system was quite successful in terms of representativeness of the national legislature, it produced negative results in terms of political accountability and governability for reasons already discussed.

Proposals for Institutional Reforms

Generally speaking, two basic types of electoral systems can be identified which can be used to classify almost all existing electoral systems.¹⁴ Within the immense diversity of real existing democracies both types often occur in combination, while the logic of one type is predominant (Nohlen, 1984). This is the case in Indonesia. Indonesia has a long tradition of practising proportional representation systems. The current system is a proportional system in multi-member constituencies.

As argued by Aurel Croissant in the introduction and the conclusion to this book, electoral systems have to serve particular functions: representation of the political preferences of the voters and integration of the political will into ruling majorities. As discussed earlier, these two functions have been highly unbalanced throughout the democratic periods of Indonesia's history. During the first Indonesian democracy preceding Soeharto's New Order, the proportional system produced a high degree of representativeness of electoral results, but at the expense of governability. Of course, it would be overly simplistic to argue that the shortcomings of the electoral system were the only reasons for the failure of Indonesia's democracy in the 1950s and 1960s. But there is broad consensus among Indonesia's political science community that the electoral system was one among other factors contributing to the slow death of democracy during that time.

However, one of the marked features of the institutionalization of democracy in Indonesia is that there is still broad consensus in favour of the proportional system. It seems that most actors agree with the statement that in a plural society like Indonesia, a plurality system is an improper instrument to increase the governability of the democratic system and, in a certain sense, the political accountability of representatives toward the electorate, because it would pay for such benefits with deficits in terms of representativeness. However, the current system combines the virtue of high representativeness with the perils of low governability, as seen during the 2001 impeachment crisis, and low political accountability of representatives towards voters. Rarely do constituents know 'their' representatives; and only a few members of the House actually know the nature and character of 'their' constituencies, although they are required to

14. See the Introduction to this book by Aurel Croissant.

visit the constituencies during off-sessions. Nomination procedures and horse-tradings between political parties are often a mere power struggle without proper consideration of the political interests, orientation and needs of the constituents. Since 1999 constituents' trust in 'their' representatives has seriously deteriorated.¹⁵ However, already low and decreasing public trust and confidence may turn out to be fatal for democratic transition.

Therefore, one of the first proposals for institutional reforms is electoral reform. More specifically, electoral reforms should have the objective of increasing the accountability and governability of the democratic system, without decreasing the representativeness of the system. For the time being, several proposals are being discussed in Indonesia. Most support the idea of refining or even changing the type of electoral system, for instance from a proportional to a plurality system in SMCs. The implementation of this proposal, however, would increase accountability and governability at the expense of the representativeness of the political system; at the same time it would increase the importance of regional, ethnic and religious cleavages, and strengthen the 'societal fragmentation' of the party system, even though it may be a useful measure to decrease the fragmentation of the party system in general.

A more appropriate strategy might be to mix the two basic types of electoral system so that their mechanical and psychological effects¹⁶ can be developed on different 'levels' of the institutional system. This reform step can be accompanied with a full restructuring of the form of government. For example, the Assembly should be changed into a bicameral parliament, with the old DPR consisting of elected members through a proportional system as the first chamber, and a new, second chamber called the Regional Representative Council (*Dewan Perwakilan Daerah*, or DPD) consisting of representatives elected through a plurality system in SMCs. In this case, different electoral systems would apply for elections for an incongruent but symmetric bicameral system in which the first chamber (DPR) is the 'national' house and the second chamber (DPD) is the regional chamber.

In general, the institutions of a representative democracy should consist only of elected members, with no assigned or appointed members. Of course, in some consolidated democracies the second chamber consists fully or partially of appointed members or members nominated by the regional governments, such as the House of Lords in the United Kingdom, the Senate in Italy and the Federal House, or Bundesrat, in Germany. In these cases, however, the upper house exercises only a very limited political influence or the appointed and nominated members are selected by democratically legitimated power holders,

15. A poll carried out by *Kompas* daily newspaper found that only receive 8 per cent of people put their trust and confidence in the politicians in the DPR. See *Kompas*, 22 June 2001.

16. For a discussion of the mechanical and psychological effects of electoral systems, which draws much from the work of Maurice Duverger, see the final chapter by Aurel Croissant.

i.e. elected governments. This does not hold true for Indonesia, where the appointed representatives of the armed forces are not elected in a democratically legitimated process but at the military's discretion. Therefore, a further step of institutional reform should be to eliminate the remaining 38 seats in the DPR reserved for representatives from the military and the police.¹⁷ In a liberal, representative democracy, the principle of civilian supremacy is one of the core principles of the political order. As such, this principle does not allow for the representation of the armed services as an organization in the political decision-making process (Kemp and Hudlin, 1992). The principle of political equality of the individual is another core idea of liberal, representative democracy. Political equality of the citizen cannot tolerate special representation rights for one or more groups in society. From the point of liberal democratic theory, soldiers are citizens of equal political status, no more or less. Therefore, they should have the franchise and other political rights. However, they should not have any political prerogatives such as special representation.

While reorganizing the Assembly into a bicameral parliament is one reform proposal, reforming the electoral process with regard to the president is another. Under the current system, the president and vice-president are elected by the MPR, the supreme institution in Indonesia's democracy. The elected president in turn reserves the discretionary power to form his/her own cabinet. The cabinet is not responsible to the parliament, whereas the president is only responsible to it in matters of unconstitutional action. However, as the 2001 impeachment controversy has proved, the borderline between matters of constitutionality and political questions may become blurred.

In the case where no political party has a majority in parliament, the president cannot govern successfully without support from a coalition of parties. This is a general problem in presidential systems, particularly in those systems applying a proportional system in legislative elections. Therefore, contrary to conventional wisdom, the real power presidents can exercise depends very much on the strength of the president's party in parliament.¹⁸ In a system like Indonesia's, where the president is elected by the parliament, government formation works more like a cabinet system than a presidential system. While the lack of clear presidential majorities in parliament is a general problem for governability in many presidential systems, in Indonesia it is also a problem of government formation. Therefore, Indonesia should introduce election by plebiscite of the president and vice-president. To avoid problems of governability arising from staggered elections¹⁹ and to reduce technical problems and costs respectively, legislative and presidential elections should be held

17. Needless to say, this also applies for the regional and local legislatures such as DPRD I and DPRD II. The 10 per cent membership for representatives of the military and the police in the two provincial and local assemblies should be abolished as well.

18. For presidentialism in Latin America see Figueiredo and Limongi, 2000; for East Asia see Croissant, 2002; and Croissant and Merkel, 2001. For a general discussion see Shugart and Carey, 1992, and Shugart, 1999.

19. See the chapter on South Korea by Aurel Croissant.

simultaneously, as they are in the Philippines,²⁰ and the terms should be synchronized. There is a good chance that this proposal will be adopted for the 2004 legislative and presidential elections, although the general session of the MPR has so far failed to reach an agreement on it.

For various obvious reasons, particular emphasis has to be given to external support for further democratic reforms. Domestic actors need the help and contribution of their foreign counterparts and the international community to successfully bring about democratic reforms. Previous experience has shown that help from international organizations and external actors, such as various funding agencies, charity and philanthropic foundations as well as individuals, contributed significantly to the process of democratic transition in Indonesia. Indonesia's intellectuals play a particularly important role in transition processes. They convey comments and opinions and provide analyses of the political process, which shape the public discourse on various issues, including elections and electoral politics. Many of them graduated from foreign universities; and many, if not most, of these intellectuals maintain their intellectual relationships with their former mentors and teachers.²¹

There are also some organizational relationships built among various domestic institutions dealing with the question of electoral reforms and foreign counterparts. These organizations include the United Nations Development Program (UNDP), the United States Agency for International Development (USAID), the National Democratic Institute (NDI), the International Republican Institute (IRI), the European Union Monitoring Team, the Canadian International Development Assistance (CIDA), Australian Aid (AUSAID), the Ford Foundation, the Asia Foundation, Friedrich Ebert Stiftung, Konrad Adenauer Stiftung and many more.

In most cases, these organizations provide funds for legal efforts, balloting and election monitoring, civic education and other election-related activities. The most apparent role that many of these institutions took in the 1999 election was contributing help for the organization and management of election monitoring activities. Their monitoring role was very important for conducting free and fair elections due to the prevailing political environment. On the one hand, the state apparatus was relatively weak, making public participation and control greater than ever; on the other, a weak state administration also meant there were extraordinary problems in organizing the general elections and guaranteeing correct procedures. After the elections, the International

20. See the chapter on the Philippines by Julio Teehankee.

21. An example of such a relationship is a group of graduates from the Department of Political Science at the Northern Illinois University and another group of now leading economists who graduated from the University of Illinois at Urbana-Champaign. The group of political scientists from Northern Illinois University was very much involved in drafting the political laws and developing the decentralization scheme. Led by Ryaas Rasyid, who later became Minister for Regional Autonomy, the eight-member group filled strategic positions within the government and, later, the Commission on General Elections.

Foundation for Electoral Systems (IFES) played a prominent role when it rented a time slot on all five television channels to air interactive programmes on various issues concerning the conduct of the elections, the results and their implications.

For the 1999 elections, international actors were particularly active before and during the ballot. But some institutions also went into action after the ballot. NDI, for instance, issued statements within a few days that the election was democratic and fair. In fact, there were ongoing protests from political parties in some areas, demanding vote recounts and local re-elections. When the new government of President Abdurrahman Wahid was formed, however, the protests went unnoticed. The only official election data available to the public are the figures named in Presidential Decree No. 92/1999 issued by Acting President B.J. Habibie. Legally, these figures are disputable, for an official endorsement of the results of the 1999 election should have been signed by at least 32 of the 48 political parties competing in the election, when in fact only 28 parties signed the results.

The most significant contribution international actors made to the 1999 election was funding. External contributions allowed direct public control of the electoral processes, which was a significant change. Competition between external actors supporting various election monitoring committees even contributed to the better effectiveness of the monitoring committees' work. In addition to financial contributions, which shifted the locus of controlling power during elections from the Ministry of the Interior to the public domain exercised by NGOs and the media, there were external contributions which took the form of a transfer of experience and technical know-how. Indeed, some funding agencies not only tried to share their home countries' experiences, but also to impose their 'ideology'. The debate on electoral systems – proportional versus plurality – was only one example of this.

While external support generally had positive effects, the means of giving support was crucial. One external institution, for example, followed its own policy to promote the adoption of the proportional system for the 1999 general elections. There is no need to criticize their interest, but the way their experts tried to impose this system on local experts was unacceptable. While many members of Indonesia's scientific community think that the most urgent problem in electoral politics is the low degree of political accountability, and that the cure to the problem may be a plurality system in SMCs, many foreign experts hold the view that a proportional system is superior because of its lower degree of electoral disproportionality and higher degree of representativeness. Irrespective of which opinion might be correct, it is not appropriate for foreign advisors and experts to try and enforce their own views, especially against the strong belief of local experts, not because they are foreigners but because any institution needs support from those to whom it gives normative orientation.

When these actors do not accept an institution because they believe it is inferior to another one, rightly or wrongly, the chances that the institution will work are diminished.

Perspectives of Electoral Politics in the Era of Democratic Transition

What is clearly lacking in Indonesia's democratic transition, particularly with regard to electoral reforms, is a detailed agenda of political reform. Most domestic and external observers agree that the lack of such an agenda is one factor among others that has caused the unfocused and even uncontrolled democratic transition. What is popularly called the 'Agenda of Reformation' is 'anti KKN' (local political parlance for corruption, collusion and nepotism) and calls for the abolishment of the dual functions of the military, the implementation of local autonomy and the judicial process for human rights abuses. But as it lacks any no concrete ideas about how to reach these goals, it is not much more than a slogan. Therefore, what is needed most for further democratic transition is an elaborated programme or agenda of reform.

The existence of such an agenda, however, would still not clarify the division of work – who has to do the job and finish the tasks.²² The confusion over this has led to a stagnation of political transformation. The old conservative forces are still struggling and to some degree take advantage of the confusion; they succeed in protecting their interests relatively well. Thus, a second necessity for successful political transformation would be to have clear-cut assignments for those who hold power and authority. (This subject is discussed in the section *Proposals for Institutional Reform*.)

The third need is a clear break between the old authoritarian regime and the new democratic order. This means that no member of the old elite may be permitted to take political office in the new order. In fact, the old elements not only intrude on the political parties, either by becoming functionaries or by forming new political parties, but also by maintaining their old positions within the bureaucracy.²³ Similarly, many individuals and groups have succeeded in making their way into parliament, into the Assembly (MPR) and the Houses (DPR, DPRD I and DPRD II). Old interests stay, old practices remain. As a result, an odd situation develops.

Unfortunately for Indonesia, periods of political transformation have

22. Despite the fact that no such 'national agenda of reform' exists, some NGOs and strategic think tanks have drawn various schemes of reform, although none have received official endorsement.

23. It should be noted here that the total number of first-echelon officials in the bureaucracy is about 1,000. Elite circulation at this level moves very slowly, with new officials comprising perhaps less than 20 per cent. Three successions of national leadership within three years has left many elements from the old establishment contributing to the political stagnation.

overlapped with an economic crisis. In a situation where political anomie is present and where economic sources are scarce, financial resources are an important aspect of the political struggle, more than in normal times. In a general election, when voters have no money to meet their day-to-day needs, a small amount of money can easily buy a vote. But the situation at the upper levels is worse. At the national level, members of the DPR and the MPR may 'sell' their votes for certain issues. Financial resources have become a political asset, enabling money politics to mark the political landscape. Unfortunately, corrupt officials from the old establishment keep financial resources and use them to maintain their influence and roles in politics.²⁴

Last but not least, the role and position of the military in social and political affairs hinders democratic transition. Although officially the military has abandoned its social and political roles, which in the past were encapsulated in the 'dual functions' of the armed forces, it continues to play a significant role in the national economy by maintaining control over many of its old financial assets and enterprises, such as hotels, plantations, banking and other types of economic activities. The national government sees that the potential for regional fragmentation should be reduced by developing a strong military force, and yet the new political environment has largely prevented a return to their former position.

One among many possible answers to the problems of democratic transition is conducting free and fair elections. But an election is only one democratic means to channel the people's sovereignty into structured interests. Democracy is much more than conducting elections. But to make this (first) step on the path to democratic development is particularly difficult during a multi-faceted political, social, cultural and economic crisis. This is indeed a hard way to democracy.

List of Abbreviations

ABRI – Angkatan Bersenjata Republik Indonesia (Armed Forces of the Republic of Indonesia)

AUSAID – Australian Aid

BPK – Badan Pemeriksa Keuangan (State Financial Audit Body)

CIDA – Canadian International Development Assistance

DPA – Dewan Pertimbangan Agung (Great Advisory Council)

DPD – Dewan Perwakilan Daerah (Regional Representative Council)

DPR – Dewan Perwakilan Rakyat (People's Representative Body)

24. Some high-ranking officials have been suspected of corruption during the transition period, but none of them has been found guilty in a fair trial. These officials included Deputy Speaker of the MPR Ginandjar Kartasasmita, Speaker of the DPR Akbar Tandjung, Governor of the Central Bank Sjahril Sabirin, and some members of parliament.

DPRD I, II – Dewan Perwakilan Rakyat Daerah (Regional Council Houses)
GOLKAR – Golongan Karya (Functional Group)
IFES – International Foundation for Electoral Systems
IRI – International Republican Institute
Kino GOLKAR – Kelompok Induk Organisasi GOLKAR (GOLKAR's Group of Leading Organizations)
LIPI Lembaga Ilmu Pengetahuan Indonesia (Indonesian Institute of Sciences)
Masyumi – Majelis Syuro Muslimin Indonesia (Indonesian Modernist Islamic Party)
MMC – Multi-member Constituency
MPR – Majelis Permusyawaratan Rakyat (People's Consultative Assembly)
NDI – National Democratic Institute
NGO – Non-governmental Organization
NU – Nahdlatul Ulama (Indonesian Traditional Islamic Party)
PAH – Ad Hoc Committee of Parliament
PAN - Partai Amanat Nasional (National Mandate Party)
PDI - Partai Demokrasi Indonesia (Indonesian Democratic Party)
PDI-P – Partai Demokrasi Indonesia-Perjuangan (Indonesian Democratic Party of Struggle)
PKB – Partai Kebangkitan Bangsa (National Awakening Party)
PKI – Partai Komunis Indonesia (Indonesian Communist Party)
PNI – Partai Nasional Indonesia (Indonesian Nationalist Party)
PPP – Partai Pembangunan Persatuan (United Development Party)
SMC – Single-member Constituency
UNDP – United Nations Development Program
USAID – United States Agency for International Development
TNI - Tentara Nasional Indonesia (National Forces of Indonesia)

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Electoral Politics in Malaysia: 'Managing' Elections in a Plural Society

Lim Hong Hai

Introduction

Elections are contests for the highest stakes in national politics and the electoral system is a set of predetermined rules for conducting elections and determining their outcome. Thus defined, the electoral system is distinguishable from the actual conduct of elections as well as from the wider conditions surrounding the electoral contest, such as the state of civil liberties, restraints on the opposition and access to the mass media. While all these aspects are of obvious importance to free and fair elections, the main interest of this study is the electoral system.

The electoral system is important because it exerts an essential and independent effect on electoral outcomes, and hence on the balance of advantage among contestants in the struggle for representation and power in the political system. Channelled by and buffeting formal political structures, of which the electoral system is part, this contest for power is inevitably an expression of salient cleavages in society. In Malaysia, political mobilization follows ethnic divisions and the struggle for power is among political parties representing particular ethnic groups. It is therefore essential to begin with some basic information on the country's political system and plural society.

The Federation of Malaysia consists of 11 states in Peninsular Malaysia (i.e. the former Federation of Malaya, which gained independence from the British in 1957) and the East Malaysian states of Sabah and Sarawak, which joined the Federation of Malaya to form the Federation of Malaysia in 1963. Besides being federal, the form of government is constitutional, monarchical and parliamentary at both the state and federal levels. Each of the 13 states and the Federation has a written constitution. The Federal Constitution allocates nearly all important powers as well as the major sources of revenue to the federal government. The Federation's King (*Yang di-Pertuan Agong*) is elected for a term of five years by, and rotated among, the hereditary royal rulers of nine of the 11 states in Peninsular Malaysia. The other four states without royal rulers are each headed by a head of state (*Yang di-Pertua Negeri*) appointed for four years by the *Yang*

di-Pertuan Agong (the Federation's King) after consulting the chief minister of the state. The rulers and the state heads comprise the Conference of Rulers. Each of the 13 states has a unicameral State Legislative Assembly (*Dewan Undangan Negeri*), while the federal parliament has two houses, namely the Senate (*Dewan Negara*) and the House of Representatives (*Dewan Rakyat*). Only the latter is directly elected and is hereafter referred to when the term 'parliament' is used in an electoral context. Unless dissolved sooner, the parliament, or a state legislature, has a term of five years: elections are thus held for parliament and the state legislatures at intervals not exceeding five years. As in all parliamentary systems, the leader of the political party or coalition with a majority of seats in parliament or a state legislative assembly would be appointed by the titular head to form the government.

Over 80 per cent of Malaysia's population of over 23 million is found in Peninsular Malaysia, where the Malays form the largest ethnic group followed by the Chinese and Indians. All these ethnic groups are minorities in Sabah and Sarawak, where native ethnic groups other than the Malays make up about 60 per cent and 50 per cent of the population, respectively. Within Peninsular Malaysia, the Malay share of the population has increased from almost half at independence in 1957 to about 60 per cent at present. They form about 49 per cent of the population of the entire Federation, but when the Malays in Sabah and Sarawak (where they form 9 per cent and 22 per cent of the population, respectively) are added, the Malays form a slight majority, about 53 per cent, in the country. The Chinese and Indian populations in Peninsular Malaysia have decreased from 37 per cent and 11 per cent at independence to the present 28 per cent and 9 per cent, respectively. The Chinese form 15 per cent and 28 per cent of the population in Sabah and Sarawak, respectively, and about 27 per cent, the second largest ethnic group after the Malays, in the whole Federation. Indians form only 8 per cent of the population in the Federation. The various ethnic groups are also politically and officially classified as so-called *bumiputra* (sons of the soil, or indigenes), consisting of the Malays and the natives of Sabah and Sarawak, and non-*bumiputra*, consisting mainly of the Chinese and Indians who continue to be called the immigrant races. *Bumiputra* citizens are accorded a variety of constitutionally enshrined special rights or privileges.

The Basic Rules of the Electoral System

The electoral system is defined by certain fundamental rules. First are the rules that define who can and cannot vote. These franchise rules can directly affect competing groups and their political parties by differentially granting or denying the vote to members of various groups. Second is the method of election. The main choice here is between the first-past-the-post or plurality method of election, and some form of proportional representation. The plurality method

favours big parties at the expense of smaller ones and thus produces a stronger government than proportional representation, which facilitates representation and survival for smaller parties. Third, the manner in which the country or the total electorate is divided into electoral constituencies crucially affects electoral outcomes under plurality election. Constituency delineation has two aspects that can affect electoral outcomes: the distribution of the total electorate among constituencies (apportionment) and the determination of constituency boundaries (districting). Both can be exploited for partisan political advantage and are common and effective forms of 'electoral abuses' (Taylor and Johnston, 1979: ch. 7). Delineating constituencies with unequal electorates (i.e. mal-apportionment) favours parties with more supporters in the smaller constituencies. Even without mal-apportionment, constituency boundaries can be drawn to the advantage of a political party (usually the ruling one), a practice called gerrymandering. Finally, because of the need for impartiality, rules providing for the administration of the above rules and for the conduct of elections also assume considerable importance.

The basic rules of the electoral system were formulated prior to independence for the first federal election in the Federation of Malaya in 1955. These rules, together with important additions and changes, were incorporated into the constitution adopted at independence in 1957. Important amendments were made to the electoral system both before and after the 1963 formation of the expanded Federation of Malaysia. Examination of these various amendments, totalling six in number, provides the best way to understand the basic rules of the present Malaysian electoral system.

The 1953-54 Initial Formulation

Following its impressive victories in local elections in the early 1950s, the Alliance, consisting of the main Malay party, United Malays National Organization (UMNO), and the main Chinese party, MCA (Malayan, later Malaysian, Chinese Association), pressed the British for the early introduction of federal elections. In response, the British colonial administration appointed a 46-member committee of the then appointed Federal Legislative Council to examine the question of federal elections and to make recommendations. The main issues of contention at the time concerned the date of the first federal election and the number of Council members to be elected. The committee's recommendations on these matters were opposed by the Alliance, but differences were resolved through compromise soon after the committee produced its report in 1954. The long-term importance of the committee's report (Federation of Malaya, 1954a) lies in its relatively uncontroversial and subsequently adopted recommendations on virtually all aspects of the electoral system.

The committee rejected compulsory voting and made federal citizenship and registration the main requirements for the franchise. Most non-Malays were then not yet citizens and UMNO was willing to accommodate the MCA's wish

to extend the vote to non-citizen adults (21 years and above) meeting minimum residential requirements for the first federal election. However, the committee held on to the principle of giving the vote only to citizens. To maintain Alliance unity, UMNO assured its partner that the question of citizenship for non-Malays would be satisfactorily resolved before independence. Qualified persons would also have to register themselves as electors in order to be placed on a common electoral roll. The requirement of registration would exclude some otherwise qualified persons, but this was not seen as necessarily bad, as persons who did not take the trouble of registering themselves were believed to have 'less civic consciousness' (*Proceedings of the Federal Legislative Council*, March 1954-January 1955: cols 367-368).

Proportional representation was rejected in favour of the plurality method in single-member constituencies on the grounds of the latter's simplicity and promotion of strong government. This method of election was both familiar to the British and consistent with their goal of handing power to the Malays, who comprised the largest ethnic group. The two main Malay-led parties, namely the UMNO-led Alliance and the Parti Negara (National Party), both supported it. The MCA also agreed, largely because its alliance with UMNO would provide it with access to governmental power, even though its leader, Tan Cheng Lock, had earlier advocated proportional representation. Not surprisingly, neither the Alliance nor Parti Negara were keen on any electoral devices, including the possibility held out by the committee's report of using the so-called 'limited vote' in multi-member constituencies in the main urban centres, for ensuring or facilitating minority (i.e. Indian) representation. When it became clear that no such constituencies would be delineated, Indian political leaders – who until then had strongly espoused a non-ethnic approach to the country's politics – waged an eleventh-hour campaign for a number of reserved seats for Indian candidates (Ampalavanar, 1981: 119-121; Subramaniam, 1973: 283-289). The campaign failed and the main Indian party, the MIC (Malayan, later Malaysian, Indian Congress) promptly joined the Alliance to ensure its political future.

With respect to electoral constituencies, the committee accepted the equal-size principle and provided for constituencies with roughly equal populations. As the restrictive citizenship laws then in force would result in an overwhelmingly Malay electorate, constituencies with the same number of inhabitants would produce more equitable or acceptable results than constituencies with the same number of electors. The committee also laid down other rules of constituency delineation. These rules were generally conventional and unexceptionable, except for 'weightage for area' for rural constituencies (hereafter rural weightage), which qualifies the equal-size principle. In Malaya, rural areas were (and are) largely Malay and non-Malays were (and are) concentrated in the urban areas. Rural weightage would thus increase the value of the rural vote compared to the urban vote, thereby increasing the electoral power of the Malays.

Mal-apportionment in favour of rural areas was not only part of British practice, but was also probably insisted upon by UMNO in order to ensure Malay political superiority and strengthen its own position within the Alliance. In persuading UMNO to agree to the proposed relaxation of citizenship as the condition for the franchise in the first federal election (subsequently rejected by the committee), its leader, Tunku Abdul Rahman, had assured his party that the proposal would not jeopardize the political position of the Malays. He pointed out that MCA leaders had acknowledged the need for Malay political control and that the position of the Malays would be safeguarded in the delineation of constituencies (Abdul Rahman, 1953). Rural weightage subsequently formed part of the Alliance submission to the committee.

The Alliance did not, however, specify the extent of rural weightage. The committee's decision on this matter, together with its justification for rural weightage, is contained in paragraph 65(c) of its report. This provides that 'the numbers of inhabitants within each constituency should be approximately equal except that, having regard to the greater difficulty of contacting voters in the country districts and the other disadvantages facing rural constituencies, a measure of "weightage" for area should be given to the rural constituencies'. It then states that 'the Committee would not regard such weightage as unreasonable if in some instances a rural constituency should contain as little as one-half of the constituents in the more populous areas'. This was included in the terms of reference of the Constituency Delineation Commission (Federation of Malaya, 1954b) to divide the country into 52 constituencies – the number of elected legislative seats finally agreed to by the British and the Alliance. Rural weightage, together with Malay predominance in the electorate, resulted in Malay constituencies in all but two of the constituencies.

The 1957 Malayan Electoral System

The Alliance won 51 of the 52 seats in the first federal election in 1955. During the period of constitutional formulation prior to independence in 1957, there was no dispute over the electoral system and conflict was focused on the more ethnically salient and contentious issues of citizenship, Malay special rights and language. Only the Alliance submitted views on the electoral system to the Reid Constitutional Commission appointed to formulate the constitution of independent Malaya; these briefly indicated Alliance support for the electoral system already in place.

The recommendations of the Reid Commission (Colonial Office, 1957a) retained the main features of the existing electoral system, with certain modifications and additions to ensure an equitable ethnic balance and the proper administration of the electoral system after the British departure. Citizenship conditions were liberalized to enable nearly all non-Malays to become citizens and to be registered as electors. Plurality election and rural weightage were

retained: these would ensure Malay political control even after the enfranchisement of large numbers of non-Malays by the liberalization of citizenship. With respect to electoral constituencies, the Reid Commission sought to keep mal-apportionment within stricter bounds. First, it prescribed a formula for the equitable distribution of constituencies among the 11 states on the basis of both population and electorate. As Malays and non-Malays were concentrated in different states, this would ensure fairness not only among states but also among the major races. More importantly, in the next step of delineating constituencies within each state, the Commission reduced the degree of permissible rural weightage in order to provide a more meaningful political role for non-Malays after independence. The delineation of the 1955 constituencies allowed a maximum weightage of 2 to 1 in terms of population – or a variation of plus or minus one third or 33 per cent from the average constituency population. The Reid Commission limited disparities among constituencies to within 15 per cent above or below the average constituency electorate in each state. With the ratio of electors to population expected to converge under the liberal citizenship provisions, the continuation of the earlier rural weightage of 2 to 1 in terms of population would result in a similar amount of weightage in terms of electorate. In recommending a 15 per cent limit on deviations from the average constituency electorate, the Reid Commission more than halved the amount of rural weightage previously allowed.

The Reid Commission also realized the importance of ensuring impartiality and fairness in electoral administration, especially in the plural Malayan context. To this end, it entrusted the important functions of registering electors and preparing and revising electoral rolls, delineating constituencies and conducting elections to an independent Election Commission of three members. Appointments to the Election Commission were to be made by the King after consulting the Conference of Rulers. Although the King, as a constitutional monarch, would presumably have to act on the advice of the prime minister, the Reid Commission also required that appointments be made to ensure that the Election Commission 'enjoys the confidence of all democratic political parties and of persons of all communities'. Members of the Election Commission would retire at the age of 65 and were accorded the same safeguards to tenure as judges to ensure their independence.

It is evident that the Reid Commission took care to ensure that the electoral system and its administration would be widely seen as fair. Malay dissatisfaction with the Reid constitutional proposals led to their review by a so-called Working Party consisting of British officials and representatives of the rulers and the Alliance (Colonial Office, 1957b). Although mainly concerned with other Reid recommendations, the Working Party also made two changes to the electoral system. It replaced the more specific and stringent Reid requirement that the Election Commission should enjoy the confidence of all political parties and communities with one stating broadly that it should enjoy

'public confidence'. It also added an 8-10 year interval for the review and re-delineation of electoral constituencies. In all other important aspects, the Reid proposals on the electoral system were accepted by the Working Party and became part of the Federal Constitution at independence.

The Reid Commission also delayed the first national election (at both federal and state levels) until 1959 to enable non-Malays who would qualify as citizens under the new citizenship provisions to register themselves as electors. For the 1959 election, the 52 constituencies used in 1955 were each to be split into two, and each of the resulting 104 parliamentary constituencies subdivided into state constituencies – a task duly carried out by the Election Commission in 1958. New constituencies complying with the provisions of the constitution would only be delineated for elections to be held after 1959. A notable effect of these transitional provisions was that the increase in non-Malay (mainly Chinese) voting strength – resulting from the relaxation of citizenship conditions and the reduction of rural weightage – would be realized in two stages or instalments. The first, in 1959, would consist mainly of additions to the electorate; and the second, in the next election in 1964, would be the effect of the reduction in rural weightage.

The 1960 and 1962 Amendments

The 1959 election, fought on the basis of a more representative electorate, has been described as a national referendum on the 1957 constitutional bargain, with the Alliance defending the bargain against attacks from both the Malay and non-Malay communal flanks. The Alliance managed to win power at the federal level and in nine of the 11 states. However, it lost considerable Malay as well as non-Malay support. Parti Islam Se-Malaysia (PAS or Pan-Malayan, later Pan-Malaysian, Islamic Party) established itself as the major Malay opposition party by its impressive performance in the predominantly Malay east coast states of Kelantan and Trengganu, where it also captured the state governments. In the predominantly Chinese urban areas, the majority of voters supported the non-Malay opposition, largely because of dissatisfaction over educational policy and the UMNO-MCA crisis that preceded the federal polls (Smith, 1960). Finding itself squeezed from both sides, the Alliance moved rapidly to secure its position. To counter the appeal of PAS, government posture and policy became more pro-Malay, and a massive and highly publicized rural development programme was launched. This only worsened the problem of non-Malay support. The Alliance therefore resorted to constitutional amendments that would contain or reduce the electoral weight of the non-Malays, or that would allow it to do so.

The initial amendments were part of the Constitution (Amendment) Act of 1960. Procedures for processing citizenship applications were tightened. The requirement of a residence period of at least six months in a constituency before

a person is entitled to vote therein was removed. Apart from the administrative difficulties cited by the government as the reason for its abolition, this requirement probably deprived, or would deprive, more Malays than non-Malays of the right to vote because of rural-urban migration and resettlement in government land schemes. The Act also amended article 114(4) of the constitution to provide for the removal from the Election Commission of any member who 'engages in any paid office or employment outside the duties of his office'. This was seen as an attempt to remove the then chairman of the Election Commission, who was having problems with UMNO because of his highly independent and non-partisan stance in the delineation of new electoral constituencies after the 1959 election. The attempt failed, however, because the chairman was able to shield himself with the unamended article 114(6), which provides that 'the remuneration and other terms of office of a member of the Election Commission shall not be altered to his disadvantage after his appointment' (Smith, 1967: 61-62).

The Alliance followed up with more drastic amendments after the 1960 re-delineation of electoral constituencies by the Election Commission (Election Commission, 1960). The Election Commission's adherence to the provisions of the constitution, including the limits to rural weightage, resulted in a marked reduction in disparities among the new constituencies: the largest parliamentary constituency (Pasir Puteh in Kelantan, with 28,563 electors) would contain only 1.52 times the electors in the smallest (Malacca Tengah in Malacca, with 18,775 electors). The Alliance, particularly UMNO, was alarmed. Following complaints by several UMNO leaders and a spirited defence of the re-delineation by the chairman of the Election Commission in the newspapers, the Alliance invited views from all its state and district branches for the purpose of reviewing and changing the new constituencies (UMNO Files: UMNO/SUA No. 171/1959). It is not difficult to understand UMNO's reaction. The new constituencies would give greater electoral weight or importance in the next election in 1964 to urban non-Malay electors who had deserted the Alliance for the opposition in 1959. That this lost support was unlikely to be recovered, especially with the government's pro-Malay shift in policy, was confirmed by the results of the 1961 local elections: the Alliance scored gratifying victories against PAS in Malay areas, including Kelantan and Trengganu, but its popularity in the major urban centres showed no sign of improvement (Silcock, 1963; Smith, 1961-63). The Alliance responded with the constitution (Amendment) Act of 1962. This Act effected extensive changes to the constitutional provisions on citizenship and the electoral system.

The citizenship amendments cannot be detailed here. Suffice it to say that they exemplify well the trends in post-independence citizenship amendments noted by Sheridan and Groves (1967: 13): '(1) towards making citizenship harder to acquire, (2) towards making citizenship easier to lose and (3) towards enlarging executive discretion in matters of citizenship'. However, the major purpose

behind the 1962 Act was to reduce the weight, rather than to slow down the numbers, of non-Malay electors. This was done through amendments affecting constituency delineation.

The Act annulled the new constituencies delineated by the Election Commission in 1960, thus retaining the 1959 constituencies until they were due for review, and provided new rules or principles for delineating constituencies in future reviews. These principles, contained in a new thirteenth schedule in the constitution, differed in important ways from those they replaced. First, the two-step 'base-line' procedure devised by the Reid Commission was repealed and not incorporated in the thirteenth schedule. Second, section 2(c) of the schedule restored the pre-independence 2 to 1 rural weightage lowered at independence in 1957. These two changes would appear to increase considerably the discretion of the delineating authority, namely the Election Commission. However, a third major change was the transfer of the final say over constituencies from the Election Commission to parliament. The schedule (sections 8-11) provides that the Election Commission would only delineate new constituencies and submit its recommendations to the prime minister, who would then table them 'with or without modifications' for approval by a simple majority of the total members of the Dewan Rakyat (House of Representatives). If not so approved, the prime minister might again make amendments to the recommendations 'after such consultation with the Election Commission as he may consider necessary' in order to secure approval. The sum effect was that the tripartite Alliance – indeed possibly UMNO alone – would be able to ensure that electoral constituencies would be delineated to its satisfaction.

The Constitution (Amendment) Act of 1962 also increased the government's powers of control over the Election Commission by empowering parliament to determine the terms of office of members of the Election Commission other than their remuneration. It also made the 1960 amendments to article 114, relating to members of the Election Commission, retrospective to the date of independence and provided that those amendments would have effect notwithstanding anything in the article. This attempt by the government in 1962 to cure its earlier oversight did not, however, result in the removal of the chairman of the Election Commission, because he had by then disposed of his business interests.

The 1962 amendments to the electoral system drew the following scathing remarks from a leading scholar of the country's constitution:

It is apparent that the new amendments as to elections converted a formerly independent Election Commission, whose decisions became law and whose members enjoyed permanent tenure, into an advisory body of men of no certain tenure whose terms of office, except for remuneration, are subject to the whims of parliament. The vital power of determining the size of constituencies as well as their boundaries is now taken from a Commission,

which the constitution-makers had apparently wished, by tenure and status, to make independent and disinterested, and has been made completely political by giving this power to a transient majority of parliament, whose temptations to gerrymander districts and manipulate the varying numerical possibilities between “rural” and “urban” constituencies for political advantage is manifest (Groves, 1962: 239).

The 1963 Malaysian Electoral System

The Malaysia Act of 1963 made extensive amendments to the Federal Constitution for the inclusion of the new states of Singapore, Sabah and Sarawak, and for giving effect to the negotiated terms of their entry into the Federation of Malaysia. The Malayan system of government, including the electoral system, was thus extended, with adaptations, to the larger Federation. The key to understanding the adaptations to the electoral system was UMNO's desire to overcome the threat to a favourable ethnic-political balance posed by Singapore's 1.7 million largely Chinese inhabitants. Inclusion of the Borneo states of Sabah and Sarawak was crucial for this purpose, and highly favourable terms were granted to entice them to join Malaysia. Both Sabah and Sarawak then had sizeable Chinese minorities but their 'native' majorities were expected to ally themselves politically with the Malays in the Malayan states. Next, the political impact of Singapore was contained by specific electoral arrangements.

These arrangements consisted of two main parts. First was the apportionment of parliamentary seats among the various territories. Seats in the 159-member elected House of Representatives were distributed as follows: 15 to Singapore, 16 to Sabah, 24 to Sarawak and the remaining 104 to the Malayan states. This apportionment was clearly not proportional to population (or electorate). On the basis of population (see Sadka, 1963: 47), Singapore, with 16.9 per cent of the Federation's population, would have received 27 seats; while Sabah and Sarawak, with only 4.6 and 7.5 per cent of the total population, would have received only 7 and 12 seats, respectively. The Malayan states collectively had 71 per cent of the Federation's population and would have received 113 seats. The highly generous treatment of Sabah and Sarawak was mainly at the expense of Singapore. This was ostensibly the price Singapore had to pay for its greater powers over its internal affairs compared to the Malayan states, but the same principle was glaringly not applied to Sabah and Sarawak as well. Second, Singapore citizens, while sharing in a common federal citizenship, were barred from standing and voting in elections in other parts of the Federation. Non-Singaporean Malaysians were reciprocally excluded from similar electoral participation in Singapore. All provisions concerning Singapore ceased to operate with its exit from the Federation in 1965.

Another noteworthy feature of the Malaysian electoral system was that the new member states comprised separate units for the purpose of constituency review, meaning that such reviews, to be conducted every eight to ten years,

could be carried out separately and at different times for the three territories of Peninsular Malaysia, Sabah and Sarawak. A fourth member was also added to the Election Commission for the purpose of appointing someone from the new member states.

The 1973 Amendments

The next important set of changes to the Malaysian electoral system occurred in 1973 (I.S.A., 1974) after the 1969 election (which used the constituencies originally delineated in 1958 because the Election Commission failed to delineate new constituencies in time). Following its worst-ever showing in that election, the Alliance resorted to extensive changes to the political system to safeguard its continued rule and to avert the threat to UMNO in particular. Political debate on certain sensitive issues, including those mainly relied on by the opposition to attack the ruling party, was legally prohibited. This facilitated the co-optation of most political parties by the Alliance, which became a larger coalition called the Barisan Nasional (BN or National Front). Both Malay and UMNO political supremacy were strongly asserted and a New Economic Policy was launched to improve the economic position of the Malays. As part of this re-structuring of the political system, changes were also made to the electoral system by the Constitutional (Amendment) Act (No. 2) of 1973.

The Act removed the power of the Election Commission to apportion parliamentary electoral constituencies among the various states. Both the number of constituencies and their apportionment among states were to be specified in the constitution (article 46) and thus amendable at any time by the ruling coalition with its two-thirds majority in parliament. The ruling coalition would also enjoy absolute discretion in exercising this newly assumed power of apportionment: the requirement of equal average constituency electors among states introduced by Reid to prevent inter-state mal-apportionment had already been repealed in 1962.

Next, the requirement of equal electorates among constituencies within states was further watered down. Section 2(c) of the thirteenth schedule introduced in 1962 allowed constituencies to vary in size 'to an extent that in some cases a rural constituency may contain as little as one half of the electors of any urban constituency'. The 1973 Act replaced this requirement with one stating that 'a measure of weightage ought to be given to such (i.e. rural) constituencies'. The specific constitutional limits to rural weightage, already relaxed in 1962, were thus completely removed in 1973. The new wording, which remains to this day, allows rural weightage without clearly limiting it.

Another change with electoral implications effected by the 1973 Act was the creation of the Federal Territory of Kuala Lumpur. Its largely Chinese population had played a crucial part in the near defeat of the Alliance by the combined

non-Malay opposition in the 1969 Selangor state election. Excising Kuala Lumpur from Selangor would prevent its population from voting in future state elections. This, together with the newly relaxed limits on rural weightage, would place the state securely under the control of the ruling coalition.

The 1984 Amendments

Most recently, the Constitution (Amendment) (No. 2) Act of 1984 that made Labuan Island (up till then part of the state of Sabah) a Federal Territory also contained further amendments to the electoral system, again with respect to electoral constituencies. These amendments further relaxed the conditions and provided the party in power, directly or indirectly, with more discretion and control over constituency delineation.

The Act removed the upper ten-year limit for constituency review. The constitution now provides only for 'an interval of not less than eight years between the completion of one review and the date of commencement of the next review' (article 113(2)(ii)). Constituencies now need not be reviewed even after ten years and the timing of any review after the expiry of eight years is not specified. More importantly, a new clause (3A) was added to article 113 to provide for the review of affected areas whenever parliament or a state legislative assembly changes the number of its seats. Before this amendment, a review involved an entire unit of review and not part thereof, and if parliament or a state assembly changed the number of its seats, that change could not be carried out immediately but had to wait for the next normal review of the unit concerned. By removing these constraints, the amendment enables the party in power 'to effect a change in constituencies at any time and for any portion of the Federation or any state by merely varying the number of House of Representative seats or by varying the number of state assembly seats for that state' (Sothi, 1993: 66). Furthermore, the same clause also absolves all such reviews from strict compliance with the principles of constituency delineation contained in the thirteenth schedule: for these reviews, the principles were made 'subject to such modifications as may be considered necessary by the Election Commission'.

The above survey highlights the main decisions in the development of the basic rules of the Malaysian electoral system. The method of plurality election in single-member constituencies adopted before independence has remained intact. Citizenship, which has seen some changes, age (21 years) and registration remain the main requirements for the franchise. Some changes were also made in the early post-independence years to the rules relating to members of the Election Commission. Extensive and far-reaching changes, however, have been made to the rules concerning electoral constituencies. The ruling party has reduced the constraints and arrogated to itself effective control over the apportionment and delineation of electoral constituencies. It now enjoys absolute discretion in apportioning parliamentary seats among the various

states. Clear limits to rural weightage no longer exist. The prime minister can amend at will the Commission's recommendations before submitting them to approval by a simple majority in parliament. Even the eight-year requirement for the general review of constituencies is significantly mitigated by the provision for specific review upon any change in the number of legislative seats. Showing how these rules have been arrived at conveys their political origins and importance better than would a straightforward description of them.

Electoral Administration

A more complete understanding of the electoral system requires an examination of the application of the basic rules in what may be called electoral administration, for which lower-order rules are inevitably made and other laws of the country also apply. The constitution (article 113) provides that the important functions of preparing and revising electoral rolls, reviewing and delineating electoral constituencies, and the conduct of elections are to be carried out by the Election Commission in accordance with federal law. The main laws in question are the Election Act 1958 and the Election Offences Act 1954. The Election Commission has also exercised its rule-making powers (subject to annulment by parliament) to make regulations for the registration of voters and the conduct of elections.

The Independence of the Election Commission

The membership of the Election Commission was increased from three to four when Malaysia was formed in 1963 and from four to five in 1981. The initial three members were not members of political parties at the time of their appointment and consisted of a Malay chairman, a Chinese member and an Indian member. Although not expressly required by the constitution, this practice (since maintained) of having a member from each of Malaya's three main communities contributes importantly to meeting the constitutional requirement of ensuring 'public confidence' in the Election Commission (article 114(2)).

However, the Commission soon ran into difficulties with the ruling party. As seen earlier, the 1960 re-delineation of electoral constituencies by the Commission was not well received by UMNO and led to a series of actions that could only compromise public belief in the Commission's independence. The minutes of a state-level Alliance Committee meeting, held soon after the release of the 1960 re-delineation, were recorded as follows: 'Dato Shaari (the chairman from UMNO) said that the Election Commission had distributed the report without discussing with members of the Cabinet. It was a major mistake' (UMNO Files: UMNO/SUA No. 171/1959). Thus it appears that as early as 1960, pressure was exerted on the Election Commission to consult the government while carrying out its functions. Relations between the first chairman of the Election

Commission and UMNO became strained and the government attempted to remove him by passing the 1960 and 1962 amendments. Although the attempt failed, the 1962 amendments also allowed the government, through its control of parliament, to determine the terms of office of Commission members other than their remuneration and to take over the Election Commission's power to determine constituencies.

The government continued its 'assault' on the Election Commission by making clearly partisan appointments to the Commission to counterbalance its 'overly' independent chairman before his retirement in 1967. When the Chinese member retired in 1964 and the Indian member a year later, they were replaced by an MCA (Malaysian Chinese Association) member and an MIC (Malaysian Indian Congress) member, respectively. The member appointed from East Malaysia was also a member of the ruling Alliance in Sarawak. These appointments can hardly be said to accord with the constitutional requirement of ensuring public confidence in the Election Commission. It has been noted that by these appointments – two of which were made over the objections of the Commission – the ruling coalition 'sought to penetrate the Commission ... and gradually make it more responsive to Alliance interests' (MacDougall, 1968: 196-198).

Subsequent replacements of Commission members, mainly by retired civil servants, have not been as flagrantly partisan as those just described, nor perceived to be as independent as the first chairman (Sothi, 1993: 32). They have also not attracted much attention or provoked controversy. However, by its previous actions the government has clearly signalled to the Commission its concern, as MacDougall (1968: 196) puts it, 'with its (i.e. the Commission's) tendency to act out in all seriousness its publicly proclaimed roles of impartiality and independence'.

To protect the Commission from external influence, the Election Commission Act 1957 (revised in 1970) imposes penalties on persons trying to influence the Election Commission and also on any Commission member divulging information relating to its functioning. Imposing sanctions on both sides for wrongful actions would appear salutary for safeguarding the independence of the Election Commission. However, the same Act also provides that 'no person shall in any legal proceedings be permitted or compelled to produce or disclose any communication written or oral which has taken place between the Election Commission or any member of the Commission and the Government or Minister or public officer ... unless the Yang di-Pertuan Agong (the Federation's King) shall in writing consent to such production or disclosure'. The effect of this provision is to prevent any attempt by the government to influence the Commission and the Commission's complicity from being successfully prosecuted. This has led Sothi (1993: 35) to observe that 'the Government or any Minister may, with impunity, dictate to the Commission under the cloak of ... total immunity'. While 'dictate to' may be putting the matter too strongly, it

certainly cannot inspire confidence that the government would do nothing to influence the Commission, or that the Commission would not accede to such influence, when a provision shielding both sides from being successfully prosecuted for such behaviour is deliberately inserted into legislation avowedly intended for safeguarding the Commission's independence.

Deficiencies in formal safeguards and insufficiently robust appointments do not necessarily produce deficiencies in actual performance by the Election Commission. However, they do make it more difficult for the Election Commission to withstand the manifest pressures from the government – and hence it is less likely, at least in the public's perception, that it will do so. This imposes an added burden on the Election Commission to act carefully, even prophylactically, if public confidence in its impartiality is to be maintained. This heavy burden is one that the Election Commission does not appear to have successfully discharged. In fact, not long after the amendments and partisan appointments in the sixties, MacDougall (1968: 201) noted the Commission's practice of providing the prime minister with a preliminary report of its proposals, thus giving him 'a privileged opportunity to vet the proposals' before they were made known to the public. Although not expressly prohibited, such a procedure was clearly not envisaged by the constitution. Thus doubts have lingered about the institutional integrity of the Election Commission since the 1960s. These doubts have not been put to rest by the way the Commission has subsequently performed its major functions.

The Electoral Rolls

The major tasks in the preparation of the electoral rolls, including the annual registration of newly qualified electors, the revision of electoral rolls, public inspection of the revised rolls and their certification by the Commission, are governed by the Elections (Registration of Electors) Regulations 1971, of which there are three separate but similar sets for Sabah, Sarawak and Peninsular Malaysia. The Commission's performance of this function has been dogged by criticism because of persistent inaccuracies involving both 'missing' and 'phantom' voters. The former are qualified and registered persons whose names are improperly missing from the electoral rolls, while the latter are non-qualified persons who have nonetheless successfully registered and placed themselves on the electoral rolls. In some years, the numbers involved are quite large. For example, the team of Commonwealth officials who observed the 1990 election considered the problem serious enough to raise it with the Election Commission chairman and secretary, who 'admitted that they were aware of the situation and that the discrepancies affected about 300,000 voters', or close to 4 per cent of the electorate (Commonwealth Secretariat, undated: 8). In response, the Prime Minister's Department clarified that 'there are no deficiencies or flaws in the voter registration system' and that any shortcomings were 'due to human error rather than the weakness of the system' (Jabatan Perdana Menteri [Prime Minister's Department], 1991: 20, cited in Sothi, 1993: 109).

The main source of missing voters appears to be errors in revising or updating the electoral rolls, a process in which the secretary of the Election Commission, as chief registration officer, has the power, *inter alia*, to correct clerical errors and misnomers and to delete names of deceased persons. Persons whose names were wrongly omitted or removed from the electoral rolls would be unable to vote on polling day. The largest number of such cases occurred in the 1974 election in Peninsular Malaysia. Information obtained by Sothi (1980: 266) from the Election Commission shows a steady increase in Peninsular Malaysia's total electorate every year from the 1969 election until 1972/73, when it stood at 3.72 million. However, even after the 1973/74 registration exercise, it dropped to 3.39 million and was marginally higher at 3.41 million at the time of the August 1974 election. Thus more than 300,000 persons were removed as electors after 1972/73 – many of them wrongly, as was discovered during the 1974 election. What is more, those removed were mostly non-Malays, as the proportion of Malay electors increased from 55.7 to 57.9 per cent and that of Chinese electors decreased from 36.3 to 34.5 between the 1969 and 1974 elections, thus providing 'evidence of manipulation of electoral enrolment to the advantage of the Malays' (Crouch, 1996a: 58). Another form of omission arises because the Commission usually takes months to place newly registered voters on certified rolls. In the most recent election in November 1999, 680,000 potential voters who had registered in April/May were thus deprived of the vote. These young voters, amounting to 7.26 per cent of the 9.37 million certified voters, were widely expected to vote opposition; 'had they been mainly potential BN supporters few doubt that their registration would have been expedited' (Funston, 2000: 48).

The problem of phantom voters has gained in prominence in recent elections, especially, but not only, in the state of Sabah, where the main opposition party, Parti Bersatu Sabah (PBS or United Sabah Party), regards it as a major factor working to its disadvantage. This problem is mainly caused by the use of forged identity cards for registration, multiple registration and the registration of non-resident persons using false addresses, as when a political party transfers its supporters to marginal constituencies from safe ones. The Election Commission maintains (quite correctly) that the problem of forged identity cards can only be solved by the National Registration Department. However, it is widely believed (not without reason) that greater diligence by the Commission can help to alleviate this as well as other sources of phantom voters.

In June 2001, an election court annulled the 1999 election in the state constituency of Likas in Sabah because of the presence of phantom voters on its electoral roll. This decision received wide publicity, no doubt also because of the judge's revelation that an attempt was made to influence his handling of the case. The government announced steps to tighten national registration to alleviate the problem. It also agreed to introduce year-round registration (instead of the present one to two months registration period each year). It is not clear

how year-round registration would help solve the phantom problem. However, it would expedite the inclusion of new registrants in the certified electoral rolls.

Constituency Apportionment and Delineation

Electoral constituencies are determined in two steps: first, the apportionment of parliamentary constituencies among the various states; and second, the delineation of both parliamentary and state constituencies in each state. The ruling party controls apportionment among states through amendments to article 46 of the constitution. The Election Commission then delineates the apportioned constituencies.

As delineator in the first instance, the Election Commission possesses and has to exercise considerable discretion – thanks to the relaxation and lack of specification of the rules governing its performance of this function. The Election Commission also decides whether and how much to depart from the provisions of the thirteenth schedule in additional reviews brought about by a change in the number of either parliamentary or state seats in any state. Most importantly, the constitution has always left it to the Election Commission to interpret and apply such important but vague and undefined terms as ‘a measure of weightage’ and ‘rural’ and ‘urban’ while delineating constituencies. Thus the Election Commission can have an important influence on constituencies that are delineated. True, the Election Commission only proposes and the government disposes. However, it would not serve the image of the ruling party for the prime minister to make regular and extensive amendments to the public recommendations of an ostensibly impartial Commission before they were approved by parliament. In fact, the prime minister has used his amending power only sparingly.

With the apportionment of parliamentary seats among states, there are two ways mal-apportionment can arise: apportionment between the states of East Malaysia and Peninsular Malaysia, and apportionment among the eleven states in Peninsular Malaysia. These are examined in turn below.

Not counting the 1960 re-delineation annulled by the Constitution (Amendment) Act of 1962 and also the one completed by the Election Commission that had to be abrogated when the 1973 amendments were made, there have been three general reviews, or re-delineations, of parliamentary (and state) constituencies in Peninsular Malaysia thus far: in 1974, 1984 and 1994. The constituencies drawn up in 1994 were used for the 1995 election and also for the most recent election in 1999. The seats for Peninsular Malaysia were increased prior to each re-delineation. When Malaysia was formed in 1963, the East Malaysia states of Sabah and Sarawak received highly favourable seat allocations, an advantage that was also protected from being reduced without their consent for the first seven years. Subsequently Sabah’s seats were increased

only once from 16 to 20 prior to the 1986 election, while those of Sarawak were increased from 24 to 27 prior to the 1990 election and by a single seat for the 1999 election.

Table 1: Changes in Parliamentary (*Dewan Rakyat*) Seats and Electorate in Sabah, Sarawak and Peninsular Malaysia

	Number of Seats					Electorate ('000)			
	Pre-	1974	1984	1994	1999	1974	1984	1994	1999
	Change					(5.6)	(6.2)	(7.5)	(7.9)
Sabah	16 (11.1)	16 (10.4)	21 (11.9)	21 (10.9)	21 (10.9)	230 (5.6)	434 (6.2)	648 (7.5)	741 (7.9)
Sarawak	24 (16.7)	24 (15.6)	24 (13.6)	27 (14.1)	28 (14.5)	376 (9.1)	610 (8.8)	804 (9.3)	855 (9.1)
East Malaysia	40 (27.8)	40 (26.0)	45 (25.5)	48 (25.0)	49 (25.4)	506 (14.7)	1044 (15.0)	1452 (16.8)	1596 (17.0)
Peninsular Malaysia	104 (72.2)	114 (74.4)	132 (74.5)	144 (75.0)	144 (74.6)	3524 (85.3)	5925 (85.0)	7200 (83.2)	7774 (83.0)
Federation	144 (100)	154 (100)	177 (100)	192 (100)	193 (100)	4130 (100)	6969 (100)	8652 (100)	9370 (100)

Sources: Election Commission, 1974a: 31; Zakry, 1986: 59; A. Rashid, 1994: Appendix I; and *New Straits Times*, 1 December 1999.

Table 1 shows the number of seats and electors, with percentage figures in parentheses, for Sabah, Sarawak and Peninsular Malaysia before re-apportionment and after each of the four re-apportionments in 1974, 1984, 1994 and 1999. For the purpose of the comparison attempted here, the single seat for the island of Labuan is placed under Sabah, of which it formed part before becoming a Federal Territory in 1984. Because electorate figures are not available for 1984, those for 1986 are used instead. Between 1984 and 1986, the electorate would have changed in number but there can be only slight changes, if any, in the relative shares of the electorate among the three territories – which is what we are interested in here. The data on the electorate are compiled from various published sources but ultimately all these sources – as well as the sources relied on in later tables – are based on information released by the Election Commission.

The figures in Table 2 are calculated from those in Table 1. Each figure is the difference between the percentage of seats and the percentage of electorate – and is thus a measure of apportionment advantage/disadvantage – for a given territory at a given time. To illustrate, the 1974 figure for Sabah (i.e. 4.8) in Table 2 is obtained from Table 1 by subtracting Sabah's percentage of the electorate in 1974 (i.e. 5.6) from its percentage of seats in the same year (i.e. 10.4). To show changes in apportionment advantage/disadvantage, such figures are calculated

for the four re-apportionment years – and also for the situation prior to the first re-apportionment in 1974. For this ‘pre-change’ situation, the apportionment advantage/disadvantage for each territory is derived from Table 1 by taking the difference between its ‘pre-change’ percentage of seats and its percentage of electorate in 1974. For example, Sabah’s pre-change apportionment advantage amounted to 5.5 (i.e. 11.1 minus 5.6) per cent. The ‘pre-change’ column in Table 2 thus represents the situation just before the 1974 changes in seats and provides a baseline against which the effects of the 1974 and subsequent changes can be assessed.

Table 2: Apportionment Advantage/Disadvantage among Sabah, Sarawak and Peninsular Malaysia

(%)	Pre-Change	1974	1984	1994	1999
Sabah	5.5	4.8	5.7	3.4	3.0
Sarawak	7.6	6.5	4.8	4.8	5.4
East Malaysia	13.1	11.3	10.5	8.2	8.4
Peninsular Malaysia	-13.1	-11.3	-10.5	-8.2	-8.4

Sources: Same as Table 1.

The most important point shown in Table 2 is the steady decline in the combined apportionment advantage enjoyed by Sabah and Sarawak from 13.1 per cent before change to 8.2 per cent in 1994. This increased marginally to 8.4 per cent when Sarawak got one more seat in 1999. Thus over the entire period the apportionment advantage of East Malaysia declined from 13.1 per cent to 8.4 per cent, or by 35.9 per cent of what it was before any re-apportionment. However, the remaining 8.4 per cent is still significant and amounted to 16 seats in a parliament of 193 in 1999.

Next, in Table 3, we examine the apportionment of parliamentary seats among states within Peninsular Malaysia. Although also not bound by any rule or formula, the actual distribution after each re-apportionment does not deviate very much from what it should have been on the basis of each state’s share of the electorate. As can be seen in the ‘Difference’ column for each of the re-delineations, the deviations do seem to be kept within bounds and prevented from becoming larger during the period covered. The favoured states of Kelantan and Perak have retained two ‘extra’ seats. At the other end of the scale, the Federal Territory has had its ‘deficit’ reduced from four in 1984 to only one in 1994. Only the under-representation of Selangor can be said to be both significant and increasing after two consecutive changes in apportionment, with its ‘deficit’ of three seats in 1984 increasing to four in 1994.

Table 3 also lists the peninsular states and the Federal Territory according to their percentage of Malays voters. Malays form a majority of voters in each of

the first seven states, from over 90 per cent in Kelantan and Trengganu to slightly over 50 per cent in Malacca and Johore. The 'Difference' column does show a systematic bias in favour of the Malay-majority states in each of the re-apportionments. This bias has also persisted over the three re-delineations. In terms of its effect on ethnic representation, this bias can be said to advantage the Malays and disadvantage the non-Malays. However, as noted above, it is quite limited in extent, with the more Malay states enjoying an advantage of only half a dozen seats after the 1994 re-delineation.

Table 3: The Apportionment of Parliamentary (Dewan Rakyat) Seats among States in Peninsular Malaysia

State	1974			1984			1994		
	Actual	By Voters	Difference	Actual	By Voters	Difference	Actual	By Voters	Difference
Trengganu	7	6	+1	8	6	+2	8	7	+1
Kelantan	12	10	+2	13	10	+3	14	12	+2
Perlis	2	2	-	2	2	-	3	2	+1
Kedah	13	13	-	14	13	+1	15	14	+1
Pahang	8	7	+1	10	9	+1	11	10	+1
Malacca	4	5	-1	5	5	-	5	6	-1
Johore	16	17	-1	18	19	-1	20	21	-1
Selangor	11	11	-	14	17	-3	17	21	-4
N. Sembilan	6	6	-	7	7	-	7	7	-
Perak	21	21	-	23	21	+2	23	21	+2
Penang	9	0	-1	11	12	-1	11	12	-1
F. Territory	5	6	-1	7	11	-4	10	11	-1
Total	114	114	-	132	132	-	144	144	-

Sources: Election Commission, 1974b; 1984; Zakry, 1986: 58; and A. Rashid, 1994: Appendix II.

We move on to the delineation of parliamentary constituencies within the various states by the Election Commission. The most important issue here is the application of rural weightage, which since 1973 has been constitutionally left to the discretion of the Commission. Like the constitution, the Election Commission has not provided any definition for 'rural' and 'urban' areas. For the first general re-delineation for Peninsular Malaysia in 1974, the Commission stated in its report that it divided constituencies into the four categories of city, big town, small town and rural. Presumably, weightage for area increases or the number of constituency electors decreases progressively from city to rural. However, the Election Commission did not report using any numerical limits or range of voters for these categories of constituencies, whether federal or state (Election Commission, 1974b: 7). The Commission's report on the 1984 re-delineation did not provide any comprehensive classification of constituencies. The Commission stated only that it had striven to reduce the size of rural

constituencies: these would have no more than 40,000 electors each and the most remote ones would each have only 20,000 to 25,000 electors (Election Commission, 1984: 19-20). For the 1994 re-delineation, the Commission used five categories and also revealed the range of electors for both federal and state constituencies within each category. From rural to urban, the five categories were: rural, semi-rural, semi-urban, town/urban and city. For parliamentary constituencies, the electorate ranges for these categories were 20-29,000, 30-39,000, 40-49,000, 50-59,000 and 60-69,000, respectively; while for state constituencies, the electorate ranges were 7-10,000, 10-15,000, 15-20,000, 20-25,000 and 25-35,000, respectively (*New Straits Times*, 29 April 1994). Thus there appears to be considerable continuity in the development of the Commission's practice. The gradations of rural-urban constituencies have been elaborated but changed only slightly from 1974 to 1994. The minimum size of rural constituencies has remained at 20,000 electors, at least from 1984 to 1994.

The stipulated ranges for the 1994 re-delineation show that rural weightage can be as much as 3.5 to 1 for peninsular parliamentary constituencies. A closer look at the constituencies produced in the most recent re-delineation in 1994 can provide some idea of actual constituency disparities. Details on the 1994 constituencies, together with ethnic breakdowns of the electorate for every parliamentary and state constituency, are provided in a book on Malaysian electoral procedures written by the former secretary and present chairman of the Election Commission, A. Rashid Rahman (1994: Appendix II). An examination of the 1994 parliamentary constituencies shows that the stipulated ranges were used more as guidelines than as binding limits. They were generally but not strictly adhered to: six constituencies had more than 3.5 times, and the largest (Ampang Jaya, with 79,349 electors) had 3.8 times, the electors of the smallest constituency (Langkawi, with 20,808 electors) in Peninsular Malaysia.

The foregoing remarks on constituency sizes do not apply to Sabah and Sarawak. Constituency disparities in these states are generally larger than those in Peninsular Malaysia. This is especially so in Sarawak, where the difference between the largest and smallest parliamentary constituencies was 4.6 times in 1994. Comparing extremes for the country as a whole in 1994, the largest parliamentary constituency (Ampang Jaya, see above) is more than 5 times the smallest (Hulu Rajang in Sarawak, with 15,822 electors).

Turning to state constituencies, the much wider range of 5 to 1 stipulated by the Election Commission may appear striking. However, this is deceptive as it applies to the entire country and not to each state. To have a realistic number of seats in its legislative assembly, a state with a low population cannot avoid having constituencies that are much smaller than those in the more populous states. In fact, for the least populous state of Perlis, most of its state constituencies have less than the stipulated minimum of 7,000 electors. The real point, however, is this: for state elections, the relevant unit of contestation for power is not the

country but each of the states. Thus what is consequential is only mal-apportionment within each state and cross-state comparisons are totally irrelevant. A state by state examination of the 1994 state constituencies reveals that the largest constituency has between 2 and 3 times the number of electors of the smallest constituency in all states except Perlis (1.2 times), Kelantan (3.3 times) and Selangor (3.6 times) in Peninsular Malaysia. The differences for Sabah (3.6 times) and Sarawak (5.8 times) show that these two states have more mal-apportioned state as well as parliamentary constituencies, compared to Peninsular Malaysia.

The Election Commission's application of rural weightage has long provoked controversy as to whether the allowance of rural weightage has been carried too far by the Commission and thus incorrectly accorded precedence over the more fundamental principle of equal-size constituencies. After the 1974 re-delineation, even MCA leaders voiced concern with the resulting debasement of urban non-Malay votes. One of them complained that the electoral system has 'grossly under-represented the Chinese community' (Yeoh, 1982: 66). He later argued that 'the weightage should not be so skewed that in some places the value of a rural vote is more than double the value of an urban vote' and that this 'has aggravated the Chinese political dilemma, heightened perceptions of political inequalities and worsened racial polarization' (Yeoh, 1988: 27-28). Another complained that 'one cannot pin-point what constitutes "a measure of weightage" to be given to rural constituencies' (Kok, 1982: 59), while a third called for the adoption of the pre-independence 2 to 1 limit on rural weightage for the next (i.e. 1986) re-delineation and reversion by the year 1990 to the lower, Reid-proposed limit of 15 per cent deviation from the average constituency adopted at independence (Yong, 1982: 78-79). The most strident criticisms of the Commission's application of rural weightage are by the Democratic Action Party (DAP), a party supported largely by the Chinese. After the 1984 re-delineation, its leader argued that rural weightage 'must not be carried out to the extent of nullifying the "one man, one vote" principle, which is what the Election Commission has done in decreeing that one rural vote is equal to more than three urban votes' (Lim, 1986: 153). This practice was continued and even made 'official' by the Election Commission's announced guidelines in the 1994 re-delineation.

Apparently reflecting dominant local scholarly opinion as well, a British legal scholar judges that 'in practice the rural-weightage principle is taken somewhat to extremes' in Malaysia and that 'the current disparity of representation between urban and rural areas is much greater than can be justified' (Harding, 1996: 101-103). It is also significant that constituency disparities have not been reduced since the first re-delineation in 1974, as this alone reveals something about the Election Commission's application of rural weightage. The justification for rural weightage, originally stated in 1954, has remained unchanged: it is to compensate for 'the greater difficulty of contacting voters in

the country districts and the other disadvantages facing rural constituencies'. Although 'the other disadvantages' faced by rural constituencies have never been clarified, most of them as well as the specifically cited difficulty of contacting voters in rural areas must have been decreased, even significantly, by the spread of urbanization and government provision of better communication and other services to rural areas. Thus the application of a given measure of weightage should result in a progressive decline in disparities among constituencies after each re-delineation. However, no reduction in the permitted range of variation among constituencies was apparent in the 1984 and 1994 re-delineations, and large urban constituencies continue to contain in excess of 3 times the number of electors in the smallest rural constituencies. In fact, the retention in later re-delineations of similar constituency disparities when differences in facilities have narrowed between rural and urban areas implies a steady increase in the measure of rural weightage effectively applied by the Election Commission.

The Election Commission, on its part, has made no secret of its efforts to reduce the size of rural constituencies, which it considers necessary to lighten the burden on elected representatives in areas with poor communications and transport facilities. However, it also insists that it has not thereby deviated from the main principle of equality among constituencies (Election Commission, 1984: 19). The government not only supports the Election Commission's application of rural weightage but also continues to proclaim the independence of the Commission against opposition criticism (*Parliamentary Debates, House of Representatives*, 6 December 1984 and 25 April 1994).

Doubts about the Election Commission's impartiality and independence have arisen not only from the Commission's outputs but also from the procedure adopted by the Commission in delineating constituencies. Continuing MacDougall's earlier-noted criticism of the Election Commission's practice of allowing government leaders to vet its proposals, the DAP's Lim Kit Siang contends that it is common for the Commission to hold secret discussions and consultations with UMNO leaders when delineating constituencies (*Parliamentary Debates, House of Representatives*, 25 April 1994: 1148-1149). To him, constituency delineation has been reduced to 'another *wayang kulit* (shadow play) of Malaysian politics, where the political masters pull the strings of the Election Commission from the backstage, while both the government and the Election Commission would vehemently deny this puppet and puppet-master relationship' (Lim, 1986: 152). Such a process would ensure that the Commission delineates and recommends constituencies that would be acceptable to the ruling party. It is at least plausible that this, in addition to, or even instead of, the fear of public odium, may explain the prime minister's sparing use of his powers to amend the recommendations of the Commission prior to their approval by parliament.

The Election Commission has also been accused of complicity with the government in gerrymandering electoral constituencies. It should be noted that critics often use gerrymandering loosely to refer to all forms of partisan manipulation of electoral constituencies, without distinguishing between mal-apportionment and the manipulation of constituency boundaries or districting, for which the term gerrymandering is properly reserved. Although gerrymandering is always difficult to prove conclusively, allegations of its practice have received some support from scholars who have examined boundary changes in detail in Peninsular Malaysia. Citing examples from the Federal Territory of Kuala Lumpur and Perak, Senftleben (1975: 113) concludes that 'gerrymandering practices cannot be ruled out' in the 1974 re-delineation. Sothi (1993: 69) also points to the likelihood of gerrymandering in his examination of the 1974 constituency changes in Johore. Allegations of gerrymandering in East Malaysia are also increasingly heard, especially with respect to Sabah (Loh, 1999: 37; Chin, 1999: 13).

The Conduct of Elections

Elections in Malaysia are conducted by the Election Commission and in accordance with existing laws and regulations (chiefly the Elections [Conduct of Elections] Regulations 1981). Despite frequent complaints, indicating considerable room for improvement, the Commission's conduct of elections has been at least generally satisfactory and smooth. The Election Commission typically dismisses complaints as unfounded, much to the chagrin of complainants, usually from opposition parties. The main problem here, however, is not so much the Election Commission's conduct of elections as it is the laws and regulations that govern that conduct, although the Commission's application of the regulations, as we shall see, has not been free from controversy. These electoral laws and regulations as well as other laws and practices, tend to favour the ruling party in varying degrees and have been a perennial source of complaints by the opposition. More muted criticisms are occasionally heard even from the Election Commission.

Except for the first post-independence election in 1959, elections to parliament and the state legislative assemblies in Peninsular Malaysia have been held concurrently, with individual state elections held for Sabah and Sarawak. The constitution (article 55[4]) provides that 'a general election shall be held within 60 days from the date of the dissolution' of parliament. Within this period, the Election Commission fixes the nomination day, followed by a formal period of campaigning before polling day. The minimum campaign period provided in the Commission's regulations was reduced from 21 to 14 days in 1971 and to seven days in 1986 (Sothi, 1993: 39). In actual practice, the campaign period has been progressively reduced from the usual 35 days before 1970 to nine or ten days since the 1986 election. This shortening of the campaign period by the Commission, ostensibly in the interests of security, is held to handicap the opposition parties more than the ruling party, whose leaders have ample

opportunity to communicate with and persuade electors under other guises before the start of the official campaign.

In the electoral campaign itself, the opposition is hamstrung and disadvantaged by a multitude of legal restrictions and government practices. These are not of the Election Commission's doing and are not necessarily supported by it. Laws such as the Official Secrets Act, Sedition Act and Police Act are generally justified as necessary for security, but they impose various restrictions on political activity, including campaigning. Since 1978, open-air public rallies, the cheapest and most effective method of campaigning, and hence the most relied upon by the opposition, have been banned. The main campaign methods now used are media coverage and advertising, in-door meetings or *ceramah* (talks) and house-to-house canvassing. The media, both print and electronic, are generally unavailable as well as unfavourable to the opposition because of a combination of government ownership, government control and media self-censorship. The *ceramah*, which can reach only a limited audience, also require a police permit. To make matters worse, legal rules are not always applied equally or evenly to all parties. For example, opposition parties generally face more difficulties or obstacles in getting police permits for holding *ceramah*. The present chairman of the Election Commission has noted: 'Situations may appear very oppressive when on certain occasions certain rules may have been bent for certain parties ... (and) imposed differently on different groups and persons' (A. Rashid, 1994: 58). Inadequate laws on electoral expenditure – these control expenditure by individual candidates but not expenditure by political parties – also work to the advantage of the better-financed ruling BN. The BN's advantage is further enhanced by its frequent use of government machinery and public servants to assist its campaign.

A persistent complaint about the polling process concerns absentee or 'postal' voters, mainly the police and military. Although only a small part of the electorate (about 2 per cent in the 1999 election), they usually vote for the BN and often help BN candidates secure victory in close contests. Hence the lack of proper supervision of their voting by the Election Commission has attracted opposition criticism.

In fact, polling procedure is such that it is technically possible to know the vote of each elector. This is because the ballot paper and the counterfoil from which it is detached have the same serial number *and* the elector's own serial number (which accompanies his or her name on the electoral roll) is also written on the counterfoil: matching a used ballot paper with its counterfoil would provide the elector's serial number for knowing his or her identity in the electoral roll. However, the Election Commission's explanation that an elector's identity may need to be ascertained in case of litigation and would only be done on the order of an election judge (A. Rashid, 1994: 85), and the absence of its abuse, have generally allayed public fears.

The counting of votes has also become an issue with the changes introduced in the 1990 election. For that election, the government amended the Elections Act and the Election Offences Act to enable votes to be counted at polling stations instead of at a central counting centre within each constituency. A polling station is a subdivision of a polling district which is in turn a subdivision of a constituency. After amending its regulations accordingly, the Election Commission increased the number of polling stations so that each would cater to a maximum of only 700 electors. It is thus possible to know which party electors in a given polling station have voted for. Opposition parties maintain that, given the small number of electors in each polling station, this can only make electors apprehensive about voting for the opposition for fear of retaliation by the ruling party. No less worrisome, it may be noted, is that such information would also significantly empower, and hence even encourage, the would-be practitioner of gerrymandering.

Few observers have failed to comment unfavourably on or express misgivings about at least some of the above restrictions and practices that characterize the conduct of Malaysian elections. The prevalent view of their overall effect appears to be reflected by Crouch (1996a: 59): 'When examined separately, the many regulations and practices were not always manifestly unfair; but taken together they constituted a substantial barrier for opposition parties'.

Effects

The electoral system is important because of its effects on national politics (Ekstein, 1963; Rae, 1971; Grofman and Lijphart, 1986). This section will concentrate on what Rae (1971: 133) calls the 'proximal' effects of the electoral system, i.e. its direct effects on the outcomes of elections held under it. Whereas the conduct of election affects parties' chances of winning votes, these proximal effects work on the translation of votes into seats won. A few salient 'distal' effects, those that subsequently follow from the proximal effects, will be noted in assessing reform prospects in the next section.

A well-known inherent effect of plurality election is its big-party bias: it awards considerably more seats to the biggest party relative to its share of votes won. This pronounced non-proportional outcome is typically derided as unfair by critics of plurality election and hailed by its proponents as a valuable contribution to strong and stable government. This supposed virtue of plurality election was a major reason cited for its initial adoption in Malaya in 1954. The ruling party in Malaysia has always argued that a strong government is needed to maintain stability in the country's plural society and to promote economic development. By strong government it means not only one endowed with more powers but also one that commands at least the two-thirds majority in parliament needed to amend the constitution.

Table 4 shows that this two-thirds majority would not have been achieved but for plurality election. Malaysia has a dominant ruling party but it has never won two thirds of the votes in any of the ten parliamentary elections held thus far. Thanks to the 'bonus' given it by plurality election, however, the same ruling party has enjoyed a two-thirds parliamentary majority after every election except one. That was the 1969 election, but the deficiency was quickly made good by taking in a new coalition member. The electoral system has awarded the ruling party between 16.7 and 27.8 per cent of parliamentary seats over and above its share of votes, or an average bonus of 22.7 per cent of seats over the entire period. In Malaysia, this big-party bonus has been exaggerated or further enlarged by rural weightage, as the resulting increase in the value of the rural vote has mainly benefited UMNO and other *bumiputra* parties in the BN. However, even with rural weightage, the BN would probably not have captured two thirds of the seats without plurality election. To appreciate how momentous the choice of plurality election has been for the country, one only has to consider that the numerous amendments that the ruling party has made to the constitution since independence, including amendments to the electoral system, would probably not have been possible had proportional representation been chosen instead.

Table 4: Seats and Votes Won by the Government Party in Parliamentary (*Dewan Rakyat*) Elections

Year	No. of Seats	Total Seats	Seats (%)	Votes (%)	Difference (%)
1959	74	104	71.2	51.7	19.5
1964	89	104	85.6	58.5	27.1
1969	85	144	66.0	49.3	16.7
1974	135	154	87.7	60.7	27.0
1978	130	154	84.4	57.2	27.2
1982	132	154	85.7	60.5	25.2
1986	148	177	83.6	55.8	27.8
1990	127	180	70.6	53.4	17.2
1995	162	192	84.4	65.2	19.2
1999	148	193	76.7	56.5	20.2

Source: Funston, 2000: 49.

Indeed, in the Malaysian context of ethnic political competition, the effects of the electoral system on the balance of electoral power among the major ethnic groups in the country are highly important – even before the electoral strength of the ethnic groups is expressed as support for political parties. This is where the importance of rural weightage can be clearly seen. To begin with the federal level, the most important effect of the electoral system in this connection is its enhancement of Malay electoral power, thus tilting the ethnic balance of electoral power clearly in favour of the largest ethnic group in Malaysia.

With plurality election in single-member constituencies and voting along ethnic lines, a majority of voters belonging to one ethnic group would virtually ensure victory for their ethnic party within a given constituency. The proportion of Malay-majority constituencies therefore serves as a good indicator of Malay electoral power. Nearly all such constituencies are found in Peninsular Malaysia. It is difficult to determine the number of Malay-majority constituencies in East Malaysia. Reflecting salient political cleavages there, available ethnic breakdowns of constituency electorates have used other classifications and combined Malays with other and mainly Muslim *bumiputra*. Some Malay-majority parliamentary constituencies probably exist in Sarawak where Malays exceed a fifth of the state population, while none is likely to be found in Sabah where Malays form less than a tenth of the state population. However, it is highly instructive to examine peninsular Malay-majority constituencies alone, as they form the basis of UMNO's power.

Table 5: Peninsular Malay-Majority Parliamentary Constituencies as Percentage of Total Constituencies in Peninsular Malaysia and Federation

Year	1969	1974	1986	1994	1999
Malay-Majority Constituencies in Peninsular Malaysia	60	79	92	97	98
% in Peninsular Malaysia	57.7	69.3	69.7	67.4	68.1
% in Federation	41.7	51.3	52.0	50.5	50.8
Peninsular Malay Electorate:					
% in Peninsular Malaysia	55.7	57.9	55.3	56.3	56.7
% in Federation	47.8	47.7	47.0	46.9	47.9

Sources: Ratnam and Milne, 1970: 205; Sothi, 1984: 133 and 1993: 112; Zakry, 1986: 72-110; A. Rashid, 1994: Appendix I and II; and *New Straits Times*, 1 December 1999.

Table 5 shows the changes in the proportion of Malay-majority parliamentary constituencies within both Peninsular Malaysia and the Federation from 1969 to 1999. The election year of 1986 (for which the desired data is available) is used in place of the re-delineation year of 1984. However, the number of Malay-majority constituencies would only differ marginally, if at all, between the two years. It can be seen that the 1974 re-delineation brought about a sharp increase in Malay-majority constituencies. Prior to that, i.e. before any re-delineation, the 60 Malay-majority constituencies in Peninsular Malaysia formed 57.7 per cent of the 104 parliamentary constituencies there and 41.7 per cent of the total for the entire country. After the 1974 re-delineation, the number increased to 79 and constituted 69.3 per cent of the total for Peninsular Malaysia and 51.3 per cent of the total for the country. Malay-majority parliamentary constituencies in Peninsular Malaysia thus exceeded two thirds of the total there and half of the total for the Federation as a whole. These proportions, which were maintained in the 1984 and 1994 re-delineations, were in all years considerably higher than the peninsular Malay share of the electorate in the corresponding

territories, as shown in the last two rows in Table 5. Not only has the Malay electoral advantage significantly increased in Peninsular Malaysia since 1974, but also the amount of this advantage enjoyed by Peninsular Malays is such as to ensure their hold on national power, even with the remaining apportionment disadvantage of the peninsula in relation to East Malaysia. The Malay hold on federal power is even more secure if account is also taken of those parliamentary constituencies (numbering ten, or just over 5 per cent of the country's total of 193 in the 1999 election) in which Malays form the largest group or plurality of electors, albeit not the majority.

To see the contribution of constituency re-delineation to Malay electoral power in perspective, Table 6 uses a simple method, first applied to Malaysia by MacDougall (1968) and later followed by Sothi (1980; 1984), to decompose the Malay electoral advantage into two components. The enfranchisement advantage is the difference between the percentage of Malays in the electorate and the percentage of Malays in the population, while the delineation advantage is the difference between the percentage of Malay-majority constituencies and the percentage of Malays in the electorate.

Table 6: Sources of Malay Electoral Advantage in Peninsular Malaysia: 1955-1999

Year	1955	1959	1964	1969	1974	1986	1994	1999
% Malay in population	49.8	50.0	50.0	52.9	53.2	55.2	58.1	59.3
% Malay in electorate	84.2	57.1	54.4	55.7	57.9	55.3	56.3	56.7
% Malay-majority constituencies	96.2	57.7	56.7	57.7	69.3	69.7	67.4	68.1
Enfranchisement advantage	+34.4	+7.1	+4.4	+2.8	+4.7	+0.1	-1.8	-2.6
Delineation advantage	+12.0	+0.6	+2.3	+2.0	+11.4	+14.4	+11.1	+11.4
Total electoral advantage	+46.4	+7.7	+6.7	+4.8	+16.1	+14.5	+9.3	+8.8

Sources: Table 5; Sothi, 1993: 112-113; Ratnam and Milne, 1967: 368; A. Rashid, 1994: Appendix I and II; *Vital Statistics Malaysia*, 1994: 6-7; 1999: 17-18; *New Straits Times*, 1 December 1999.

Malays enjoyed a huge enfranchisement advantage in 1955 when most non-Malays were not citizens and therefore ineligible to be registered as electors. This advantage dropped sharply in 1959 after the liberalization of citizenship laws at independence and had become almost insignificant by 1969. The sizeable Malay delineation advantage in 1955 arising from the two to one rural weightage applied in the 1954 delineation of constituencies was also reduced to insignificance when the Election Commission divided each of the 52

constituencies into two for the 1959 election. As Moore (1960: 375-376) notes, the Commission showed 'a scrupulous concern for fairness' and, in many cases, divided a formerly Malay-majority constituency into one with a Malay majority and the other with a non-Malay majority. As a result, the total electoral advantage enjoyed by Malays in the 1959, 1964 and 1969 elections was much smaller than in 1955. The 1960 re-delineation based on the lower, Reid-prescribed rural weightage in the constitution (as it stood then) would have reduced this advantage even further in 1964 and 1969 had it not been annulled by the 1962 constitutional amendments.

Against this background, the role of the constituency re-delineations after the 1973 amendments in restoring and maintaining Malay electoral advantage can be clearly seen. The 1974 re-delineation restored the Malay delineation advantage to about the 1955 level and thus enabled the Malays to regain some of the overall advantage they had lost, mainly from increased non-Malay enfranchisement, since independence. This restored level of delineation advantage, mainly due to increased rural weightage or mal-apportionment, has been generally maintained in subsequent re-delineations: after the slight increase in the 1984 re-delineation, it has reverted to the 1974 level following the 1994 re-delineation.

Table 6 also shows that the Malays have gradually lost their enfranchisement advantage and after 1986 begun to suffer a small enfranchisement disadvantage, probably because of the younger age profile of the rapidly growing Malay population compared to the non-Malay population. Thus Malay electoral advantage after 1986 has been derived entirely from delineation. Almost entirely because of the reversal in enfranchisement advantage, the overall electoral advantage of the Malays has declined from its restored high in 1974 to nearly half that level after the 1994 re-delineation. However, the Malay share of the electorate is high enough (as well as trending upwards in recent years) so that the reduced but still significant electoral advantage (entirely from delineation) is sufficient to produce Malay-majorities in slightly over half the total number of parliamentary constituencies.

It is important to point out that the Malay delineation advantage, as measured above, should not be attributed entirely to mal-apportionment and gerrymandering, or assumed to be zero in the absence of these malpractices. The extent to which such an assumption would be approximated depends on the spatial distribution of the various races. This can be illustrated by taking two extreme situations. The said assumption would be true (that is to say, the share of Malay-majority constituencies will be proportional to the Malay share of the electorate) if the Malay electorate were completely separated geographically from the other races, which in Peninsular Malaysia is still largely but not completely true. At the other extreme, where the various races are evenly or randomly distributed over space, the Malays would command a

majority identical to their overall majority in the electorate in all constituencies without needing any help from delineation. With plurality election, as Taylor and Gudgin (1976) have statistically shown, some delineation advantage would accrue to the largest political group (or party) in most cases of chicanery-free constituency delineation. This is why the measure of delineation advantage is not confined to the effect of mal-apportionment and gerrymandering. This clarification prevents error in interpretation; it does not diminish the measure's usefulness for indicating change in delineation advantage over time.

Table 7: Percentage of Malay-majority State Constituencies (Seats) and Malay Electorate in Peninsular States

	1978		1986		1994		
	Seats	Seats	Electorate	Diff.	Seats	Electorate	Diff.
Trengganu	100	100	94.1	5.9	100	94.8	5.2
Kelantan	100	100	92.8	7.2	100	93.6	6.4
Perlis	97.7	92.9	81.8	11.1	93.3	82.1	11.2
Kedah	92.3	89.3	73.7	15.6	83.3	74.7	8.6
Pahang	78.0	81.8	63.5	18.3	89.5	65.3	24.2
Johore	75.0	72.2	53.6	18.6	72.5	52.7	19.8
Malacca	80.0	70.0	51.4	18.6	68.0	53.5	14.5
Selangor	66.7	61.9	48.0	13.9	68.8	49.4	19.4
Negri Sembilan	62.5	64.3	46.8	17.5	68.8	49.0	19.8
Perak	59.5	60.9	43.6	17.3	63.5	44.8	18.7
Penang	37.0	39.4	33.7	5.7	39.4	32.7	6.7

Sources: Ismail, 1979: Appendix; Zakry, 1986: 72-110; and A. Rashid, 1994: Appendix I.

The electoral system has also affected the ethnic balance of power at the state level. The same trend of increasing Malay-majority constituencies to ensure Malay political control has also occurred within the states of Peninsular Malaysia. This can be seen in Table 7, even though it is not as complete as the corresponding Table 5 for the federal level. Desired data (on the percentage of the Malay electorate and of Malay-majority state constituencies in each state) is only complete for the situations resulting from the 1984 and 1994 re-delineation years. For state constituencies re-delineated in 1974, only the percentage with Malay majorities, as these constituencies stood in 1978, is available. However, any difference is likely to be marginal. As in Table 5, information on the pre-delineation situation before 1974 would be useful but is not available. However, the sharp increase in Malay-majority constituencies brought about by the 1974 re-delineation at the federal level leaves little doubt that a similar change also occurred at the state level. In Table 7, the states are listed according to the 'Malayness' of their electorates to facilitate examination of the 'borderline' or 'problem' states, i.e. those that do not have clear Malay majorities in the electorate. These are the bottom six states in the table.

In the west coast states, where the Chinese are concentrated, Malays form a slight minority of the electorate in Perak, Negri Sembilan and Selangor (even after Kuala Lumpur became a Federal Territory). However, since the 1974 re-delineation, the number of Malay-majority state constituencies has formed a comfortable majority (60 per cent and above) of the total in each of these states. In Malacca and Johore, where Malays form only a slight majority of the electorate, the proportion of Malay-majority constituencies has been enhanced, to about 70 per cent, since 1974. In Johore, the Election Commission's 1974 recommendations for the state's 32 seats were amended by the prime minister, with the result that Malay-majority seats increased 'from 19 in 1969 and 20 according to the Commission's recommendations to 26 after the amendments' (Sothi, 1993: 69). In all these states, with the exception of Selangor, the delineation advantage (shown in the 'Difference' column) in 1986 and 1994 is higher than the delineation advantage for parliamentary constituencies (see Table 6) in these two years. Only in Penang, where Malays form only a third of the electorate and have majorities in 40 per cent of constituencies, is their numerical disadvantage apparently too large to be overcome by exploiting delineation advantage. This does not seem to be seriously attempted and the Malay delineation advantage in Penang remains as low as in Kelantan and Trengganu, where it is not needed. Thus, except for Penang, all peninsular states, including Perak, where the 44 per cent Malay electorate is substantially below half the total, have about 60 per cent or more of their state constituencies containing Malay majorities and have thus been securely under Malay political control since the 1974 re-delineation.

The power contest in the East Malaysian states of Sabah and Sarawak (like their ethnic composition) is more complex than in Peninsular Malaysia, but is mainly between predominantly Muslim *bumiputra* (which include Malays) and predominantly non-Muslim *bumiputra*. The largely urban Chinese remain important in deciding victory for one side or the other, even though their votes are even more devalued by rural weightage than in the states of Peninsular Malaysia. Constituencies for Sabah and Sarawak are re-delineated separately from each other and from Peninsular Malaysia. An important feature of the last re-delineation in Sabah and Sarawak, completed in 1995 in both cases, is the increase in the number of state constituencies having a majority of Muslim *bumiputra* electors.

In Sabah, Muslim and non-Muslim (mainly Kadazan-Dusun) *bumiputra* are numerically balanced: each has 40 per cent of the state population with the remaining 20 per cent mainly Chinese (Chin, 1999: 2). However, the 1995 re-delineation raised the number of constituencies with Muslim *bumiputra* majority from the previous 18 to 26, thus exceeding half the unchanged total of 48 state constituencies. Constituencies with a majority of Kadazan-Dusun (the predominantly non-Muslim *bumiputra* led by the PBS) were reduced from 18 to 12, and those with Chinese majority from eight to five, with the remaining five

being mixed (Chin, 1999: 13-14). Muslim *bumiputra* are thus effectively placed in control in a state in which they constitute only 40 per cent of the population.

In Sarawak, the 62 state constituencies delineated in 1995 had the following ethnic distribution in the September 2001 state election: Malays and Melanau together form the majority in 21 constituencies and the largest plurality in three constituencies, Dayaks form the majority in 24 constituencies and the plurality in one constituency, and Chinese form the majority in 12 constituencies and the plurality in one constituency (*New Straits Times*, 28 September 2001). No group controls more than half the number of state constituencies. However, the Malay-Melanau Muslim *bumiputra* group, which comprises 28 per cent of the state population, has had its electoral strength enhanced to about the same level as the Dayaks, the largest and predominantly non-Muslim *bumiputra* group with over 40 per cent of the state population.

The above changes in the ethnic balance of electoral strength have direct and important implications for the ethnic political parties competing for power. In Peninsular Malaysia, the increase in Malay, and the corresponding reduction in non-Malay, electoral strength through constituency delineation clearly advantages Malay political parties and disadvantages non-Malay ones. This advantage has accrued mainly to UMNO, the largest Malay party, and will continue to do so as long as UMNO retains the bulk of Malay electoral support against PAS. To ensure this, UMNO has continually adjusted government policies to benefit the Malays, including moving increasingly towards Islamization to counteract the Islamic religious appeal of PAS. Until possibly the 1999 election, UMNO had been highly successful in competing for the crucial Malay vote, enabling the coalition it led to maintain uninterrupted control of the federal government and in all peninsular states except Kelantan and Trengganu, to which PAS control has been confined.

At the federal level, success in winning Malay votes, together with the ethnic distribution of constituency electorates shown in Table 5, underlies the claim by Mahathir Mohamad, the present UMNO president and prime minister, that 'UMNO can actually win more than half of the parliamentary seats', i.e. all the Malay-majority constituencies in existence in Peninsular Malaysia since the 1974 re-delineation. Although he added that 'this is intentionally not done as UMNO is willing to share the seats with other component parties' in the interests of peace and stability (*New Straits Times*, 28 August 1992), this detracts nothing from his reminder that UMNO can rule alone with only Malay support and is thus much less dependent on its coalition partners than the other way around. At the state level, the proportions of Malay-majority state constituencies shown in Table 7 have entrenched UMNO as the undisputed leader of the ruling coalition in all BN-controlled states except Penang. Even in Penang, the increase in Malay-majority constituencies has enabled UMNO to hold the largest number of state seats, outnumbered only by the combined seats of the two non-Malay BN parties.

With its peninsular Malay power base sufficient to ensure control of the federal government, UMNO had long been content to confine itself to Peninsular Malaysia, that is until its 1991 entry into Sabah. Winning additional parliamentary seats from Sabah would obviously strengthen UMNO's federal position. However, no such felt need drove UMNO into Sabah. The move was clearly motivated by the desire to unseat the 'recalcitrant' PBS from the Sabah state government. In this it was quickly successful, thanks in no small measure to the abovementioned 1995 changes in Sabah's state constituencies. That re-delineation in fact had effects even before it was completed. As explained in one report: 'Pairin (then PBS chief minister) ... called for (a) snap poll a year before elections were legally due. He did so to pre-empt the ongoing constituency delineations, being carried out by the Elections (sic) Commission, which he alleged would make it very difficult for the PBS to win future elections' (S. Jayasankaran, 1994: 8). The PBS believed that the re-delineation's purpose was 'to redefine (i.e. gerrymander) electoral boundaries along ethnic lines in order to consolidate Muslim votes and help UMNO Sabah win power in the state' (Chin, 1994: 908). In the 1994 snap election, the PBS won 25 of the 48 state seats but defections from the party quickly led to its downfall and the formation of an UMNO-led Sabah government. Interestingly, and also understandably, UMNO has opened its doors to other *bumiputra* in Sabah, where Malays are only a small minority, while it remains a Malay party in Peninsular Malaysia. It has also introduced a system, unique to Sabah, of rotating the chief minister's post between a Muslim *bumiputra*, a non-Muslim *bumiputra* and a Chinese person to facilitate co-optation of other parties as coalition partners and to isolate the PBS. However, given the ethnic configuration of the state constituencies re-delineated in 1995, it would appear that UMNO would be able to win outright with Muslim *bumiputra* support and that any future PBS challenge would have to win more than Kadazan-Dusun and Chinese votes to succeed.

In Sarawak, the only state where UMNO has stayed out, the electoral system has benefited the predominantly Malay-Melanau Parti Pesaka Bumiputra Bersatu (PBB or United Bumiputra Pesaka Party), the leader of the Sarawak BN. The opposition to the BN in Sarawak is very weak. However the state's demographic structure has encouraged the main Dayak party, the Parti Bansa Dayak Sarawak (PBDS or Sarawak Dayak Party) to challenge the PBB for leadership of the Sarawak BN. The PBDS made attempts to do so in both the 1987 and 1991 state elections, but failed. The strengthening of the Malay-Melanau electoral strength by the 1995 re-delineation helped to bolster the PBB and insulated it against future Dayak attempts to dislodge it from its state leadership position.

While UMNO leaders were justifiably confident that their party would be the main beneficiary when they acted to enhance the Peninsular Malay vote, the results of the last election provide the most dramatic demonstration to date that this cannot be taken for granted. In the 1999 parliamentary election, PAS won

about as many Malay votes as UMNO did in Peninsular Malaysia, aided no doubt by weaknesses within UMNO and the government led by it – including, even mainly, weaknesses engendered at least partly by success itself, principally intra-party factionalism and excesses in the use of power. Indeed, the 1999 election is possibly unique in that it provided a comfortable two-thirds parliamentary majority for the BN but with a stinging rebuke to its leader, UMNO. Non-Malay support for the BN was solid (with dismal results for the DAP) but Malay voters apparently deserted the ruling coalition in unprecedented numbers (mainly for PAS but also for the newly formed multi-racial but Malay-led Parti Keadilan Nasional (National Justice Party), providing the country for the first time with a Malay (PAS)-led parliamentary opposition and UMNO with its biggest challenge ever (Funston, 2000; Strategic Info Research Development, 2000).

Reform?

The issue of electoral system reform deserves a question mark because that is precisely what it is in the Malaysian context. Various reforms (canvassed later in this section) can be made to reduce criticism and increase confidence in the electoral system. Whether and what reforms will be undertaken, however, depends on the ruling party, the opposition and the Malaysian public. This follows Schattschneider (1960: 2), whose point that the outcome of most political fights will depend not only on the protagonists but also critically on their ability to arouse and involve what he calls the audience is particularly appropriate for understanding electoral system reform.

More concerned with winning big than winning fairly, the ruling party has shaped the electoral system to its advantage and is understandably resistant to reforms that will reduce its advantage. However, this does not mean that it will never consider reform or that it has no interest at all in reforming the electoral system. It should not be overlooked that the ruling BN is a coalition whose member parties are differently affected by the present electoral system and hence have varying interests in electoral system reform. The important amendments that have been made to the electoral system are mainly the handiwork of UMNO and primarily serve its interests. Non-*bumiputra* parties in the BN, most notably the MCA, also feel short-changed by the increase in rural weightage. Although they have been unable to dissuade UMNO from its course and are thereby further weakened in relation to UMNO, they have neither fully supported the increase in rural weightage nor, as we have seen, refrained from suggesting its reduction. Thus, within the ruling BN, it is mainly UMNO that is reluctant to reform the electoral system.

Even for UMNO, there are general considerations that may provide it with some motivation for considering reform. To power-holders, winning an election

is preferable to other means of winning power, mainly because electoral victory can help make the power-holders and their power more legitimate in the eyes of the governed, as well as induce losers to accept their defeat with good grace and refrain from questioning the legitimacy of power-holders. The latter effect is similar to what Goffman (1964) calls 'cooling the mark out', i.e. the con man's need to prevent his victim or mark from squawking or resorting to reprisals. Both these legitimating and cooling functions are maximally served by free and fair elections, and manipulation of the electoral system can reduce and vitiate its ability to perform these valuable functions for power-holders. Power-holders can thus still be persuaded to undertake reforms so that the electoral system can continue to serve these functions adequately.

The second important factor is the level of dissatisfaction of opposition parties and their ability to extract reform concessions. Following Ware (1996: 149), Sachsenroder (1998: 26-27) states that opposition parties are able to do this essentially through some form of blackmail. In Malaysia there has been no lack of squawking by opposition parties, especially Chinese ones, about the unfairness of the electoral system. Nearly all the amendments to the electoral system, as well as all the re-delineations of electoral constituencies examined earlier, were denounced inside and outside parliament as the ruling party's resort to unfair means to perpetuate their hold on power. To the DAP's Lim Kit Siang, the problem with Malaysian elections is not 'vote-rigging', the stuffing of ballot boxes on polling day, but what he calls 'pre-rigging', or the ruling party's manipulation of the electoral system, especially constituency delineation, and the electoral process generally (*Parliamentary Debates, House of Representatives*, 25 April 1994: 1143).

However, opposition parties continue to take part in elections, which have been held regularly since independence. Boycott of elections by opposition parties is not unknown in the country's electoral history, but recently no political party has refused to take part in the electoral game on the grounds that the rules of the game are hopelessly stacked against it. These rules, however biased against opposition parties, have not prevented them from winning some seats in parliament or in the legislative assemblies in the states. This is true even of Chinese-based opposition parties like the DAP. The DAP has also tried, but failed, to capture the government in the state of Penang. The main Malay opposition party, PAS, has been able to capture the state government in Kelantan and Trengganu, as has the PBS for a while in Sabah. To boost their chances at the federal level, opposition parties have co-operated in various elections in order to have straight fights between the government party and the opposition in most constituencies – thus providing support for what is probably the best-known distal effect of plurality electoral systems, namely its encouragement of the formation of two major rival parties or coalitions. A major problem in this regard in Malaysia is that the ruling BN has effectively occupied the political centre, and the formation of an opposition coalition, such as the so-called

Barisan Alternatif (BA or Alternative Front) in the 1999 election, by parties at opposite ends of the ethnic political spectrum, is inevitably a steep uphill task. Not surprisingly, the greatest effort and also success in forging an opposition front were seen when there was a split in the BN caused by factional struggles within UMNO, as in the 1990 and 1999 elections. In short, opposition parties have not exercised their blackmail potential beyond denouncing unfairness in the electoral system and process. This brings us to the public audience, the third and arguably the most important factor in assessing electoral reform prospects.

Popular interest in and understanding of the electoral system may be increasing, but do not appear to be widespread as yet in Malaysia. Nevertheless, several aspects of the electoral system and process have contributed to a growing awareness that the electoral system contains elements of unfairness, and that elections, though still free, are not entirely fair. One-sided rules and practices in the conduct of elections and especially in campaigning are more transparent and easier to understand, and their criticism by the opposition has probably contributed to a general impression of the unfairness of elections. The Election Commission is generally seen as the main body responsible for elections and rightly or wrongly – probably both rightly and wrongly – its reputation has suffered as a result. Rural weightage is also a well-known feature of the Malaysian electoral system; however, dissatisfaction with rural weightage is largely confined to the Chinese. The perception of unfairness certainly exists and even appears to be on the rise within the Malaysian public – or within the various Malaysian publics, as dissatisfaction is likely to be more widespread among the Chinese than other ethnic groups.

In the absence of systematic survey data, it is difficult to gauge the extent of dissatisfaction with the electoral system. However, available indicators suggest that dissatisfaction has not reached alarming levels. Saravanamuttu (1992: 56) reports that, in a 1989 survey of 464 office-bearers in voluntary organizations (i.e. middle-class opinion-leaders) in Peninsular Malaysia, 91 per cent of Malays, 62 per cent of Indians and 59 per cent of Chinese agree with the statement that the electoral system is fair. These findings suggest that the electoral system is regarded as fair by nearly all the Malays and the majority of the non-Malays, although the significant proportion of the latter (38 per cent of the Indians and 41 per cent of the Chinese) who do not agree that the electoral system is fair should be reason enough for concern. The level of understanding and of dissatisfaction is likely to be lower among the general Malaysian public than among Saravanamuttu's respondents. Another positive sign for the government is that turn-out for general elections continues to be high overall, usually in excess of 70 per cent, indicating that the electoral game is not rejected as no longer worth playing by a clear majority of electors. Non-*bumiputra* turn-out is often lower than that of *bumiputra*, but not alarmingly so.

In considering reform prospects, the above attitudes on the electoral system must also be seen in the larger context of public attitudes towards democracy and the importance of elections in democracy. One also wishes for better data here, but a 1994 survey of several locations in Peninsular Malaysia and Sabah by Welsh (1996) indicates that Malaysians were at best moderately supportive of both democracy and elections. The results show that the political attitudes of Malaysians were broadly 'semi-democratic', 'elections were not held to be *the* critical aspect of Malaysian democracy' (p. 890), and 'Malaysian respondents accepted a semi-democratic form of institutions, contestation, and participation' (p. 902). There was also a strong correlation with ethnicity: 'Malay respondents overall opposed the expansion of democracy; the minorities, especially the Indian respondents, favoured democracy, while the Chinese respondents were more ambivalent. ... Malay respondents very strongly opposed ... universal suffrage' (p. 900).

All this has contributed to a strong, stable and secure government in Malaysia. Although widely regarded as semi-democratic, even authoritarian (Zakaria, 1989; Case, 1993; Crouch, 1996a), it continues to command widespread electoral support and even legitimacy. This support and legitimacy is derived not just from electoral victory. Other factors are probably no less important: the BN government consists of parties representing all major ethnic groups, there appears to be no viable alternative to the BN as a governing party and the government has demonstrated adequate levels of performance and responsiveness. On the last point, Crouch (1996b) explains that electoral victory, even under a favourable electoral system, still requires winning enough votes, and this the ruling party has achieved by being sufficiently responsive to all ethnic groups. This support may be more akin to passive acquiescence than to positive feelings of legitimacy among large numbers of the non-*bumiputra* (Case, 1995), but then this is what UMNO government leaders probably expect and are satisfied with from these ethnic groups.

The above does not augur well for major electoral system reform, or for greater democratization of the Malaysian political system generally. Malaysians are probably more appreciative, certainly more lectured, than most of the advantages of strong government. Nonetheless, like most political arrangements, a strong government by a dominant party is a very Faustian bargain. And the most recent election in 1999 suggests that increasing numbers of Malaysians, especially younger ones, appear to be becoming less tolerant of its negative effects for government performance, some of which the writer has tried to document elsewhere (Lim, 2001). Dissatisfaction with the government has sparked a *reformasi* or reform movement (Kessler, 2000) and generalized demands for good governance (Subramaniam, 2001). However, the electoral system has not become the target of *reformasi* pressures, although it is importantly responsible for the dominance of the ruling BN. Realistically, therefore, the BN, or UMNO in particular, is unlikely to feel compelled in the near future to

undertake major reform of the electoral system. That said, it might still be useful to note some problems of the Malaysian electoral system and briefly consider some reform suggestions.

The least politically feasible is any suggestion of a radical system change from plurality election to some form of proportional representation, even though it has been shown (e.g. Taylor and Johnston, 1979: ch. 8) that this is the only effective way to solve the problem of unfairness in constituency delineation, a major source of complaint in Malaysia. Looking at the past performance of the ruling BN in Malaysia (see Table 4), there can be little doubt that a complete switch to proportional representation would deprive it of the two-thirds majority required for amending the constitution. For this reason, proportional representation would appeal not only to opposition parties but also to those concerned about the frequent amendments to the constitution and the perceived trend towards authoritarian government in Malaysia. The German system shows that proportional representation can still retain the representation of geographical constituencies that is regarded by some as a virtue of plurality election. For those who fear that a complete change to proportional representation may lead to weak or unstable government, a mixed system of part proportional representation and part plurality election such as that in Italy and Japan may provide the solution. In fact, such a system has been repeatedly proposed for the country by a judge turned academic, Harun Hashim (1999: 64; *New Straits Times*, 9 August 2001), who would have one third of the seats in parliament filled by proportional representation and the other two thirds by the present method of plurality election. He also points out that such a system would enable political parties to ensure the election of prospective candidates for cabinet positions by placing them high on the party slate. Another possible objection to proportional representation is that its adoption in Malaysia may heighten and solidify ethnic loyalties as political parties vie for the various communal proportions of seats. However, this objection would appear to have little force, as the present system of plurality election has also fared poorly in reducing outbidding among ethnic parties. As indicated, the main problem with proportional representation, whether as a whole or part of the electoral system, is that it is unlikely to be accepted by the ruling party. Probably for this reason, opposition members and other malcontents have focused attention on correcting the weaknesses of the present system rather than push for proportional representation.

The most serious problem of the present electoral system is that it is inequitable between the various races because of the liberal application of rural weightage in constituency delineation. Not only is the rationale for rural weightage problematic, but constitutional limits to rural weightage have also been removed and it has been administratively applied in increasing measure by the Election Commission to qualify the fundamental principle of vote equality. Harding (1996: 101-102) warns 'there is a real danger of lack of legitimacy if the electoral

system diverges too sharply from the principle of “one-man-one-vote-one-value” and urges as his principal reform suggestion that ‘the delineation of electoral constituencies needs to be reviewed on a more principled basis’. Reducing rural weightage would provide a real boost to the perceived fairness of the electoral system among non-*bumiputra* politicians and their constituents. A more meaningful balance of electoral power arguably constitutes the only reliable basis for ensuring political and governmental moderation in the Malaysian plural society. Restoring the electoral parity of the more middle-class urban vote would also provide a necessary impetus to the values of responsible and accountable government. As noted earlier, a member of the MCA has proposed a phased or gradual reversion to the position at independence. However, the perceived interests of *bumiputra* parties, most importantly UMNO but probably the opposition PAS as well, militate strongly against any reduction in rural weightage.

An increasingly serious problem with the Malaysian electoral system is that the Election Commission is seen as insufficiently independent and impartial. Although its former power to determine electoral constituencies is unlikely to be restored, the Election Commission’s role is still pivotal and measures to address the mounting public scepticism about its independence and impartiality appear necessary for maintaining the credibility of the electoral system. Strengthening constitutional and statutory safeguards, especially introducing a procedure for ensuring that Commission members are acceptable to both the government and the opposition – for example, by making appointments subject to confirmation by simple majorities from both sides of the floor in parliament – would go a long way in this regard. These particular reforms may not immediately appeal to the government. However, the problem of sagging public confidence in the Election Commission is likely to demand attention.

Even within existing rules – in other words, without any real reform of the present electoral system or other laws – there is much that both the government and the Election Commission can do to improve the situation. More governmental restraint and even-handedness in applying its various legal powers could contribute significantly to a more level playing field and a perception of fairness in electoral and political competition in the country. The Election Commission for its part can be more attentive to public sentiment and avoid giving cause for doubting its impartiality in administering the electoral system and conducting elections. Even greater diligence in carrying out its legal duties can help.

In fact, shortcomings in performing routine tasks, especially those that have become the subject of widespread public attention and criticism, are the most likely to be addressed. Already the government has promised, in the wake of the aforementioned Likas case (see p. 116), to help the Election Commission to clean the electoral rolls of phantom voters in Sabah (*New Straits Times*, 9 August

2001). Considerably greater public pressure would seem to be required for other, more consequential changes in electoral administration or the electoral system itself.

Conclusion

Electors in Malaysia are free to cast their vote, but it is difficult to dispute the conclusion by Crouch (1996a: 75) that 'the Malaysian electoral system could not be described as fair'. The country's system of plurality election in single-member constituencies, the most manipulable of all electoral systems, has been shaped in multitudinous ways of varying subtlety by and for the benefit of the dominant party. This is also discernibly the major theme in virtually all prior analyses of the Malaysian electoral system, principally those by MacDougall, Senftleben, Sothi and Crouch cited earlier, as well as Lee and Ong (1987). The Malaysian case bears considerable resemblance to what Mackenzie (1958) calls 'manufacturing' or 'making' elections through 'electoral management'. His description of this (p. 172) is worth quoting at length:

The manufacture of elections is not technically a difficult operation; at practically every point ... officials can intervene to bias the system in favour of one set of candidates and against others. Elections made skilfully are made by minor interventions at a large number of points, not by brutal imposition at a few. The officials do not block all opposition by sabotaging the nomination of all candidates; they merely twist matters a little in delineating constituencies, dealing with nominations, giving facilities for the campaign, conducting the poll, enquiring into disputed cases. The sum of these things should be enough to keep the government in power, unless it has involved the nation in disaster, and they do not incur the odium of dictatorship.

Indeed, electoral management in Malaysia is not confined to the electoral system. To ensure and enlarge electoral victory for itself, the dominant party in Malaysia has managed numerous other aspects of the political system as well, in ways that support and enhance the effects of the electoral system.

Nonetheless, the effect of electoral management on election outcomes in Malaysia should not be exaggerated. To quote Crouch (1996a: 59):

Thus, the electoral system contained built-in advantages for the Malay community. There was no realistic possibility of a non-*bumiputra* party's or coalition's "going it alone" and winning an election. The only way for Chinese and Indian politicians to participate in government was by allying themselves with Malays, inevitably as junior partners. In practice, only two types of government could emerge from elections: an all-Malay government or a Malay-dominated coalition.

While every statement in the passage is unexceptionable, it should be pointed out that the outcome assertions (which refer to the federal level) would hold

regardless of the electoral system used. With voting largely along ethnic lines, the country's population composition and trend (outlined earlier in this chapter) would suffice to realize those outcomes – especially with plurality election, but even with proportional representation. What the present electoral system does, and has been made to do, is to further enhance the electoral power of the Malays and other *bumiputra*, essentially by increasing the value or efficacy of their votes when these are translated into seats in elections, inevitably at the expense of non-*bumiputra*. And in the prior struggle to win votes, various electoral and extra-electoral rules also favour the ruling coalition and handicap its opponents. Nonetheless, what is thereby manufactured or gained by the ruling coalition is emphatically not electoral victory *per se* at the federal level – for no electoral management is needed for that – but a bigger win for the ruling coalition and for UMNO itself, thus boosting the dominance of the ruling coalition and also that of UMNO within it. Only in Sabah and a few peninsular states, where Malay/Muslim *bumiputra* do not form a majority of the electorate, can it be said that electoral management was needed (and used) to secure Malay/Muslim *bumiputra* political control and ensure victory for the BN.

The BN's concept of victory at the federal level as at least a two-thirds majority also deserves notice. Maryanov (1967: 102) regards this demanding standard, first achieved 'in the peculiar pre-independence conditions of 1955', as a possible 'disservice' to the ruling party itself. More assuredly and importantly, the retention of the standard, or more precisely the ruling party's determination and actions to achieve it, has been a major disservice to the country's democratic development.

Dissatisfaction doubtless exists with the electoral system among opposition parties and their supporters. However, it does not appear serious enough to compel the UMNO-led government to reform the electoral system in order to safeguard its legitimating and cooling functions. Nor has the electoral system become a target of recent pressures for political change in the country. Serious reform of the electoral system has not become part of the political or policy agenda in Malaysia. Only actions to improve glaring and widely publicized weaknesses in the operation of the present electoral system have been promised and can realistically be expected in the short term.

Still, so long as voting is free and opposition parties are free to challenge, the holding of regular elections, even managed ones, provides a powerful reminder of the government's dependence on the people. This electoral dependence is frequently highlighted by government leaders, especially Mahathir, and provides the main support for the existence of democracy in Malaysia. Plainly, power-holders in Malaysia (and elsewhere) can cope – and have coped – with this dependence in a variety of ways. This is demonstrated again in their reactions to the 1999 election. Increasing public awareness of and revulsion at ruling elite excesses were widely seen as significant factors in UMNO's setback.

This reminder of its vulnerability has since compelled the party and its government leaders to restrain some past excesses and introduce several needed party and policy reforms in order to recover Malay support before the next election in 2004. However, it has also resulted in more ethnic appeals and posturing, more attempts to curb the opposition and increased efforts at political control (Funston, 2001). More rather than less electoral management may follow as well.

List of Abbreviations

BA - Barisan Alternatif (Alternative Front)
BN - Barisan Nasional (National Front)
DAP - Democratic Action Party
MCA - Malayan/Malaysian Chinese Association
MIC - Malayan/Malaysian Indian Congress
PAS - Parti Islam Se-Malaysia (Pan-Malayan/Malaysian Islamic Party)
PBDS - Parti Bansa Dayak Sarawak (Sarawak Dayak Party)
PBS - Parti Bersatu Sabah (United Sabah Party)
PBB - Parti Pesaka Bumiputra Bersatu (United Bumiputra Pesaka Party)
UMNO - United Malays National Organization

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Electoral Politics in the Philippines

Julio Teehankee

Introduction

Elections are integral to democratic governance. Through the mechanism of elections, politicians are held accountable for their actions, and are compelled to introduce policies that are reflective of and responsive to public opinion. Ideally, elections serve as a 'major source of political recruitment, a means of making government, and of transferring government power, a guarantee of representation, and a major determinant of government policy' (Heywood, 2000: 200). These do not, however, prevent the distortion of the will of the electorate in a 'flawed democracy'.

In the Philippines, the plurality system has been enshrined in the 1935, 1973, and 1987 constitutions. Under the 1987 constitution, all elective officials – president, vice-president, senators, members of the House of Representatives, local chief executives and local legislators – are chosen by a direct vote of the people through a 'first-past-the-post system' (Agra, 1997b: 1). The Philippine electoral system has generally been consistent throughout history.¹

The Philippine experience with electoral politics is instructive in the process of democratic development in the Asia-Pacific region. Nearly a century since American colonial authorities introduced electoral and party politics, the quality of democratic representation as an outcome of elections has always been held in doubt. Clientelism, nepotism, fraud and violence, among others, have reinforced the elitist nature of Philippine electoral politics. This was exacerbated during the period of Marcos' authoritarian rule as democratic elections were briefly replaced by 'demonstration elections' held under duress. The ouster of the Marcos dictatorship in February 1986 has ushered in a period of redemocratization. Nonetheless, the election and subsequent removal of President Joseph Estrada in January 2001 remains a constant reminder of the continuing 'defects' of Philippine democracy.

This chapter will investigate the relationship between elections and democratic development in the Philippines. It will trace the emergence and

1. However, the mode of electing members of the legislature in its several historical incarnations has had some variations in terms of constituency (from single to medium to large) and voting (write-in single to multiple to block voting). The 1987 constitution also introduced a party-list system for electing 20 per cent of the lower house.

institutionalization of electoral politics at various junctures in Philippine history. Essentially, it will determine the degree of proportionality in which votes are translated into political mandates. Lastly, it will explore the modalities of reforming the electoral system in order to enrich the democratization process.

Historical Development

Elections and other democratic institutions were primarily imported into the Philippines from Western models. The emergence of institutions such as constitutional law, the secret ballot, the referendum, political parties and legislature in the Philippines was a product of American colonialism. Hence, colonialism became the defining force in the emergence of democracy in the Philippine nation-state. The Philippines as a conquest colony underwent political development predicated on the interest, influence and power of the colonial authorities (Paredes, 1989: 2-4).

After establishing total control of the Philippines by 1901, the American colonizers governed their newly acquired territory through the appointive Philippine Commission under the supervision of the United States governor general. The commission performed both executive and legislative functions, with token Filipino participation, until 1907. Soon after, the Americans introduced elections to allow greater participation of the Filipino elite in colonial governance (Caoli, 1989; McCoy, 1994; Franco, 2000). Taking a cue from the elite experience at limited municipal elections during the last days of Spanish colonial rule, the American colonial government proceeded to lay down the foundation for municipal, provincial and national elections (Paredes, 1989).

Initially, the Americans conducted municipal elections in areas pacified under military rule. The first election in the country was held in Baliwag, Bulacan on May 1898 under American supervision. This was followed by four Cavite municipalities, in compliance with General Order No. 40, Series of 1900, issued by the military governor, for establishing municipalities in the Philippine Islands. The military government first granted wide rights of suffrage but later limited the franchise (Maambong, 1992; Hutchcroft, 2000).

Upon the establishment of civilian government in 1901, the Philippine Commission passed Act No. 60 to serve as the organic law for all municipal governments in the country. The Act required voters to be:

1. Male, aged 23 and above;
2. A resident of the municipality where they were to vote for a period of six months immediately preceding the elections; and
3. Any of the following three classes: individuals who speak, read and write English/Spanish, own real property worth at least P500, or have held local

government positions prior to the occupation of the country in 1898 (Tancangco, 1988: 81).

These provisions effectively restricted participation in the early electoral exercise to the educated and landowning members of the traditional elite. As a result, factional rivalries and personality issues among the local influential families marked these elections (Caoli, 1989).

Nonetheless, the Philippine Commission continued to place the legal framework for a more systematic organization of local governments. It enacted Acts No. 82 and No. 83, providing for the organization of municipal and provincial local governments. A limited electorate was given the right to elect the municipal president (mayor), vice-president and the council. Provinces were governed by a three-member board, headed by a governor who was indirectly elected by the municipal councillors in the province. Thus, the provincial elections of 1902, 1904 and 1906 were reflections of municipal politics (De Guzman, Reforma and Panganiban, 1988; Franco, 2000; Hutchcroft, 2000). Consequently, 'from local elections in 1901, to legislative elections in 1907, and presidential elections in 1935, the Americans built electoral politics from the municipality upwards, thereby entrenching provincial families in both local and national offices' (McCoy, 1994: 12).

Colonial Elections

The first legislative election was held on 30 July 1907 and was administered under the first General Election Law of the Philippines (Act No. 1532), enacted on 9 January 1907. It provided for the election of members of the unicameral Philippine Assembly, elective provincial officials, and all municipal officials, by direct vote of qualified electors. The law created a Board of Election Inspectors to direct, administer and supervise elections in the polling places to prevent fraud. A system characterized by strict secrecy in balloting was also adopted (Tancangco, 1988: 82). The total number of registered voters was 104,966 or only 1.15 per cent of the total population at that time. From this number, a turnout of 98,251 went to the polls and cast their ballots (Liang, 1970: 67).

Philippine party politics, at that period, was characterized by clientelist interactions between the Filipino politicians and their American colonial patrons. Characteristic of most colonial regimes, the Americans implemented a system of indirect administration utilizing dependable native clients. The measure of success for an American colonial official was their ability to cultivate and manipulate effective local clients in implementing American policies. Thus, electoral campaigns were neither venues for the discussion of social issues nor mass appeals for voters, but negotiations between national political personalities and the provincial landowning elites (Grossholtz, 1964; Tancangco, 1988; Paredes, 1989).

There were two major parties – the Partido Nacionalista and the Partido Nacional Progresista. The Nacionalista Party (NP) was formed on 12 March 1907 as a merger of several nationalist movements and organizations pushing for Philippine independence. The Progresista Party was formerly the Partido Federalista – the country’s first political party organized in 1900 by a group of prominent, mostly Manila-based *ilustrados*² to push for the annexation to and statehood within the United States (Liang, 1970; Tancangco, 1988; Lande, 1996). The Federalistas were the original recipients of American colonial patronage who initially gravitated around the clientelist ties between Governor General William Howard Taft and party founder Commissioner T.H. Pardo de Tavera. However, this support shifted to the younger, provincially based political leaders of the Nacionalistas – Sergio Osmeña and Manuel Quezon – despite their nationalist posturing. Ironically, the Partido Progresista would later merge with a nationalist party to form the Partido Democrata in 1917 (Liang, 1970).

Table 1: One Party Dominance in the American Colonial Regime and the Philippine Commonwealth

Year	Nacionalista Party		Others/Independent		Total	Seats
	House	Senate	House	Senate	House	Senate
1907	32	-	48	-	80	-
1909	62	-	19	-	81	-
1912	62	-	19	-	81	-
1916	75	22	15	2	90	24
1919	83	21	7	3	90	24
1922	35 (Quezon) 29 (Osmeña)	12 (Osmeña) 3 (Quezon)	29	9	93	24
1925	64	14	28	10	92	24
1928	71	24	23	0	94	24
1931	66	6	20	6		
1934	70 (Quezon) 19 (Osmeña)	6 (Osmeña) 1 (Quezon)	3	17	92	24
1935	83	-	6	-	89	-
1938	98	N/A	0	N/A	98	-
1941	95	24	3	0	98	24

Sources: Hartmann, Hassall and Santos, 2001; Liang, 1970.

Between 1907 and 1934, ten legislatures were elected at three-year intervals during the American colonial period. The Jones Law (Philippine Autonomy Act) of 1916 transformed the unicameral Philippine legislature into a bicameral legislature composed of the House of Representatives and the Senate. Membership to both chambers was by way of a plurality vote: in single-member

2. The *ilustrados* were the educated sons of landed and wealthy natives (Wurfel, 1988: 5).

constituencies (78 in 1907 to 94 in 1934) for the House, and in 12 two-member constituencies for the Senate. Each voter had two votes for the Senate (Hartmann, Hassall and Santos, 2001).

The Nacionalistas, or one of its factions, since it was divided between the Quezon and Osmeña camps in 1922 and 1933, dominated electoral politics throughout the pre-war period (see Table 1). It continued its dominance from the inauguration of the Commonwealth government³ in 1935 until the establishment of the Third Philippine Republic in 1946.⁴ However, the party's structure followed the elitist electoral process, and was, therefore, elitist in nature. Both the leadership and membership of the party were composed of a small elite group of wealthy landowners. Since disagreement among party members on issues of policy was unlikely, the party contributed to the preservation of the semi-feudal economic set-up under the American regime. Hence, the 'strength of a party like the NP was largely dependent on a network of relationships that were based on patronage which its leaders and members established with local elites, interest groups, party supporters, and the masses' (Tancangco, 1988: 89).

Table 2: Average Representativeness and Majoritarian Effects of the Electoral System, 1907-1925

Year	E_{rep}	E_{rep1}	$E_{rep1} - E_{rep}$
1907	87.5	97.6	10.1
1909	70.7	85.9	15.2
1912	70.8	87.6	16.8
1919	62.0	81.0	19.1
1922	62.4	96.3	34.0
1925	92.6	97.6	5.1
Average	74.3	91.0	16.7

Sources: Author's calculations based on information in Hartmann, Hassall and Santos, 2001; Liang, 1970.

The limitations of the electoral system under the American colonial period were highlighted by its relatively high degree of disproportionality. The index E_{rep} (ELECTION_{representativeness}) measures the over-representation of the strongest party in the context of the general proportionality of the electoral system.⁵ The

3. The Tydings-McDuffie Law, also known as the Philippine Independence Act, was passed in 1934. It allowed the Philippine legislature to convene a Constitutional Convention to draft a government for the Commonwealth of the Philippines – an interim period in preparation for eventual 'independence' from the United States (Brillantes, 1988: 115).
4. The leaders of the Revolutionary Movement against Spain inaugurated the First Philippine Republic on 23 January 1899. The Second Philippine Republic was established in 1943, under the auspices of the Japanese Occupation Forces. The Third Philippine Republic marked the end of American colonial rule and the rebirth of Philippine independence on 4 July 1946.
5. The proportionality of the electoral system is measured by the sum of the difference between the proportion of seats and votes of each party. This sum is divided by the factor 2 (to balance over- and under-representation) and subtracted from 100. For details, see the final chapter by Aurel Croissant.

indicator ranges from 0 to 100. The closer the indicator is to 100, the more proportional the electoral system is. The average indicator for legislative elections in the Philippines held during colonial times is 74.3. On the other hand, the same period registered very high on the E_{rep1} (ELECTION^{representativeness} + 1st Strongest Party) index⁶ with an average of 97.6. This clearly shows the positive effect of the dominance of the Nacionalista Party on integration and the formation of government majorities. The average $E_{\text{rep1}} - E_{\text{rep}}$ index at 19.1 indicates a high seat bonus of the strongest party (see Table 2).

Elections in the Commonwealth

The 1935 constitution that established the Philippine Commonwealth provided for a presidential form of government patterned on the United States model. The constitution originally introduced a unicameral National Assembly, but an amendment in 1940 re-established the bicameral legislature, which remained until 1972 (Hartmann, Hassall and Santos, 2001). The right of suffrage was granted to all Filipinos who were: (1) 21 years and above; (2) able to read and write English or Spanish; and (3) residents of the Philippines for at least one year and of the municipality in which they proposed to vote for at least six months prior to the date of the elections. It also provided for the extension of the right of suffrage to women. By 1939, all existing election laws were consolidated into an Election Code (Commonwealth Act No. 357) that empowered the secretary of the interior to supervise all types of election. However, in order to insulate the electoral process from partisan politics, a constitutional amendment was passed and approved in a plebiscite to create an independent Commission on Elections (COMELEC) (Tancangco, 1988: 82-83). Five elections were held in the Commonwealth period: the presidential and legislative elections of 1935; the local elections of 1937; the legislative elections of 1938; the local elections of 1940; and the presidential and legislative elections of 1941.

The initial development and growth of electoral politics and party politics in the Philippines remained a lasting legacy of American colonialism. However, the fusion of wealth and power brought about by political connections and patronage, instead of productivity, has undermined the post-colonial state's capacity to realize broad national goals for social and economic development. Thus, 'elections as the defining feature of democracy were not always competitive because of the schemes of oligarchic interests to manipulate and control electoral outcomes (such as control of the media, oligarchic parties and personalized campaigning, and electoral fraud)' (Velasco, 1997: 83).

American colonial rule left the country with a weak central state during the Commonwealth era. It had to contend with dispersed local centres of power that possessed varying degrees of autonomy all over the archipelago. At the

6. The indicator E_{rep1} measures the over-representation of the strongest party, whereas the difference $E_{\text{rep1}} - E_{\text{rep}}$ indicates the seat bonus of the strongest party in Parliament offered by the electoral system. For details, see the final chapter by Aurel Croissant.

heart of these power centres were the landed elites who had the uncanny ability to survive both war and peasant rebellion. The introduction of an electoral system for electing public officials provided the landed elite with a venue to consolidate and expand their power. The landed elites or '*oligarchs*', through their control of the Congress, transformed themselves into a national oligarchy that successfully repulsed the government's attempts at land reform. Thus, democratization of economic resources in the country was prevented (Rivera, 1994: 112-114).

Elections after Independence

The Philippines have had relatively extensive experience in electoral politics. From 1946 to 1971, 16 national and local elections were conducted. This translates into an average of one national election every 16 months, aside from the equally frequent local elections for governors, mayors and other local officials (Velasco, 1989; COMELEC, 2001c). In 1947, a constitutional amendment extended the term of the House of Representatives to four years, and the term of the Senate to six years. One third or eight members of the Senate are renewed every two years by plurality in a national eight-member constituency. Each voter is given eight votes (Hartmann, Hassall and Santos, 2001).

Philippine post-war politics was characterized by an 'indistinct two party system' with intense competition between the Nacionalista Party (NP) and the Liberal Party (LP).⁷ The LP was formerly the 'liberal wing' of the NP that formally split off after an intense leadership struggle in 1946. The United States-backed LP became the ruling party in 1946 after it won the presidency and vice-presidency, as well as the majority of the seats in the bicameral Congress and most of the local positions (Liang, 1970; Tancangco, 1988; Lande, 1996).

Elections in the First Philippine Democracy

The rivalry between the two parties dominated Philippine politics from 1946 until 1971. Both took turns to capture the presidency and controlling both chambers of Congress (see Table 3). The Liberals won the presidential elections of 1946, 1949 and 1961. The Nacionalistas won them in 1953, 1957, 1965 and 1969 (see Table 4). However, despite their regular political intramurals,⁸ the two parties were identical in their elitist structures, social make-up, and policies (Lande, 1996). Both the NP and the LP can be classified as 'cadre parties' since they did not seek mass membership, only mass support on election day, and were administered by a small group of incumbent and non-incumbent public officials, and professional politicians (Wurfel, 1988).

7. Tancangco (1988) utilized the term 'indistinct two-party system'. From 1946 to 1971, the NP and LP were 'for all practical purposes, identical in their structures, social make-up, and policies. Both the Liberals and Nacionalistas had, in every province, congressional district, municipality and in many barrios as well, local leaders who competed with similar leaders of the opposing party for elective offices. They did this by building personal political followings, and then seeking additional votes from uncommitted voters by using their government connections to bring public works projects and other concrete benefits to their localities' (Lande, 1996: 120).

8. In Philippine journalistic parlance, 'political intramurals' refer to political contests or competitions.

Table 3: Two-Party System in the Philippine Congress, 1946-1969

Year	Nacionalista		Liberal		Others		Total	Seats
	HoR	S	HoR	S	HoR	S	HoR	S
1946	35	7	49	8	14	1	98	16
1947	-	1	-	7	-	0	-	8
1949	33	0	66	8	1	0	100	8
1951	-	0	-	8	-	0	-	8
1953	31	5	59	0	12	3	102	8
1955	-	8	-	0	-	0	-	8
1957	82	6	19	2	1	0	102	8
1959	-	5	-	2	-	1	-	8
1961	74	2	29	6	1	0	104	8
1963	-	4	-	4	-	0	-	8
1965	38	5	61	2	5	1	104	8
1967	-	7	-	1	-	0	-	8
1969	88	7	18	1	4	0	110	8
1971	-	2	-	6	-	0	-	8

HoR - House of Representatives; S - Senate
 Source: Hartmann, Hassall and Santos, 2001.

Table 4: Philippine Presidents, 1946-1986

President	Party	Term
Manuel Roxas*	Liberal	1946-1948
Elpidio Quirino	Liberal	1949-1953
Ramon Magsaysay#	Nacionalista	1953-1957
Carlos Garcia	Nacionalista	1957-1961
Diosdado Macapagal	Liberal	1961-1965
Ferdinand Marcos^	Nacionalista	1965-1986

* Died in office. Succeeded by Vice-president Elpidio Quirino.
 # Died in office. Succeeded by Vice-president Carlos Garcia.
 ^ Re-elected in 1969. Declared martial law in 1972. Ousted in 1986.

There were 14 senatorial elections in the post-war period. These included the regular and mid-term elections between 1946 and 1971. The LP dominated the first three (1946, 1947 and 1949), while the NP continuously won the most number of seats in the succeeding five elections (1951, 1953, 1955, 1957 and 1959). Interestingly, the party that captured the presidency also won the most senatorial seats. Hence, the LP managed to regain its dominance in 1961 when it won the presidency. The election of 1963 was the only time that both parties split the seats equally at four each. Again, the NP captured the most seats in

1965, 1967 and 1969 under the Marcos administration.⁹ After the notorious Plaza Miranda bombing,¹⁰ the LP nearly swept the senatorial race of 1971. The mid-term senatorial election of 1971 was the last free elections in the Philippines as Marcos declared martial law the following year and abolished Congress.

The magnitude of constituencies or district size affects the degree of proportionality (percentage of votes needed to share in allocation of seats) of an electoral system. Ideally, disproportionality decreases in medium-sized to large constituencies as the share of votes and seats approximate each other (Nohlen, 1984: 69-70). The pre-martial law Senate was unique given its national constituency in which eight members were elected every two years by plurality. The system benefited the two largest parties and discouraged the emergence of effective third parties. It encouraged competition among candidates within the same party. There was also a wide gap between the percentage shares of votes and seats gained by the parties. This is reflected in the average E_{rep} index for the Senate between 1946 and 1971 at 73.9. The relatively high E_{rep1} index of 88.1 indicates a strong effect on integration (see Table 5).

Table 5: Average Representativeness and Majoritarian Effects of the Electoral System (Senate, 1946-1971)

Year	E_{rep}	E_{rep1}	$E_{rep1} - E_{rep}$
1946	85.5	95.8	10.3
1947	67.2	83.5	16.3
1949	52.5	76.3	23.8
1951	59.1	79.6	20.5
1953	64.0	88.7	24.7
1955	67.6	83.8	16.2
1957	72.2	86.1	13.9
1959	81.2	94.6	13.4
1961	79.5	89.8	10.3
1963	99.8	99.9	0.2
1965	75.0	90.7	15.7
1967	75.4	87.7	12.3
1969	73.3	86.7	13.4
1971	82.4	91.2	8.8
Average	73.9	88.1	14.2

Source: See Table 2.

9. Ferdinand Marcos was elected first to the House and later to the Senate as a staunch member of the Liberal Party. He became president of the LP and the Senate, but switched to the Nacionalista Party to become its presidential candidate in 1965. He won that year and made history in 1969 by being the only president ever to be re-elected.
10. Plaza Miranda in Quiapo, Manila was the Hyde Park of the Philippines, where political gatherings and rallies were common in the pre-martial law period. On 21 August 1971, grenades exploded at the LP political rally injuring candidates and party leaders, and killing some innocent by-standers. The opposition accused Marcos, who in turn pointed to communist insurgents as the culprit.

The single-member district in the lower house and popular election of a powerful president served as significant legal reinforcements for the maintenance of the two-party system (Wurfel, 1988). In addition, the introduction of the 'write-in system' of voting, together with the distribution of sample ballots, have strengthened local political leaders in their interaction with national elective officials. The 'write-in system' was originally intended to replace the earlier 'block voting system' and makes it difficult and costly for politicians to influence voters.¹¹ However, it has affected the political process in other ways. As Carl Lande (1996: 101) observes,

[w]ithout the goodwill and help of [local] leaders, and their willingness to distribute sample ballots containing the names of particular aspirants for higher offices, candidates running in the intensely competitive setting of Philippine politics cannot hope to win. This enables local leaders to extract benefits for their localities, their followers, and for themselves, from those whom they have helped win higher offices. The inter-personal alliances and obligations created by the upward delivery of votes in return for the downward flow of rewards give substance to the personalistic political patron-client ties that help to structure Philippine politics.

Electoral laws that provided for publicly funded election inspectors to the two largest political parties further reinforced the two-party system. In this system, the two largest parties are provided with funds for an election inspector each in all the precincts nation-wide. The main task of these inspectors is to guard their party's votes and represent their party in the counting of votes. The inspectors provided the NP and the LP with the advantage of a built-in party apparatus and organization throughout the country, and made it virtually impossible for alternative third parties to emerge (Caoli, 1989).

Electoral systems anchored on a plurality formula often promote party concentration, given their inherent tendency towards the formation of a two-party system (Nohlen, 1984: 48). Hence, the NP and the LP alternated their control of the House of Representatives in seven elections between 1946 and 1969. These elections approximated the same pattern in the Senate. The party of the incumbent or the winning presidential candidate often captured the majority of house seats. Thus, the LP captured the House in 1946 and 1949, while the NP won it in 1957 and 1969. In 1953, 1961 and 1965, the incumbent parties retained their control of the lower chamber, despite losing the presidency.¹²

11. Under the 'write-in system', a voter is given a ballot that lists only the offices to be filled, followed by blank spaces. Since no names of candidates are indicated, the voter must write the names of the individuals they will vote for in the empty spaces provided. On the other hand, 'block voting' voters may cast straight party ballots by simply writing the name of a political party. Given the fact that most voters cannot possibly be expected to remember the multitude of names of candidates for local and national offices, voters are often given 'sample ballots' which they may bring with them to the polling booth. Thus, candidates make extra efforts to distribute 'sample ballots' on which their names appear (Lande, 1996: 99-100).

12. However, members of these parties usually transferred to the new administration party to have access to public works or 'pork barrel' funds.

Table 6: Average Representativeness and Majoritarian Effects of the Electoral System (House, 1946-1969)

Year	E_{rep}	E_{rep1}	$E_{rep1} - E_{rep}$
1946	87.3	94.4	7.2
1949	93.1	96.5	3.5
1953	79.6	91.0	11.4
1957	80.8	90.4	9.6
1961	89.9	97.1	7.2
1965	92.6	97.6	5.0
1969	79.0	89.5	10.5
Average	86.0	93.8	7.8

Source: See Table 2.

The congressional elections between 1946 and 1969 registered a high average of 86 in the E_{rep} index. The share of votes was fairly proportional to the share of seats obtained by political parties. This was rare in plurality electoral systems in single-seat constituencies. Theoretically, plurality systems often reflect a wide gap between the percentage share of votes and seats gained by the parties (Nohlen, 1984: 35). The two-party system entrenched the NP and the LP such that the considerable difference between their share of votes and share of seats was at the expense of minor parties or independent candidates. In most instances, only the two parties received the majority of the votes cast in the elections. Party concentration was promoted as shown by the high E_{rep1} average index at 93.8. There was also a low rate of over-representation at 7.8 (see Table 6).

Elections in the Authoritarian Regime

The declaration of martial law by President Ferdinand Marcos in September 1972 halted all party activities and intra-elite competition. Elections were cancelled for the first six years of martial law. Martial law was declared amid the efforts of the 1971 Constitutional Convention to draft a new constitution. Although the process was already mired with gross presidential interference, martial law hastened the completion of a charter that was tailored to the needs of the authoritarian regime. Despite protests and controversies, *barangay* (village) citizen assemblies¹³ were convened and ratified the 1973 constitution (Wurfel, 1988). Article XVII (Transitory Provisions) of the Marcos Constitution provided for the replacement of the Philippine Congress with an Interim National Assembly. However, the Interim National Assembly never saw the light of day as amendments to the charter were made in 1976 replacing the Interim National Assembly with an Interim National Legislature (Interim Batasang Pambansa, IBP) (Catilo and Tapales, 1988: 151-152).

13. Instead of having the constitution ratified by a referendum, Marcos convened the ad hoc and loosely structured *barangay* (village) citizen assemblies where people were publicly asked to raise their hands in support of the Marcos Constitution.

The 1978 election for members of the IBP reactivated traditional political forces. The election was held under a system of region-wide voting districts in lieu of the single-member district system originally provided by the 1973 constitution (Kimura, 1997). However, the revival of electoral politics under the Marcos authoritarian regime greatly restricted genuine party competition (see Table 7). Marcos began to institutionalize one-party dominance with the organization of the New Society Movement (Kilusang Bagong Lipunan, KBL) in 1978 (Tancangco, 1988). The KBL was originally established as a coalition movement of members of the pre-martial law NP, LP and other political personalities who were supportive of Marcos' 'New Society'.¹⁴ However, it simply revived the old clientelistic network that distributed patronage through local governments. On the other hand, various opposition groups in the country established new parties. However, most of these parties were organized as regional parties that fielded candidates for specific regions instead of a national constituency. The emergence of regional parties was an indication of the consolidation of the dictatorial regime and the splintering of opposition forces (Wurfel, 1988).

Table 7: Result of the 1978 Interim Batasang Pambansa Election

Region	KBL	Others	Total Assembly Seats
National Capital Region	21	-	21
I. Ilocos	14	-	14
II. Cagayan Valley	8	-	8
III. Central Luzon	16	-	16
IV. Southern Tagalog	21	-	21
V. Bicol	12	-	12
VI. Western Visayas	15	-	15
VII. Central Visayas	-	13 (Pusyong Bisaya)	13
VIII. Eastern Visayas	10	-	10
IX. Western Mindanao	8	-	8
X. Northern Mindanao	8	1 (Mindanao Alliance)	9
XI. Southern Mindanao	10	-	10
XII. Central Mindanao	7	1 (Konsensiya ng Bayan)	8
TOTAL	150	15	165

Source: COMELEC, 1978.

The KBL continued to dominate succeeding electoral exercises such as the 1980 local elections, the 1981 presidential election and the 1984 Regular Batasang Pambansa (National Legislature) elections.¹⁵ The Marcos regime also

14. Marcos referred to his martial law regime as the 'New Society'.

15. Marcos terminated martial law on 17 January 1981 with Presidential Proclamation No. 2045. This was followed by the election of members to the Regular Batasang Pambansa on 2 May 1984, in accordance with the 1973 constitution, as amended. Unlike the Interim Batasang Pambansa whose existence was transitory, the Regular Batasang Pambansa was envisaged as serving as the institutional national legislature.

introduced *barangay* elections in 1982 to replace the pre-martial law *barrio* as the basic unit of local governance. In addition, elections were held in 1979 and 1982 for members of the autonomous Regional Assembly in Mindanao (Regions IX and XII) in an attempt to placate the separatist movement led by the Moro National Liberation Front (MNLF).

The Marcos regime allowed these electoral exercises to give itself a semblance of political legitimacy. However, it utilized its authoritarian powers to manipulate the electoral rules and institutions. For example, Presidential Decree No. 1296 (the election code that governed the conduct of the 1978 elections) allowed the block voting system which counts the vote for a party as a vote for all the individual candidates in the official ticket. The system gave the KBL undue advantage since it was the only party capable of mounting a nationwide campaign. In addition, the system was prone to electoral fraud since it was easier to stuff ballot boxes with pre-filled ballots (Tancangco, 1988: 96).

In the wake of the massive outpouring of protest and discontent following the assassination of opposition leader Benigno Aquino Jr. in August 1983, the leading opposition parties participated and performed relatively better in the May 1984 *Batasang Pambansa* elections (see Table 8). The opposition was led by the United Nationalist Democratic Organization (UNIDO) and the Partido Demokratiko Pilipino-Lakas ng Bayan (Philippine Democratic Party-People's Power, PDP-Laban). The 1984 *Batasang Pambansa* election was conducted under a multi-member, multiple-vote system in which district allocation of representation ranged from one to six representatives, depending on the number of registered voters in a given district. Each voter was given as many votes as there were members of parliament to be elected in the district. This system gave some room for the anti-Marcos segment of the elites to reconstruct their grass-roots machinery.

In an effort to again demonstrate his political legitimacy, Marcos called for a snap presidential election in 1985. Corazon C. Aquino, widow of the assassinated opposition leader, was the presidential candidate of the united opposition. Massive cheating by the administration triggered a failed military coup that led to a people's uprising at EDSA.¹⁶ The ouster of the Marcos dictatorship in February 1986, and the subsequent dismantling of its authoritarian infrastructure have resulted in the restoration of formal democratic institutions that include the pre-martial law presidential form of government with a bicameral legislature.

16. Epifanio de los Santos or EDSA is the name of the major highway that cuts across metropolitan Manila. Two major camps are situated at the centre of this thoroughfare: Camp Aguinaldo, the headquarters of the Armed Forces of the Philippines, and Camp Crame, the headquarters of the Philippine National Police (formerly the Philippine Constabulary-Integrated National Police). These two camps were the primary location of the military-backed people's uprising that ousted the Marcos dictatorship in February 1986.

Table 8: Results of the 1984 Batasang Pambansa Election

Administration	Seats
KBL	110
KBL-Independents	4
Total	114
Opposition	Seats
United Nationalist Democratic Organization (UNIDO)	35
Coalitions*	17
Partido Demokratikong Pilipino-Lakas ng Bayan (PDP-Laban)	6
Mindanao Alliance (MA)	1
Partido Panaghiusa	1
CCA	1
Total	61
Others	Seats
NP	2
Independent	6
Total	8
GRAND TOTAL	183

Source: COMELEC, undated c.

* Alliance among two or more national and/or local political parties.

The Current System

Under the 1987 constitution, the president and the vice-president are separately elected by a direct vote of the people through simple plurality nationwide. Both serve a term of six years. The president is not eligible for any re-election while the vice-president sits one term out after serving for two successive terms. Since 1935, the Commission on Elections (COMELEC) has administered all electoral exercises in the Philippines.

The Philippine Congress consists of the Senate and the House of Representatives. Half of the 24 senators are nationally elected at large¹⁷ every six years through simple plurality. At least one term out is imposed on senators who have served two consecutive terms. On the other hand, members of the House of Representatives are elected from single-member districts every three years. This electoral system, combined with a personalist party system, grossly over-represents the largest parties and excludes minor parties. The inclusion of proportional representation (implemented through a party-list ballot) for a small portion of the lower chamber is an attempt to shift the focus from personalities to political parties (Wurfel, 1997).

17. In Philippine legal jargon, 'at large' refers to election by plurality formula instead of proportional representation.

The 1991 Local Government Code provides for the election of local government officials. The governor, vice-governor, city mayor, city vice-mayor, municipal mayor, municipal vice-mayor and *punong barangay* (village head) are elected at large in their respective areas. Elections are conducted through simple plurality every three years. Likewise, members of the local legislative assemblies such as the provincial board, city and municipal councils are elected by district and plurality vote. However, members of the village assembly are elected at large in their respective areas. Representatives and local government officials are allowed a maximum of three consecutive terms before they can again seek re-election.

The constitution drafted under the Aquino administration provides for the development of a multi-party system under a presidential form of government. However, in spite of the emergence of several political parties in the post-Marcos era, these parties have been unable to transcend traditional modes of political contestation. Thus, they continue to be ineffectual in addressing the fundamental socio-economic issues plaguing Philippine society.

The 1987 Congress Elections

The 1987 congressional election was the first free election in the Philippines since 1971. Eighty-four candidates vied for the Senate, while 1,899 contested the House seats. The majority consisted of an 'undecipherable mixture of pro-Aquino candidates endorsed by the coalition, by major parties ... or by several other minor parties or a combination thereof' (Wurfel, 1988: 319). There was a preponderance of 'fusion candidacy' or 'cross-endorsement' in which candidates received their nomination from more than one party. In other instances, political parties nominated more than one candidate in the same district (Kasuya, 2001b).

Since President Corazon C. Aquino refused to form her own political party, an assorted array of political parties who supported her candidacy in 1986 formed a coalition to carry the administration banner. The Lakas ng Bayan (People's Power) coalition was composed of the PDP-Laban, the LP, Lakas ng Bansa (Nation's Power, Lakas), UNIDO, National Union of Christian Democrats (NUCD) and the Bansang Nagkaisa sa Diwa at Layunin (Nation United in Spirit and Objective, BANDILA). The various personalities, ambitions and political dispositions that comprised the ruling coalition manifested themselves in internecine conflicts that underscored its fragility. The power struggle intensified as most politicians from UNIDO and other parties started shifting their allegiance to PDP-Laban, then perceived as the administration party.

There were three distinct opposition groups. The Grand Alliance for Democracy (GAD), led by former Defence Minister Juan Ponce Enrile, former Marcos cabinet men, KBL legislators and conservative pre-1986 opposition members who turned

against Aquino. The Union for Peace and Progress-Kilusang Bagong Lipunan (UPP-KBL), mostly composed of die-hard Marcos loyalists occupying the shell of the former monolithic party. Lastly, the Alliance for New Politics (ANP) was composed of the left-leaning Partido ng Bayan (Party of the Nation, PnB), Volunteers for Popular Democracy (VPD) and the Bagong Alyansang Makabayan (New Nationalist Alliance, Bayan).

The 1987 constitution revived the pre-martial law Senate. The electoral system for the Senate consists of plurality votes for one national constituency of 12 members elected every three years.¹⁸ For the first election of a new batch of senators in 1987, each voter was given 24 votes. Both the Lakas ng Bayan coalition and GAD fielded complete slates of senatorial candidates. The pro-Marcos UPP-KBL had 17, while the left-leaning ANP supported seven candidates. The Lakas ng Bayan nearly swept the elections with 22 seats and captured 229,542,457 (61 per cent) of the 375,004,620 valid votes. The opposition GAD only managed to win 2 seats with 15,542,457 (4 per cent) of the votes (see Table 9).

Table 9: Representativeness (Senate)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
Lakas ng Bayan	243,431,395	64.9	22	92.0
GAD	99,754,162	26.6	2	8.0
KBL	16,356,441	4.4	0	0.0
PnB	8,532,855	2.3	0	0.0
Others	55,519	0.0	0	0.0
Independents	6,874,428	1.8	0	0.0
Grand Total	375,004,800	100	24	100

Source: COMELEC, undated d.

Most of the local politicians identified with the former dictator opted to run as independents or angled their way into one of the pro-Aquino parties. Seventy former members and associates of the KBL ran and won in the elections: 23 ran under administration parties, 28 under the opposition banner and 19 as independents (Soriano, 1987). The election saw an overwhelming victory for the ruling coalition, with an almost clean sweep in the upper house and a clear majority in the lower house. It also registered a high rate of turn-out with 22,739,284 (85.59 per cent) voters participating in the polls. Nonetheless, the total votes garnered by the entire membership of the 200-seat House of Representatives constitute a mere 34 per cent of the total votes cast. The fluidity

18. As provided for in the 1987 constitution, the 24 senators elected in 1987 served a term of five years. By 1992, the first 12 winners were given a term of six years, while the next 12 in ranking were given three years. Since 1995, 12 senators are elected every three years with a term of six years.

and transitional nature of the 1987 elections can be deemed from the large number of candidates (49 or 25 per cent) who won under multiple coalitional permutations (see Table 10).

One hundred and thirty-three representatives (66.5 per cent) elected in the Eighth House had previous electoral experience. Of this number, 43 (22 per cent) were former members of parliament elected in the 1984 Batasang Pambansa elections, and 29 (15 per cent) were candidates who ran and lost in the 1984 elections. Fifteen (7.5 per cent) were former members of the 1978 Interim Batasang Pambansa, and five had been candidates but had lost in the 1978 election. Thirty five (17.5 per cent) had been elected either as national legislators or local officials since 1971, and 30 (15 per cent) were elected in the 1980 local elections. In addition, 31 newly elected representatives in 1987 were relatives of traditional political families. Overall, 166 representatives (or 83 per cent of the total) were drawn from the ranks of the elite in Philippine society. In addition, the remaining 17 per cent of new entrants were not exactly non-elites since they also controlled significant economic interests (Gutierrez, Torrente and Narca, 1992).

Table 10: Representativeness (House)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
Coalitions/ Others*	2,648,719	13.2	55	27.5
PDP-Laban#	3,477,958	17.3	43	21.5
Lakas ng Bansa	3,510,638	17.5	24	12.0
Independent	2,660,894	13.2	23	12.0
UNIDO	2,570,876	12.8	19	10.0
LP	2,101,575	10.5	16	8.0
KBL	823,676	4.1	11	6.0
NP	1,444,399	7.2	4	2.0
GAD	268,156	1.3	2	1.0
PnB	328,215	1.6	2	0.0
Lakas ng Bayan	248,489	1.2	1	0.0
Grand Total	20,083,595	100	200	100

Source: COMELEC, undated d.

* Includes 49 seats that ran under various coalitions and six minor parties.

Includes 21 seats under the PDP-Laban/Lakas ng Bansa alliance.

Seeing the need to simplify the political equation in the House, and in preparation for the 1992 elections, pro-administration politicians led by Speaker Ramon Mitra Jr. pushed a plan to merge all political parties and groups supporting the Aquino administration into a single party similar to the KBL (Lustre, 1991: 12). To pave the way for this merger, an alliance for the 1988 local elections was

forged between the two parties headed by presidential relatives – the PDP-Laban and LnB. The alliance fielded a common slate in 53 out of 75 provinces. These included politicians formerly affiliated with the KBL. The machinery built around the traditional leadership networks in the provinces and regions by the former dictator may have been dismantled, but the Marcos political leaders have preserved their enormous influence at the local level.

The 1988 Local Elections

The 1988 local election was considered to be another step towards the consolidation of state powers by the Aquino administration. Out of 20.5 million registered voters, 80 per cent participated in the election. A total of 150,000 candidates vied for 15,946 local seats that included provincial governorship, city and municipal mayoralty, and membership in provincial, city and municipal legislative assemblies (Patricio, 1988; de Jesus 1988a). The exercise, however, reinforced the traditional nature of politics in the Philippines. Voters in the urban areas elected candidates with familiar names, while those in the rural areas supported their relatives and friends. The election also saw the emergence of 'show business' candidates as a force to be reckoned with in the electoral arena (de Jesus, 1988b: 1, 9).

According to COMELEC records, pro-administration candidates won a total of 9,630 seats, broken down into Lakas ng Bansa 2,134; PDP-Laban 2,959; LP 1,259; UNIDO 591; and coalitions 2,634. The opposition parties won a total of 1,061 seats composed of NP 583; KBL 151; GAD 1; Partido ng Bayan 17; and coalitions 309. Those who ran as independents or under local and regional parties won a total of 5,255 seats. The lack of discipline among various political parties was evident in the declaration of 'open zones' in which members supported candidates that were independent or belonging to another party. One example is the alliance between the PDP-Laban and the Lakas ng Bansa which fielded a common ticket in 53 out of 75 provinces.¹⁹ The alliance became the core of the Laban ng Demokratikong Pilipino.

The Laban ng Demokratikong Pilipino (LDP) was organized in 1988 as a merger of all political parties and groups supporting the Aquino administration. Between 1988 and 1991, its membership in the lower house grew to 154. Out of the 147 representatives who ran under several pro-administration parties, alliances and coalitions, the LDP was able to recruit 123. And 17 out of 30 elected opposition members affiliated themselves with the new party. Ironically, these included the two congressional representatives elected under the banner of the left-leaning PnB. Seventeen independent solons²⁰ also joined the LDP.

19. Relatives of President Aquino headed both parties at that time. Her brother, Representative Jose Cojuangco, headed the PDP-Laban, while her brother-in-law, Paul Aquino, headed the LnB.

20. In Philippine journalistic parlance, 'solons' are legislators/politicians, a name derived from the ancient Greek legislator Solon.

The party also recruited four sectoral representatives appointed to Congress, bringing its total strength to 158.²¹

The 1992 Synchronized Elections

The 1992 election was the first synchronized election under the 1987 constitution. Thus presidential, congressional and local elections were held simultaneously. There were 87,770 national and local candidates for 17,282 positions. The election again registered a high turn-out as 24,254,954 (75.46 per cent) out of a total 32,141,079 went to the polls. The 1992 election was also the first free and open presidential election since 1969. There were seven presidential contenders; relatively new political parties supported all except for three. The NP, after breaking up into three factions, supported Vice-president Salvador Laurel. The LP, after suffering from mass defections and financial troubles, allied itself with the remnants of Senator Aquilino Pimentel's PDP-Laban and fielded Senator Jovito Salonga. The moribund KBL fielded former First Lady Imelda Marcos. The LDP supported Speaker Ramon Mitra. The Nationalist People's Coalition (NPC), composed of various defectors from other parties, teamed-up with Senator Joseph Estrada's Partido ng Masang Pilipino (Party of the Philippine Masses, PMP) and fielded former Ambassador Eduardo Cojuangco. The Lakas-NUCD-UMDP coalition became the final vehicle for former Defence Secretary Ramos. The People's Reform Party (PRP), heavily supported by student volunteers, fielded former Secretary of Agrarian Reform Miriam Defensor-Santiago. With the endorsement of President Aquino and support of government resources, Ramos emerged as the winner, albeit with a slim plurality (see Table 11).

Table 11: Result of the 1992 Presidential Election

Candidate	Party	Votes	%
Fidel V. Ramos	Lakas-NUCD-UMDP	5,342,521	23.6
Miriam Defensor Santiago	PRP	4,468,173	19.7
Eduardo Cojuangco	NPC	4,116,376	18.2
Ramon Mitra	LDP	3,316,661	14.6
Imelda Romualdez Marcos	KBL	2,338,294	10.3
Jovito Salonga	LP	2,302,124	10.2
Salvador H. Laurel	NP	770,046	3.4

Source: COMELEC, 1992.

21. Section 7 of article XVIII of the 1987 constitution states, 'the President may fill by appointment from a list of nominees by the respective sectors the seats reserved for the sectoral representatives'. Section 5 (2) of article VI of the constitution refers to sectors as 'labor, peasant, urban poor, indigenous cultural communities, women, youth and such other sectors as may be provided by law except the religious sector'. Before 1998, half of the seats (25) allocated for the party-list system could be filled-up by the president according to sectoral representation (Agra, 1997b).

The simultaneous election of presidential, congressional and local officials has introduced new variables in Philippine party politics. The election saw the emergence of new parties, alliances and coalitions that fielded a multitude of candidates for various governmental positions. There were 152 candidates for the Senate in 1992. All the major parties fielded complete slates of 24 candidates, except the NP with 23 and the PRP with 16. The election resulted in the LDP winning 16 seats, the NPC five, Lakas-NUCD two and LP-PDP-Laban one.²²

Table 12: Representation Performance Senate (1992)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
LDP	124,399,291	45.0	16	66.7
NPC	48,956,459	17.7	5	20.8
Lakas-NUCD-UMDP	48,658,631	17.6	2	8.3
LP-PDP-Laban	19,158,013	6.9	1	4.2
NP	14,499,923	5.2	0	0.0
KBL	12,691,686	4.6	0	0.0
PRP	6,141,565	2.2	0	0.0
PMP	1,423,994	0.5	0	0.0
Independents	515,927	0.2	0	0.0
Grand Total	276,445,489	100	24	100

Source: COMELEC, 1992.

The total votes garnered by the winning candidates for the lower house translates to 39 per cent of the total votes cast. The strongest legislative party was the LDP with 86 elected members, followed by the Lakas-NUCD-UMDP with 40 seats, and the NPC with 30 seats (see Table 13). These three parties emerged as the most dominant in succeeding elections in the post-Marcos period.

The Lakas-NUCD-UMDP party was hastily organized for the 1992 election, after Defence Secretary Fidel Ramos lost the LDP presidential nomination to House Speaker Mitra. It was a merger of the newly formed Lakas ng EDSA (not to be confused with the Lakas ng Bansa) and the older National Union of Christian Democrats-Union of Muslim Democrats of the Philippines (NUCD-UMDP) founded in 1984. From an original 40 elected members, it was able to expand to 119 after Ramos won the presidency. Out of the 104 re-elected members of the House, 88 were former LDP members in the Eighth House. After the 1992 election, the LDP lost 58 more members to Lakas, which successfully elected party stalwart Jose de Venecia Jr. (a former LDP member) as speaker of

22. While the Commission of Elections reported the total number of registered voters at 32,105,782, it did not provide the number of valid votes for the 1992 senatorial election. Hence, it is difficult to compute the indicators employed in the chapter's first section. For a detailed discussion of the pitfalls of utilizing COMELEC records and statistics, see Hartmann, Hassall and Santos, 2001.

the house. Thus, from being the party with the most number of elected members, it slipped to third place with 25 remaining members. Formerly the major administration party under the Aquino administration, the LDP found itself as the opposition in the Ramos administration, deprived of access to patronage.

Table 13: Representativeness (House)

Political Party	Votes		Seats		Difference (%)
	Total	Share (%)	Seats	Share (%)	
LDP	6,286,922	33.7	86	43.2	9.5
Lakas-NUCD-UMDP	3,951,144	21.2	40	20.1	1.1
NPC	3,478,780	18.7	30	15.1	3.6
Coalitions*	679,411	3.6	14	7.0	3.4
LP-PDP-Laban#	1,644,568	8.8	11	5.5	3.3
NP	730,696	3.9	7	3.5	0.4
Independents	938,558	5.0	6	3.0	2.0
KBL	438,577	2.4	3	1.5	0.9
Others	491,970	2.6	2	1.0	1.6
Grand Total	18,640,626	100	199	100	25.8

Source: COMELEC, 1992.

* Alliance among two or more national and/or local political parties.

LP and PDP-Laban formed a national coalition in support of a common presidential and senatorial slate.

The NPC was organized as a vehicle for the presidential candidacy of close Marcos ally Ambassador Eduardo Cojuangco. It was composed of a splinter of the NP, remnants of the KBL and defectors from other parties. After the election, the NPC entered into a coalition with the ruling Lakas-NUCD-UMDP in the House of Representatives to support Speaker De Venecia.

Of the representatives who were elected in 1992 to the Ninth House, 145 belonged to political families. Out of these, 30 (15 per cent) were third- or fourth-generation politicians. At least 64 representatives (32 per cent) were children of prominent political figures. In addition, 23 representatives had spouses who occupied, once occupied or contested important government positions; and 46 members (23 per cent) had brothers and/or sisters active in politics. The dominance of political clans was expanded with 58 representatives having uncles, nieces, nephews and cousins who held or once held public office, and 33 who had married into political families or who had in-laws in public office. Altogether, only 54 representatives (27 per cent) had no close relatives in politics (Gutierrez, 1994: 17-24).

The 1995 Congress Elections

In preparation for the next round of elections, an alliance between the administration and opposition parties was formalized with the formation of

the Lakas-Laban coalition. The coalition fielded a common slate of 12 candidates. The NPC supported a token slate of ten candidates. The PRP had two candidates. Overall, there were 28 candidates. The Lakas-Laban coalition won ten seats with 97,920,251 (54 per cent) out of the 180,361,231 valid votes counted. The PRP got two seats with 18,435,847 (10 per cent), and the NPC secured one seat with 8,700,278 (5 per cent).

Table 14: Representativeness (Senate)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
Lakas-Laban coalition*	123,678,255	68.6	10	83.0
PRP	19,619,923	10.9	2	16.0
NPC	28,452,737	15.8	1	1.0
KBL	8,168,768	4.5	0	0.0
Others	441,548	0.2	0	0.0
Grand total	180,361,231	100	13	100

Sources: COMELEC, undated f; Hartmann, Hassall and Santos, 2001.
 * The Lakas-NUCD-UMDP and the LDP formed a national coalition.

Table 15: Representativeness (House)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
Lakas-NUCD-UMDP	7,811,625	40.7	100	49.0
Lakas-Laban coalition*	1,998,810	10.4	25	12.3
NPC	2,342,378	12.2	22	10.8
LDP	2,079,611	10.8	17	8.3
Government coalition	923,731	4.8	9	4.4
LP	358,245	1.9	5	2.5
PDP-Laban	130,365	0.7	1	0.5
NP	153,088	0.8	1	0.5
KBL	183,256	1.0	1	0.5
PMP	171,454	0.9	1	0.5
Opposition coalition	306,064	1.6	1	0.5
People's Reform Party	171,454	0.9	0	0.0
Hybrid Coalitions	989,723	5.2	0	0.0
Others	274,845	1.4	14	6.9
Independents	1,386,007	7.2	7	3.4
Grand Total	19,280,656	100	204	100

Sources: COMELEC, undated f; Hartmann, Hassall and Santos, 2001.
 * The Lakas NUCD-UMDP and the LDP formed a national coalition.
 # Alliance between two or more national and/or local political parties.

By the time the Tenth House was convened after the 1995 election, Lakas had completely consolidated its hold over the lower chamber (see Table 15).

The turn-out for the mid-term election was 25,736,505 (70.66 per cent). One hundred and fifty-one House members were successfully re-elected, 82 of whom were on their third term. Eighty seven of those re-elected won in 1992 and 1995 under different political parties and of those 80 had transferred to the Lakas-NUCD-UMDP. Fifty-one of the 80 who converted to the administration party were former members of the LDP (Querijero, 1997).

The 1998 Synchronized Elections

The second synchronized election was held in 1998. The exercise registered the highest turn-out since 1987, with 29,285,775 (86.46 per cent) out of 33,873,665 voting at the polls. A large number of politicians filed their candidacies under the ruling Lakas-NUCD-UMDP. In some areas, two or more Lakas candidates competed against each other. However, most of them affiliated themselves with Lakas to gain campaign financing, while secretly supporting the presidential candidacy of Vice-president Joseph Estrada of the opposition Laban ng Makabayang Masang Pilipino (Struggle of the Nationalist Pilipino Masses, LAMMP). This largely contributed to the defeat of Lakas presidential candidate Speaker Jose de Venecia Jr. LAMMP was a coalition of the LDP, PMP and NPC. The election also saw the emergence of three minor parties: the Partido para sa Demokratikong Reporma-Lapiang Manggagawa (Party for Democratic Reforms-Worker's Party, Reporma-LM), Probinsya Muna Development Initiatives (Provinces First Development Initiative, PROMDI), and Aksyon Demokratiko (Democratic Action).²³ It is also worth noting that aside from the LAMMP coalition, no other multiple alliances were forged as in previous electoral exercises.

The election saw an unprecedented number of presidential candidates. Established and newly formed political parties fielded ten candidates. These included Speaker Jose de Venecia Jr. (Lakas-NUCD-UMDP), Vice-president Joseph Estrada (LAMMP), Senator Raul Roco (Aksyon Demokratiko), former Governor Emilio Osmeña (PROMDI), Mayor Alfredo Lim (LP), Defence Secretary Renato de Villa (Reporma-LM), Senator Miriam Defensor-Santiago (PRP), Senator Juan Ponce Enrile (Independent), Santiago Dumlao (Kilusan Para sa Pambansang Pagbabago [National Renewal Movement, KPP]) and Manuel Morato (Partido ng Bansang Marangal [Party for a Dignified Nation]). The election resulted in the victory of Vice-president Joseph Estrada with 10,722,295 (39.9 per cent) of the votes (see Table 16).²⁴

23. Another new party, the KPP, fielded a presidential ticket (see next paragraph) and five candidates for the Senate.

24. Joseph E. Estrada was a popular movie actor who served as town mayor and senator before being elected as vice-president in 1992.

Table 16: Results of the 1998 Presidential Election

Presidential Candidate	Party	Votes	%
Joseph E. Estrada	LAMMP*	10,722,295	39.9
Jose C. de Venecia Jr.	Lakas-NUCD-UMDP	4,268,483	15.9
Raul S. Roco	Aksyon Demokratiko	3,720,212	13.8
Emilio R. Osmeña	PROMDI	3,347,631	12.4
Alfredo S. Lim	LP	2,344,362	8.7
Renato S. de Villa	Reporma-LM	1,308,352	4.9
Miriam Defensor Santiago	PRP	797,206	3.0
Juan Ponce Enrile	Independent	343,139	1.3
Santiago F. Dumlao	KPP	32,212	0.1
Manuel L. Morato	Partido ng Bansang Marangal	18,644	0.1

Sources: COMELEC, undated g.

* LAMMP was a coalition of the LDP, NPC and PMP.

Forty candidates contested the 1998 senatorial election. Among the candidates were four incumbent senators running for re-election, three former senators, ten incumbent representatives, seven former cabinet members, one former governor, one former city mayor and 14 prominent personalities. The two major parties, Lakas and LAMMP, fielded complete slates of 12 candidates. The LP supported only two candidates. Among the new parties, only Reporma-LM fielded a senatorial slate with eight candidates. The LAMMP coalition won seven seats, while Lakas-NUCD-UMDP captured five (see Table 17).

Table 17: Representativeness (Senate)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
LAMMP	91,473,870	44.3	7	58.3
Lakas-NUCD-UMDP	93,847,018	45.5	5	41.7
Reporma-LM	13,313,669	6.5	0	0.0
Liberal Party	5,454,146	2.6	0	0.0
KPP	1,805,270	0.9	0	0.0
Others	354,561	0.2	0	0.0
Grand Total	206,248,534	100	12	100

Sources: COMELEC, undated g; Hartmann, Hassall and Santos, 2001.

Nonetheless, the 1998 electoral competition was more defined between two major political groups – the administration Lakas and the opposition coalition LAMMP. The votes cast for the winning legislative candidates of both parties constituted 43 per cent of the total votes cast. Both parties captured 85 per cent of the total house seats, with Lakas winning 110 and LAMMP gaining 67 (see Table 16). The Liberal Party performed as a minor third party with 15 seats.

Table 18: Representativeness (House)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
Lakas-NUCD-UMDP	11,981,024	49.0	111	53.9
LAMMP	6,520,744	26.7	55	27.0
LP	1,773,124	7.3	15	7.3
NPC	998,239	4.1	9	4.4
Reporma-LM	966,653	4.0	4	2.0
PROMDI	586,954	2.3	4	2.0
Aksyon Demokratiko	106,843	0.4	1	0.5
PDP-Laban	134,331	0.5	0	0.0
OMPIA	46,462	0.2	1	0.5
Others	495,090	2.0	4	2.0
Independents	834,934	3.4	2	0.1
Grand Total	24,444,398	100	206	100

Source: COMELEC, undated g.

* LAMMP was a coalition of the LDP, NPC and PMP.

After the election, LAMMP was reorganized into Laban ng Masang Pilipino (LAMP) and emerged as the new dominant party after the presidential victory of its candidate Joseph Estrada. Lakas suffered the same fate as its predecessor, the LDP, in the lower house. In spite of capturing the most house seats, its numbers quickly dwindled as members defected to the new administration party. The membership of LAMP swelled and the party was able to elect Manuel Villar (a former Lakas member) as the new speaker. Other political parties suffered defections as well.

Eighty-two members of the Tenth House were on their third term. Close relatives replaced 34 of them in the Eleventh House. Of this number, 17 were replaced by their children, nine by their wives, three by their brothers, three by their nephews, one by his cousin, and one by his father. An additional 30 of the first term representatives were related to legislators who had served in the various incarnations of Congress. Thus, a total of 64 (48 per cent) of the 130 first-term representatives were members of political families. Ten candidates who stood for election in a relative's district lost in their bid. These included four sons, three wives, one brother, one niece and one brother-in-law.

In a reflection of the weak governance of the Estrada administration, LAMP failed to consolidate itself into an administration party. Meanwhile, the Estrada administration was plagued by scandals and controversies that resulted in an erosion of public confidence. The loose coalition was shattered after the ouster

of President Estrada in a People Power uprising in 2001.²⁵

The 2001 Congress Elections

The 2001 mid-term election was held in a highly charged political atmosphere after the sudden fall of the Estrada administration. The Arroyo administration fielded a coalition of all the parties and personalities that had participated in the struggle against President Estrada. The People Power Coalition (PPC) was composed of the Lakas-NUCD-UMDP, Reporma-LM, Aksyon Demokratiko, PROMDI, LP and the PDP-Laban. The PPC fielded a senatorial slate of 13 candidates, and supported a number of congressional and local candidates.²⁶ The PPC senatorial slate was composed of key players in the impeachment trial and ouster of President Estrada. It comprised four senators who had been re-elected, including the former Senate president, four representatives, including the former house speaker, one provincial governor and four representatives from civil society organizations.

On the other hand, LAMP was dissolved when the NPC distanced itself from the fallen president. Thus, the LDP together with remnants of the PMP formed the core of a loose opposition alliance called the *Pwersa ng Masa* (PnM or Force of the Masses). The opposition fielded a slate composed of former First Lady Luisa Estrada, three re-elected candidates, three former senators, the former chief of the Philippine National Police, two local politicians, a talk show host and a socialite. The opposition also adopted the independent candidacy of popular newscaster Noli de Castro.²⁷

The election campaign was marred by violence as supporters of former President Estrada rioted on 1 May 2001 in their own version of a people power uprising. The upheaval was triggered by the arrest of the former president. Estrada's strong and continuing support from the poor masses was translated into the victory of five PnM candidates, including the former first lady. The administration PPC captured eight seats (see Table 19).

For the lower house elections, the Lakas-NUCD-UMDP reasserted itself as the country's dominant political group with 73 seats. The NPC did not field a candidate for the Senate, and concentrated on local contests, thus winning 40

25. President Estrada was the first Philippine president to be impeached by Congress after allegations were made that he had amassed billions of pesos from an illegal numbers game. The Senate, with the supreme court chief justice presiding, conducted the trial in December 2000. On 16 January 2001, the majority of pro-administration senators voted to prevent the opening of bank records that would implicate the president. The impeachment trial was scuttled as scores of people massed in protest at the historic EDSA shrine. On 19 January, the military and national police withdrew their support from Estrada and Vice-president Gloria Macapagal Arroyo was installed as president.

26. The thirteenth senatorial slot was intended to continue the unfinished term (three years) of Senator Teofisto Guingona, who was selected as vice-president.

27. Although he barely campaigned with the opposition, he topped the senatorial elections with 16,237,386 votes. He accomplished this without the support of an established political party or national machinery, relying instead on his popularity and the powerful radio and television network ABS-CBN. Upon assuming his Senate seat, he joined the majority coalition.

seats. The LDP won 21 seats, while the LP got 19 seats (see Table 20). Upon the opening of the Twelfth Congress, the NPC entered into an alliance with the Lakas-led administration majority to re-elect Jose de Venecia as speaker of the house.

Table 19: Representativeness (Senate)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
PPC*	123,479,617	50.8	8	61.5
PnM#	111,309,500	45.8	5	38.5
Others	2,147,390	0.9	0	0.0
Independents	6,081,446	2.5	0	0.0
Grand Total	243,017,953	100	13	100

Source: COMELEC, 2001c.

* Government coalition composed of Lakas-NUCD-UMDP, LP, Reporma-LM, Aksyon Demokratiko, PROMDI and PDP-Laban.

Opposition coalition largely composed of LDP and remnants of LAMMP.

Ninety of the 205 elected representatives are serving their first term. However, 26 of these first-term legislators return to the House after having served the one-term constitutional ban on three-term legislators. In effect '105 of the current representatives are holdovers from the last one. Altogether, 135 or two of very three House members have held a seat in past Congresses' (Datinguino and Olarte, 2001: 19).

Table 20: Representativeness (House)

Political Party	Votes		Seats	
	Total	Share	Seats	Share (%)
Lakas NUCD-UMDP	N/A*	-	73	35.6
NPC		-	40	19.5
LDP		-	21	10.2
LP		-	19	9.2
Reporma-LM		-	3	1.5
PROMDI		-	3	1.5
Aksyon Demokratiko		-	2	1.0
PMP		-	2	1.0
PDP-Laban		-	1	0.5
Partido Demokratiko Sosyalista ng Pilipinas		-	1	0.5
Not indicated		-	20	9.8
Others		-	12	5.9
Independents		-	8	3.9
Grand Total		-	205	100

Source: COMELEC, 2001c.

* At the time of writing, the Commission of Elections had not yet released the Official Report of the 2001 Congressional Elections.

Performance of the Current Electoral System

Elections perform two central functions in a political system: (1) they represent the political will of the voters; and (2) they integrate the people through the formation of political parties that bring about majorities. The representativeness of an electoral system can be determined by the degree of proportionality in which votes are translated into parliamentary seats. On the other hand, the integration effect of an electoral system can be estimated by how much it promotes the efficient formation of government.²⁸ These effects of an electoral system can be empirically documented by the ratio between votes and seats. Consequently, the ramifications of the electoral system on votes/seat ratio 'leads to the formulation of certain assumptions about the political consequences of electoral systems which have a bearing on the process of formation of political intent, the party system, and the political process in general' (Nohlen, 1984).

Overall, the representation performance of the post-Marcos electoral system, as reflected by the E_{rep} (ELECTION_{representativeness}) index, has indicated a rising level of proportionality and representativeness. In the House of Representatives, this is largely a result of the 'first-past-the-post' competition of multiple parties in single-seat districts, such that less than half the total votes cast for the membership of the lower house is translated into political mandates. Among the advantages traditionally attributed to the 'first-past-the-post' system is the promotion of political integration and party concentration, given its inherent tendency towards the formation of a two-party system. However, this characteristic is obscured by the hybrid of a multi-party system and presidentialism under the 1987 constitution. Nonetheless, there has been a gradual increase in the E_{rep} index from 79.7 in 1987 to 94.0 in 1998, reflecting the stabilization of the party system around four political parties (Lakas-NUCD-UMDP, NPC, LDP and LP). As party affiliation becomes more defined, the total share of votes translated into mandates increases. The total E_{rep} average for four elections (excluding 2001) is 86.2. The trend is replicated in the multi-member national Senate in which each voter is given as many votes as there are seats to be filled in the upper chamber. The E_{rep} index for the Senate increased from 78.2 in 1987 to 89.3 in 2001. The average for four elections (excluding 1992) is 83.5 (see Table 21).

As regards the formation of majorities, the indicator E_{rep1} (ELECTION_{representativeness + 1st Strongest Party}) measures the over-representation of the strongest party (for the first or only legislative chamber) within the context of the general proportionality of an electoral system' (see the final chapter by Aurel Croissant). Post-Marcos elections have scored high in the E_{rep1} index, except in 1987 when numerous permutations of loose alliances and coalitions outnumbered the votes and seats won by the strongest party (PDP-Laban). The strongest party in 1992 was the LDP, while Lakas-NUCD-UMDP dominated the 1995, 1998 and 2001

28. See the chapter on South Korea by Aurel Croissant (also Croissant, 2002).

congressional elections. A substantial disproportion can be observed in the ratio between votes and seats obtained by the strongest parties in these elections. Thus the LDP with a mere 33.7 per cent of the total votes cast in 1992 managed to capture 43.2 per cent of the House seats. The index $E_{\text{repl}} - E_{\text{rep}}$ indicates the reward of mandates that is given to the strongest party. However, the over-representation of these parties did not contribute much to integration or majority-building in the House of Representatives.²⁹

Table 21: Average Representation Performance, 1987-2001

Year	E_{rep}		E_{repl}		$E_{\text{repl}} - E_{\text{rep}}$	
	House	Senate	House	Senate	House	Senate
1987	79.7	78.2	92.9	84.5	13.2	6.3
1992	87.1	71.1	95.3	89.2	8.2	18.1
1995	84.0	80.5	96.0	92.8	12.0	12.3
1998	94.0	86.0	98.0	93.0	4.0	7.0
2001	No data	89.3	No data	94.7	No data	5.4
Average	86.2	81.02	97.05	90.84	10.6	9.8

Under the presidential form of government, legislative elections do not have a direct effect on the formation of government. The Philippines has a tradition of strong presidential influence over the House of Representatives that encourages party switching and political turncoatism. There are two types of political party that most Filipino *politicos* affiliate with: one during the electoral period and another when serving their term of office.

This is most evident in the membership of the House of Representatives, where the LDP was dominant during the Eighth Congress (1987-1992). In spite of winning the most number of seats in the Ninth Congress (1992-1995), its failure to capture the presidency resulted in its rank being raided by the new administration party – the Lakas-NUCD-UMDP. By the Tenth Congress (1995-1998), the Lakas had transformed itself into a behemoth, not unlike its predecessors, the KBL and LDP. Lakas suffered the same fate as its predecessor, the LDP, in the Eleventh Congress (1998-2001). In spite of capturing the most house seats, its numbers quickly dwindled as members defected to LAMP. Lakas-NUCD-UMDP has regained its dominant status in the Twelfth Congress, particularly in the House of Representatives, since the May 2001 elections.

29. The situation is much more complicated in the Senate in which party affiliation and loyalty are extremely fluid. Political parties are usually temporary vehicles for getting elected. Given their national mandate, senators often act as 'little presidents' totally independent from their political parties. The Senate is often organized around multi-party alliances revolving around the Senate president and committee chairmanships.

The Electoral System and Democratic Development

Essentially, 'an election is a procedure by which members of communities and/or organizations choose persons to hold an office' (Nohlen, 1984). It is a technique of rendering authority and/or creating representative bodies. Elections are often linked to the idea of democratic representation. Therefore, 'an election is a device for filling an office or posts through choices made by a designated body of people, the electorate' (Heywood, 2000: 199). This does not, however, discount the holding of semi-competitive or non-competitive elections.

In the Philippines, elections have historically served to legitimize the government and perpetuate elite rule. As de Quiros (1992:12) notes, 'elections were the "equilibrating" mechanism, although their ability to equilibrate society under the combined weight of mass restiveness and competing claims to power by various power blocs would diminish in time'. Consequently, the quality of democratic representation has suffered from this anomaly.

The standard approach to analysing Filipino electoral and party politics has been to view power relations within the context of the patron-client factional (PCF) framework. Popularized by Carl Lande (1965), the PCF posited that social relations in the Philippines are not structured by organized interest groups or individuals who perceive themselves to be part of a specific social class as in Western democracies. What exists is a network of mutual aid relationships between pairs of individuals that he called 'dyadic ties'. The dyadic ties present in Philippine politics are vertical and unequal, binding prosperous patrons who dispense material goods and services to dependent clients who recompense with their support and loyalty.

Through the years, the PCF framework has been heavily criticized since it tends to reify if not valorize reciprocity, smooth interpersonal relationships, kinship and fictive kinship bonds (Kerkvliet, 1995). Modifications of the PCF thesis were manifested in the concept of political machines. Machado (1974) and Kimura (1997) posited that the potency of the kinship system as an instrument of patronage had diminished and has been replaced with the emergence of machine politics.

An opposite view of reciprocity of the PCF underscores the concept of conflict, command, coercion and even violence. Various scholars have applied various terms, such as 'caciquism' (Anderson, 1988), 'sultanism' (Snyder, 1998), 'neopatrimonialism' (Snyder, 1992) and 'bossism' (Sidel, 1999). This view of Philippine politics is widely known as 'warlordism'. While warlordism and political violence have been both integral and recurring characteristics of local politics in the Philippines, these are not necessarily representative of the nature of local politics in the country. There are still some warlords firmly secured in

their fiefdoms, but many have also been dislodged both peacefully and violently.³⁰

Most literature on Philippine elections tends to portray the electorate as passive spectators malleable to the machinations of elite politicians. Even a recent study that claims to view the 'lifeworld' of a local community treats elections as a 'political ritual' such that the ordinary voter 'remains the unthinking dupe of the ideology of patronage and clientelism' (Alejo et al., 1996: 66). However, despite the identified flaws in the electoral system, empirical data tends to show that 'the typical Filipino voter, although cognisant of the stresses caused by poverty, is idealistic, conscientious, and responsible' (Mangahas, 1994:18). Based on surveys of public opinion taken by the Social Weathers Station (SWS) since 1985, this gives a strong basis to conclude that Filipinos have a sustained preference for democracy and have internalized democratic values amid occasional challenges by anti-democratic forces. Thus, there is a firm belief among leaders and the electorate that political leaders should be chosen through regular, fair and honest elections (Abueva, 1997: 23).

The Party System

Section 6, article IX C of the 1987 constitution states that '[a] free and open party system shall be allowed to evolve according to the free choice of the people, subject to the provisions of this Article'. This provision provides the constitutional basis for the shift from a two-party system to a multi-party system under a presidential form of government. Under the previous and long-standing election rule, only two individuals, each representing the two major parties were allowed to be members of the precinct Board of Election Inspectors. Currently, all registered political parties may appoint poll-watchers, albeit with reduced powers, with the new procedures following the multi-party provision of the constitution (Lande, 1996).

Some political scientists have traditionally viewed the two-party system as an outgrowth of local factionalism that constitutes the organizational base for national parties. Factions consist of vertical and unequal ties that bind prosperous patrons, who dispense material goods and services, with dependent clients who recompense with their support and loyalty. The pre-martial law two-party system was anchored on the preponderance of bifactionalism in local areas, which allowed for only two national parties (Lande, 1965: 156). A

30. There has been renewed interest in the study of the role of the family in Philippine politics. The Institute for Popular Democracy (IPD) initiated this trend in a series of publications (Gutierrez, Torrente and Narca, 1992; Gutierrez, 1994). Recognizing the inherent limitations of pure class analysis and party politics in accounting for the continued dominance of the country's political elites, these works assert the central role of the clans as building blocks for both local and national politics. The objective is to understand the major obstacle to democratization and eventually formulate a strategy for progressive forces in engaging such an obstacle. The volume edited by Alfred McCoy (1994) is the first major academic compilation on political clans outside the IPD series. Culling innovative research works by Filipino, American and Australian scholars, the volume aims to fill in the wide gap in Filipino family historiography.

more recent study posits that elite-dominated factions and their bifurcated inter-familial rivalries have been replaced by local political machines geared towards multifactionalism and characterized by the alliance of factions into temporary blocs. This trend is further reinforced by the breakdown of the two-party system and the emergence of a multi-party system (Kimura, 1997).

The inherent weakness of the state forces it to rely on the support of local politicians for governance. Unlike in the pre-martial law period when local politicians were largely independent and influential in determining the outcome of national contests, the erosion of kinship and personalistic relations in rural areas and the rise of urbanized, contractual and machine-based politics have made it difficult for local *politicos* to maintain their predominant role. Multifactionalism and the multi-party system have made local politics more intense, thus local *politicos* must have access to state resources to accumulate private funds, surplus and pork barrel funds. Access to state resources has become a way of funding electoral campaigns. Thus, local politicians find it necessary to affiliate with the administration party.

The pre-war NP was able maintain its dominance except for two interludes in 1922 and 1934, when its leaders Manuel Quezon and Sergio Osmeña struggled for pre-eminence. Ferdinand Marcos' experiment with authoritarianism was facilitated by the use of his extraordinary powers to coax local politicians into his KBL. The emergence of the LDP, the Lakas-NUCD-UMDP and the LAMP in the post-Marcos period is but a continuation of this trend. While turncoatism encourages the emergence of dominant parties, it is also the major factor responsible for its eventual decline. However, questions have been raised regarding the emergence of new parties formed by leaders with no local factional links (i.e. Lakas-NUCD-UMDP by former Defence Secretary Fidel Ramos and Reporma-LM by former Defence Secretary Renato de Villa). In addition, most of these new parties were formed to contest the presidency. This was the case with the Lakas-NUCD-UMDP, LDP and NPC in 1992; and the Reporma-LM, PROMDI and Aksyon Demokratiko in 1998. These observations give rise to the assertion that there is a connection between the increase of legislative parties with the rise of viable presidential candidates (Kasuya, 2001a).

Cognisant of the elitist nature of Philippine democracy, the framers of the 1987 constitution introduced provisions designed to widen the democratic space and allow for greater participation of other sectors in Philippine society. These provisions include the banning of political dynasties, the introduction of term limits and recall elections, and the institutionalization of a party-list system for marginalized sectors. Yet, the political elites have managed to masterfully work around these provisions through adaptation and the effective use of their political resources.

Political Dynasties and Recall Elections

Philippine history has long been characterized by the durability and resilience of political clans and dynasties. Section 26, article II of the constitution asserts: 'The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as defined by law'. Political dynasties refer to clans and families who hold multiple elective and/or appointive positions in government. It is also used primarily to describe politically active clans and families that have bequeathed power from one generation to another. Unfortunately, the clan-dominated Congress has failed to enact the anti-dynasty provision of the constitution.

Recognizing the need to widen the narrow avenue for political representation in the Philippines, the framers of the 1987 constitution introduced provisions for term limits. Term limits seek to eliminate the prospects of re-election to prevent the accumulation and concentration of power in the hands of a few politicians. Under the constitution, the president is prevented from running for any re-election. At least one term out is imposed on the vice-president and senators who have served for two consecutive terms. Representatives and local government officials are allowed a maximum of three consecutive terms before they can again seek re-election.

In consonance with Section 3, article X of the constitution, the Local Government Code of 1991 (Republic Act No. 7160) introduced recall elections. Accordingly, recall refers to 'the power of registered voters to remove from office any local official for loss of confidence. The process is initiated either by a resolution adopted by a preparatory assembly composed of local officials or a petition signed by at least 25 per cent of the registered voters and culminated in a special recall election' (Agra, 1997a: 72). There were 29 local recall elections between 1993 and 1997.

The Party-list System

The constitution introduced a party-list proportional representation scheme of electing one fifth of the members of the House of Representatives. Section 5 of article VI provides that:

1. The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional and sectoral parties or organizations.
2. The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this constitution, one-half

of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.

The Ninth Congress enacted Republic Act No. 7941 or 'The Party-list System Act' in 1995. Section 3 of the law defines the party-list system as a 'mechanism of proportional representation in the election of representatives to the House of Representatives from national, regional and sectoral parties or organizations or coalitions thereof registered with the Commission on Elections (COMELEC)' (Agra, 1997b: 6).³¹ The system provides for the election of 50 seats in the House of Representatives. A qualified party or organization must obtain 2 per cent of the total votes for the system in order to get one seat. Each party or organization is entitled to a maximum of three seats.

Table 22: Result of Party-List Election (1998)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
ABA	321,646	3.5	1	7.1
Abanse! Pinay	235,548	2.6	1	7.1
AKO	239,042	2.6	1	7.1
ALAGAD	312,500	3.4	1	7.1
APEC	503,487	5.5	2	14.4
AKBAYAN	232,376	2.5	1	7.1
Aksyon Demokratiko	132,913	1.5	0	0.0
BUTIL	215,643	2.4	1	7.1
COOP-NATCO	189,802	2.1	1	7.1
COCOFED	186,388	2.0	1	7.1
PDP-Laban	134,331	0.7	0	0.0
PROMDI	255,184	2.8	1	7.1
SANLAKAS	194,617	2.1	1	7.1
SCFO	238,303	2.6	1	7.1
Veterans' Federation Party	304,902	3.3	1	7.1
Others	5,218,140	60.0	0	0.0
Grand Total	8,914,822	100	14	100

Source: COMELEC, 1998.

31. However, for the May 1998 elections, the top five major political parties on the basis of party representation in the lower house at the beginning of the Tenth Congress were banned from participating in the party-list elections. These included Lakas-NUCD-UMDP, LP, LDP, NPC and the KBL. The ban was automatically lifted in 2001 (Agra, 1997b: 12).

The first party-list election was held in May 1998. Given the novelty of the system and the deficiency of information dissemination by COMELEC, the overall turn-out was low at 9,155,309 (33.5 per cent) out of 27,330,772. Of the 123 groups that participated, only 13 were able to garner 2 per cent of the total votes. From this number, only one party, the Association of Philippine Electronic Cooperatives (APEC), won two seats with half a million votes. Hence, out of the total 50 seats available, only 14 were filled (see Table 23). A large number of the total votes cast for the party list (60 per cent) was dispersed among many parties that never had any capacity to campaign nationwide. Thus, only '67 parties were able to garner more than 50,000 votes. Only 27 of them broke the 100,000 mark' (Rodriguez and Velasco, 1998: 9).

The result of the first party-list elections was below expectations given its low turn-out and the high number of 'lost votes' due to the technical inadequacy of the system. The need to further educate and inform the public on the party-list system was underscored. Sectoral groups were urged to consolidate their organizations in order to reach the minimum number of votes. The law itself was subject to post-election controversies concerning the formula for the allocation of party-list seats and the filling of additional seats (Rodriguez and Velasco, 1998). The central issue concerned the interpretation and application of the modified List PR-Neimeyer formula as prescribed by the Party-list System Act.³² A group of 38 losing parties and organizations argued for the scrapping of the 2 per cent threshold and the award of a seat each. On the other hand, the 14 winning parties argued that they should be awarded additional seats before distributing the unfilled slots to the losing parties or organizations. After a period of legal struggle, no additional seats were granted to any parties.

The second party-list election was held on May 2001. A total of 162 political parties and sectoral organizations participated in the election. The total number of votes cast for the party-list election was higher than in 1998 at 15,096,261. Ten parties and organizations got over the 2 per cent threshold (see Table 24). Half of these had won seats in 1998, such as Akbayan, APEC, Butil, PROMDI and the Veterans' Federation Party. APEC retained its two seats, while the others kept one seat each. The new entrants included the two major political parties that were banned from participating in 1998. Lakas-NUCD-UMDP and NPC managed to win one seat each. Another winning party, the Citizens Battle against Corruption (CIBAC) was organized by a religious Christian sect.

Significantly, the legal Left participated in the party-list election marking its first entry into the mainstream parliamentary struggle since the participation of the PnB in the 1987 elections. The Left reconstituted itself into a new political

32. Under the formula 'introduced by Professor Neimeyer of Germany, the number of seats a party (or organization) is entitled to is calculated on the basis of the proportion by dividing the votes obtained by a party or organization over the total number of all votes cast for all qualified parties and organizations' (Agra, 1997b: 3). However, the formula was modified in the Philippines to include a maximum of three seats per party or organization.

party – Bayan Muna (Nation First).³³ Learning from the lessons of 1987, Bayan Muna made full use of its allied grass-roots organizations. It topped the party-list elections with 1,708,252 votes, earning them a maximum three seats in the House of Representatives. Elected were former journalist and social activist Satur Ocampo, veteran trade unionist Crispin Beltran, and feminist Liza Maza.

Table 23: Result of Party-List Election (2001)

Political Party	Votes		Seats	
	Total	Share (%)	Seats	Share (%)
AKBAYAN	377,850	2.5	1	6.7
APEC	801,921	5.3	2	13.3
Bayan Muna	1,708,252	11.3	3	20.0
BUTIL	330,282	2.2	1	6.7
CIBAC	323,810	2.2	1	6.7
Lakas NUCD-UMDP	329,093	2.2	1	6.7
MAD	1,515,682	10.0	3	20.0
NPC	385,151	2.6	1	6.7
PROMDI	422,430	2.8	1	6.7
Veterans' Federation Party	580,771	3.8	1	6.7
Others	8,321,019	55.1	0	0.0
Grand Total	15,096,261	100	15	100

Source: COMELEC Records, 2001.

Another organization that garnered more than a million votes was Mamamayang Ayaw sa Droga (Citizens Against Drugs, MAD). MAD was an anti-drug movement organized by the Estrada administration. It benefited largely from an executive order issued by President Estrada allocating 5 per cent of the local governments' 28 billion Peso internal revenue allotment funds for development of anti-drug abuse programmes (Bagayaua, 2001: 9). It fielded popular actor and former presidential assistant on youth and sports Richard Gomez as its top nominee, followed by former police general Jewel Canson.

Various sectors of society protested to COMELEC about the participation of MAD, the major political parties and organizations that do not represent the marginalized and under-represented sectors of Philippine society. The confusion can be traced to the 1987 Constitutional Commission that drafted the constitution. Two different systems – party-list and sectoral representation – were proposed by members of the Commission, and actually merged into a

33. The Philippine Left historically consisted of an underground component waging a revolutionary struggle against the state, and a multitude of legal organizations. While the traditional Left participated in the 1947 elections, it subsequently shunned elections as arenas for elite politics. In 1987, the Left organized the PnB to participate in the 1987 elections. However, unfamiliarity with the electoral terrain and internal debates on the strategic importance of electoral politics resulted in a dismal performance for the PnB.

single constitutional provision (Wurfel, 1997: 20-21).³⁴ Some members of the Commission argued for more representation for political parties following the spirit of proportional systems. Others insisted on representation for the basic sectors that were marginalized and under-represented. Former Constitutional Commissioner and COMELEC Chair Christian Monsod noted that the basic concept of the party-list system was to introduce proportional representation. However, the underlying objective was to strengthen the marginalized sectors so that they could compete in the electoral arena (Maglipon, 2001: 21-22).

It took the supreme court to clarify the legal controversies of the party-list law. In a historic decision on 26 July 2001, the supreme court stressed that the party-list encourages 'proportional representation' by allowing the election of under-represented groups, and persons with no defined constituencies but who can help draft meaningful laws. Stating that the COMELEC committed a 'grave abuse of discretion' in accrediting certain groups, the supreme court issued the conditions (as cited by Maglipon, 2001: 20-21) that political parties and organizations must meet in order to be able to run under the party-list system:

1. They must represent and seek to uplift the marginalized and under-represented sectors.
2. Major political parties may nominate party-list representatives provided they are able to show they represent the interests of the marginalized and under-represented.
3. Political parties formed by religious sects that seek to go around the prohibition against the religious sector are covered by the ban.
4. A party must not be an adjunct of a project organized, or an entity funded or assisted by the government.
5. A party, organization and its nominees must represent the marginalized. An industrialist, for example, cannot represent the urban poor or the working class.
6. A party's nominee does not represent a particular district only. He or she must be able to contribute to the enactment of laws that will benefit the entire nation.

Because of the supreme court decision, only seven parties and organizations have qualified, 17 have been disqualified and the COMELEC is still reviewing the status of 130 parties and organizations. Thus far, only five representatives have taken up their seats in Congress. This number consists of the three representatives from Bayan Muna, and two returning representatives from Akbayan and Butil. Nonetheless, the great flaw of the Philippine party-list system is reflected in its extremely low E_{rep} average of 41.2 (see Table 24).

34. The former, implemented through a party-list ballot, is designed to make the number of seats in the legislature proportional to the votes cast. The latter is feasible only through corporatism, in which sectoral organizations have a separate official voters' list.

Table 24: Average Representativeness and Majoritarian Effects of the Party-List System (1988-2001)

Year	E_{rep}	E_{rep1}	$E_{rep1} - E_{rep}$
1998	37.5	95.6	58.1
2001	44.8	95.0	50.2
AVERAGE	41.2	95.3	54.1

The Autonomous Region of Muslim Mindanao

The constitution mandated the creation of autonomous regions in Muslim Mindanao and the Cordilleras.³⁵ Section 15, article X states '[t]here shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines'. On 8 June 1989, Congress passed 'An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao' (Republic Act No. 6734). The Act provided for the holding of a plebiscite in 13 provinces and nine cities in Mindanao. In a plebiscite held on 19 November 1989, four provinces (Maguindanao, Lanao del Sur, Sulu and Tawi-tawi) voted to be a part of the Autonomous Region of Muslim Mindanao (ARMM).³⁶

The first election for the ARMM governor and members of the Regional Assembly was held on 17 February 1990. Five candidates contested the governorship, while seven competed for the position of vice-governor. One hundred and thirty candidates participated in the election for members of the Regional Assembly. Former Maguindanao Governor Zacaria Candao (LDP) was elected regional governor and Benjamin T. Loong (LDP) vice-governor. The 1990 Regional Assembly election resulted in the LDP capturing nine seats; Independents seven; LDP-LP three; KBL one; and the Islamic Party of the Philippines (IPP) one.

35. The southern island of Mindanao has been the centre of struggle of the 'Bangsa Moro' people consisting of Muslim communities and indigenous people who have resisted Spanish, American and Filipino colonizers. The indigenous tribes of the Cordilleran region in the northern part of the Philippines have waged a similar centuries-old struggle. A plebiscite was conducted in the Cordilleran region on 30 January 1990 to ratify Republic Act No. 6766 (an Act Providing for an Organic Act for the Cordilleran Region). Only one out of six provinces and cities acceded to the autonomous region. Several attempts at expanding the Cordillera Administrative Region have failed because of deficiencies in the enactment of the organic law.

36. Under the Organic Act, the ARMM 'shall exercise powers and functions necessary for the proper governance and development of all the constituent units within the Autonomous Region consistent with the constitutional policy on regional and local autonomy and decentralization ... The ARMM shall have an executive department to be headed by a Regional Governor. The Regional Legislative Assembly shall perform the legislative function. The Governor is to be elected by direct vote of the people of ARMM, while the members of the Regional Assembly are to be chosen by popular vote, with three members elected from each of the congressional districts'.

Governor Candao and vice-governor Loong sought re-election on 25 March 1993. However, former Ambassador Liningding Pangandaman and Nabil Tan of the administration party Lakas-NUCD-UMDP defeated them. Seventy-one candidates contested for Regional Assembly seats. The result was Lakas-NUCD-UMDP ten, IPP-LDP four, Lakas-Ompia two, Independents two, LDP one, NPC one, and PDP-Laban one.

By 1996, the peace agreement with the Moro National Liberation Front (MNLF)³⁷ was signed, leading to the election of MNLF Chair Nur Misuari as ARMM governor, and the creation of the Southern Philippines Council for Peace and Development (SPCPD). The SPCPD was created to oversee major development projects in Mindanao.³⁸ Voter turn-out for the 1996 ARMM election was at 75.96 per cent of the 905,165 registered voters in the autonomous region. Ninety candidates contested for 23 positions, narrowing the gubernatorial race to only one aspirant after two other candidates withdrew their candidacies. Supported by the administration party Lakas-NUCD-UMDP, Misuari and vice-gubernatorial candidate Guimid Matalam ran unopposed. The Lakas-NUCD-UMDP won the majority of the Regional Assembly seats with eleven. The rest was distributed accordingly: Independents five, LDP three, OMPIA one, and PDP-Laban one.

Five years later, internal conflicts and disenchantment within the MNLF and followers of Misuari resulted in his ouster as chair of the MNLF. Despite his protestations, the government conducted a plebiscite on 14 April 2001 on the expansion of the area of the autonomous region. Among the proposed areas, only the province of Basilan (excluding Isabela City) and the City of Marawi voted to be included into ARMM. In a last ditch effort to stop the 2001 ARMM elections, followers of Misuari staged an armed uprising in his home province of Sulu. At least 113 people were killed in a three-day gunfight between government troops and pro-Misuari members of the MNLF (Conde, 2001: 5).

Despite efforts to address the centuries-old problem of underdevelopment in Mindanao through democratic methods, elections remain marred by massive fraud and violence. Mindanao has a long history of electoral anomalies. The past four elections were no exception. In the 2001 ARMM election, at least four incidents of fraud were reported in some mountain villages. In these areas,

37. The MNLF evolved from the Mindanao Independence Movement (MIM) established in 1968. Rejecting the leadership of the traditional Muslim elite politicians, the younger MIM members organized the MNLF in 1971. In 1974, the MNLF Central Committee issued a manifesto in Tripoli, Libya declaring the goal of establishing an independent Bangsa Moro homeland. The separatist struggle of the MNLF resulted in the outbreak of the Mindanao war in the 1970s. Several factions would later break away from the MNLF on the issues of leadership, ideology and autonomy.

38. It 'was created to help formally integrate Mindanao Muslims into the Filipino nation following the 2 September 1996 peace agreement between the Moro National Liberation Front and the Government of the Philippines. The SPCPD is a transitory administrative arm under the supervision of the Philippine President that works with local officials to promote peace and order and to monitor, coordinate and, in some cases, implement development projects in Southern Mindanao'. See <http://www.mindanao.org/mindanao/overview/muslim3.htm>

ballot boxes were found to have been filled with forms even before the voting started. Incidents of bribery were also reported as local officials were paid as much as 200,000 Pesos each just to support the administration candidates (Mogato, 2001: 6). Consequently, another administration-supported candidate won the gubernatorial election. There were 16 candidates who contested the governorship and 13 for the vice-governorship. Dr Parouk Hussin, former MNLF vice-chair for international affairs, won the election over closest rival, Datu Ibrahim Paglas III. Hussin, a medical director, was one of the leaders of those who had ousted Nur Misuari as MNLF chair.

Proposals for Institutional Reforms

Philippine elections are governed by a multitude of laws aimed at safeguarding the entire electoral process from beginning to end. Aside from the Omnibus Election Code of 1985 (Batas Pambansa Bilang 881), Philippine electoral law is contained in more than ten separate election laws and related legislation that include the Local Government Code of 1991 (Republic Act No. 7160). Nonetheless, elections in the country are encumbered by several problems such as massive fraud, political violence, patronage and money politics. Election laws have proven to be ineffective in addressing offences because of the preponderance of 'dead-letter' provisions that have proven unrealistic or difficult to enforce. Electoral reforms are aimed at addressing these issues.

However, reforming the electoral system also requires a rethinking of the established political institutions in the Philippines. These institutions have long served entrenched interests that have blocked efforts at widening the democratic space. The introduction of elections in the Philippines during the American colonial period provided an institutional avenue for fostering national linkages among local political clans and elites in the country. Through the years, a weak, albeit highly centralized, state has constantly been raided by particularistic and rent-seeking interests. The weak party system has encouraged presidents to rely on the support of the local elites entrenched in Congress in exchange for pork barrel inducements. This, in turn, has encouraged party switching and the rise of KBL-type monoliths. The legislature, in its various incarnations, has been the bastion of elite upper- to middle-class interests. Marginalized sectors such as labour, small farmers, fisherfolk, indigenous peoples and women remain under-represented. Geographically, political power and economic resources continue to be concentrated in the nation's capital – Manila. This has served to fuel secessionist impulses in Cordillera and Mindanao. Hence, there is a need to review three areas of political reform: (1) the highly centralized unitary state and the presidential form of government; (2) the party system; (3) the electoral system itself.

Constitutional Reform

The 1987 constitution was a product of the post-authoritarian transition. As a reaction to the excesses of the Marcos dictatorship, the framers of the constitution revived the pre-martial law institutions patterned after the United States presidential form of government. Several attempts have been made to revise the constitution. The Ramos administration attempted to revise it in 1996-1997, and the Estrada administration in 1999-2000. However, the debate on constitutional reform is sharply divided between those wanting constitutional change citing the flaws of the 1987 constitution as the primary reason for the need to push for constitutional reforms and those opposing it citing conjunctural concerns in terms of the ill-timing of the constitutional change initiative as their primary reason.

Under the Macapagal-Arroyo government, the issue of constitutional reform has been revived. Proponents of change argue that President Arroyo is eligible to seek another term, since she is currently completing the unfinished term of ousted President Estrada. Hence, she will not be suspected of tinkering with the constitution to extend her term of office. Proponents of change point to the following as possible areas of reform:

1. A shift in the form of government, from the current presidential to a parliamentary system;
2. Changes in electoral rules such as the extension or the lifting of the term of office of the president, legislators and/or local government officials, the election of senators according to region (regional senate), 'first-past-the-post' or proportional representation;
3. Changes in the party system, mainly in the reversal to a two-party system from the current multi-party system;
4. A shift from a unitary system of government to a federal one; and
5. A review of the nationalistic economic principles supposed to make the country competitive vis-à-vis the world economy.

Party Reforms

The 1987 constitution combines a multi-party system with a presidential form of government to encourage a free and open party system. However, the emergence of new party formations in the post-authoritarian period has failed to emphasize programmatic differences, given the focus on traditional modes of electoral contestation (i.e. personal and clientelistic). This has resulted in the re-emergence of pre-martial law style politics and the consolidation of 'elite democracy'. Moreover, most of the new parties have emerged around presidential candidates. The party system is further complicated by the constant resurrection of a KBL-type of party monolith: first as the Laban ng Demokratikong Pilipino (LDP) during the Aquino administration, then as Lakas-

NUCD-UMDP under the Ramos administration, and then as the *Laban ng Masang Pilipino* (LAMP) in the Estrada administration. These behemoths have encouraged greater political turncoatism through the indiscriminate use of political patronage and access to state resources, thus further hampering the maturation of the Philippine party system. It is indeed unfortunate that while the institutionalization of the party system remains weak, the traditional politicians have virtually institutionalized the practice of political turncoatism.

The development of a mature and responsible party system is an important ingredient for political development in the Philippines. Strengthening institutional capabilities necessitates the enhancement of legitimacy through the mobilization of popular support for particular policy choices. The vehicle for this political action is the establishment of a well-defined and differentiated political party system that contributes to the formation of government and the forging of legislative majorities.

Critics of the current multi-party system argue for a return to a two-party system. However, 'the prevalence of local multifactionalism provides organizational materials for more than two national political parties ... The pressure of political competition such as presidential elections may create two major blocs, but at least one of the two will tend to be composed of two or more lesser blocs which have become parties' (Kimura, 1997: 268).³⁹ Between 1992 and 1998, there was been an increase in the number of presidential candidates supported by regional electoral bases. Consequently, legislative candidates had a tendency to ally with the parties of presidential candidates who were strong in their districts (Kasuya, 2001b). While it is unlikely that there will be a return to a two-party system, the number of competitive parties will not make a difference as long as the major parties or blocs are identical (Kimura, 1997).

Proponents of constitutional reforms argue that programmatic and ideological political parties tend to flourish under a parliamentary form of government. Generally, a 'presidential system appears to hinder the development of stable, well-institutionalized, programmatic, weakly polarized party systems, while a parliamentary system seems to favor them' (Croissant and Merkel, 2001: 17). Presidentialism in the Philippines (and in Latin America) tends to favour a weak party system in order for presidencies to function. Juan Linz (1994: 35) observed that a 'president without clear majority in a multiparty situation with ideological and disciplined parties would find it difficult to govern, and even more difficult with an opposition majority in the congress. It is the possibility of convincing individual legislators, of producing schisms within the parties, of

39. Following Lande, Kimura (1997: 255) argues that local factions are the organizational base for national parties. Factions are an 'amorphous cluster of political leaders or families and their respective followers, bound together by dyadic ties of leader-follower relations and by alliances among leaders'. However, there has been a shift from bifactionalism to multifactionalism, underscoring the shift from a two-party to a multi-party system.

distributing pork barrels and forming local clientelistic alliances that enables a president to govern and enact his [or her] program’.

Given the Philippine experience with presidentialism, it is but logical to advocate a shift to a parliamentary form of government in order to induce programmatic, responsive and responsible political parties. However, Croissant and Merkel (2001: 14) caution institutional engineers and reformers in democratizing polities that establishing ‘a parliamentary system without simultaneously creating the corresponding parties is likely to intensify rather than attenuate phenomena like cronyism, short-term policy planning, the management of ad hoc coalitions by the government, and the deficient orientation to the collective good. The obstacles to efficient and responsible government are thereby further exacerbated’. They argue, in turn, for an incremental approach that begins with the micro-level (legislative reforms) and meso-level (electoral reforms) before embarking on macro-level (constitutional) reforms.

Electoral Reforms

The 1993 Proposed Election Code of the Philippines attempted to codify the various laws on election, and introduce much needed reforms. Specifically, the Code attempted to address the following electoral issues:

1. *Modernization of the Electoral Process:* The Code provided for ‘the authorization of the Commission on Elections to adopt new systems, forms, technological devices and safeguards for voting, counting and canvassing’ (section 15, paragraph 10). It also aimed to cleanse the voters’ list by computerization (section 184).

2. *Candidacies:* Several provisions were introduced by the Code to plug some of the legal loopholes usually abused by candidates. This included the expansion of the definition of a ‘candidate’ to anyone who has manifested their desire to seek elective office, whether or not they had filed a certificate of candidacy. The objective is to prevent advance campaigning by most candidates. Following the spirit of transparency, the Code required the submission by candidates, of certified true copies of their income tax returns (section 111). More importantly, the Code addressed two perennial electoral problems in the Philippines: turncoatism and political dynasties. Section 101 of the Code disqualifies ‘from running for, or assuming, public office any elective public officer or candidate who changes his political party affiliation within six (6) months immediately preceding an election, after due notice and hearing’. In addition, it sought to eliminate the concentration of power in a few political families or clans. Section 116 prohibits ‘political dynasties or the simultaneous or successive candidacies of persons related within the third civil degree of consanguinity or affinity’.

3. *Improvement of Election Process:* To enrich the electoral process of the Philippines, the Code provided for recall elections (sections 61 to 73); a system of initiatives or referendum (sections 74 to 88); absentee voting (sections 89 to 95); and continuous registration of voters (section 154). A number of provisions were also included to rationalize the archaic rules and procedures of previous electoral laws. In addition, the Code promoted continuing election education.

4. *Innovations* included the election of local sectoral representatives and a party-list system of representation. The Local Government Code of 1991 already provided for local sectoral representation. Under the proposed Code, 'election of sectoral representatives shall be conducted simultaneously with the regular elections for members of the sanggunians [provincial boards]' (section 39). Following the constitution, the Code outlined the election of political parties, organizations, or coalitions with national, regional or sectoral constituencies in the House of Representatives under a party-list system. The party-list system follows a mechanism of proportional representation for 20 per cent of the total seats in the House of Representatives (sections 49 and 50).

5. *Safeguards:* A number of safeguards were included in the proposed Code, such as the application of indelible ink before the ballot is issued to voters, stricter rules on the use of public transportation during elections to prevent herding of voters, the elimination of the use of emergency ballots and the disposal of unused ballots. The Code upheld the ban on political advertisement in the media and required any media personality involved in election campaigns as a candidate, campaign employee or volunteer to take a leave of absence (section 131).

The proposed Code would have penalized those who coerce election officials and employees (section 314, paragraph 5). This was not previously punishable by law. In anticipation of the modernization of the electoral process, the Code also made computer fraud punishable 'whether or not it changes the results of the election or impairs the electoral processes' (section 314, paragraph 23). Section 126 prohibited undue ecclesiastical influence. The provision reiterated the constitutional principle of separation between church and state. Hence, the Code 'prohibits the heads of any church hierarchy or religious sect, denomination, or indirectly, the members of their flock, parish or congregation to vote for or against any candidate or political party by any form of election propaganda'.

Unfortunately, the Code failed to pass into law. The non-passage of the Code was a result of several factors. Agra (1997a: 74-77) identified them to include the following:

1. A lack of political will among the executive and legislative branches;
2. Controversial provisions such as the ban on political dynasties, the provision of absentee voting and computerization;

3. Constitutional provisions (i.e. party-list system, local sectoral representatives, etc.) that were left for Congress to define;
4. Tradition and a desire to maintain the status quo among politicians who dare not alter the system that placed them in office;
5. The non-acceptability of some independent-minded COMELEC personalities to the executive and legislative leadership;
6. A lack of organized popular support among civil society organizations; and
7. The episodic nature of elections, which dampens enthusiasm for continuous lobby.

In lieu of the Code, the Ninth Congress enacted four election-related laws. These included measures concerning the party-list system, computerization of elections, election of local legislative council members and the sample ballot (Agra, 1997a: 67). However, one of these, the party-list law, is seriously flawed, bringing about much confusion in its implementation. The rest still awaits full implementation (computerization of elections, local legislative council members).

There is a need to refocus the debate on electoral reforms in the Philippines. Aside from reviewing which electoral system can best bring about democratic representation in the country, the issues of access and the integrity of the entire process should be addressed. At the heart of the issue of electoral access is the issue of campaign finance reform. Through the years, large amounts of money have become a primary determinant in waging an electoral campaign. This has effectively limited the participation of political players and has tainted the entire democratic process.

External Support for Reforms

Through the years, external support for electoral reforms has been offered to and actively sought by civil society organizations (CSOs) in the Philippines. Many of the initiatives for reforms have emanated not only from the progressive elements of non-government organizations, but also from political parties. In addition, multi-lateral donor agencies, such as the World Bank and the United Nations Development Program, have identified electoral and campaign finance reforms as important components of their support for good governance programmes in the country. The Philippine Congress and the Commission on Elections are recipients of such overseas development assistance.

The broadest network of local CSOs advocating electoral and political reform in the Philippines is the Kilusng Mamamayan Para sa Repormang Elektoral (Citizens' Movement for Electoral Reforms, KUMARE-KUMPARE). The network is composed of 17 organizations. Among the organizations included in the

network are the Philippine Pastoral Council for Responsible Voting (PPCRV), the National Movement for Free Elections (NAMFREL), the Caucus for Development NGO Networks (Code-NGO), the National Consultative Council for Local Governance, the Trade Union Council of the Philippines (TUCP), the Federation of Free Workers (FFW), the National Movement for Young Legislators (NMYL), the Partnership of Philippine Support Service Agencies (PHILSSA), the National Peace Conference and the Democratic Socialist Women of the Philippines (DSWP) (Agra, 1997a: 73). The Institute for Electoral Reforms (IPER) organized another network, the Consortium for Electoral Reform.

Other local think tanks and foundations have been active in electoral reform advocacy. Some are identified with political parties. The Institute for Popular Democracy (IPD) and Institute for Politics and Governance (IPG), for example, are identified with the centre left party Akbayan! (Citizen's Action Party). The National Institute for Policy Studies (NIPS) has supported organizations that espouse a liberal ideology, including the LP. Its regional counterpart is the Council of Asian Liberals and Democrats (CALD). The defunct Institute for Development Research and Studies (IDRS) was one of the think tanks supporting the cause of Christian democracy and its party – the Lakas NUCD-UMDP.

United States-based foundations and quasi-governmental agencies have been very active in supporting reform initiatives by local CSOs and think tanks. NAMFREL has a long working relationship with the Asia Foundation and Ford Foundation. It has also received some support from the United States Agency for International Development (US-AID). The Ford Foundation and the Asia Foundation have also supported some of the projects of the IPD and the IPG. The Washington D.C.-based National Democratic Institute has worked with the IPD and the CALD.

Outside the United States some European-based organizations have also supported reform initiatives in the country. Scandinavian countries have provided funding for IPER. The UK-based Westminster Foundation for Democracy has a project with NIPS. However, the most active are the German-based foundations. The Friedrich Ebert Stiftung has closely assisted labour unions and other people's organizations. It has also co-operated with the IPD, the IPG and the Bukluran ng Sosyaliyang Isip at Gawa (Solidarity of Socialist Thought and Practice, BISIG). The Christian democratic Konrad Adenauer Stiftung (KAS) has worked closely with Ateneo de Manila University, De La Salle University and the Asian Institute of Management in various activities promoting good government. KAS has also provided support to the defunct IDRS and Lakas-NUCD-UMDP party institute. Lastly, the liberal Friedrich Naumann Stiftung has been a long time partner of NIPS and CALD.

Conclusion

Elections have played an integral role in the development of representative democracy in the Philippines. However, the conduct and performance of elections through the years has fallen short of achieving the two central functions of electoral systems: representation and integration. With regard to representation, the electoral system largely favours the major parties and grossly over-represents them in Congress. While this has reinforced integration or the formation of majorities, the inherent weakness of the party system has resulted in the constant emergence of dominant ad hoc coalitions. In the post-authoritarian period, these KBL-type party monoliths are created through party switching, pork-barrel inducements, machine politics and forming local alliances.

In terms of the quality and social inclusiveness of elections, the major institutions in the national and local political arena are still dominated by the economic and political elites. A segment of these elites, the political clans and dynasties, have successfully maintained their dominance in national and local politics by adapting to the changing contours of the social, economic and political terrains. They extend their dominance by bequeathing power to their next of kin. Thus the interests of the marginalized sectors that include labour, small farmers, fisherfolk, the urban poor and women are hardly represented in the national legislature. Congress remains the nexus of local and national elite interests. Be that as it may, some scholars have argued that there is an observable shift in representation from elite landed interests to that of the more professional urban middle class. However, the shift is gradual and tenuous as these new professional politicians tend to establish their own political dynasties.

Electoral politics in the Philippines suffer from institutional and procedural defects that prevent it from becoming meaningful to effective and efficient governance. While Philippine elections are relatively open, there is the issue of the lack of real political alternatives or competitive candidatures. Candidates must either be rich or popular to win elections. The high cost of getting elected serves as a disincentive for popular participation and an incentive for corruption. Oftentimes competitiveness is prevented by the use of political violence. Efforts to address the issue of access have yet to bear fruit.

From a procedural perspective, the electoral process is riddled with opportunities for committing fraud, from voters' registration to ballot box stuffing and wholesale cheating through vote shaving and tampering with electoral records. The Commission on Elections has been ineffective in preventing fraud, thus straining its credibility as the institution tasked with managing the country's election. Modernization and computerization of the electoral process remains stalled due to disagreements from within the COMELEC.

These problems of electoral democracy in the country have resulted in initiatives to review the institutional form and structure of the political system. Some advocates of constitutional reform are taking a second look at alternatives to the current presidential, centralized state. However, institutional re-engineering rests upon a set of historical, socio-cultural factors that do not necessarily translate into immediate solutions to the deficiencies of Philippine democracy. Hence, a more incremental approach focusing on electoral reforms and legislative development is the most appropriate option.

List of Abbreviations

ANP - Alliance for New Politics
ARMM - Autonomous Region of Muslim Mindanao
APEC - Association of Philippine Electronic Cooperatives
BANDILA - Bansa ng Nagkaisa sa Diwa at Layunin (Nation United in Spirit and Objective)
Bayan - Bagong Alyansang Makabayan (New Nationalist Alliance)
BISIG - Bukluran ng Sosyalsistang Isip at Gawa (Solidarity of Socialist Thought and Practice)
BP - Batasang Pambansa (National Legislature)
CALD - Council of Asian Liberals and Democrats
CIBAC - Citizens Battle against Corruption
Code-NGO - Caucus for Development NGO Networks
COMELEC - Commission on Elections
CSO - Civil Society Organization
DSWP - Democratic Socialist Women of the Philippines
EDSA - Epifanio de los Santos
FFW - Federation of Free Workers
GAD - Grand Alliance for Democracy
IDRS - Institute for Development Research and Studies
IBP - Interim Batasang Pambansa (Interim National Legislature)
IPD - Institute for Popular Democracy
IPER - Institute for Electoral Reforms
IPG - Institute for Politics and Governance
IPP - Islamic Party of the Philippines
KAS - Konrad Adenauer Stiftung
KBL - New Society Movement (Kilusang Bagong Lipunan)
KPP - Kilusan Para sa Pambansang Pagbabago (National Renewal Movement)
KUMARE-KUMPARE - Kilusng Mamamayan Para sa Repormang Elektoral (Citizens' Movement for Electoral Reforms)
Lakas - Lakas ng Bansa (Nation's Power)
LAMP - Laban ng Masang Pilipino
LAMMP - Laban ng Makabayang Masang Pilipino (Struggle of the Nationalist Pilipino Masses)

LDP - Labang ng Demokratikong Pilipino
LP - Liberal Party
MA - Mindanao Alliance
MAD - Mamamayang Ayaw sa Droga (Citizens Against Drugs)
MIM - Mindanao Independence Movement
MNLF - Moro National Liberation Front
NAMFREL - National Movement for Free Elections
NIPS - Natinal Institute for Policy Studies
NMYL - National Movement for Young Legislators
NP - Nacionalista Party
NPC - Nationalist People's Coalition
NUCD - National Union of Christian Democrats
PCF - Patron-client factional (framework)
PDP-Laban - Partido Demokratikong Pilipino-Lakas ng Bayan (Philippine Democratic Party-People's Power)
PHILSSA - Partnership of Philippine Support Service Agencies
PMP - Partido ng Masang Pilipino (Party of the Philippine Masses)
PnB - Party of the Nation (Partido ng Bayan)
PnM - Pwersa ng Masa (Force of the Masses)
PPC- People Power Coalition
PPCRV - Philippine Pastoral Council for Responsible Voting
PROMDI - Probinsya Muna Development Initiatives (Provinces First Development Initiative)
PRP - People's Reform Party
Reporma-LM - Partido para sa Demokratikong Reporma-Lapiang Manggagawa (Party for Democratic Reforms-Worker's Party)
SPCPD - Southern Philippines Council for Peace and Development
SWS - Social Weathers Station
TUCP - Trade Union Council of the Philippines
UMDP - Union of Muslim Democrats of the Philippines
UNIDO - United Nationalist Democratic Organization
UPP-KBL - Union for Peace and Progress-Kilusang Bagong Lipunan
US-AID - United States Agency for International Development
VPD - Volunteers for Popular Democracy

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Electoral Politics in Singapore

Yeo Lay Hwee

Introduction

Elections are a necessary but not sufficient condition of democracy. Having a free and fair election is an important component of democracy because it is meant to provide the means for popular choice and control over government – popular choice being a key principle of democracy. Democracy, however, requires more than just elections. The degree of democracy can be measured by how far socio-political and economic structures are built and organized to realize the various principles of democracy. The definitions of these principles in most Western literature include ‘popular control’ and ‘political equality’. ‘Popular control’ implies that people have the right to a controlling influence over public decisions and decision-makers; and the meaning of ‘political equality’ is that people should be treated with equal respect and regarded as having equal worth in the context of such decisions.

Singapore has never been fully accepted as a democratic country by Western liberal standards. It is often described as a model of ‘soft authoritarianism’, or a limited democracy at best. The electoral system in Singapore is sometimes also seen as flawed by political commentators, who point out the lack of options and the lack of an effective opposition. The ruling People’s Action Party (PAP) enjoyed parliamentary monopoly from 1966 to 1981, and in the last two decades, while conceding between two and four seats to the opposition, has continued to exert such political dominance that some see Singapore as virtually a one-party state.

This chapter gives a historical account of the development of the electoral system in Singapore, outlines the major changes and provides an evaluation of its performance, noting how it has contributed to the democratic development of Singapore.

The Historical Development of Singapore’s Electoral System

The attainment of Singapore’s self-government and independence was channelled through the electoral process and political parties. After administrative separation from Malaya and the declaration of Singapore as a Crown Colony in 1946, a Legislative Council was inaugurated in 1948, which

comprised six elected seats and a further 16 ex officio and nominated members. The proportion of elected seats was raised to nine out of 25 in 1951. However, it was only with the advent of the Rendel Constitution of 1955 that elections began to assume meaning for the general population. The Rendel Constitution represented the first concrete step towards self-government for Singapore. While leaving defence, finance and internal security matters in the hands of the governor, the constitution introduced automatic voter registration and a new 32-member Legislative Assembly, 25 seats of which were directly elected by the people (Rodan, 1996: 63-64).

With the prospect of self-government there was a burgeoning of political parties, including the People's Action Party and the Singapore Labour Front. These were both formed in 1954 and both quickly commanded genuine popular support (Rodan 1996: 64).

The process of election into the Legislative Assembly was adapted from the Westminster model of democracy, based on the ethos of majority rule determined by the first-past-the-post, or plurality system. The first Legislative Assembly election held under the Rendel Constitution took place in April 1955. Several parties took part, the strongest then being the Progressive Party and the Democratic Party. However, none of the parties won a clear majority. The Labour Front, led by David Marshall, won the most seats – ten out of 25. It then teamed up with three Alliance members from UMNO-MCA (United Malays National Organization-Malayan [later Malaysian] Chinese Association) and the Singapore Malay Union to form the majority. Opposing David Marshall were four Progressive Party members, three PAP members, three Independents and two Democratic Party members.

An election was held in 1959 for the first fully-elected Legislative Assembly, bringing Singapore closer to complete self-government. At that stage compulsory voting was introduced. The PAP embraced this election wholeheartedly, filing candidates for all 51 seats. It won 43 of these, and with 53.4 per cent of the popular vote went on to form the government.

It took about a decade for the PAP to establish almost absolute political dominance. According to Raj Vasil, the PAP 'chose a democratic polity based essentially on the British Westminster model but limited it to ensure a stable political order. In so doing they were able to attain their objective by essentially continuing with the colonial political system and processes; instead of having to introduce a variety of limitations on the rights and freedoms of their citizens, the mass media, the political parties, the trade unions and other voluntary organisations through Singapore's constitution or through a new set of laws, they allowed most of the laws introduced by their British colonial overlords to remain in the same statute book' (Vasil, 2000: 50-51). These included, for instance, the Internal Security Act.

The electoral system meanwhile did undergo some changes in response to a changing electorate and in the PAP's attempt to remain in control.

Legislation Governing Elections and Some Major Amendments

After separation from Malaysia and becoming a full sovereign state, Singapore's electoral process has been governed essentially by the Constitution of the Republic of Singapore (see the section on *The Singapore Parliament*) and the Singapore Parliamentary Elections Act.

The constitution lays out the role of the legislature (the parliament) and defines the qualification and disqualification for membership of parliament, the exercise of legislative power and the overall legislative process. The Parliamentary Elections Act contains provisions for the lead-up to and conduct of elections for members of parliament (MPs). Its main features are the production of the registers of electors and the conduct of elections.

The Elected Presidency

One significant change to the electoral system in Singapore was the 'elected presidency'. Prior to 1992, the president of Singapore was appointed by parliament and played a largely ceremonial role. It was not until 1991 that the constitution was amended to provide for an elected presidency with new powers, such as the right to veto senior civil service appointments and government expenditures which draw on the national reserves. An overseeing role is also accorded to the office with regard to the application of the Internal Security Act, the laws relating to the control of religious organizations and the activities of the Corrupt Practices Investigation Bureau.

To run for the presidency, prospective candidates must be above 45 years old and must have a minimum of three years' experience in any one of the following positions: cabinet minister; chief justice; speaker of parliament; top civil servant; or chairman/ chief executive officer of a company with paid-up capital of at least S\$100 million. Prospective candidates must have an eligibility certificate from the Presidential Commission set up for the purpose of ascertaining the criteria before they can run for president. The prospective candidate must also have severed any connections with any political party; in short, he/she is supposed to be non-partisan. The first presidential election was held in 1993.

Other major amendments to the constitution that affect the electoral system were the introduction of Non-constituency Members of Parliament (NCMPs) in 1984; the introduction of the Group Representation Constituencies (GRCs) in 1988; the introduction of Nominated Members of Parliament (NMPs) in 1991; and overseas voting in 2001.

Group Representation Constituency

A GRC is a constituency where at least one MP is a person belonging to the minority race. There can be three to six MPs in a GRC and they are elected as MPs on a group basis. The rationale of GRCs, according to the official Elections Department website, is to ensure that there is always representation of members from the Malay, Indian and other minority communities in parliament. It is felt that in a single-member constituency, a person from a minority group running in a predominantly Chinese ward would have less chance of winning. And since Singapore is predominantly Chinese and all constituencies have a majority of Chinese because of the housing policy racial quota system, which is aimed at preventing racial enclaves from forming, theoretically there is a possibility of a parliament devoid of MPs from minority communities. This is deemed undesirable for a multi-racial society like Singapore.

Opposition parties, however, complain that the GRC scheme serves to further undermine the chances of opposition candidates as marginal PAP wards are grouped with strong ones. As Rodan puts it, the GRCs 'would stretch their limited resources and open up the scope for weak PAP candidates to be shielded through team membership' (1996: 75). They argue that the official rationale for GRCs has not matched the evidence provided by the fact that the Workers' Party Indian candidate, Joshua Benjamin Jeyaretnam has twice defeated two Chinese PAP candidates in the Anson ward in both 1981 and 1984.

Non-constituency Members of Parliament

The change in the constitution to provide for up to three NCMPs from opposition political parties is to ensure a minimum number of opposition representatives in parliament. Only when no opposition party candidates are returned in elections are NCMPs (who are the top three losers measured in terms of percentage of popular votes garnered) invited to enter parliament. The number of NCMPs is reduced by one for each opposition party candidate returned on his/her own merit. This is one of the PAP's public relations exercises to show that it is not intolerant of political opposition and to appease those who through their votes have shown that there are people who wanted opposition for its own sake.

Nominated Members of Parliament

The NMP scheme was introduced to try and cater to the desire of some Singaporeans for a wider representation of views in parliament and to steer dissatisfaction away from the opposition. A constitutional provision for the appointment of up to nine NMPs was made in 1991. NMPs are appointed by the president for a term of two years on the recommendation of a Special Select Committee of parliament chaired by the speaker.

The NMP scheme is not only a form of co-optation but conforms to the government's familiar elitist philosophy. Through the Special Select Committee, the government ensures that only people who have excelled or have special expertise in the professions, industries, commerce, cultural activities and social services are appointed. As noted by Garry Rodan (1996: 72), through this scheme, the government has projected itself as providing a responsible and capable opposition.

Both the NCMPs and NMPs have some voting rights but are not allowed to vote on bills pertaining to financial and constitutional matters. This has led to criticism that they are second-class MPs and that the NMP scheme is particularly an affront to the principle of popular representation. It is argued by some that traditionally the appointment of nominated positions in parliament (usually leading to the development of a second/upper house) is to expand the representational base of a system that already has a distribution of politicians from different political parties. What is unique about the Singapore case is that the development of NMPs precedes the development of proportionally elected representation. The scheme therefore does not support the development of multi-party representation but is a means of co-optation by the PAP to further entrench its position.

Overseas Voting

In April 2001, a bill seeking to amend the Parliamentary Elections Act to allow Singaporeans residing abroad to register as overseas electors and remain entitled to vote was passed. The official rationale for the Overseas Voting Bill was to provide an avenue for Singaporeans overseas who have strong links to Singapore to have a say through their votes (*Straits Times*, 18 March 2001). However, overseas voting will only be available in five cities initially, namely, Beijing, Hong Kong, Canberra, London and Washington. These cities were chosen because of the significant number of Singaporeans living in China, Hong Kong, Australia, Europe and the United States, and the fact that the missions in these five cities have enough staff to handle the exercise.

To qualify to vote, Singaporeans living overseas must fall into one of the following categories:

- Have resided in Singapore for an aggregate of two years in the five years immediately before the cut-off date;
- A member of the Singapore Armed Forces on full-time training or service outside Singapore;
- A public officer or employee of a statutory board, either working or training full-time overseas;
- Engaged in full-time training overseas with government or statutory board sponsorship;

- Employed overseas by international organizations of which Singapore is a member or by any organization designated by the president;
- The spouse, parents, child or dependent of any persons who fulfil any of the above criteria.

These conditions, among others listed in the Amendments of the Parliamentary Elections Act, have generated a lot of discussion over the rights of citizenship. In particular, the discrimination in favour of public employees against those who are working in private commercial enterprises overseas has resulted in some unhappiness and resentment. But like most other laws and regulations, because of the PAP's overwhelming dominance in parliament, the Amendments were passed anyway.

Table 1: Evolution of the Electoral System in Singapore

Year	Total No. of Seats	Single Member Districts (SMDs)	Group Representation Constituencies (GRCs)	Non-Constituency Members of Parliament (NCMPs)	Nominated Members of Parliament (NMPs)	
			C* Seats			
1963	51	51	NA	NA	NA	
1968	58	58	NA	NA	NA	
1972	65	65	NA	NA	NA	
1976	69	69	NA	NA	NA	
1980	75	75	NA	NA	NA	
1984	79	79	NA	0	NA	
1988	81	42	13	39	2	NA
1991	81	21	15	60	1	6
1997	83	9	15	74	1	9
2001	84	9	14	75	1	9

* Constituencies

The Singapore Parliament

The Singapore parliament is unicameral (single house) and is modelled on the Westminster system of parliamentary democracy where members of parliament are voted in at regular general elections. Elections are based on the first-past-the-post system, that is, whoever secures the most votes wins. The leader of the political party that secures the majority of seats in parliament will be asked by the president to become the prime minister. The prime minister will then select ministers from the elected MPs to form the cabinet.

When the new parliament meets for the first time, the speaker of parliament is elected followed by the oath-taking of MPs. The 'life' of each parliament in Singapore is five years from the date of its first sitting after an election. Elections must be held within three months of the dissolution of parliament. However, the prime minister, at his own discretion, can also dissolve parliament to call for snap general elections.

Table 2: Elements of the Current Electoral System of Singapore

House	Unicameral System: The Parliament
Electoral System	First-past-the-post system in single-member (SMCs) and group representation constituencies (GRCs)
Number of Individual Votes	1
Number of Constituencies and Size	23 constituencies: 9 SMCs, 5 GRCs with 6 seats each and 9 GRCs with 5 seats each (2001)
Threshold (Party List)	None
Type of Party List	NA
Independent Candidates*	Allowed in SMCs, relevant
Administration of the Elections	Elections administered by civil servants working in the Elections Department which comes under the Prime Minister's Office. No Independent Election Commission

* Relevant: independent candidates' average share of total seats is between 3 and 10 per cent; Highly relevant: independent candidates' average share of total seats is higher than 10 per cent

Since 1968, the PAP has enjoyed almost total hegemony in parliament. Although the opposition has consistently bagged an average of more than 30 per cent of the popular vote since 1984, this has only translated to between 1.2 and 4.9 per cent of parliamentary seats for opposition parties. This is due in large part to the first-past-the-post system, but the PAP, which has held power continuously and overwhelmingly for over three decades, also uses the government's extensive powers to place formidable obstacles in the path of political opponents. These means are usually in keeping with the law and the normal prerogatives of government, but the overall effect is a much weakened political opposition. Table 3 shows the seats won by the PAP and the percentage of popular votes.

The present parliament,¹ the ninth parliament, constituted by the election held on 2 January 1997, consists of 83 elected MPs (81 PAP members and two from the opposition, with one each from the Singapore People's Party and the Workers' Party), one NCMP and nine NMPs. Nine out of the 83 elected MPs are from single-member constituencies and the remaining 74 are from 15 GRCs.

1. Since this paper was written, there has been another general election in Singapore. It was held on 3 November 2001. See the Postscript at the end of the chapter.

Table 3: Dominance of the PAP in Parliament

Year	Total No. of Seats (Actual Seats Contested)	No. of Parties Contesting (Independents)	Seats won by PAP (%)	Seats won by Opposition (%)	% of PAP's Popular Vote
1963	51 (51)	8 (16)	37 (72.5)	15 (27.5)	46.93
1968	58 (7)	2 (5)	58 (100)	0	86.72
1972	65 (57)	6 (2)	65 (100)	0	70.43
1976	69 (53)	7 (2)	69 (100)	0	74.09
1980	75 (38)	8	75 (100)	0	77.66
1984	79 (49)	9 (3)	77 (97.5)	2 (2.5)	64.83
1988	81 (70)	8 (4)	80 (98.8)	1 (1.2)	63.17
1991	81 (40)	6 (7)	77 (95.1)	4 (4.9)	60.97
1997	83 (36)	6 (1)	81 (97.59)	2 (2.41)	64.98
2001	84 (29)	4 (1)	82 (97.61)	2 (2.4)	75.30

Sources: Compiled from Pugalenthi, 1996 and Open Singapore Centre, 2000.

The Electoral Process

Elections come under the direct responsibility of the Prime Minister's Office and are administered through the Elections Department headed by a civil servant.

Any Singaporean aged 21 or above, who is on the register of electors, has resided in Singapore for at least ten years and has never been convicted by a court of law and sentenced to imprisonment for a term of not less than one year or a fine of not less than S\$2,000, is eligible to stand for elections. All Singapore citizens, except those serving a sentence of imprisonment, or of unsound mind, or in the foreign armed forces of a foreign country, can vote. Voting in Singapore is compulsory. Anyone who does not vote in an election without a valid reason (e.g. incapacity, being abroad) has his/her name taken off the electoral register, and has to pay a small penalty to have it restored.

A voter is registered in the constituency in which he/she officially resides. The register of electors is publicly displayed before elections and any voter who has any objections to being placed in a particular electoral constituency can approach the registration officer to settle the issue.

Before an election, the prime minister usually appoints an Electoral Boundaries Review Committee, comprising mainly civil servants, to carry out a review of the number and boundaries of electoral constituencies. After its review the committee submits its report to the cabinet. The report needs only to be accepted by the government and is not submitted to parliament for debate and approval.

Once the committee's report is accepted by the government, the number of constituencies and their corresponding boundaries is effected by publication in the Government Gazette.

When the prime minister calls for elections, the president issues a Writ of Election. This official instrument announcing an election must be published between five days and one month before nomination day. The returning officer must give at least four days notice before nomination day. Rules and regulations for the conduct of elections, such as the display of posters and banners, the holding of election rallies and the location of counting venues, are announced shortly before nomination day.

All candidates running for election must place a refundable deposit with the returning officer. The deposit is 8 per cent of the total allowance of an MP in the preceding year, rounded off to the nearest S\$500. In the case of a GRC, the deposit for a group of candidates increases according to the number of people in each group. This deposit is only forfeited if the candidate loses with less than one-eighth of the votes.

After the period of nomination, the returning officer must publish a notice in a gazette to inform the public of the constituencies in which elections will be contested, with all the necessary information. A 'walkover' is announced and the nominated candidate or group of candidates declared elected when there is only one candidate or one group of candidates in an electoral division.

According to the Elections Act, the campaign period is at least nine days but not more than eight weeks from nomination day. However, since 1963, all campaign periods have been kept to the minimum of nine days. Campaigning can start immediately after the candidates' nomination.

There is a strict expenditure limit on electoral campaigning. The limit of campaign expenditure is S\$2.50 per voter. There are also clearly stated rules defining how funds should not be spent and all expenses of more than S\$10 have to be accompanied by a bill or receipt. Within 31 days from the date of publication of the election results, returns on all election expenses must be submitted to the Elections Department. The stringent measures and uncompromising enforcement of electoral expenses underscore the fact that money politics is not tolerated in Singapore.

Campaigning must stop on polling day. All polling stations are usually open between 8 AM and 8 PM. Each polling station must have at least one presiding officer, and also the candidates' polling agents. A polling agent ensures that the procedures in the polling station are adhered to properly and any objections can be raised with the candidate. Each voter is given a ballot paper at the polling station. In a single-seat constituency, a voter's single vote is for one

candidate, and in a GRC, for a slate of candidates. Once voting is completed, the presiding officer, in the presence of the candidates and their polling agents, seals the ballot boxes and follows strict procedures for the transportation of the ballot boxes to the counting centres.

Once the counting of votes is completed and a candidate declared a winner, the documents and papers are sealed and destroyed six months later unless otherwise directed by the order of the president. They are only to be opened for inspection, copy or production if there is an election petition. An election petition must come before the chief justice or a supreme court judge appointed by the chief justice and the procedures applicable to a high court apply here. Though election petitions remain a legal avenue for the reversal of election results that are found to be illegal, so far in the electoral history of Singapore, results of elections have never been contested in court.

Reasons for the PAP's Prolonged Electoral Dominance

Regular and open elections are the means by which the PAP came into power, and has remained in power. Once elected, the PAP has claimed a free hand to govern. The PAP sees it as essential that Singapore's political system represents a fine balance between democracy and governance, and has little interest in the worth of democratic norms, institutions or processes per se. Holding regular elections is one aspect of democracy to which the PAP are willing to pay allegiance, but their thinking is that once the 'mandate to rule' has been conferred through elections, the concern of the government is not to give further expression to the ideals of democracy, but instead to be seen to govern. Central to the PAP leaders' view of the role of government is the notion that the compulsions of economic progress, ethnic harmony and security make it imperative that the government in Singapore controls all instruments and centres of power and does not allow the growth of political pluralism (Vasil, 2000: 50-51). Hence, since sweeping into power in the 1959 elections, the PAP has never hesitated to use the power of the government to stifle the growth of any opposition. It has always had the required two-thirds majority in parliament to change and introduce policies and law.

The considerable power wielded by the PAP government is rationalized by an elaborate ideology of elitism, which is deeply embedded in the social structure of Singapore and dominant within the political culture. According to this ideology, Singapore must be an uncompromising meritocracy. In this view, government as a technical process is emphasized over government as a political process. Such an ideology is antithetical to any concept of representation that emphasizes the obligations of government to reflect and/or respond to the aspirations and concerns of the electorate. Rather it reinforces a strict Hobbesian

notion of representation as the authority to act, an authority in which elections provide formal and periodic acknowledgement of the intrinsic merit of the leadership. This elitism manifests itself not only in a rejection of interest-group representation in the political process, but also in the way candidates for the ruling party are selected through an almost exclusive preoccupation with formal educational and technical qualifications. The ideology of meritocracy is thus a rationale for a very exclusive political process (Rodan, 1996: 62-63).

There are other reasons to explain the PAP's dominance. According to Heng Hiang Khng (1997), despite the lapses in democratic procedure, the PAP has retained the popular electoral mandate for the following reasons:

- The PAP's pragmatism and ability to mediate the diverse interests of a multi-racial nation. For instance, the Chinese community sees the party as being capable of protecting Chinese interests in a larger geopolitical environment of Malay dominance, while the Malay minority believe that the party can be counted upon to rein in Chinese chauvinist sentiments.
- Under the 'governance' of the PAP, there has been impressive economic growth, rising employment and the provision of basic social services such as education, housing and health.
- The exemplary conduct of the PAP leadership in running an incorrupt government and civil service.
- The strictures of the PAP authoritarian government have been implemented with moderation. For instance, discretionary detention of political opponents is tempered by the fact that the coercive measures used are not excessive. In short, there are no gross human rights violations. While the media and other forms of expression are effectively regulated, it is still a relatively open country where people as a whole do not feel cut off from the world at large with no access to a range of information sources other than those endorsed by the state. It is a sort of political climate which might not be acceptable to a Western electorate with its stronger and longer traditions of democracy, free speech and political activism; but for Singaporeans, who do not have these traditions, there is no expectation of such a level of civil liberty and therefore no strong sense of discontent arising from it.

In short, one could argue that the PAP has maintained its political dominance by developing genuine voter support through honest, effective administration and its strong record in bringing economic prosperity to the country. Its authoritarianism is very much tempered and made more hardy and acceptable to voters because of moderation. However, the opposition would counter-argue that the PAP's dominance is also partly a result of the manipulation of the electoral framework, the intimidation of organized political opposition with the potential use of the Internal Security Act and other means, and the circumscription of the bounds of political discourse and action through such

action as the control of the mass media. (These are discussed in greater detail in the section on *Structural and Institutional Obstacles*.)

The PAP had a total monopoly of all the seats in parliament from 1968 to 1980. This allowed the government to act swiftly to shape the economy and society for rapid development. With a booming economy, the PAP intensified its strategy to depoliticize society, and further entrenched its rule over society. Rigid hierarchical structures throughout both the political and social spheres were institutionalized, aided greatly by the supportive elitist ideology of meritocracy.

The End of the PAP's Parliamentary Monopoly

Despite the pervasiveness of the PAP state and the weaknesses of the opposition, opposition parties have made some progress in elections over the last decade. The victory of Workers' Party Secretary-General Joshua Benjamin Jeyaretnam in the 1981 by-election in Anson was a psychological breakthrough and signified the return of a more organized opposition. More importantly, however, since the 1980s, the PAP has sustained an electoral decline in terms of the percentage of popular votes garnered at each election. The biggest swing in its electoral support was registered when the popular vote dropped from a high of 77.66 per cent in the 1980 elections to 64.83 per cent in the 1984 elections.

The swings in popular vote were not translated into significant gains in seats by the opposition, mainly because of the first-past-the-post system. The peak of the opposition gains was in the 1991 elections when four opposition members were returned. The downward swing of popular votes was arrested in the 1997 elections when only two opposition members were returned.

Nevertheless, even with the big swing in popular votes, the PAP's rule has never been seriously threatened, and a change in government in the foreseeable future is inconceivable. However, as noted by Garry Rodan (1996: 63), 'precisely because elections have been the only sanctioned avenue for political contestation, and because the PAP has itself drawn so readily on their existence for its legitimacy, elections are now entrenched in the political system', and even the small gains made by the opposition parties in the 1980s and 1990s have aroused serious concern within the PAP.

The decline in electoral support can be attributed to many reasons. However, one widely cited reason is the rapidly expanding middle class and the increase in younger, better-educated Singaporeans who are more sympathetic to the opposition. These post-war, post-independence Singaporeans, most born in the 1960s, who have not really experienced the tumultuous years of Singapore history, are more attracted to the idea of having an opposition presence to check the power of the PAP. Another reason is the growing discontent from

different groups with regard to specific government policies that were implemented in the 1980s. In short, rapid economic development generated many socio-economic changes that combined with demographic, ethnic and other dynamics to produce a much more differentiated electorate, resulting in the dilution of overall support for the PAP.

So what are the prospects of elections becoming a more meaningful exercise in democratic choice in Singapore? To answer this question, we need to look at the current state of the opposition parties in Singapore.

The Opposition Parties in Singapore

Registering a political party in Singapore is uncomplicated and political parties are free to stand for elections. There are 23 registered opposition political parties in Singapore (see Table 4).

Though impressive in number, in reality few are consistently active in contesting elections and promoting their causes. Those that are include the Workers' Party (WP), the Singapore Democratic Party (SDP), the Singapore People's Party (SPP), the National Solidarity Party (NSP), the Singapore National Malay Organization (PKMS) and the Singapore Justice Party.

All these parties, however, are very limited in structure and resources and are comparatively dormant between elections. Given that the PAP usually provides little more than the minimum required nine days' notice of election, campaigning itself is often a brief affair (Rodan, 1996: 83).

Neither major opposition party (WP and SDP/SPP) represents a coherent ideological alternative to the PAP, and certainly neither directly challenges nor scrutinizes the PAP's central ideological concept of meritocracy. It is this ideology that rationalizes the hierarchical social and political order built up over the last decades. While this does not mean that there is a conscious acceptance of the PAP's ideology, it does at least reflect a limited ability to formulate alternatives. Without a challenge to the elitism embodied in meritocracy it is difficult to see how the political process can be altered in such a way as to render elections a more meaningful exercise in democracy. So long as government is regarded as the preserve of experts, the permissible extent and form of political opposition, both formally and informally, will necessarily result in restricted choices available to the electorate. But, at the same time, opposition parties themselves have found it difficult to break out of the PAP's ideological framework, in no small part because of the institutionalization in Singapore of a comprehensive set of mutually supportive ideological concepts in which meritocracy is pivotal (Rodan, 1996: 86-89). By explicitly agreeing with the goals advocated by PAP, the opposition can only nit-pick on issues.

Table 4: Registered Parties in Singapore (as at 2000)

Name	Date of Registration
Singapore Chinese Party	26 September 1950
Persatuan Melayu Singapura	2 February 1952
Partai Rakyat, Singapore State Division	3 December 1956
Angkatan Islam	6 August 1958
The Workers' Party	30 January 1961
Pertubohan Kebangsaan Melayu Singapura (Singapore National Malay Organization)	20 February 1961
People's Action Party	18 February 1961
United People's Party	14 July 1961
Barisan Socialis	15 August 1961
Parti Kesatuan Ra'ayat (United Democratic Party)	18 June 1962
Singapore Indian Congress	7 August 1962
Alliance Party Singapura	17 February 1966
United National Front	6 March 1970
National Party of Singapore	26 February 1971
The People's Front	21 May 1971
Singapore Justice Party	10 August 1972
Democratic Progressive Party	16 March 1973
People's Republican Party	30 August 1973
United People's Front	20 March 1975
Singapore Democratic Party	8 September 1980
National Solidarity Party	6 March 1987
Singapore National Front	15 August 1991
Singapore People's Party	21 November 1994

Source: Ministry of Information and the Arts, 2001.

It is hard for the opposition to fault the PAP government, given the success story Singapore has been. With their limited resources and structure, the opposition have become realistic enough not to campaign on the grounds of forming an alternative government. Instead their main appeal to the electorate is the need to check the PAP government by having an opposition and introducing resistance in parliament. Understanding that the majority still want a PAP government, the opposition adopted a so-called 'by-election' strategy for the 1991 and 1997 elections. This meant that the PAP was returned to power on nomination day as the opposition contested less than half the seats. The rationale was that once people were assured that the PAP would form the ruling government, those required to vote would be more willing to vote for the opposition in order to have more checks and balances in parliament. Such a strategy, though realistic, is not contributing to the maturation of opposition politics in the country (Ooi, 1998: 360).

Structural and Institutional Obstacles in the Political System

Opposition parties often point to various structural and institutional obstacles in Singapore's political system to explain their inability to mount an effective challenge against the PAP, and therefore extrapolate that elections in Singapore are not free and fair. These include the following:

The Internal Security Act

The Internal Security Act (ISA) has its origins in the British Preservation of Public Security Ordinance, which was used against the Communists. Anyone reasonably suspected of being a Communist and a danger to national security could be detained without trial for an unlimited period of time.

It has been noted that Operation Cold Store in 1963, in which 115 opposition Barisan Socialist leaders, journalists and trade unionists were arrested and detained without trial under the ISA, and a number of subsequent swoops in the early years of PAP rule effectively stunted the growth of political opposition for the years to come. And still fresh in the minds of many Singaporeans is the arrest of 22 Catholic social workers and professionals in 1987. The episode, referred to as the 'Marxist conspiracy', saw social workers accused of using religion as a cover for their left-wing activities.

Though used sparingly in recent years, the fact that the government has refused to remove the ISA has given the opposition and human rights activists ammunition to claim that it is an instrument to instil fear in the electorate and hence stifle the freedom of expression crucial for the functioning of a real democracy.

The Mass Media

Another important pillar in a democratic society is the mass media and its attendant need for the freedom of the press. It is argued that the role of a free press is fundamental to the electoral process. Unfortunately the press in Singapore has also been subdued after the earlier tumultuous years of Singapore's political history. Several newspapers were closed down in the late sixties and early seventies after brushes with the law. Since the 1980s, only one publicly listed company, Singapore Press Holdings, has published all the newspapers in Singapore.

Critics charge that control of the media is instituted through the 1974 Newspaper Printing and Presses Act (NPPA). This stipulates that newspapers must issue both ordinary and management shares. Management shares have 200 times the voting power of ordinary shares. Acquisition of management shares has to be endorsed by the government. Government officials are also appointed to the

board of directors of Singapore Press Holdings. Through these regulations, the government effectively controls the press, albeit in a less visible and subtle way. It need not force the closure of newspapers, but exerts control through the people holding the management shares who have a say over the appointment of personnel. Editors or personnel deemed unsuitable can be removed at the government's wishes.

While it may be hard to prove that the government directly interferes with the general editorial decisions of the media, and indeed the government could say with all honesty that they do not, critics believe that self-censorship has become part and parcel of the survival tactics of the press after earlier brushes with the PAP government. Also the media is constantly exhorted to be 'responsible' and to contribute to the greater efforts of nation-building and social cohesion. This implies that the mass media should provide information and knowledge that contribute to the unity of Singapore, and give full coverage to the government's perspective on issues. To the opposition and critics, the media has become part of the government's propaganda machine. The opposition has accused the media of biased reporting and of giving them less access and coverage.

While international and foreign media are also allowed to circulate in Singapore, again through the NPPA, the government has been able to institute some form of control over the foreign media who wish to continue to circulate in Singapore. Amendments to the NPPA allow for restricted circulation of publications that 'interfere' in the domestic politics of Singapore. Rather than resorting to direct censorship or blocking those publications that are critical of the government, the PAP government has chosen to limit the circulation and hence affect the advertising revenue of these publications. The rationale is to silence the critics that such a move is aimed at control of information. By allowing restricted circulation, the government is able to say that Singaporeans still have access to these publications (and they are also allowed to xerox copies for their own use freely), and that they are only aiming at the profit line of the foreign media. This deviously sends a message to the population that the foreign media is ultimately driven by commercial interests and are not as principled as they would like to portray themselves to be.

The government has also not hesitated to use libel laws to sue the foreign media and its correspondents for any claims in articles that they feel are libellous and cannot be substantiated with hard evidence. It is noted by critics that the combination of these measures have resulted in a 'troubling trend of capitulation and self-censorship' (Lingle, 1996: 110).

The advent of the Internet and the rapid growth of information technology might have made this a less important consideration since it brings about almost unlimited access to information. However, the government's recent moves to tighten the rules governing websites with political content is again

seen as a move to stifle the use of this new media to the advantage of the opposition.

Serial Number on Ballot Paper

The opposition has on many occasions raised concern about the serial numbers that appear on ballot papers. When a voter goes to the polling centre, he/she is given a ballot paper torn from a booklet perforated by a franking machine. Each ballot paper is numbered serially. This number is also printed on the counterfoil, which the Elections Department retains. The voters' registration number is entered on the counterfoil. The opposition has charged that the recording of the ballot number is an affront to the secrecy of the vote as theoretically the ruling party is able to find out how any voter has voted. Though it is unlikely that the government would go to the extent of finding out how each voter votes, it nevertheless makes the electorate fearful about voting for the opposition.

Gerrymandering

Gerrymandering, while widely practised by many ruling parties the world over, is seen as a particular problem in Singapore since the PAP has ruled continuously for more than three decades. The opposition have charged that the results of the redrawing of constituency boundaries are announced only shortly before elections are held, giving them very little time to react and work the ground.

The government has asserted that the redrawing of electoral boundaries is necessary because of the high geographical mobility of Singaporeans. In order to have an MP serving about the same number of constituents, the guidelines for redrawing the boundaries may call for either a division of the constituencies into an equal number of residents, a bundling of a number of group constituencies, or the break-up of certain constituencies.

Kirby (1982: 76-97) points out that in the exercise of creating constituencies of about the same size, the law of the averages automatically favours the relatively more popular political party. Relatively less popular parties have to hunt for large pockets of supporters in specific constituencies in order to win any seats in the first-past-the-post system. If supporters are evenly spread out in all constituencies, these parties will not win seats. With the majority of Singaporeans supporting the PAP, opposition parties worry that their pockets of support may get neutralized in the redrawing of boundaries (Ooi, 1998: 376).

Nominated Members of Parliament

As discussed earlier, the NMP scheme was introduced in 1991. This can be seen as a response by the PAP government to the demands of an increasing, albeit still small, minority vocal group who want to see more debates and more representation in parliament. The vocal minority, as they are usually called,

are seen to come mainly from the more highly Western-educated professionals whose concerns are not the 'bread and butter' issues of the 'HDB heartlanders'.²

Garry Rodan also argues that the NMP scheme is a pre-emptive move to ensure that any dissatisfaction with the government from de facto interest groups does not translate into greater support for opposition parties (1996: 74). The government also hopes that through such a scheme it can co-opt critical individuals, but at the same time set the limits of criticism.

Linking Votes to Upgrading of Housing Estates and Apartments

Just before the 1997 elections, the government announced that it would pursue a policy of giving priority to the upgrading of public housing apartments to residents who voted for the PAP.

This has to be understood in context. More than 80 per cent of Singaporeans live in public housing apartment blocks, built by the Housing and Development Board (HDB). Some of the housing estates are now more than 20 years old. In the early 1990s, the government announced a comprehensive upgrading plan for old flats and their surrounding areas to 'rejuvenate' them and ensure older estates do not deteriorate into slums. The upgrading of flats includes building either an extra utility room or an additional toilet in each apartment, and putting additional lifts into each block, while the upgrading of estates includes the landscaping of common areas, building covered walkways, etc. It is argued that as upgrading raises the value of flats in the open resale market, linking voting to upgrading is a devious way of influencing the way people vote.

To demonstrate that it was serious about giving upgrading priority to those who voted for the PAP, the government announced six days before polling that within each constituency the counting of votes would be divided into smaller precincts. Each precinct comprised a small number of HDB apartment blocks, amounting to approximately 5000 votes. In past elections, there was only one counting centre for each constituency. In the 1997 election, however, each constituency had multiple counting centres, and in each one the votes for the precincts were counted separately. This enabled the government to identify the level of support the PAP received in each precinct and therefore give the occupants who voted for the PAP priority in upgrading. Upgrading in opposition constituencies and in pockets within constituencies that showed strong support for the opposition was to be delayed.

Related to this was the amendment of the Town Councils Act in favour of wards that elected PAP candidates. Before 1988, the HDB was responsible not only for constructing affordable housing, but also for the day-to-day

2. The word 'heartlanders' was first used by the Singapore government to refer to the majority of Singaporeans who live in public housing estates and are presumed to be more conservative in their outlook.

management of estates. However, the management and general maintenance of housing estates then became the responsibility of the MP through the town councils set up in each constituency. Budget surpluses of the councils are put in a sinking fund for future major maintenance works. The amendment provided for a 20 per cent portion of this surplus to be allocated to the MP to spend on amenities and projects as he/she deemed fit, but only if a PAP MP was elected. If an opposition MP was elected, 100 per cent of the surplus from the previous town council would have to go into the sinking fund of the new town council, thereby depriving the newly elected opposition MP of any funds for immediate and urgent maintenance projects (Open Singapore Centre, 2000: 22-24).

The government's move to link votes to upgrading has generated a lot of discussion. Some have even gone so far as to question the legality of the ruling party using government machinery, the bureaucracy and public funding to further entrench its position. However, while many citizens intuitively disagreed with the government's policy, there was not enough groundswell to force the government to back down on this 'threat'.

An Insidious Obstacle?

Beyond these specific obstacles, as alleged by the opposition, what is indisputable is that in the general political arena, through years of negotiation, co-optation and management, the PAP government has reined in potentially contentious political forces in Singapore, including the unions, grassroots organizations, ethnic associations and civil society as a whole. The unbroken record of mandates given to the PAP for more than three decades has enabled it to both strategically and tactically dominate the political arena through the use of the law. Even more controversial in the approach adopted by the PAP government is the notion that 'politics is only for political parties' and that anyone who wants to comment or publicly challenge national policies must join a political party. Other organizations, such as religious groups, professional associations, labour unions and clans, are barred from any political engagements or activities. As noted by commentator Ooi (1998), politics in Singapore has now been professionalized – politics is only for the political parties. Another academic, Chua (1995) went a step further to proffer that the PAP has changed the public sphere of life in Singapore to one that is largely in need of administration rather than one fraught with political contestations. Politics in Singapore seems to be more a matter of administrative efficiency and effectiveness of policies than ideological issues of political representation, civil and political rights.

Since independence, elections have been part of Singapore's political landscape, and one could not theoretically charge that they are not free and fair. Elections in Singapore are also free from the violence witnessed in many countries in the region, and election activities are all conducted within the legal framework of the constitution and the Parliamentary Elections Act, in which electoral rules

are clearly spelt out. As they are cleanly and fairly conducted, elections in Singapore provide the PAP with the legitimacy to claim that they have the mandate of the people. However, there are many characteristics in the Singapore party system that do not allow for the growth of opposition parties. The control of the media, the restriction of political discussion to political parties, the co-optation of various organizations and talented individuals by the PAP government which has stunted the growth of a strong civil society, the uneven access to information and resources between political parties and, of course, the first-past-the-post system, have all worked against the opposition.

More importantly, the fact that the PAP has been able to continuously control a two-thirds majority in parliament for three decades means a dominance void of a workable system of checks and balances. With a two-thirds majority, the PAP has been able to introduce policies and change laws, including constitutional laws, with little resistance. This has led some to cynically observe that the rule of law has been reduced to the rule-by-law under the PAP.

Given these conditions, what functions then do elections serve in Singapore?

The Function of Elections in Singapore

Since independence in 1965, parliamentary elections have taken place at regular intervals in Singapore. They have never been shamelessly manipulated, though the PAP, like ruling parties all over the world, has not hesitated to take political advantage whenever possible of its position as the ruling party. Undoubtedly, considerable numbers of Singaporeans have chosen to vote against the PAP but, significantly, not many of them have ever wished to have their vote for the opposition parties result in a change of government, a transfer of power from the PAP to the opposition. The spectacular achievements of the PAP government over the past three decades have ensured that. Consequently, opposition parties have remained utterly demoralized. They have never been able to persuade many Singaporeans to treat them as an opposition that is capable of delivering a stable political order, progress and prosperity, and ethnic peace and harmony. Clearly, although not all Singaporeans are ardent supporters of the PAP government, not many of them have ever wanted to replace it with the opposition (Vasil, 2000: 250-251). In accepting this reality, the opposition has changed tack by adopting their unique 'by-election' strategy in a bid to gain more votes without the risk of unseating the PAP government.

A United States Department of State Singapore Country Report on Human Rights Practices for 1998 notes that "The Constitution provides citizens with the right to change their government peacefully through democratic means, opposition parties are free to contest elections, and the voting and vote-counting systems are fair, accurate, and free from tampering. However, the PAP, which

has held power continuously and overwhelmingly for over three decades, uses the Government's extensive powers to place formidable obstacles in the path of political opponents'. This effectively sums up the paradoxical situation in which elections appear free and fair, and therefore provide the legitimacy for the PAP's rule, while at the same time, opposition parties are disadvantaged and weakened by the continued dominance of the PAP and its ability to use its power as the government.

Without an effective opposition and a real alternative to the PAP, Garry Rodan eloquently noted that in Singapore '... elections have not given effect to broader democratic representation or processes. Rather, extra parliamentary constraints on challenges to the policies and ideologies of the ruling PAP have generally rendered elections a stunted political expression – not the periodic culmination of many contests over social and political power, but the only contest. Nevertheless, in the PAP's historical struggle for, and subsequent consolidation of, political supremacy, elections have been a significant institution. They have afforded the PAP government a political legitimacy not enjoyed by other authoritarian regimes, especially important in limiting the impact of external criticism. Ironically, elections have thus enabled the PAP to claim a mandate in operating outside democratic processes between ballots' (1996: 61).

In the end, Singapore's limited democracy may not fully conform to accepted democratic norms and values, but it is difficult to deny that the system has worked extremely well and has produced remarkable national development. When Singapore gained its independence, the overriding concern for Singaporeans was to secure a reasonable existence for themselves. Not many of them were willing to subscribe to the contrary view that democratic rights and freedoms had an innate importance of their own and that Singapore had to have a fully democratic polity. And during the last 30 years, despite remarkable progress and prosperity, not many Singaporeans have been persuaded to radically alter that view of their polity (Vasil, 2000: 249).

It is unlikely that Singapore will see a dramatic transformation from a limited democracy to a model based on Western liberal democracy in the foreseeable future. However, in response to the emerging domestic realities of a more well-educated polity brought about by years of economic prosperity and the changing socio-economic and political landscape, the PAP has begun to take steps to expand the political space for Singaporeans. It has become evident to the ruling party that as Singapore moves towards a more knowledge-based economy, the old political and economic formulae that proved effective in the past cannot be continued.

Political Transformation: Towards a More Consultative Government?

The political succession from Lee Kuan Yew to the second generation of leaders, led by Goh Chok Tong, heralded a period of gradual change in the political arena. Under Goh, the government has adopted a more consultative approach towards policy-making, and opportunities for Singaporeans to participate in the polity, especially at the local government level, have increased.

There have been greater attempts to gather feedback on policies. The Feedback Unit, the Institute of Policy Studies (IPS) and Government Parliamentary Committees (GPCs) were established. Each has its own constituency. While the Feedback Unit gathers feedback across a whole section of society, the IPS takes a more intellectual approach to its research, focusing more on feedback from the 'intelligentsia'. The GPCs give MPs a greater role in scrutinizing and troubleshooting new legislation, thus tempering their image of being just tribunes of the government (Heng, 1997).

Schemes like the NCMPs and NMPs were also instituted in response to the desire of the polity for more debates and representation in parliament. However, as noted, these two schemes have critics who feel they stunt the real development of electoral democracy rather than promote it. They are seen as PAP ploys to further weaken and demoralize the opposition parties.

The most visible areas of the PAP's liberalization programmes are the media and the arts. Newspapers are gradually discussing more sensitive issues and giving publicity to critical views. In the arts, both theatre and film have censorship regimes which are significantly more relaxed (Heng, 1997).

However, a main plank in the agenda for political transformation, as pointed out by John Clammer (1993), was the proposal to adopt a National Ideology as the basis for social and political stability.

National Ideology and Shared Values

Besides using institutional responses to secure its position, the PAP also tries to use moral and ideological arguments to justify what they are doing. In the 1960s and 1970s, their fundamental ideology was that social and economic development must come before political development and democracy, as real and effective democracy is possible only on the basis of a literate and well-fed people. Come the 1980s, with the economic success of Singapore, this argument could no longer be used without arousing scepticism. This resulted in a shift to the argument that continued economic development required that Singapore should maximize the potential of all its citizens. Thus having a two-party system in such a small country would be a waste of resources. And so the

liberal-democratic model was rejected as unsuitable for Singapore, in favour of a more workable communitarian and consensus-based 'Asian democracy'.

To guard against the trend towards individualism in society and the desire for liberal democracy, the PAP government produced a formal document outlining a set of values that should underwrite Singapore's political system. The idea of a national ideology and shared values was first publicly mooted by the then first deputy prime minister, Goh Chok Tong, in 1988. It went through several metamorphoses, culminating in a Government White Paper in 1991 which discussed the proposal in detail and came up with the following 'Shared Values':

- Nation before community and society above self
- Family as the basic unit of society
- Regard and community support for the individual
- Consensus instead of contention
- Racial and religious harmony

John Clammer (1993) notes that the national ideology or shared values proposal conceals two hidden agendas. The first is political and represents an attempt on the part of the PAP to pre-empt social change, or to direct it in 'suitable' directions. The second concerns the latent functions of the ideology – a 'counter-modernization' strategy to manage change. He further notes that the fervour for a national ideology or shared values surfaced at a time of political transition and major sociological shifts – a changing international order in which authoritarianism, in its old forms, is disappearing, a change of generations in the political leadership, a mature economy increasingly open to the pressures of the information age and social changes, which have created an affluent and often property-owning middle class with high expectations and a working class now becoming increasingly detached from traditional types of employment and the social conditions that went with them (Clammer, 1993: 36-37).

The shared values concept has been criticized as reflecting the PAP government's unwillingness to accept change, except on its own terms. Despite the show of a friendlier, more consultative government through the opening up of more feedback channels, allowing more pluralistic views to appear in the press and a relaxation of censorship, critics see these moves not as reflecting real political liberalization, but simply as a strategy by the government to cope with change by expanding its network of 'institutionalised channels for controlled participation' (Brown, 1993: 19).

From Democracy to Good Governance

Another ideological response to criticisms against the PAP was the shift of the ideological discourse from democracy to that of good governance. With the

criticism directed at the PAP government for being undemocratic, the PAP has moved away from defining Singapore as a democracy. It is now defined more in terms of good governance. And it is abundantly clear that the PAP displays many characteristics of a strong, honest and effective government. While a democratic contest provides for the stabilization of a democratic political system, higher policy efficiency calls for swift governmental action, unhindered by structural obstacles. The PAP supports the latter on the grounds that, as Singapore is geographically and demographically small, ethnically diverse and intrinsically unstable, democratic contest not only wastes resources but also creates more instability within the nation (Ooi, 1998: 396-397).

This shift in the debate from democracy to good governance was an indication that while changing political and socio-economic realities have forced the government to adopt a more liberal atmosphere in the arts and media, allow more scope for non-governmental organization (NGO) activities and be more consultative, these in no way point to the willingness of the PAP to move towards a more liberal democratic polity. As pointed out by Heng, the PAP government retains the prerogative to set the parameters for permissible criticism and dissent – the infamous ‘OB (out-of-bounds) markers’ – in Singapore’s political discourse. They have also continued to show their intolerance of opposition party members who take a combative approach and attack existing institutions or government leaders by using legal means to cripple them. The growth of civil society is also circumscribed and only NGOs whose activities are in areas not central to the dispensation of power have been tolerated, endorsed and perhaps even encouraged. And even then, the government tries to maintain leverage and control through co-optation.

Because of its pervasive control over power, the government retains latitude in the use of power, and has not shied away from legislating solutions to any real political challenges.

Prospects for Electoral Reforms?

Since 1963, regular and open elections have accorded political legitimacy to the PAP as representatives of the people and to govern at will. After more than a decade of parliamentary monopoly and continued dominance in parliament subsequently, the PAP has guarded its position with much jealousy. It viewed the decline in electoral support that began in the 1980s with much consternation. Although the PAP remain firmly in control of parliament, they have never lowered their guard, so to speak, and are constantly coming up with new policies and new forms of institutionalized co-optation to stymie support for opposition parties.

In this climate it is unlikely that the PAP government on its own initiative will carry out any electoral reforms in the direction of fairer representation and greater openness. The opposite is more likely, and has manifested itself in

several changes in the Parliamentary Elections Act, as discussed in preceding sections. The most recent changes in the rules concern political advertising on the Internet, the registration of 'political websites' and the Political Donation Bill that gave the government power to gazette organizations as 'political' and hence restrict the source of their funding. Any organization that is gazetted as a political organization is not allowed to receive funding from overseas and must declare the sources of its funding.

The government has tried to respond to the demand for greater representation and pressure from the increasingly complex middle-class polity through the politics of consultation and feedback, and by expanding its network of institutionalized channels for controlled participation. The increasing diversity and plurality of Singapore society is to be accommodated and managed through more extensive mechanisms for co-optation. Changes in the electoral system that might in any way favour the development of an alternative party or nurture a strong opposition are not a likely scenario.

The government has no qualms about defending the one-party system. They see a multi-party or even two-party system as unsustainable because of Singapore's small population and limited talented pool. Lee Kuan Yew has openly contended that a two-party system is a waste of talent as half the country's ablest would be sitting idle in the opposition (*Straits Times*, 6 December 1996). Thus in the name of administrative efficiency and effectiveness, a one-party system is considered the best option.

This then begs the question of whether electoral reforms could be forced upon the government by the polity in the foreseeable future. As things now stand, this is highly unlikely because of the expanding channels of co-optation, and the perception that 'there are benefits to be had from being legitimated and co-opted by the state' (Brown, 1993: 18). Sociologists and political scientists observing Singapore have also pointed out that despite an expanding middle class and growing affluence in Singapore, there is little evidence that these have led to any liberalizing pressures on the government in contrast to the classical belief that the growth of an educated, affluent socio-economic elite and the rise of the middle class constitutes a liberalizing force in politics.

It has also been noted that while the PAP government is regularly criticized in 'coffee shop talks' and about 30-35 per cent of the population have consistently voted for the opposition since the mid-1980s, the ideological hegemony of the PAP is quite complete. Many of the PAP's ideas have become taken-for-granted notions among Singaporeans. Even the opposition has subscribed to the PAP's ideology of meritocracy. The PAP's political discourse, which emphasizes the issues of economic survival and the need to remain economically competitive, and constantly portrays the fragility of a multi-racial society, is deeply embedded. So much so, that the opposition, in challenging the PAP, has had to

affirm their support for inter-ethnic sensitivity and the maintenance of high economic growth. The fact that the opposition has had to resort to a 'by-election' strategy shows the widespread belief among the electorate that Singapore cannot do without a PAP government. Such is the extent of the PAP's ideological hegemony (Ooi, 1998: 358, 388).

External Support for Reforms

The role of external actors in Singapore's political field is minimal. This can be partly attributed to the tight control that the PAP government imposes on foreign actors. Through its Registration of Societies Act, the government has not hesitated to bar the entry or registration of any political groups it deems 'may interfere in domestic politics' such as the human rights watch group, Amnesty International. To further root out any possible foreign interference in the country's internal affairs, a Political Donations Act was passed in parliament in May 2000 to ban foreign groups from donating funds to political parties in Singapore. Trade unions, charitable groups and professional firms are also barred from such donations. Only individual Singaporeans, aged 21 and above, and Singaporean companies that undertake most of their business in Singapore are allowed to make donations to political parties. The Act further requires political parties, elections candidates and polling agents to identify backers who have given them more than S\$10,000 in a single donation or series of donations.

The 1974 Newspaper and Printing Presses Act put a cap on the percentage of shares that could be held by foreign companies at a mere 3 per cent. In addition, ownership of management shares, which have 200 times the voting power of ordinary shares, has to be approved and endorsed by the government. Through these measures, and also by curbing the circulation of any foreign newspapers that are deemed to have 'interfered' in the domestic politics of Singapore, the government has effectively limited the possible role that foreign media or interests might play in generating support for any political or electoral reforms.

More importantly, however, the economic transformation of Singapore from a third world country to a small island state whose per capita income is the second highest in Asia in a span of 30 years has won the admiration of many outside observers. Whether one labels it a limited democracy or soft authoritarianism, it cannot be denied that the PAP government has acted with honesty and integrity in the pursuit of national development. It has consistently been ranked by outside agencies as the least corrupt of all Asian governments. Based on a utilitarian philosophy of the greater good for the greatest number of people, its national development has successfully propelled Singapore from the Third to the First World.

The same reasons that explain the lack of effective opposition against the PAP internally can therefore be used to explain why the role of foreign actors in political transformation would be limited. The legal and political framework, as discussed in earlier sections, has set a limit on political activities in Singapore, applicable both to internal and external actors. Indeed the government has even extended the strategy of co-optation to include external actors, especially external commercial interests. In the present climate where the political and ideological hegemony of the PAP is still pervasive, many external actors would probably find it more productive to work within the limits set by the government.

Conclusions and Evaluations

Singapore offers a unique case study of an Asian state that has sought to balance and reconcile the needs for national development with some notion of democracy. As one political commentator put it, 'the leaders of the PAP were not passionate believers in the creed of democracy although they understood that some form of electoral mandate was needed for their legitimacy to govern. Good governance was defined more by its efficiency at solving problems, and adherence to the democratic requirement of checks and balances was mostly secondary although not abnegated' (Heng, 1997).

Another political scientist believes that 'it is equally certain that Singapore is not likely to see a similar substantial transformation of its limited democracy for a considerable period of time. A large majority of Singapore's population consists of immigrants. The Chinese among them are especially conditioned to taking a more pragmatic view of the nature of their polity and tend not to display acute concern for political and democratic norms. ... It is maintained that the Chinese in Singapore take the view that if a government is performing effectively in producing progress and prosperity and improving the opportunities for amassing wealth, it does not make much sense to distract its attention away from its job of facilitating wealth creation by creating pressures for political change. It is this pragmatism of the Chinese that has made the Singapore rulers consider the political culture of the Chinese as the mainstay of Singapore's limited democracy, a system that is geared primarily to producing progress and prosperity' (Vasil, 2000: 248).

However, critics of the PAP government feel it is precisely this pragmatism that may ultimately undo the achievements of the government in the long run. They allege that 'apart from its economic success and its "kiasu"³ pragmatism, there is little else that unites Singapore's fragmented citizenry' (Lingle, 1996: 99). While this may not be an entirely fair statement, Singapore is indeed at a crossroads. The PAP's effective and efficient management of the whole society and its pervasive influence has resulted in widespread political apathy and a

3. The word 'kiasu' is derived from the Chinese Hokkien dialect, literally meaning 'afraid of losing'.

certain dependency. Singaporeans have come to rely on the government to solve most of their problems. The exercise of extensive controls over so many important public and social institutions by the PAP government has retarded the development of a citizenry that would take greater responsibility for their own actions.

The PAP government has responded to the changing nature of the global economy and faced the onslaught of globalization with greater economic liberalization. Can this, however, be sustained without correspondingly greater political liberalization? The government, as discussed earlier, has loosened its control on society and has encouraged some political pluralism. However, it still attempts to cling on to its old formula of co-optation by trying to tolerate and accommodate more differences through expanding its networks and means of co-optation.

This formula is beginning to show signs of dysfunctionality as the need to transcend into a knowledge-based economy requires individuals that are non-conformist, more creative and more willing to take risks. The government's rather paternalistic approach has stifled the much-needed creative and questioning processes critical for a knowledge-based economy, and it now finds itself in a paradoxical position. With the current decline in economic performance, there is an urgent need to re-structure the economy to ensure the continued economic vitality of Singapore. Without reforms in both the economic and political management of Singapore, there are doubts about Singapore's continued peace and prosperity.

It is at this critical juncture that political transformation in the direction of genuine liberalization might surface. Accustomed to almost unchallenged dominance, the PAP government would find it a difficult transition to make. It would necessitate a move from co-optation and ingenious ways of curbing dissidence to reforms that might ultimately undermine the fundamentals of a one-party dominant system and challenge the basic tenet of the PAP's leadership philosophy, that once given the mandate at the elections it should be allowed to rule without undue pressure from competing groups.

Would the PAP government be able to embark on real reforms and re-invent itself to become truly democratic? Or would genuine reforms be forced upon it by a population faced with declining economic fortunes? Some observers believe that a decline in living standards would upset the existing social contract whereby citizens tolerate authoritarianism in exchange for material payoffs. Since PAP legitimacy is so much tied to its ability to deliver economic results, a prolonged economic recession would affect it. This, coupled with a generational change, makes a scenario of the PAP being voted out of power not unlikely. If and when such a scenario took place, the function of elections would be more in accordance with the Western democratic tradition.

Postscript

After this paper was completed in September 2001, a snap election was announced and held on 3 November 2001. The latest results of the 2001 elections have been incorporated into this paper. A quick analysis of the results would lead one to conclude that the pragmatism of Singaporeans has again ruled the day. Coming in the midst of an economic recession and the shock of the events of 11 September, Singaporeans voted overwhelmingly for the 'tried and tested'. The PAP won 82 of the 84 seats, and received 75.3 per cent of all valid votes cast, a rise of 10 per cent from the 1997 elections. However, a cynic would question the real depth of support for the PAP since only 29 of the 84 seats were contested, representing only a third of registered voters.

List of Abbreviations

GPC - Government Parliamentary Committee
GRC - Group Representation Constituency
HDB - Housing and Development Board
IPS - Institute of Policy Studies
ISA - Internal Security Act
MP - Member of Parliament
NCMP - Non-constituency Member of Parliament
NGO - Non-governmental Organization
NMP - Nominated Member of Parliament
NPPA - Newspaper Printing and Presses Act
NSP - National Solidarity Party
PAP - People's Action Party
PKMS - Singapore National Malay Organization
SDP - Singapore Democratic Party
SMC - Single-member Constituency
SPP - Singapore People's Party
UMNO-MCA - United Malays National Organization-Malaysian Chinese Association
WP - Workers' Party

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Electoral Politics in South Korea

Aurel Croissant

Introduction

In December 1997, South Korean democracy faced the fifteenth presidential elections since the Republic of Korea became independent in August 1948. For the first time in almost 50 years, elections led to a take-over of power by the opposition. Simultaneously, the election marked the tenth anniversary of Korean democracy, which successfully passed its first 'turnover test' (Huntington, 1991) when elected President Kim Dae-jung was inaugurated on 25 February 1998. For South Korea, which had had six constitutions in only five decades and in which no president had left office peacefully before democratization took place in 1987, the last 15 years have marked a period of unprecedented democratic continuity and political stability. Because of this, some observers already call South Korea 'the most powerful democracy in East Asia after Japan' (Diamond and Shin, 2000: 1). The victory of the opposition over the party in power and, above all, the turnover of the presidency in 1998 seem to indicate that Korean democracy is on the road to full consolidation (Diamond and Shin, 2000: 3).

This chapter will focus on the role elections and the electoral system have played in the political development of South Korea since independence, and especially after democratization in 1987-88. Five questions structure the analysis:

1. How has the electoral system developed in South Korea since independence in 1948?
2. What functions have elections and electoral systems had in South Korea during the last five decades?
3. What have been the patterns of electoral politics and electoral reform in South Korea?
4. What are the virtues and perils of the current electoral system?
5. What interests and strategies shape the discourse of electoral reform in South Korea to date and do these reform proposals address the shortcomings of the current system?

In order to discuss these questions, the analysis is divided into five parts. In the first section, I describe the historical dimension of electoral politics in South

Korea. In the second, I give a short description of the political system of the Sixth Republic to date. In the third, I classify the current electoral system. In the fourth, I analyse the functionality of the current system concerning the three principles of representation, integration and decision.¹ I show that the current system has significant perils because it combines a moderate disproportionality with an insufficient majoritarian effect and a very weak integrational effect on the party system. In the fifth, I discuss the process of electoral reform on a theoretical and empirical level. On the theoretical level, electoral reform is modelled as a game in which the tactics of the players are guided by two conflicting logics: the logic of consequentiality and the logic of appropriateness of institutions. Depending on which logic is dominating, institutional reform can improve the virtues of the electoral system or increase its perils. Since I conclude that the latter is the case in South Korea, I present some alternative suggestions for electoral reform in South Korea.

Historical Overview

Since the partition of the Korean peninsula in 1945, the political development of the southern part of Korea has followed a democratic-authoritarian cycle, which has produced six republics to date.² When American troops entered the southern region after the surrender of Japanese armed forces, they found a society with no experience of the institutions and organizations of a representative democracy. Before Japan occupied the Kingdom of Korea in 1910, the political model was one of absolute rule by the Korean monarchy. The social and cultural system was deeply penetrated by Neo-Confucian philosophy. And the economic system was pre-capitalist, with only a rudimentary market system based on agriculture and almost without any modern industrial structure (see Nahm, 1993).

Political Development

The first step in the process of South Korea's independence was the decision of the United States Military Government in Korea to establish a separate Korean state south of the thirty-seventh parallel. A draft constitution was elaborated by a parliament (National Assembly) which had been directly elected in May 1948. This National Assembly in turn elected Syngman Rhee to the presidential office. The Republic of Korea eventually became independent on 15 August 1948.³ The young state faced highly unfavourable conditions for developing a stable democracy (Lee, 1990: 19). The vast majority of South Korean citizens had no understanding of the system of political representation and democratic institutions. The fragmentation of the nationalist movement after the Japanese

1. See the Introduction to this book.
2. First Republic 1948-60; Second Republic 1960-61; Third Republic 1963-71; Fourth Republic 1972-80; Fifth Republic 1981-87; Sixth Republic 1987-2001.
3. For more details see MacDonald, 1978.

had left the peninsula strengthened the development of an extremely pluralized party system, composed of more than 340 officially registered parties in 1947 (see also Koellner, 2001). Most of these so-called political parties were at best proto-parties, grounded by single politicians as vehicles for local or individual interests. A truly national party system did not exist. The partition of Korea into two hostile states and the Korean War (1950-53) seriously interfered with the development of an ideologically and programmatically pluralized party system. Given the ideological hegemony of anti-Communism and rightist nationalism, even centrist parties or moderate socialist parties were suspected of supporting North Korea.

In the new presidential form of government Rhee acted both as head of state and head of government, with a vice-president at his side. Yet after the outbreak of the Korean War in June 1950, Rhee gradually consolidated his one-man rule. By resorting to the constabulary, the president pressured the National Assembly into amending the constitution according to his political wishes. The 1952 parliamentary elections brought the National Assembly under the control of Rhee's supporters. The subsequent parliamentary and presidential elections of the 1950s were subject to extensive vote-buying, abuse of electoral rules and fraud. The opposition parties remained legal and were allowed to contest the polls, but under such semi-competitive conditions they failed to achieve significant electoral support (see Han, 1974; Pak, 1980).

As a result of his government's failure economically, Rhee saw himself increasingly deprived of both domestic and foreign support. By March 1960 he had to resort to illegal mechanisms to be re-elected. The unearthing of electoral fraud was followed by large-scale demonstrations by both students and urban residents. Finally, with no support from either the United States or the South Korean military, Rhee went into exile in Hawaii on 26 April 1960.

The short-lived Second Republic followed. On 10 June 1960, a new constitution was passed, which provided for a bicameral parliament. The new parliament was elected three weeks later. Chang Myon, a member of the former main opposition Democratic Party (DP), became Prime Minister on 19 August 1960. However, due to internal turmoil, widespread corruption in the state administration and Chang Myon's announcement that he intended to cut the defence budget, several factions of the military were reluctant to support the new democratic regime. On 16 May 1961, a junta, known as the Supreme Council for National Reconstruction (SCNR), led by General Park Chung-hee took over power. In accordance with Park's pledge that the military would only establish an interim regime, a number of SCNR-members – including Park – stepped down from duty and became politicians. A new constitution was approved by a referendum on 17 December 1962, and the presidential system was restored. After free and more or less fair elections Park became president in October 1963. The elections of 1967 gave him another term in office, and the constitution was

amended in 1969 to provide for the possibility of a third presidential term. In the 1971 presidential elections, Park prevailed against the candidate of the oppositional National Democratic Party (NDP), Kim Dae-jung, albeit only through massive fraud. In October 1972, Park suspended the constitution and declared martial law. Legitimized by a pseudo-democratic referendum, the notorious Yushin (Revitalization) Constitution was enacted. Park was confirmed as president twice more (1973 and 1978) by an electoral committee known as the National Conference for Unification. On 26 October 1979, he was assassinated by Kim Jai-kyu, the head of the Korean Central Intelligence Agency. A new military regime led by General Chun Doo-hwan emerged.⁴ The new junta (Special Committee for National Security Measures) declared martial law, dissolved the National Assembly and banned all political parties. Finally, with the approval by referendum of a new constitution in October 1980, the Fifth Republic was institutionalized. It meant more or less the continuation of disguised military rule. Like his predecessor Park, Chun Doo-hwan was elected president by an electoral committee in February 1981. Before the 1981 parliamentary elections, political parties were unbanned.

In January 1985, two leading politicians, Kim Young-sam and Kim Dae-jung, established a new opposition party, called the New Korea Democratic Party (NKDP), which fared remarkably well in the parliamentary elections of the following month. The emergence of a powerful opposition force led to a political crisis in 1987 and eventually to democratization when the Sixth Republic was established in the winter of the same year (see below).

Evolution of Electoral Provisions ⁵

The history of the Korean electoral system goes back to 1948. Since then there has been universal, equal, direct and secret suffrage. Candidates running for the National Assembly have to be 25 years old, while the minimum age for presidential candidates (at least in the 16 presidential elections held so far [1948-1997]) is 40. From the First to the Fifth Republic (1948-1987) the voting age was 21, but the ninth constitutional amendment of October 1987 reduced it to 20.

The Central Election Management Commission (CEMC), first designated as a constitutional agency in 1963, has been responsible for the organization and supervision of electoral campaigns, elections themselves and vote-counting (Election Commission Act, 1998: Article 3). However, before the arrival of democratization in 1987, the constant intervention of the authoritarian government prevented the CEMC from performing its function as an independent supervisory organ.

The plurality system was used for the presidential elections. For the first 40

4. References for more detailed research are Nam, 1989; Croissant, 1998a: 47-56; Han, 1974: footnote 10.

5. Overviews including references can be found in Croissant, 2001a; and Croissant, 2001b.

years after independence, elections were indirect. The president was elected either by the National Assembly (1948), by the bicameral parliament in a joint session (1960), or by an electoral college (National Conference of Unification) (1972-1981). In the intervals 1952-1960 and 1963-1971, the presidential elections were direct. After democratization in 1987, the principle of direct presidential election was re-established. The frequent changes of electoral system are largely attributable to the political interests of the president in office, who changed tactics for every election in the face of domestic political pressure and shrinking voter support. The second constitutional reform (November 1954) limited the four-year presidential term of office to two terms; the first incumbent was exempt from this requirement, however. In October 1969, the number of presidential terms was extended to three, and the term limit disappeared in November 1972. But with the eighth amendment in October 1980, the president's term of office was limited to one seven-year term.

Table 1: Presidential Elections in Korea (1948-1981)

Date	Method of Election	Candidates and Percentage of Votes			
		Winning Candidate % of Votes		Second Candidate % of Votes	
20/07/48 ^a	National Assembly	92.3	Syngman Rhee	6.7	Kim Gu
05/08/52	Direct popular vote	74.6	Syngman Rhee	11.4	Cho Pong-am
15/05/56	Direct popular vote	70.0	Syngman Rhee	30.0	Cho Pong-am
15/03/60 ^b	Direct popular vote	100.0	Syngman Rhee	—	
12/08/60 ^c	National Assembly	82.2	Yun Po-sun	11.5	Kim Chang-suk
15/10/63	Direct popular vote	46.6	Park Chung-hee	45.1	Yun Po-sun
03/05/67	Direct popular vote	51.4	Park Chung-hee	40.9	Yun Po-sun
27/04/71	Direct popular vote	53.2	Park Chung-hee	45.3	Kim Dae-jung
23/12/72 ^d	NCU	100.0	Park Chung-hee	—	
06/07/78 ^d	NCU	100.0	Park Chung-hee	—	
06/12/79 ^d	NCU	100.0	Choi Kyu-hah	—	
27/08/80 ^d	NCU	100.0	Chun Doo-hwan	—	
25/02/81	Electoral College	90.2	Chun Doo-hwan	1.6	Kim Chon-chol

a. Elected by Constitutional Assembly.

b. Election was declared null and void.

c. Elected jointly by the House of Representatives and the House of Councillors.

d. Elected by the NCU.

Sources: Appendix, Table A1; Croissant, 2001a.

Since 1948, bar the period 1952-1961,⁶ the Republic of Korea has had an unicameral parliament (National Assembly, *kukhoe*). Independent candidacy was possible from 1948 until 1960, and again since 1973. In legislative elections, a plurality system in single-member constituencies (SMCs) was applied for the

6. The bicameral legislature was elected for the first time in 1960, and was abolished again with the fifth constitutional amendment in 1962.

1948, 1950, 1954 and 1958 elections to the National Assembly. In the Second Republic this system was in place for the election of the House of Representatives, while proportional representation was used for the House of Councillors in one nation-wide constituency. Several types of segmented electoral systems were employed after 1963, most of which had a strong majoritarian effect. In 1963, 1967 and 1971, two thirds of the representatives were elected via the plurality system in SMCs and one third by proportional representation in a single national constituency. In 1973 and 1978, two thirds of the members of parliament were elected by the binomial system, whereas one third was appointed by the president. In 1981 and 1985, two-thirds of the representatives were elected according to the binomial system, and one third was allocated proportionally in a single national constituency.

Table 2: Electoral Systems Used in Parliamentary Elections (1948-1985)

Republic	Date	Electoral System	Independents
First Republic			
1 st National Assembly	31/05/48	Plurality system in SMCs	yes
2 nd National Assembly	19/06/50		
3 rd National Assembly	08/06/54		
4 th National Assembly	07/06/58		
Second Republic			
5 th National Assembly	29/06/60 ^a	Plurality system in SMCs (HoR)	yes
	29/06/60 ^b	Proportional system (HoC)	no
Third Republic			
6 th National Assembly	12/12/63	Segmented system: 2/3 of seats by plurality system in SMCs; 1/3 by proportional representation according to percentage of seats for each party	no
7 th National Assembly	10/07/67		
8 th National Assembly	26/07/71 ^b		
Fourth Republic			
9 th National Assembly	12/03/73	Segmented system: 2/3 of seats by binominal system; 1/3 appointed by the president	yes
10 th National Assembly	17/05/79		
Fifth Republic			
11 th National Assembly	11/04/81	Segmented system: 2/3 of seats by binominal system; 1/3 by proportional representation according to percentage of seats for each party	yes
12 th National Assembly	12/02/85		

a. House of Representatives (HoR).

b. House of Councillors (HoC).

Source: Yang, 1994: 499, with modifications by the author.

Unlike other countries in the region, elections in South Korea were held in democratic as well as in authoritarian regimes. Though most of the time elections were neither free nor fair, they were politically relevant. The popular vote effectively gave legitimacy to the ruling coalition headed by the president. To

the South Korean people and the international community, elections were a type of democratic window dressing, attempting to prove that South Korea was part of the 'free' (Western) world. The authoritarian regimes permitted a limited pluralism and allowed opposition parties to participate in semi-competitive elections. However, abuse of the National Security Law, unfair party laws, the institutional architecture of the electoral system, fraud and vote-buying ensured that the regime was in no real danger of losing the elections to the opposition. Elections and the electoral system were not means of political competition but instruments for securing the regime's power. The government changed the electoral rules whenever it became clear that the electoral system had lost its use, hence the frequent changes of provisions for presidential elections and the electoral system used in legislative elections. In the long-term, however, this strategy was only of limited use. On several occasions elections developed an unintended political dynamic which forced the authoritarian governments to violate their own rules of the electoral game. After a while, the strategy of legitimization in semi-competitive elections failed. This failure, in turn, was the beginning of the end of the authoritarian rule of presidents Syngman Rhee (1960), Park Chung-hee (1978) and Chun Doo-hwan (1985) (see also Rhee, 1984; Han, 1989: 313-351).

The arbitrary character of the electoral law was particularly pronounced in legislative elections. The National Assembly Election Laws, used from the 1960s until the late 1980s, were constructed to secure the hegemonic position of the ruling Democratic Republican Party (DRP) of President Park Chung-hee (1963-1979) and later of the Democratic Justice Party (DJP) of President Chun Doo-hwan (1980-1988).

As argued in the Introduction to this book, elections have three functions. They ought to represent the people; they ought to integrate the people; and the electoral system has to generate majorities large enough to ensure the stability of government and its ability to govern. Table 3 shows that the electoral systems used in parliamentary elections during the Third, Fourth and Fifth Republic did fulfil the third function, but at the expense of the first. The large disproportionality of the electoral system during these times always benefited the ruling party. Even when the ruling party's share of votes shrank dramatically, it still won a large majority of the seats in parliament.

With regard to the integration of the political will of the Korean people the electoral system worked quite efficiently, at least from the late 1950s, as the decreasing fragmentation of the party system shows. This trend can be explained at least partially with Maurice Duverger's so-called 'sociological law' (1964: 217, 226). This maintains that the plurality method favours two-party systems; conversely, proportional representation and two-ballot systems encourage multi-partism. Duverger explains these differential effects in terms of 'mechanical' and 'psychological' factors. The mechanical effect of the plurality

rule is that all but the two strongest parties are severely under-represented because they tend to lose in each district. The psychological factor reinforces the mechanical one because voters soon realize that their votes are wasted if they continue to opt for third parties. Therefore, they tend to transfer their vote to one of the two strongest parties. The psychological factor operates also at the 'support'-side. Politicians do not want to waste their political capital by running as non-performing third-party candidates; instead they will join larger parties to improve their chances for candidature.

Table 3: Disproportionality, Fragmentation and Majoritarian Effects of the Electoral System (1948-1985)

	Average Electoral Disproportionality ^a	Effective Number of Parties (seats) ^b	Effective Number of Parties (votes)	Percentage of Vote (GP _A) ^c	Percentage of Seat (GP _B) ^d	Average Electoral Disproportionality (GP) ^e	Percentage of Seats for Independents ^f	Unrepresented Votes ^g
First Republic								
1 st NA	3.50	n/a	n/a	—	—	—	42.9	n/a
2 nd NA	2.90	n/a	n/a	—	—	—	60.0	n/a
3 rd NA	11.60	3.10	6.90	36.8	56.2	19.4	33.5	20.1
4 th NA	8.48	2.45	3.40	42.1	54.1	12.0	11.6	11.8
Second Republic								
5 th NA ^h	23.80	1.77	5.40	41.7	75.1	33.4	21.0	33.8
Third Republic								
6 th NA	22.15	2.18	5.39	33.5	62.9	29.4	—	32.8
7 th NA	17.10	1.60	2.75	50.6	73.7	23.1	—	20.8
8 th NA	4.70	2.00	2.28	48.8	55.4	6.6	—	6.6
Fourth Republicⁱ								
9 th NA	21.77	2.00	3.76	38.7	66.7	28.0	8.7	14.5
10 th NA	22.79	2.15	4.68	31.7	62.7	31.0	9.5	19.3
Fifth Republic								
11 th NA	15.75	2.54	5.04	35.6	54.7	19.1	4.0	26.6
12 th NA	14.50	2.71	3.88	35.2	53.6	18.4	1.4	18.5

a. Index of Average Electoral Disproportionality; see Lijphart, 1999: 156.
 b. For definition and computation, see Laakso and Taagepara, 1979: 3-27.
 c. Government party's share of votes.
 d. Government party's share of seats.
 e. Average electoral disproportionality concerning the government party (GP_B - GP_A).
 f. Candidates without formal party affiliations.
 g. Share of votes which were lost due to the disproportionality of the electoral system since votes were not converted into seats.
 h. Only House of Representatives.
 i. For the Ninth and Tenth National Assembly two thirds of the members of parliament (MPs) were elected, one third was appointed by the president. In 1973 and 1978, the president appointed 73 and 77 MPs, respectively. They were counted as members of the ruling Democratic Republican Party of President Park Chung-hee.
 j. No government party existed before President Syngman Rhee established the Liberal Party in 1954.
 NA - National Assembly

Source: See Appendix, Table A2.

A useful method to reveal the effects of Duverger's mechanical factor is to compare effective numbers of parties. The difference between the effective number of parties (based on votes share) and the effective number of parties in parliament (based on seats share) shows a concentrating effect of the electoral system on the party system. This creates a lower effective number of parliamentary parties than the effective number of electoral parties. The difference was the highest in the elections for the Fifth, Sixth, Tenth and Eleventh National Assembly. The continuous decline of party system fragmentation seems to indicate an increasing rationalization of party systems in Korea. The continuous decreasing percentage of seats held by candidates without formal party affiliations (independents) supports this argument. Yet, several times, coup d'états (1961, 1979), an *autogolpe* (1972) and constitutional changes (1960, 1972, 1980) disrupted this trend, shook up the weakly institutionalized party structures and impeded the development of a stable party system.

The psychological effect of electoral systems on the structure of the party system also varies. It can be measured approximately by the index of the 'not represented votes'. The number of 'lost votes' due to the disproportional effects of the electoral system was substantial (see Table 3). It went up every time a new electoral system was introduced, but went down in the second or third election held under the new system. This indicates that South Korean voters as well as political parties had serious problems adjusting to the new system.

Although the president always has been the most powerful and dominating institution in South Korean politics, parliamentary elections became a window of opportunity for the opposition to challenge the authoritarian regime several times. This was the case in 1971, 1978 and especially in 1985. Because of its violent origins, the authoritarian regime of President Chun Doo-hwan was caught in a permanent crisis of legitimacy, and faced with the presidential elections in Autumn 1987 and the Summer Olympics in 1988, it was under pressure to prevent political upheaval and secure political stability. Against the background of strong oppositional protests from the notorious student movement, the regime decided to open up the electoral arena. The decision to use the semi-competitive parliamentary elections in February 1985 seemed to be a good idea at the time. The chances of holding a 'fair but quiet election' (Kim, 1985: 67), which would increase citizen support for the regime and channel political protest into the regime's institutions seemed promising. The electoral system practised at that time greatly benefited the ruling Democratic Justice Party while the opposition was divided into several parties, camps and factions.⁷ However, when the government decided to tolerate the newly established New Korea Democratic Party (NKDP) under the co-leadership of prominent

7. Two thirds of the representatives were elected according to the binomial system, and one third was allocated proportionally in one national constituency. However, two thirds of these 'proportional' seats were reserved for the party with the largest number of winning candidates in the two-member constituencies. The 'proportional' part of this electoral system thus provided a large majoritarian bonus for the strongest party which has been always the President's party.

opposition members Kim Dae-jung and Kim Young-sam, and permitted the NKDP to take part in the elections, it gave the opposition the opportunity to oppose the regime openly. The NKDP succeeded in mobilizing the urban middle-class voters and creating an active extraparliamentary coalition including student opposition groups, churches and NGOs, which translated into almost one third of the votes in the election. This, in turn, gave the opposition the legitimacy to criticize the regime and to protest even more directly than before (see Croissant, 1998a: footnote 11; chs. 3 and 4).

The country's domestic policy crisis then escalated in the summer of 1987 as a result of skilful political manoeuvring on the part of the opposition leaders, the strategic failures of the ruling elite and external influences, such as pressure from the United States and the upcoming Olympic Games. The country's major cities saw mass protests. Faced with the choice of using military force and putting at risk its already strained relations with the United States, the country's most important political, military and economic partner, or giving in to the opposition, the moderate forces within the regime preferred the second option. Chun's designated successor, Roh Tae-woo, declared the democratic opening of the regime on 6 June 1987. In bilateral talks, the NKDP and the DJP negotiated the transition to the Sixth Republic. The institutional democratization was completed a few months later, after the approval of a new constitution by a referendum and the election of the president (see Croissant, 1998a: footnote 11; ch. 3 and 4). The softliners in the regime accurately calculated that they would win the election against a divided opposition. Roh Tae-woo won the free and sufficiently fair presidential election of December 1987 with a little more than one third of the total valid votes. The opposition had been unable to find sufficient common ground due to both an atmosphere of personal animosity between their leaders and an inability to learn from mistakes, and had entered the elections with three candidates.

The Political System of the Sixth Republic

Roh's election victory was by no means a bad omen for the continuation of the democratization process. With a representative of the old regime in the top position, the military forces were rapidly integrated into the democratic system. The moderate reform policies pursued by Roh proved to be compatible with the self interests of the main body of the old regime's supporters. The defeat forced the opposition to reform their own confrontation strategies. In the early nineties, this resulted in the reorganization of the party system and the palpable moderation of opposition programmes. The resulting situation provided, during the initial years of democratic rule, a fruitful basis for the creation of a consensus among the relevant political parties and within the mainly conservative populace of the country that a return to an authoritarian regime was not the road to the future (Croissant, 1998a: footnote 11, ch. 5; Croissant, forthcoming).

Under the so called 'grand compromise' in 1990, the DJP (led by Roh Tae-woo), the Reunification Democratic Party (RDP - led by Kim Young-sam) and the New Democratic Republican Party (NDRP - led by Kim Jong-pil) merged to create the Democratic Liberal Party (DLP). The specific path taken by the transformation process and transformation strategies of the relevant decision-makers thus had a stabilizing effect on the basic democratic institutions and procedures in the country. This was seen clearly when Kim Young-sam, then the candidate of the governing party, became the first civilian to assume the country's highest national and governmental office in 1992/93 after more than 30 years of military domination of national politics.

When the 'grand compromise' came to an end, Kim Jong-pil's NDRP split – at that time under the new label United Liberal Democrats (ULD). Before the 1997 presidential elections, however, Kim Jong-pil and Kim Dae-jung of the National Congress for New Politics (NCNP) formed a new opposition alliance which paved the way for the first democratic change of government in South Korean history. Kim Dae-jung was the first opposition candidate to win the presidential contest on 18 December 1997.⁸ The inauguration in February 1998 of the newly-elected President Kim Dae-jung, a dissident for many years, demonstrated that all the country's relevant forces had been integrated into the political system.

The Electoral System of the Sixth Republic

Any Korean citizen over 20 who is registered in the electoral roll by the local government is entitled to vote. Suffrage is universal, equal, direct and secret. Elections are held for the president of the Republic of Korea and the National Assembly.⁹ Since the early 1990s, elections have also been held at local and provincial levels. The regular term of office for the president is five years without re-election and four years for the National Assembly (no term limits). In order to be eligible for the presidency citizens must be at least 40 years old, have resided in the country for at least five years and qualify as eligible members of the National Assembly. They may run as party candidates or as independents. An independent candidate needs the support of 2,500-5,000 electors, among whom not more than 500 may live in the same city or province. A public official who wants to register as a candidate must resign from his/her post 90 days before the date of the elections.

In parliamentary elections, candidates may be recommended either by a political party or by electors (independent candidates). Independent candidates need the recommendation of 300-500 electors. Candidates in the national constituency can only run as party candidates on a party's list. Candidates who apply for

8. For the causes of Kim Dae-jung's victory see Croissant, 1998b: 36-58.

9. For technical details of both parts see 'Election for Public Office and Election Practice Prevention Act' in Korea Legislation Research Institute, 1998.

registration have to pay a deposit of 10 million Won (approximately US\$8,300 in 2001). The money is returned if the candidate receives at least half of the quota obtained from dividing the total number of valid votes by the number of candidates (local constituency), or if at least one of the candidates on the list concerned is elected (national constituency).

The electoral system used in presidential elections is a first-past-the-post system (Korea Legislation Research Institute, 1998: Article 187). In legislative elections a segmented system is used. The electoral system applied in 1988 and in 1992 was similar to the systems used in 1985: three quarters of the seats were elected by plurality in SMCs, while one quarter was allocated proportionally in one national constituency. If one party wins at least half of the popularly elected seats, it is automatically entitled to two thirds of the seats on the national list; if it gains less, the strongest party is still awarded half of the national list seats. In the Fifteenth National Assembly election (1996), 253 seats were elected in SMCs. The remaining 46 seats (15 per cent) were allocated proportionally to the parties that had obtained at least 5 per cent of the total valid votes/seats in SMCs, while the special seat bonus for the largest party was abolished (Korea Legislation Research Institute, 1998: Article 189).

In the Sixteenth National Assembly elections in April 2000, the total number of seats was reduced to 273. While 227 seats were distributed via plurality in SMCs, 46 seats were allocated through proportional representation to closed and blocked party lists in one national constituency. The proportional seats are distributed among the parties which have obtained either a minimum of five seats in the SMCs plurality contests or 5 per cent of the total national valid vote in the 227 SMCs. Finally, there is a different threshold for those parties that receive between 3 and 5 per cent of the national valid vote (Korea Legislation Research Institute, 1998: Article 189). Each of these parties is granted one seat before the allocation of the remaining proportional seats begins according to the Hare quota formula and the method of the largest remainder. Candidates in SMCs can be nominated by political parties or the candidates themselves, i.e. independent candidates without any official party affiliation are allowed to participate in the SMC plurality contests. In fact, independent candidatures are frequent and also quite successful. Table 4 provides a summary report of the electoral system used in legislative elections in terms of its key attributes. While some minor changes concerning assembly size, district magnitude and number of districts were made, the fundamentals have remained unchanged since 1988.

Table 4: The Electoral System as at Spring 2000

Assembly	No. of Ballots Per Elector	Tier	Electoral Formula	District Magnitude	No. of Districts	Assembly Size	Party Threshold
13th	1	L	Plurality	1	224	299	-
		H	LR-Hare	75	1		5 district seats
14th	1	L	Plurality	1	237	299	-
		H	LR-Hare	65	1		3 per cent or 5 district seats
15th	1	L	Plurality	1	253	299	-
		H	LR-Hare	46	1		3 per cent or 5 district seats
16th	1	L	Plurality	1	137	273	-
		H	LR-Hare	46	1		3 per cent or 5 district seats

L - largest remainder; H - Hare quota
 Source: Park, 2001: 31.

The National Election Commission (NEC) is responsible for the organization and supervision of electoral campaigns, elections and vote-counting. The NEC is an independent constitutional agency, equal in status to the National Assembly, the executive branch of the government, the courts of justice and the constitutional court. It has a four-tier structure, consisting of the NEC itself and 16,724 sub-national and voting district electoral commissions. The NEC is made up of nine commissioners in total. Three of them are appointed by the president, three by the National Assembly and three by the chief justice of the supreme court. The NEC's chairperson and a standing commissioner are chosen from these nine. By tradition, the chief justice of the supreme court is elected chairperson. The district electoral commissions are formed by commissioners chosen on the advice of the courts, political parties with factions in the National Assembly, a pool of scholars and/or other individuals known for their high academic and moral standards. The election law gives the NEC and the electoral commissions a mandate to supervise and manage all national and local elections, as well as the referendums (see Croissant, 2001a: footnote 12).

Universal suffrage is effectively guaranteed. The proper conduct of elections at the national level is also provided for. Despite claims of irregularities by opposition candidates during the presidential elections in December 1987 and the parliamentary elections in 1988 and 1992 (Lee, 1990: 73; *Korea Times*, 22 March 1992: 1 and 24 March 1992: 3), there was no hard evidence of major irregularities, fraud and meaningful vote-buying. Media reports, statements of the NEC, claims and protest notes from candidates from all political camps about violations of the electoral law are neither in numbers nor in quality significant enough to doubt the correctness of the electoral process, as official data reported from the NEC show:

Table 5: Violations of the Election Law Reported by the NEC (1992-2000) *

	1992	1996	2000
Reported cases	1,583	741	2,834
Warnings against candidates by NEC	601	507	2,259
Investigations by NEC or public prosecutors	187	211	575
Cases in Court	19	23	N/A
Annulment of results and by-election	0	6	N/A

* No. of cases.

Sources: National Election Commission, 2000a; *Korea Herald*, 2000.

Most cases are related to slander of other candidates, campaigning before the start of the official campaign period and exceeding the campaign money limits set out by the NEC (Chon, 2000).¹⁰ While there are violations of the electoral rules, these cases do not constitute significant disturbances of the meaningfulness of the election process in South Korea.

Virtues and Perils of the Current Electoral System

The virtues and perils of any electoral system are the point of reference for any discussion about its reform. Its 'functionality', consisting of its integrational, representational and majoritarian effects, is the cardinal tenet of the analysis of electoral politics for detecting necessary institutional reform steps and evaluating the effects of implemented reforms. In other words, electoral reform in a democratic system should aim at optimizing the integrational, representational and decisional capacities of the electoral system. Under ideal conditions, this can be done without improving one function at the expense of the other(s). It is clear that any discussion about electoral reform has to begin with taking a close look at where the virtues and perils of the system to date are located. It is necessary to analyse first the functional profile of the current electoral system with regard to the three functions of representation, integration and decision (generating majorities) before any appropriate reform proposal can be given.

Representation

District apportionment – determining the number of members of parliament according to the proportion of the population of each district, province or local constituency to the total population of the national constituency – is one of the most powerful instruments to influence the representativeness of an electoral system. This holds true for all forms of plurality system where the art of district manufacturing can be used manipulatively to benefit selected candidates or single political parties (gerrymandering) (Mackenzie, 1958; Reilly, 2001).¹¹ In

10. This point is discussed again in the section on the Reform of Electoral Systems.

11. For a discussion of ethnic gerrymandering in the case of Malaysia, see Lim Hong Hai's chapter in this book.

proportional representation systems, where the total territory of the state forms one national constituency, district apportionment has no effect on the degree of representativeness and proportionality of the system.

The usual indicator to measure this effect is the mal-apportionment between the largest and the median district size (Wada, 1996). Large mal-apportionment points to a high disproportionality of the electoral system. When mal-apportionment exceeds a certain maximum it violates the principle of universal suffrage. Table 6 compares the mal-apportionment in district sizes authorized by the Courts of five democracies.

Table 6: International Comparison of Mal-apportionment

	Ratio of voters, largest to average constituency size
South Korea	4: 1
Germany	1.25:1
Japan	3:1
France	1.2: 1
United States	In case of justifiable cause any ratio

Sources: Bausback, 1998: 246-47; Wada, 1996: 12-13; National Election Commission, 2000b.

Table 6 shows the maximum ratio of voters between the largest constituency and the average constituency size, permitted by the Constitutional Court (Germany, Korea, France) or the Supreme Court (Japan, United States). In Germany and Japan, the ratio is below the limit declared constitutional by the Court two decades earlier. The Japanese Supreme Court, for example, declared in 1983 that the highest existing ratio (4.41:1) was not acceptable. In Germany, the largest district in terms of the number of voters was a third larger than the average constituency size in the early 1990s. In the course of minor electoral reforms, this limit was reduced to one quarter in 1996.¹² The Constitutional Court of South Korea recalled the existing maximum ratio (5.87:1) on 27 December 1995. In a close vote of five to four votes the judges suggested a new maximum ratio of four to one.¹³ The National Assembly applied the Court's decision in February 2000. In the National Assembly election on 13 April 2000, the largest deviation from the median district size was 3.8. Still, this is high compared to other democracies. It is, for instance, larger than in Japan, whose district apportionment is 'unfair by any standard', as a Japanese political scientist recently wrote (Wada, 1996: 3, footnote 26).¹⁴

High mal-apportionment indicates a low representativeness of the electoral system since it leads to high disproportionalities – that is, great differences between the average party's vote percentage and seat percentage. Computing

12. See paragraph 3, Part 1, No. 3, Bundeswahlgesetz [German Election Law].

13. Decision of the Constitutional Court of the Republic of Korea, 7-2 KCCR 760, 95 HunMa 221.

14. For a critical comment from a Korean point of view, see Kwon, 1995: 164; Kim, 1998: 152-166.

Arend Lijphart's (1999: 156) largest-deviation index, which takes the largest deviation in an election result, is a method to test this assumption. For a comparative examination of the Korean electoral outcome, relevant measures are also provided for 40 other democracies.

Table 7: Average Electoral Disproportionality and Type of Electoral System in 41 Democracies

Country	Disproportionality	Electoral System	Country	Disproportionality	Electoral System
Netherlands	1.3	Proportional	Greece	8.08	Proportional
Denmark	1.83	Proportional	Spain	8.15	Proportional
Sweden	2.09	Proportional	Japan ^d	8.35	Plurality
Israel	2.27	Proportional	Bangladesh	8.4	Plurality
Malta	2.36	Proportional (STV)	Nepal	9.0	Plurality
Austria	2.47	Proportional	Australia	9.26	Plurality
Germany	2.5	Proportional	PNG	10.06	Plurality
Switzerland	2.5	Proportional	UK	10.3	Plurality
Thailand ^a	2.7	Plurality	Columbia	10.6	Proportional
Finland	2.9	Proportional	New Zealand	11.1	Plurality ^e
Belgium	3.2	Proportional	Canada	11.7	Plurality
Italy	3.25	Proportional	Botswana	11.7	Plurality
Luxembourg	3.26	Proportional	Costa Rica	13.65	Proportional
Ireland	3.45	Proportional (STV)	Trinidad	13.66	Plurality
Portugal	4.0	Proportional	Venezuela	14.4	Proportional
Taiwan	4.2	Plurality (SNTV)	United States	14.9	Plurality
Iceland	4.25	Proportional	Bahamas	15.47	Plurality
Japan ^b	4.8	Plurality (SNTV)	Barbados	15.75	Plurality
Norway	4.9	Proportional	Mauritius	16.4	Plurality
Thailand ^c	6.0	Plurality	Jamaica	17.75	Plurality
Korea	6.9	Plurality	France	21.08	Plurality
Philippines	7.8	Plurality			

Note: All information for the first or only parliamentary chamber; classification of electoral systems after dominating representational principle. For details of the sub-typology, see the Introduction to this book by Aurel Croissant. a. Before 2001; b. Before 1996; c. 2001; d. Since 1996; e. Before 1996.

STV - Single Transferable Vote; SNTV - Single Non-transferable Vote; PNG - Papua New Guinea

Sources: Lijphart, 1999: Table 8.2; calculations by the author; classification of electoral systems based on Nohlen, 2000: Tables 23, 28, 29.

The average electoral disproportionality of the Korean electoral system is 6.9 per cent for the period 1988-2000. Compared with 40 other democracies this is

a moderate level of disproportionality. From a theoretical point of view, it is desirable to improve the proportionality of the electoral system. However, from a comparative point of view, the conclusion must be that the electoral system of the Sixth Republic (since 1988) is doing quite well in terms of representativeness, compared with other plurality systems in the world.

Integration

Elections ought to integrate the people. In representative democracies it is most important that the electoral system leads to the formation of political parties and does not just generate single representatives (Smend, 1968). How well electoral systems perform this function can be measured by several indicators. First, we can measure how strongly mechanical and psychological effects shape the party system (see *Electoral System of the Sixth Republic* above). The comparison of effective numbers of parties can tell us how strong the mechanical effect is, while the percentage of not-represented votes serves to evaluate the psychological effect of the electoral system.

Table 8: Effective Number of Parties and Index of Non-representation

	Effective No. of Electoral Parties	Effective No. of Parliamentary Parties	Non-represented Votes (%)
1988	4.27	3.54	12.1
1992	3.79	2.74	13.6
1996	4.50	3.16	13.5
2000	3.40	2.39	16.3
Average	3.99	2.95	13.9

Source: Computation by the author according to data in Table A2.

The difference between the effective number of electoral parties and the number of parliamentary parties is 1.04, which is significantly lower than during the Third to the Fifth Republic. Conversely, the non-represented votes percentage (13.87 on average) is remarkably high. Although the election in April 2000 was the fourth in a row under the same system, the percentage went up, which may indicate that South Korean voters and candidates are still not familiar with the system.

The data tell us something about the integrative effects of the electoral system on the party system but they do not tell us if and how the electoral system integrates the political will of the people into stable party organizations. We can address this question with two indicators. The first is the parties durability index, the second is the independents' votes percentage and seats percentage. While the first indicator measures the average organizational age of a national party system at a given point in time, the second is the median votes or seats percentage of independents in election results; it measures the success of candidates without any formal party affiliation in elections.

Table 9 presents a detailed list of all political parties that have participated in National Assembly elections since democratization. It includes all parties which obtained 3 per cent or more of votes or seats ('relevant parties') (Sartori, 1976: 121-25). The parties' durability index for the time period May 1987 to January 2000 is 31.5 months, which is little more than two and a half years. Including the founding elections of the Sixth Republic in 1988, no relevant party participated more than once in National Assembly elections; none sent candidates into the presidential race more than once.¹⁵ This means that the organizational age of the Korean party system is remarkably low; there is no organizational continuity and the political choices parties offer for voters vary very much from election to election. The median independents' votes percentage in the Thirteenth to Sixteenth National Assembly election (1988-2000) is 9.4 per cent while the independents' seats percentage is 4.3 per cent.¹⁶ Both figures are high compared to established democracies like Japan, Great Britain, the United States, or Germany.

Low party durability and a high relevance of independents are signs of a weak integrative effect of the electoral system: the system is able to produce single representatives but it fails to produce or support a trend towards a well institutionalized and stable party system. Concerning the parliamentary elections of 1992 and 1996, the party system showed an extremely high volatility.¹⁷ The overall volatility indices of 59.7 per cent (1988), 44.2 per cent (1992), 38.6 per cent (1996) and 39.75 per cent (2000) exceeded almost all volatility rates of other democracies in Southern Europe, Eastern Europe, South America and East Asia (Merkel, 1997: 369; Mainwaring and Scully, 1995). This is because electoral competition in South Korea revolves around personality-dominated, clientelistic parties, built on the basis of vast networks of patron-client relations and informally institutionalized intra-party factions. In fact, factionalism is the dominant structural feature of political parties in South Korea. The factions are based on personalism and clientelism (Cheng and Womack, 1996: 322; Croissant, 1997: 304). As such they represent the type of 'personalistic faction'¹⁸ which is directed by a charismatic leader or a leading politician who controls the access to material resources and political careers.

Immunization of parties against these factional tendencies is rendered more difficult by the fact that the respective parties are mainly 'caucus parties'¹⁹ that are hardly ever visible except prior to elections (Yun, 1994: 554). On the other hand, these parties frequently develop a wide and closely knit network of regional and local organizations and branches. Most often these networks are structured around individual, factional leaders, along personalistic and

15. Computed by the author; data taken from Central Election Management Commission (since 1996 National Election Commission), various issues; and *Korea Annual* (Seoul: Yonhap News Agency), various issues.

16. Computed by the author according to data in Table A2, appendix.

17. Volatility rate measures the sum of all wins and losses in votes for all parties between elections; see Nohlen, 2000: 473-474.

18. For the concept of party factions and the type of personalistic factions see Sartori, 1976: 71-117, footnote 37.

19. For this party type see Duverger, 1964: footnote 16.

clientelistic lines. However, they only set up loose links to the national party organizations. Organizational autonomy of parties is thus replaced by the autonomy of individual politicians from the national party organizations.

Table 9: Party Durability (1981-2000)

Party*	Existed	Status	NA ^a	Presidential ^b	Durability (in months)
DJP	1/81 - 2/90	Merger with DLP	3	1	109
KNP	1/81 - 5/88	Dissolution	3	1	49
DKP	1/81 - 5/88	Dissolution	3	1	49
NKDP	1/85 - 5/88	Dissolution	2	-	49
RDP	5/87 - 2/90	Merger with DLP	1	1	33
PPD	11/87 - 4/90	Renamed NDP	1	1	29
NDRP	11/87 - 2/90	Merger with DLP	1	1	27
DLP	2/90 - 2/96	Renamed NKP	2	1	72
DP (1) ^c	6/90 - 9/90	Merger with DP (2)	-	-	4
NDP ^c	4/90 - 9/90	Merger with DP (2)	-	-	6
DP (2)	9/90 - 11/97	Merger with GNP	2	1	86
UPP ^d	2/92 - 5/96	Dissolution	1	1	25
NKP	2/96 - 11/97	Merger with GNP	1	-	21
NCNP	9/95 - 1/00	Renamed MDP	1	1	52
ULD	2/95 - 1/00	Exists to date	1	-	59
GNP	11/97 - 1/00	Exists to date ^e	-	1	26
NPP	11/97 - 9/98	Merger with NCNP ^f	-	1	11
Geometric Mean					31.5

* DJP - Democratic Justice Party; DKP - Democratic Korea Party; DLP - Democratic Liberal Party; DP - Democratic Party; GNP - Grand National Party; KNP - Korean National Party; MDP - Millennium Democratic Party; NCNP - National Congress for New Politics; NDP - New Democratic Party; NDRP - New Democratic Republican Party; NKDP - New Korea Democratic Party; NKP - New Korea Party; NPP - New Party by the People; PPD - People's Party for Democracy; RDP - Reunification Democratic Party; ULD - United Liberal Democrats; UPP - United People's Party.

a. No. of National Assembly elections.

b. No. of presidential elections.

c. DP (2) emerged out of DP (1) and NDP. It is treated as a new party because NDP held approximately four times as many parliamentary seats as the DP (1) which technically was the same party as DP (2).

d. UPP split into two parties in mid-1994 (UPP and NRP). During the Fourteenth National Assembly most representatives left both parties. Neither party participated in the next National Assembly elections.

e. In February 2000 a group of parliamentarians split from GNP and founded the Democratic People's Party. The DPP is already dissolved.

f. Because the NPP had less than ten parliamentarians when it merged with the NCNP, the NCNP before and after the merger is counted as the same party.

Source: Croissant, 2001b: 70-90.

Factionalism provides rational incentives for the splits and mergers of political parties. This has led to an endemic instability of short-lived party organizations which are more a tool for the personal aspiration of party leaders than autonomous organizations with their own identities. While the high fluidity of party organizations is also the result of other, non-institutional factors, there

are good theoretical causes to argue that the plurality system also promotes this fluidity. Plurality systems in SMCs such as those in Korea are ‘candidate-centred electoral systems’ (Cain, Ferejohn and Fiorina, 1987; see also Carey, 1998). This system encourages competition between candidates, not between political parties. Parliamentary representatives are generally more inclined to gain reputations as representatives of local interests and to promote the particular interests of their respective constituencies than to adhere to well defined party programmes on the national level. Their main task therefore consists of securing and distributing private (particular) goods (Shugart, 1999: 53-88; Carey, 1998: footnote 46; Carey, 2000: 735-761). Since they judge their political survival to be less a matter of policy-oriented action than of satisfying particular interests, they are not inclined to delegate much political power to their party leaders. On the contrary, representatives commonly oppose the enforcement of strict party discipline and pursue grab-and-run strategies that aim at the short-term maximum of private goods for their voter clientele (Cox and Morgenstern, 2000). The low relevance of the proportional representation component compared to the plurality component is the reason why the party list system does not give strong enough incentives to parties and candidates to break this trend.

Generating Political Majorities

The declining fragmentation of the party system and the smaller number of effective parties in parliament compared with the number of electoral parties are, at first sight, signs of a rationalization of the party system (see Table 8). The Korean electoral system, characterized by moderate disproportionality, leads toward a concentration of the party landscape, as already argued. This has proven beneficial to major political parties to date.

Table 10: Over-representation of the Strongest Party

	Percentage of Vote (A)	Percentage of District Seats (B)	Percentage of Total Seats (C)	District Advantage Ratio (B/A)	Overall Advantage Ratio (C/A)
13th Assembly Election (April 1988)	34.0	38.8	41.8	1.14	1.23
14th Assembly Election (March 1992)	38.5	48.9	49.8	1.27	1.29
15th Assembly Election (April 1996)	34.8	47.8	46.5	1.37	1.34
16th Assembly Election (April 2000)	39.0	49.3	48.7	1.26	1.25
Average (1988-2000)	36.5	46.2	46.7	1.25	1.27

Source: Computation by the author with data from Table A2, appendix.

The Korean plurality system in SMCs heavily favours the strongest party, which is shown in the sixth column of Table 10. With an average of 36.5 per cent of votes, the strongest party was able to win 46.2 per cent of district seats. The overall advantage ratio averages 1.27. The comparison of the district advantage and the overall advantage ratio generally suggests that at-large seats allocated under the proportional representation system served poorly as a corrective for the disproportionality generated by the plurality component. In every election except for the fifteenth, the largest party's advantage ratio was amplified by the existence of the proportional representation component. As the fourth column shows, however, the high seat bonus for the strongest party did not lead to a single party majority in parliament. The leading party has failed to win an absolute majority of seats in every election since democratization in 1987/88.

The reason for this surprising fact is the prevalent party cleavage that originates from regional conflicts. In almost all analyses of the South Korean party system, regionalism is highlighted as the most salient cleavage (Wonmo, 1995: 1-27; Cho, 1996: 231-258; Chung, 1997: 1-18). It basically reflects the regional cleavage among political elites, emotional identities, historical grievances and uneven economic development. Regionalism is older than the transition to democracy during the 1980s. As a social and cultural phenomenon it goes back to the Chosun dynasty (1392-1910) and the Japanese colonial period (1910-1945). However, as a political phenomenon it had nearly vanished, and since the 1950s had been overlapped by the conflict between the democratic opposition and the authoritarian regime. But it suddenly re-emerged with the 1987 presidential election and continued to be salient through all the parliamentary elections in the late 1980s and 1990s. Today the political mobilization of communal groups corresponding to their regional background is the most influential variable for the explanation of voting behaviour in South Korea (Wonmo, 1995: footnote 28; Croissant, 1998a: 138, footnote 11). As a partly ascribed and recently manufactured cleavage (uneven economic development during the authoritarian period, clientelism, patronage) it has fragmented and shaped the electoral competition ever since. Since democratization, the regional cleavage corresponds with vote splitting into an opposition (Honam region) and a pro-government (Yongnam region) block.

Regionalism impedes the transformation of the over-representation of the strongest party into an absolute single party majority of seats in parliament, since no region holds a voter share that is large enough for such a majority.²⁰ However, at least the general elections in 1992 and in 1996 brought a near single party majority, when the then governing DLP won 49.8 per cent and the New Korea Party (NKP) 48.7 per cent of the total seats, respectively. These pluralities allowed the president's parties to build up absolute majorities in parliament by co-opting independent representatives as well as small numbers

20. For this discussion, see Kim, 1999.

of representatives of the opposition camp into the governing party.²¹ But the elections of 1988 and April 2001 did not see the emergence of an absolute majority. Both times the results were minority party cabinets and 'divided governments'. In spring 1990 the situation was resolved by a so-called 'grand compromise': the governing DJP together with the oppositional NDRP and the RDP formed the new ruling DLP. To solve the deadlock in April 2000 was more difficult. The Millennium Democratic Party (MDP) of President Kim Dae-jung and its smaller coalition partner, the ULD of Kim Jong-pil, failed to keep the majority of seats in the National Assembly which they had won only the year before by co-opting members of opposition parties and independent representatives. As a result, legislative gridlock and political stalemate between president and National Assembly has been the rule to date (Jongryn, 2001: 467-493).

The Reform of Electoral Systems: Two Competing Founding Logics

There are various ways of studying electoral systems. Prior to this section we analysed it as an independent variable while the political parties were dealt with as a dependent outcome. In this section the analysis changes the perspective by asking how political parties influence the reform of electoral systems. This perspective is essential for analysing electoral politics in any political system because the electoral system is 'the most specific manipulable instrument of politics' (Sartori, 1968: 273) – and the political parties are the manipulators.

Philippe C. Schmitter recently argued that parties are undergoing a world-wide decline as part of a development in the direction of 'post-liberal' democracy (1995: 15-22). Particularly in Western democracies, party memberships are shrinking, the critical distance between citizens and parties is growing, and a world rich with new social movements and organizations of civil society offers citizens more and new forms of interest articulation and political participation. Political organizations styling themselves as political movements are shaking the decades-old structures of the party system in Italy and some Latin American countries. In Eastern Europe, many countries have grave problems creating a socially integrative, politically responsive and ideologically developed system of socially rooted mass parties. Rather, it seems that 'Cartel Parties' (Katz and Mair, 1995)²² or 'unbounded party systems' (*Schwebende Parteiensysteme*) (Segert and Machos, 1995) dominate the political landscape of many East European democracies. However, thus far no true substitute for parties has emerged. Political parties are still the central players in the consolidated democracies of the West and the new democracies of the East.

21. During the 15th National Assembly (1992-1996) the share of representatives who changed party affiliation at least once during the session was nearly 20 per cent; see Kwon, 1995: 167-70, footnote 34; Huh, 2000: 65-67.

22. For an application of the concept of the cartelized party system to the Korean case see Kwak, 2001.

Electoral systems and political parties are interdependent variables. The electoral system influences political parties and party systems because its provisions form the arena in which candidates and parties compete with each other. From this point of view, the relationship between the electoral system and the party system can be described as follows: *Electoral systems are the rules of the game, political parties are the players.*²³

Concurrently, political parties influence the structure of the electoral system, because political parties legislate electoral laws in parliaments. This perspective reveals a fundamental dilemma that has to be resolved in the process of making and reforming an electoral system: *political parties are players who make rules according to which they later have to play the game* (North, 1988). At this point two competing institutional logics are confronted with each other:

1. The *logic of consequentiality*. It is the aim of political parties to promote the interests they represent. In democratic systems this means political parties try to win political office, first of all in government. Therefore, from their point of view, the logic of consequentiality dominates the process of making and reforming an electoral system. Political parties will try to establish electoral systems in a way that supports their aim to win political mandates. In this sense, the electoral system is only an instrument to win a maximum of political benefits in the short run.
2. The *logic of appropriateness*.²⁴ Democracy needs an electoral system that is able to fulfil sufficiently the three functions discussed above. Therefore the makers of the electoral system have to consider the effects and consequences of the system they are designing. The core question here is which proposal is appropriate concerning the specific social, political and cultural dispositions of a particular society?

When the *logic of consequentiality* dominates the process of making an electoral system, the decision in favour or against a model depends on what expectations the parties have about how the system will distribute political power among them. When the *logic of appropriateness* dominates, the decision depends first of all on the system's expected contribution to social inclusion and political efficiency of the democratic system. The electoral system is then an impartial rule of the democratic game. Obviously, both logics are always present in the process of making electoral systems. Since it is of such fundamental relevance to all political players, electoral reform cannot be an either-or question. But both logics can be combined in such a way that the legitimate self-serving interest of the political parties as well as the functional imperatives of the democratic process are served. This is the clue to electoral institution-making in democratic systems.

23. This assumption rests on Douglass North's general differentiation between institutions and organizations; see North, 1988.

24. I borrow these two terms from March and Olsen (1989), but give them a different meaning.

In democracies, political games to do with electoral reform are always power games. Therefore it is naive to expect that actors involved in the process of drafting electoral laws (parties, interest groups, individuals) do not care about the consequences a specific regulation will have for themselves. Political agents may not use electoral laws or their reform as instruments to secure their own political privileges, positions of political authority or permanent political advantages (Bausback, 1998: 83). Nevertheless, if elections are to fulfil their function of political representation and social integration, institutional crafting has some immanent limits.

To understand the political economy of electoral reforms we have to examine carefully the motives, opportunities and strategies of the agents involved in the process. Electoral reform can help to improve the standards of electoral quality in an existing system. Deficits of representativeness, integration and legitimation can be reduced, structural blockades removed and political privileges broken up. Electoral reforms can thus be instruments to strengthen the quality of the democratic system as a whole. However, an electoral system is only able to perform its core functions if the system itself is a compromise of the different interests of the relevant political players and overriding democratic principles. Frequent changes of electoral system are a sign of a lack of political consensus between players about the basic rules of their political game.

In cases where electoral reforms are frequent and chronic, agents regard the most recent electoral regulations as momentary rules of the game, which can be modified as soon as the power relations and the configuration of the players changes (see also Rueb, 1994). While the acceptance of this democratic institution by the political players is bounded by the immediate use they can make of it, the electoral system becomes an instrument of short-term profit maximizing. Arbitrary and compulsive manipulations of this core mechanism of democratic legitimation damages the integrity of democratic institutions and, in the medium and longer term, the integrity of the whole democratic system.

Negotiating Reforms: South Korea in 1988

The introduction of the current plurality system with an additional proportional list (segmented system) was not based on a broad consensus between all major political parties. Whereas the opposition parties presented several reform drafts, the ruling DJP insisted on its own proposal. Negotiations between the four parties in parliament (DJP, RDP, PPD, NKDP) were marked by the expectations each party had about its chances of winning seats in future elections. Eventually the DJP took advantage of the victory of its candidate, Roh Tae-woo, in the presidential elections of December 1987. As the opposition was not willing to find a common position, the DJP used its legislative majority in parliament to unilaterally pass its own draft (Croissant, 1998a: 113-115, footnote 11).

The electoral system enacted in March 1988 was characterized by two elements. First, the combination of a plurality system in SMCs and proportional representation, with the plurality system dominating. The DJP's hope was that this system would strengthen the position of the already strongest party, whereas it institutionalized a high threshold for the smaller parties. Second, the electoral system offered strong incentives for a moderate to strong fragmentation of the party system since it benefited those parties which had regional strongholds. Again the DJP hoped this would strengthen its own position since it was the only national party with a regional stronghold and a nation-wide reservoir of votes, whereas the opposition was divided into several regional camps. Electoral reforms in 1988 were thus clearly dominated by the *logic of consequentiality*.

Contrary to expectations, the election in April 1988 did not see a majority for the ruling party. Instead it supported the regionalization of the party system, which impeded the formation of parliamentary majorities. Attempts to create an interregional party crossing regional cleavages failed. Voters still regard parties as regional organizations. The combination of manifest regional camps and strong presidential elements in the Korean form of government makes the government system highly vulnerable to institutional gridlock and political blockades between presidential executive and parliament (see Croissant, 2002a; also Jongryn, 2001: footnote 53). Minority ruling parties are the rule, not the exception, as we have shown in the section on the *Virtues and Perils of the Current Electoral System*. It is not surprising, therefore, that the Korean debate on electoral reforms focuses very much on the question of how to improve the majority generating function of the electoral system – i.e. its capability to produce single party majorities in parliament which can break the trend toward minority government parties in the National Assembly.

If and how political actors support the electoral system obviously depends on its functional profile. Accordingly, the political parties have not reached a consensus about the electoral system to date. On the contrary, discussions about the need for a fundamental change of the electoral system have shaped the political debate ever since democratization. None of the relevant political forces stands positively behind the current system. Because of the lack of consensus, the plurality system has not changed fundamentally. Since 1988, however, minor changes have occurred more than a dozen times. Supplements, completions, additions to the regulations for candidature and the party list threshold, as well as changes to the ratio of SMCs to party list seats have occurred frequently. There are ongoing debates and political parties frequently change positions, favouring a modified plurality system one day, supporting a proportional representation system the next, and a single non-transferable vote (SNTV - such as that used in Japan before 1994) the day after (see *Korea Herald*, 20 May 1999; Kim, 1999: footnote 51). This indicates that political parties have not accepted the electoral system for what it should be: the impartial core

institution of democratic competition. Rather, every time a window of opportunity opens, a party takes the initiative to come up with a new proposal or draft which it perceives as improving its chances of winning in the next elections. In other words, the politics of electoral reform in Korea is a game in which the strategies of the players are not guided by the objective criteria of institutional efficacy, inclusiveness and efficiency, but almost exclusively by their self-serving interests. Almost all drafts focus on the problem of how to reform the system so that it becomes possible for one of the large parties to win a majority in parliament.

Negotiating Reforms: South Korea in the Late 1990s

A distinct example of what has been said about electoral reform in Korea is the debate of the late 1990s. I will look briefly into this debate. Most observers agree that the current electoral system has at least three shortcomings. Though I agree with these observations, I identify an additional fourth point, the significance of which seems to be ignored in the current discussion.

1. Increasing Campaign Spending and Political Corruption. Elections in Korea today have become capital-intensive. Although this is a world-wide phenomenon, soaring campaign costs are especially significant in South Korea. It is usual to attract votes by way of giving gifts, buying meals and drinks, offering some kind of entertainment, and so on (see Chon, 2000: footnote 28; Kwak, 2001: footnote 56). Ever since democratization, election campaigns have become more and more costly. This trend is due to the ever-rising costs of political advertising. Research done by Jin-Young Kwak (2001: footnote 56) shows that while the sum of parties' *reported* spendings is also increasing, the amount is not very high. However, it is a well-known fact that Korean parties and candidates do not report their total spending which tops the limits set out by the NEC (see Chon, 2000: footnote 28; Kwak, 2001: footnote 56). The significance of this development does not lie in the amount of money or the increase itself, but in whether money matters in electoral competitions. While the exact effects of money on electoral outcomes are unclear, some authors conclude that the more a candidate spends the better his chances of winning a bid for parliament are. Of course, money is not the only thing that counts. In 1992, for example, the former chairman of the Hyundai Chaebol, Chung Ju-yung, who was probably one of the wealthiest men in Korea, ran for the presidency but lost. In 1997, the candidate of the ruling Hanaradang Party (GNP) also lost, despite the fact that the GNP was at that time the richest party in Korea, with a huge war chest of campaign contributions from the business community.

Due to sky-rocketing campaign costs, the electoral system has criticized from by reform-minded intellectuals and civic activists. They claim that the electoral system produces unacceptably high campaign costs because it boosts competition between candidates and the 'mediaization' of elections. This gives

candidates strong rational incentives to invest more and more money in outbidding their opponents.

To limit campaign spending some observers have proposed a reduction in the number of seats in the National Assembly to about 260. The logic of this argument is very simple: if the number of seats in parliament were reduced, fewer candidates would be elected. As each party can nominate only one candidate in each SMC, this would cut down parties' total spending. This proposal was partially adopted. The National Assembly modified the election law in Spring 2000, with the result that the number of SMCs was reduced by 26 seats, down from 254 to 227. This decreased the total number of seats in the National Assembly to 273. Obviously, the logic of this argument is oversimplistic for at least two reasons. First, although the reduction of the number of SMCs reduces the number of party candidates, it intensifies the competition between candidates in the remaining SMCs. As the stakes are higher, campaign spending is more likely to increase than decline. In fact, the sixteenth National Assembly elections of April 2000 were the most expensive yet. Second, it is not clear how high campaign spending is related to the number of seats in parliament. On the contrary, theoretical arguments support the assumption that capital-intensive campaigning is related to the plurality system in SMCs combined with a weakly institutionalized party system. Whereas the electoral system supports the personalization of elections at the district level, the weak institutionalization of party organizations forces candidates into capital-intensive campaigns because they cannot rely on the support of party organizations. Because Korean parties are organizationally fluid, highly volatile and only loosely linked to society, they can work neither as electoral machines nor as effective campaign organizers for candidates. However, money cannot be eliminated entirely from politics – neither in Korea nor anywhere else. As Susan Rose-Ackermann says, '[e]lections must be financed, and wealthy interests concerned with legislative outcomes and government policy may be willing to foot the bill' (1999: 132-33). Democratic systems must find a way to finance political campaigns without encouraging the sell-out of politics to contributors.

A more adequate way of fighting the inflation of campaign money would be to increase the weight of the electoral system's proportional representation component. As proportional representation is a party-centred system, it could help to stabilize party organizations. Candidates' prospects of electoral success depend on parties' organizational strengths, their ability to run good campaigns and the attractiveness of their programmes. On the other hand proportional representation shifts the political competition away from individuals towards party competition. In the Korean case this could counteract the personalization of campaigns and slow down the increase in campaign spending. As Lederman, Loayza and Soares (2001) argue, proportional representation systems with closed lists 'make parties stronger, which in turn bias politicians toward long-term goals and increase the concerns about reputation. In other words, the use

of closed lists [and proportional systems]²⁵ in legislative elections creates incentives for individual politicians to worry about the reputation of the party as a whole'. This has a corruption reducing effect, the real cause for concern behind rising campaign spending. Making parties relatively stronger vis-à-vis candidates may lead to fewer myopic politicians.

2. Deficit of Social Representativeness of Parliament and Political Parties: Critics of the current system argue that it is unable to transmit public opinion and social interests into parliament. In other words, the composition of parliament does not represent sufficiently the public will. However, as I have shown in this article, the electoral disproportionality is moderate. The party composition of the National Assembly reproduces more or less the political preferences of the South Korean voters as expressed at the polls. Sometimes it is argued, however, that the lack of representativeness of the parliament and the social inclusiveness of the party system is indirectly related to the electoral system. Its moderate to high degree of disproportionality shuts out the possibility of fair representation for minor parties and smaller political forces with new ideas. The current system benefits major, established, or larger parties. They are, however, the biggest obstacles for democratic consolidation in South Korea. Ideological distance between political parties²⁶ is difficult to recognize because the number and positioning of parties is in constant flux. Problems of representativeness and inclusion are the result of parties' ideological meaninglessness and the lack of mass linkages between political parties and society. None of the relevant parties relies upon deep roots in Korean society. Parties and presidential candidates appeal to regional sentiments for the most part, and not to social classes, professional groups or issue-oriented opinion voters. Despite only minor programmatic differences, South Korean parties and parliamentary groups tend to think and act in zero-sum categories. There are no signs of a parliamentary culture, which is conducive to co-operation, trust and compromise. Parties are more covers for clientelistic networks than political organizations for articulating societal demands and developing programmes and policy options for the solution of societal problems. The intra-party structures are strongly oligarchic and discriminate against the active participation of regular party members.

Furthermore, stable alignments between the parties and the electorate do not exist; linkages between parties, candidates and society are weak or absent. The degree of organizational autonomy of Korean parties is generally low. The social, financial and political support parties receive from other groups in society is mostly under the control of individual politicians. There are very few organizational resources which are not bound to leading party figures. Also, the linkages between various party factions are weak. The factions are grouped

25. Author's own words in parentheses.

26. Programmatic differences, though they are difficult to find and more a matter of degree than of fundamental nature, exist on the issues of social welfare, inter-Korean relations and national security; cf. Institute of Social Science et al., 1997.

together under the same party label, but they do not build a coherent political organization.

The problematic features of the party system are further complicated by the combination of a weakly institutionalized party system with unco-operative party strategies and a governmental system which has institutional deficits. It may be that the conflict between authoritarianism and democracy has generally disappeared from the party system. However, beneath the surface, the basic features of Korean party politics have survived the democratic regime change almost intact. The political parties that exist now are far from being socially rooted, electorally responsive and politically responsible. Because political parties do not succeed in performing more effectively as intermediary organizations, the emergence of a 'delegative democracy' (O'Donnell, 1994: 55-69) becomes imminent: A strong president vertically legitimated by the people can govern without being effectively controlled (and supported) horizontally by a working parliament and by socially rooted, responsive and responsible political parties (see Croissant, forthcoming, footnote 56; also Hahn, 2001).

This line of argumentation leads to a double conclusion. First, the electoral system benefits established parties (or factions) and impedes the development of political alternatives. The vested parties are responsible for the lack of political representativeness of democracy in Korea. Second, the electoral system supports indirectly a political trend towards 'delegative' or 'majoritarian democracy'. This in turn leads to a lack of social inclusiveness because of the exclusion of political minorities, their interests and preferences. Although this conclusion might take things too far, the points it refers to are correct: the electoral system benefits established parties (see Park, 2001: 19) and strengthens the majoritarian character of Korean democracy.²⁷

Electoral reform has to address both points. Two possible reform steps are recommended. The first is to strengthen the proportional representation elements. Introducing a substantive proportional component will offer small or new parties better opportunities for successful competition than plurality systems. This will expose established parties to more competitive pressure and force them to develop programmatic answers to new voter demands, as well as be more representative.²⁸ The second step is to revise those sections of the election law which discriminate against small parties and impede the institutionalization of new parties. This concerns the deposit money clause (Articles 56 and 57, Election for Public Office and Election Practice Prevention Act, see Korea Legislation Research Institute, 1998), which throws obstacles into a new party's path when it nominates candidates in a large number of

27. For an analysis of the electoral system as an element of majoritarian democracy see Croissant, 2002b.

28. The danger of proliferation of parties and the fragmentation of the party system can be checked by introducing electoral clauses which fix minimal thresholds for winning parliamentary seats. The Korean electoral system already has such a threshold.

SMCs or to the party list.²⁹ New parties who cannot rest on the fundamentals of precursors are very disadvantaged by this provision which makes party founding a one-shot game.

3. Regionalism. Critics of the current system argue that it blocks the development of a truly national party system. They claim that it supports regionalistic tendencies and offers strong incentives to those political parties who act as brokers of regionalistic interests. Concerning what I have said so far in this chapter, this argument has some merits. Regionalism is the dominating cleavage in Korean politics, the party system is regionalized and the current system does provide rational incentives for political actors to appeal to regional sentiments. However, I do not think that regionalism can be fought successfully with the institution of the electoral system. The best chance for this would be to abolish the plurality system in SMCs or any other form of plurality system (binominal, plurality system in medium-sized constituencies) and introduce a pure or modified proportional system. This would force large parties to campaign seriously in areas outside 'their own' regions because winning as many votes in the national constituency as possible would count more than obtaining as many seats in their home region as possible. The prospects of success are grim, however. For the large parties it would make sense to follow a strategy of broadening their electoral support outside their regional strongholds. For smaller parties, even in a proportional system, it would still make sense to appeal to a regional electorate. If they were to behave rationally, small or medium-sized parties would try to capitalize their voters' support in one region rather than compete with larger parties on the national votes market. In the end, a 'deregionalized' party system is only achievable in a process of political learning, which includes political parties, the government and Korean citizens themselves. This process must include a change in political culture, which will take several years. The Korean case thus points not just to the possibilities, but also to the limitations of electoral engineering. Changing electoral rules may well be able to place a national spin upon political campaigning, but it cannot change the basic circumstances of regional conflict in Korea. Nor can it have a miraculous impact on the willingness of the political elites and the citizens to shift their political orientations from the regional to the national level.

4. Party Formation. This fourth point is an additional peril of the current system, which is, however, not much discussed in the Korean debate. The current electoral system hampers the development of stable party organizations. Instead it supports tendencies toward a short-lived, volatile party system, characterized by frequent party splits, mergers and re-foundings of party organizations, continuous re-labelling of parties and a lack of party institutionalization. The current system is a candidate-centred electoral system, whereas a proportional system would be more party-centred. Beyond this reform step, some minor

29. For the National Assembly elections in April 2000 candidates had to give a deposit of 20 million Won to the NEC. Political parties had to pay a deposit of 10 million Won for each candidate on their lists.

reforms are conceivable. First, those who switch party affiliations should automatically lose their parliamentary seats. Such a provision may violate the freedom of a parliamentary mandate but it provides an effective negative incentive against 'party hopping' simply for opportunistic and economic reasons. Second, party law should guarantee more rights to party organizations on the provincial level, especially in the case of selecting candidates. The democratic quality of intra-party decision-making could thereby be improved.

Summary and Outlook

South Korea has a long history of elections. During the last 50 years several institutional designs have been tested. Alongside all the changes in the electoral system, there has been one constant element. Until 1987 the electoral system was used by the ruling elites as a tool to stabilize their power and not as a technical means to realize the democratic principles embedded in the electoral process. When democratization led to political change in the late 1980s, electoral reform was a major step in the process of the institutionalization of the democratic regime. However, the fundamental pattern of electoral politics changed only slowly. To date, the electoral system is still not accepted as an impartial rule of the game. Electoral reform is still guided by a logic of consequentiality. Meaningful reforms, which would enhance the deficits of the current system, are absent or have only a slim chance of being applied. There is still no consensus between political parties about the fundamental goals of electoral reform, about the type of electoral system which will be introduced and about the road to electoral reform. There are theoretical reasons to believe that a modified proportional system could help to reduce the deficits of the current system.

However, the analysis also points to the need to take other influences into account. Social cleavages, the institutional characteristics of the party system and the type of government system also have an impact on a party system's structure, its competitive dynamic and especially on the effectiveness of democratic governments. The electoral system alone cannot take on the task of developing representative and effective governments, or political institutions which fulfil the requirements of social inclusion, political efficiency and political effectiveness. As stated at the beginning of this analysis, any judgment about the influence of electoral systems on democratic governance and democratic politics in general has to take the broader institutional architecture of democracy as well as the social fabric into account. The question of how to reform electoral institutions so that elections represent the political will of the people, integrate people into cohesive political parties and generate political majorities large enough to ensure the stability of government and its ability to govern, cannot adequately be addressed without looking carefully at the broader institutional architecture of the democratic regime. The interaction between the electoral

system used in legislative elections, the party system which is shaped by several influences, of which the electoral system is only one (important) element, and the practised system of government seem to be among the most important. That is why the political results of electoral reforms are limited. However, this does not necessarily mean that there is no chance for electoral reform, or that electoral reform is meaningless. Just the opposite. Reforming the electoral system might be a crucial element in the process of democratic consolidation in South Korea, providing that the political players who set down the rules of the electoral game are willing to apply the *logic of appropriateness* to their strategies. Whether they will do so in the future is still an open question.

Appendix

Table A1: Presidential Elections 1948-1997 ³⁰

1st Republic					
1948^a	Total no.	%	1952	Total no.	%
Registered voters	198	—	Registered voters	8,259,428	—
Votes cast	196	99.0	Votes cast	7,275,883	88.1
Invalid votes	1	0.5	Invalid votes	255,199	3.5
Valid votes	195	99.5	Valid votes	7,020,684	96.5
Syngman Rhee	180	92.3	Syngman Rhee	5,238,769	74.6
Kim Gu	13	6.7	Cho Pong-am	797,504	11.4
An Chae-hong	2	1.0	Lee Shi-yong	764,715	10.9
			Shin Hung-u	219,696	3.1
1956			1960^b		
Registered voters	9,606,870	—	Registered voters	11,196,490	—
Votes cast	9,067,063	94.4	Votes cast	10,862,272	97.0
Invalid votes	1,856,818	20.5	Invalid votes	1,228,896	11.0
Valid votes	7,210,245	79.5	Valid votes	9,633,376	89.0
Syngman Rhee	5,046,437	70.0	Syngman Rhee	9,633,376	100
Cho Pong-am	2,163,808	30.0			

a. President was elected by Constitutional Assembly

b. Election was declared null and void.

30. The following electoral statistics have been elaborated on the basis of the official data provided by the Central Election Management Commission (since 1996 National Election Commission). See National Election Commission, 1996. The results of the 1997 presidential elections were taken from the Korean newspapers *Korea Herald* and *Korea Times* (both of 20 December 1997).

2nd Republic

1960^a	Total number	%	Candidate	Total number	%
Registered voters	263	—	Yun Po-sun	208	82.2
Votes cast	259	98.5	Kim Chang-suk	29	11.5
Invalid votes	6	2.3	Byung Yong-tae	3	1.2
Valid votes	253	97.7	Baek Nack-chun	3	1.2
			Ho Chung	2	0.8
			Kim Doh-yun	2	0.8
			Kim Byung-Roh	1	0.4
			Pak Sun-chun	1	0.4
			Na Young-kwon	1	0.4
			Lee Chul-sung	1	0.4
			Yu Ok-u	1	0.4
			Kim Shi-hun	1	0.4

a. President was elected jointly by House of Representatives and House of Councillors.

3rd Republic

1963	Total no.	%	1967	Total no.	%
Registered voters	12,985,051	—	Registered voters	13,935,093	—
Votes cast	11,036,175	85.0	Votes cast	11,645,215	83.6
Invalid votes	954,977	8.7	Invalid votes	586,494	5.0
Valid votes	10,081,198	91.3	Valid votes	11,058,721	95.0
Chang I-sok	198,837	2.0	Lee Se-chin	98,433	0.9
Park Chung-hee	4,702,640	46.6	Chon Chin-han	232,179	2.1
Oh Chae-yong	408,664	4.1	Yun Po-sun	4,526,541	40.9
Yun Po-sun	4,546,614	45.1	Kim Chun-yon	248,369	2.2
Pyon Yong-tae	224,443	2.2	Park Chung-hee	5,688,666	51.4
			Oh Chae-yong	264,533	2.4

1971

Registered voters	15,552,236	—
Votes cast	12,417,824	79.8
Invalid votes	494,606	4.0
Valid votes	11,923,218	96.0
Park Chung-hee	6,342,828	53.2
Kim Dae-jung	5,395,900	45.3
Pak Ki-chul	43,753	0.4
Lee Chong-yun	17,823	0.1
Chin Pok-ki	122,914	1.0

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4th Republic

1972^a	Total number	%	1978^a	Total number	%
Registered voters	2,359	—	Registered voters	2,581	—
Votes cast	2,359	100	Votes cast	2,578	99.9
Invalid votes	2	0.1	Invalid votes	1	0.0
Valid votes	2,357	99.9	Valid votes	2,577	100
Park Chung-hee	2,357	100	Park Chung-hee	2,577	100

1979^a	Total number	%	1980^a	Total number	%
Registered voters	2,560	—	Registered voters	2,540	—
Votes cast	2,549	99.6	Votes cast	2,525	99.4
Invalid votes	84	3.3	Invalid votes	1	0.0
Valid votes	2,465	96.7	Valid votes	2,524	99.97
Choi Kyu-hah	2,465	100	Chun Doo-hwan	2,524	100

a. President was elected indirectly by electoral college.

5th Republic

1981^a	Total number	%
Registered voters	5,277	—
Votes cast	5,271	99.9
Invalid votes	1	0.0
Valid votes	5,270	100
Chun Doo-hwan	4,755	90.2
Kim Chong-chol	85	1.6
Kim Ui-taek	26	0.5
Yu Chi-song	404	7.7

a. President was elected indirectly by electoral college composed of presidential electors in 77 voting districts across the country.

6th Republic

1987	Total number	%	1992	Total number	%
Registered voters	25,873,624	—	Registered voters	29,422,658	—
Votes cast	23,066,419	89.2	Votes cast	24,095,170	81.9
Invalid votes	463,008	2.0	Invalid votes	319,761	1.3
Valid votes	22,603,411	98.0	Valid votes	23,775,409	98.7
Roh Tae-woo	8,282,738	35.9	Kim Young-sam	9,977,332	42.0
Kim Young-sam	6,337,581	27.5	Kim Dae-jung	8,041,284	33.8
Kim Dae-jung	6,113,375	26.5	Chung Ju-yung	3,880,067	16.3
Kim Jong-pil	1,823,067	7.9	Park Chan-jong	1,516,047	6.4
Shin Jeong-yil	46,650	0.2	Lee Pyong-ho	35,739	0.2
			Kim Ok-sun	86,292	0.4
			Paek Ki-won	238,648	1.0

1997	Total number	%
Registered voters	32,290,416	—
Votes cast	26,042,633	80.6
Invalid votes	395,488	1.5
Valid votes	25,647,145	98.5
Lee Hoi-chang	9,935,718	38.7
Kim Dae-jung	10,326,275	40.3
Rhee In-jae	4,925,591	19.2
Kwon Young-kil	306,026	1.2
Huh Kyung-young	39,055	0.2
Kim Han-shik	48,717	0.2
Shin Jeong-yil	61,056	0.2

Table A2: National Assembly Elections (1948-2000) ³¹

1st Republic								
Year	1948		1950		1954		1958	
	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)
	200	100	210	100	203	100	233	100
NARRKI*	55	26.1	-	-	-	-	-	-
KDP	29	13.5	-	-	-	-	-	-
TYP	12	9.6	-	-	-	-	-	-
NYP	6	2.2	-	-	-	-	-	-
TLF	1	1.6	-	-	-	-	-	-
FF	2	0.8	-	-	-	-	-	-
CDP	1	26.1	-	-	-	-	-	-
TYC	1	13.5	-	-	-	-	-	-
KNP	-	-	24	9.8	3	1.0	-	-
DNP	-	-	24	9.7	15	7.9	-	-
NA	-	-	14	6.8	3	2.6	-	0.6
KYP	-	-	10	3.3	-	-	-	-
KFTU	-	-	3	1.7	-	-	-	-
SP	-	-	2	1.3	-	-	-	-
IC	-	-	3	1.0	-	-	-	-
NIF	-	-	1	0.7	-	-	-	-
LP	-	-	-	-	114	36.8	126	42.1
DP	-	-	-	-	-	-	79	34.0
UP	-	-	-	-	-	-	1	0.5
Others	8	5.9	3	2.2	-	3.8	-	1.1
Independents	85	40.3	126	62.9	68	47.9	27	21.7

* For full party names see the List of Abbreviations.

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2nd Republic

Year	1960 ^a		House of Councillors	
	House of Representatives		Seats	Votes (%)
	Seats	Votes (%)		
	233	100	58	100
DP	175	41.7	31	N/A
LP	2	2.8	4	N/A
SMP	4	6.0	1	N/A
KSP	1	0.6	1	N/A
Others	1	2.1	1	N/A
Independents	49	46.8	20	N/A

a. Because of irregularities the elections were repeated in 13 constituencies.

3rd Republic

Year	1963		1967		1971	
	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)
	175	100	175	100	204	100
DP	13	13.6	-	-	-	-
DRP	110	33.5	129	50.6	113	48.8
CRP	41	20.1	-	-	-	-
LDP	9	8.1	-	-	-	-
PP	2	8.8	-	-	1	1.4
NDP	-	-	45	32.7	89	44.4
MP	-	-	1	2.3	-	-
NP	-	-	-	-	1	4.0

4th Republic

Year	1973 ^a		1978 ^a	
	Seats	Votes (%)	Seats	Votes (%)
	219 ^a	100	231 ^a	100
DRP	73	38.7	68	31.7
NDP	52	32.5	61	32.8
DUP	2	10.2	3	7.4
Independents	19	18.6	22	28.1

a. 73 appointed members recommended by the president and elected by the National Conference for Unification.

5th Republic				
Year	1981		1985	
	Seats	Votes (%)	Seats	Votes (%)
	276	100	276	100
DJP	151	35.6	148	35.2
DKP	81	21.6	35	19.7
SDP	2	3.2	-	-
KNP	25	13.2	20	9.2
CRP	2	6.7	-	-
NPP	2	4.2	-	-
DPP	1	0.9	-	-
DFP	1	1.4	-	-
NKDP	-	-	67	29.3
NSP	-	-	1	1.4
NDP	-	-	1	0.6
Independents	11	10.7	4	3.3

6th Republic								
Year	1988		1992		1996		2000	
	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)
	299	100	299	100	299	100	273	100.0
DJP	125	34.0	-	-	-	-	-	-
PPD	70	19.3	-	-	-	-	-	-
RDP	59	23.8	-	-	-	-	-	-
NDRP	35	15.6	-	-	-	-	-	-
Hangyore DP	1	1.3	-	-	-	-	-	-
DLP	-	-	149	38.5	-	-	-	-
DP	-	-	97	29.2	15	11.2	-	-
UPP	-	-	31	17.4	-	-	-	-
NPRP	-	-	1	1.8	-	-	-	-
NKP	-	-	-	-	139	34.5	-	-
NCNP	-	-	-	-	79	25.3	-	-
ULD	-	-	-	-	50	16.2	17	9.8
GNP	-	-	-	-	-	-	133	39.0
MDP	-	-	-	-	-	-	115	35.9
DPP	-	-	-	-	-	-	2	3.7
KNP	-	-	-	-	-	-	1	-
Independents	9	4.8	21	11.5	16	11.8	5	9.4

31. The electoral statistics in this table have been elaborated on the basis of the official data provided by the Central Election Management Commission (since 1996 National Election Commission). See Central Election Management Committee, 1989ff. The complete data are published in English in Croissant, 2001a.

List of Abbreviations

CDP - Conservative Democratic Party
CEMC - Central Election Management Commission
CRP - Civil Rights Party
DFP - Democratic Fairness Party
DJP - Democratic Justice Party
DKP - Democratic Korea Party
DLP - Democratic Liberal Party
DNP - Democratic Nationalist Party
DP - Democratic Party
DPP - Democratic People's Party
DRP - Democratic Republican Party
DUP - Democratic Unification Party
FF - Farmers Federation
GNP - Grand National Party (Hanaradang Party)
GP - Government Party
Hangyore DP - Hangyore Democratic Party
HoC - House of Councillors
HoR - House of Representatives
IC - Ilmin Club
KDP - Korea Democratic Party
KFTU - Korean Federation of Trade Unions
KNP - Korean National Party
KSP - Korea Socialist Party
KYP - Korea Youth Party
LDP - Liberal Democratic Party
LP - Liberal Party
MDP - Millennium Democratic Party
MP - Mass Party
NA - National Association
NARRKI - National Alliance for Rapid Realization of Korean Independence
NCNP - National Congress for New Politics
NCU - National Conference for Unification
NDP - National Democratic Party; New Democratic Party
NDRP - New Democratic Republican Party
NEC - National Election Commission
NIF - National Independence Federation
NKP - New Korea Party
NKDP - New Korea Democratic Party
NP - National Party
NPP - New Party by the People
NPRD - New Political Reform Party
NSP - New Socialist Party
NYP - National Youth Party

PP - People's Party
PPD - People's Party for Democracy; Party for Peace and Democracy
RDP - Reunification Democratic Party
SCNR - Supreme Council for National Reconstruction
SDP - Social Democratic Party
SMC - Single-member Constituency
SMP - Socialist Mass Party
SNTV - Single Non-transferable Vote
SP - Socialist Party
STV - Single Transferable Vote
TLF - Taehan Labor Federation
TYC - Taehan Youth Corps
TYP - Taedang Youth Party
ULD - United Liberal Democrats
UP - Unification Party
UPP - United People's Party

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Electoral Politics in Thailand

Orathai Kokpol

Introduction

Thailand's new constitution of 1997 (B.E. 2540) set down new rules and a framework for various fundamental changes in the Thai political and administrative system. As such, great hopes for political reform towards sustainable democracy have been pinned on it. In particular, elections, as a necessary condition for democracy, have changed significantly. The intention is to have more open, fair and meaningful elections, as well as recruit qualified politicians into the political system. Moreover, elections are seen as a key mechanism for establishing new politics in Thailand. In the first election under this new system, that for the House of Representatives on 6 January 2001, positive steps were taken to meet these objectives. This chapter explores the new electoral system and evaluates the extent to which the performance of this new system contributes to political development towards democracy in Thailand.

The chapter argues that the new electoral system and the outcome of the first elections have been inspiring for political transformation. The new electoral system serves to establish a standard for clean and fair elections, while the outcome of the elections that have taken place has contributed to several major changes in the Thai political system, such as a generation shift in the political sphere and the development of political parties. However, there is still a need for improvement in the administration of electoral processes and in the provision of political education, especially to the rural public. To set this in context the chapter begins with a look at the historical development of politics and elections in Thailand before the introduction of the new constitution.

Historical Development

The first significant change in Thailand's political regime was in June 1932 when a group of junior army, navy and civilian officers (mainly Western-educated), calling themselves the People's Party, staged a coup d'état. Their demand was for a change from absolute to constitutional monarchy. Determined to avoid any bloodshed, King Prajadhipok (Rama VII [1925-1935]) agreed to the abolition of absolute monarchy and a transfer of power to a constitution-based system of government. On 10 December 1932, King Prajadhipok signed Thailand's first constitution, thus ending 800 years of absolute monarchy.

From that time until the emergence of the 1997 constitution, Thailand had 15 constitutions and 19 general elections for the House of Representatives (HoR). The first election was as early as 1933, only a year after the revolution, and the last one under the old system was in 1996 (see Table 1).

Table 1: Elections in Thailand from 1933-1996

Year of Election	Constituency Ratio of Inhabitant/MP	Method of Voting	No. of MPs	Voter Turn-out (%)	Reason for Election
1933	MMC	Indirect	78	41.45	Revolution Constitution of 1932
1937	SMC	Direct	91	40.22	End of term
1938	SMC	Direct	91	35.03	Dissolution
1946	SMC	Direct	96	32.53	Dissolution
1948	MMC	Direct	99	28.59	Coup/Constitution of 1947
1952	MMC	Direct	123	38.95	Coup/Constitution of 1932 (Amendment 1952)
1957 (Feb)	MMC	Direct	160	57.50	End of term
1957 (Dec)	MMC	Direct	160	44.07	Coup
1969	MMC	Direct	219	49.16	Constitution of 1968
1975	Small MMC	Direct	269	47.18	Constitution of 1974
1976	Small MMC	Direct	279	43.99	House Dissolution
1979	Small MMC	Direct	279	44.57	Coup/Constitution of 1978
1983	Small MMC	Direct	324	50.76	House Dissolution
1986	Small MMC	Direct	347	61.43	House Dissolution
1988	Small MMC	Direct	357	63.56	House Dissolution
1992 (Mar)	Small MMC	Direct	360	59.28	Coup/Constitution of 1991
1992 (Sep)	Small MMC	Direct	360	61.59	House Dissolution
1995	Small MMC	Direct	391	62.04	House Dissolution
1996	Small MMC	Direct	393	62.42	House Dissolution

Source: Election Division, Department of Local Administration (DOLA), Ministry of the Interior.

From 1933 to 1996, the electoral system in Thailand was changed incrementally, mainly in response to changes in the constitution. Some changes could be considered positive developments, such as the requirement of party-affiliated candidacy (1974) and the creation of the Poll Watch Committee to monitor the election process (1992). The Poll Watch Committee was established by the government in January 1992 as a politically neutral election watchdog, consisting of non-state actors, such as members of NGOs, as well as interested citizens. It was aimed at reducing vote buying, building up political

consciousness and contributing to fair elections. Despite some variations, two basic features of the Thai electoral system remained unchanged during that period. One was that elections were organized by the Ministry of the Interior. Established in the reign of King Chulalongkorn (1868-1910), the Ministry of the Interior became one of the most powerful ministries. Two departments, in particular, played a significant role. The Department of Local Administration (DOLA), through its provincial and district offices, was responsible for managing the whole electoral process (i.e. designating constituencies, determining the number of members of the HoR in a constituency, preparing voters' lists and voting stations, declaring a list of eligible candidates and counting votes), announcing the election result, promoting political awareness and encouraging people to cast their votes, as well as monitoring deviant electoral behaviour of both candidates and their canvassers, and governmental officers. The Police Department was jointly responsible for keeping orderliness during elections as well as preventing and curbing deviant electoral behaviour. The other unchanged feature was that the election system was based on a plurality system in which a candidate won an election with a simple majority. This rule was applied to both single- and multi-member constituencies. For example, in a single-member constituency, the candidate who earned the highest scores won the seat (the 'first-past-the-post' system) and in a three-member constituency, the candidates with the top three scores became members of the HoR.

From the 1933 to the 1996 elections changes to the electoral system were made in three areas: voting method, designation of constituencies and conditions of candidature.

1. *Voting Method:* An indirect voting method was used only in the first election: voters in each province chose a sub-district (*tambon*) representative who then voted for a member of the HoR of that province. From the second election onward, the voting method was changed to a direct one in which voters chose their HoR members directly.
2. *Designation of constituencies:* For the first election a multi-member constituency system was adopted. Each province, regarded as a constituency, had one member of the HoR. Any province with a population above 200,000 had an additional member of the HoR. For the second to the fourth elections a single-member constituency system was applied. Each province was divided into constituencies with the ratio of 200,000 inhabitants to one member of the HoR. The surplus above 100,000 inhabitants became another constituency. Any province with a population below 200,000 was regarded as a constituency. Under this system, voters throughout the country had an equal right to vote for one member of the HoR. For the fifth to the ninth elections there was a reversion to the multi-member constituency system. Each province was designated a constituency and had one member of the HoR. Any province with more than 200,000 inhabitants could have an additional

member of the HoR. This ratio was reduced to 150,000 inhabitants for the sixth to the ninth elections. The small multi-member constituency system was used for the tenth to the last election under the old system in 1996. A province was divided into constituencies, but each constituency could have no more than three members of the HoR. The ratio was 150,000 inhabitants to one member of the HoR. Under this system, the number of members of the HoR in each constituency varied from one to three. For example, Samut Sakhon province, designated as a constituency, had three members of the HoR. Its neighboring province, Samut Songkhom, also designated as a constituency, had only one member of the HoR.

3. *Conditions of candidature:* The qualifications for candidacy changed over time. The minimum age of a candidate varied between 20 and 30 years before being set at 25 years for the tenth election under the 1974 constitution. This constitution also made it obligatory for the first time for a candidate to be a member of a political party. The 1978 constitution (from the twelfth to the fifteenth elections) added that each political party had to present at least half the number of HoR candidates as there were seats in the HoR. Because this created problems for small parties, the 1991 constitution (from the sixteenth to the nineteenth elections) changed this condition by providing that each political party had now only to present a list of at least one third the number of candidates as there were seats in the HoR. In addition to party-affiliation, this constitution also made constituency-affiliation a condition for candidature for the first time. It provided that a candidate in a constituency must have one of the following qualifications: (1) be registered resident in that constituency; (2) be a former member of the HoR in that constituency; (3) be born in that constituency; (4) have studied in an education institution in that constituency; or (5) have been in official service in that constituency.

Although the first general election was held only a year after the absolute monarchy had been overthrown, and although there were another 18 general elections which all guaranteed universal suffrage, elections did not play as significant a role in the Thai political system as could be expected in a democratic country. Out of 19 elections, only those in 1946, 1975, 1976, September 1992, 1995 and 1996 were held in a democratic environment with the expectation of political changes to follow. The others were held either under military rule or under a semi-democratic regime, and were a show to provide a façade of legitimacy for military or military-dominated governments. Elections served to allow the military leaders to put their own men in the elected HoR, thus ensuring its support for their continued hold on power. Political participation was limited. Although the military remained in control, they preferred to make their regime appear legitimate. As a result, Thai politics fell into a vicious cycle: first there was a coup in which the military took over, sometimes with a civilian prime minister as front man. Then a new constitution was promulgated and an election was held to legitimize the military leader and his government. Then

another military faction staged a coup to alternate power in government. This cycle repeated itself many times, as shown in Table 1, especially under military rule. Several elections were held as a result of military coups and new constitutions.

Elections started to make an impact when Chatchai Choonhavan, a member of the HoR, became the first elected prime minister in 1988. His party won a majority of votes and General Prem Tinsulanond refused to accept another term as prime minister.¹ The more open political atmosphere since 1976 contributed to the transition from military-led to democratic government. There were regular elections: while the 1978 constitution was in force, there were four general elections. Political parties operated openly and there was press freedom. Although there were two aborted coup attempts during this period, the military became somewhat more professional and it was expected that this would be the end of military intervention in Thai politics. As a result, the 1991 coup came as a shock. In a return to their old ways, military leaders appointed a civilian prime minister (Anand Panyarachun), promulgated the new constitution of 1992 and held the February 1992 election to legitimize General Suchinda Kraprayoon as prime minister. This vicious cycle was broken when, after only 48 days in office, he was driven from power in May 1992 by massive demonstrations of Thais throughout the kingdom, which led to the massacre of civilian demonstrators by military and police agents that became known as the Black May of 1992. After that Anand was asked to serve as interim prime minister until elections could be held. He pushed through several constitutional amendments, in particular one that required that the prime minister be an elected member of the HoR. He also established the Poll Watch Committee to monitor the electoral process. Elections were held in September 1992 with the Democrat Party emerging victorious. Chuan Leekpai became prime minister. Two more elections were held under the 1992 constitution: the 1995 and 1996 elections. In these elections the voting age was changed from 20 to 18 years. Both elections gave birth to democratically elected governments.

Even though elections became a process in which voters selected their political leadership, they were marred by corrupt electoral behaviour and manipulation by influential local leaders: vote buying, cheating, the partisan conduct of government officers and violence. Thailand had turned to money politics. Money-dumping through vote-buying became a common feature of elections in Thailand, especially in rural areas. It is believed, particularly among scholars, activists and the urban middle class, that electoral venalities resulted in the return of unqualified politicians to the corridors of power. These politicians could give rise to a corrupt and unqualified government. These problems led to calls for clean and fair elections and the need for reform, not only of the electoral

1. General Prem was prime minister from 1980-1988. He had previously served as army commander-in-chief and defence minister. He enjoyed the support of important military factions, political parties and the King. During his rule, Thailand's economy grew, making him a popular leader.

system but also of the political system as a whole. Public pressure for political reform was intensified by the economic crisis in the late 1990s. Political reform actually started with the passage of the 1997 constitution.

Introduction to the New Electoral System

Problems in past elections, such as vote buying, cheating and the partisan conduct of government officers, together with the aspiration to establish new politics in Thailand through the electoral process led to the restructuring of the electoral system. The new electoral system, introduced by the 1997 constitution along with three organic laws,² differs from previous systems in various ways.

Combination of Plurality and Proportional Electoral Systems

According to the new 1997 constitution, people elect not only the House of Representatives but also the Senate. Each has its own electoral system. The Senate has 200 members who serve a single six-year term. For the election of senators a multi-member system in constituencies is used. Each province is regarded as a constituency. Depending on the number of inhabitants, a province can have more than one senator. The number of senators per province is determined by a specific formula that tries to achieve a fair representation of the population for each province (see Box 1). A voter has the right to cast a ballot for only one candidate in his/her constituency, even if a province has more than one senator. The winners are determined by simple majority. Where a province qualifies to have more than one senator, the candidates who receive the highest number of votes are elected as senators.

Box 1: Formula to Establish the Number of Senators per Province

All persons having the right to vote at an election of senators may cast a ballot for one candidate in their constituency. In the election of senators, each *changwat* (province) is to be regarded as one constituency. In the case where a *changwat* has more than one senatorial seat, the candidates who receive the highest number of votes in descending order will be elected as senators up to the number of seats available. Under the constitution, the number of senatorial seats in each *changwat* is determined in accordance with the procedure set out in section 102, paragraph 2. In short, the following calculation is made:

$$\text{QUOTA} = \frac{\text{POPULATION OF THAILAND}}{200} = X$$

2. The Organic Law on the Electoral Commission of Thailand of 1998, the Organic Law on the Election of Members of the HoR and the Senate of 1998 and the Organic Law on Political Parties of 1998.

Each *changwat* that has a population less than X shall have one senator, otherwise the number of senators shall be determined in accordance with the following procedure:

$$\frac{\text{POPULATION IN CHANGWAT}}{X} = \frac{\text{NUMBER OF SENATORS} + \text{FRACTION REMAINING}}{X}$$

If the number of members of the Senate is still less than 200, an additional senator should be allocated to each *changwat* with the largest fraction remaining, in descending order, until the quota of 200 has been fulfilled.

Source: www.etc.go.th

While the plurality system is used for the election of senators, the new election system of the HoR is a combination of plurality and proportional systems. The 1997 constitution provides that the HoR consists of 500 members: Of these, 100 are elected on a party-ticket (closed and blocked list) and 400 are elected on a constituency basis. For the latter, the first-past-the-post rule in a single-member constituency is used. A province is divided into smaller constituencies of approximately equal population that send one representative each to the HoR. A voter casts a ballot for one candidate in his/her constituency. Section 102 of the 1997 constitution establishes the exact formula by which provinces are divided into constituencies (see Box 2).

Box 2: Formula to Establish the Number of HoR Constituencies per Province

$$\text{QUOTA} = \frac{\text{COUNTRY INHABITANTS}}{400} = 154,154 \text{ INHABITANTS}$$

$$\frac{\text{PROVINCIAL INHABITANTS}}{\text{QUOTA}} = \frac{\text{NUMBER OF CONSTITUENCIES} + \text{FRACTION}}{\text{QUOTA}}$$

The reference used for the calculation is the annual census preceding the election year. A constituency is added to the provinces with the highest fractions, calculated above, in descending order, until the total number of constituencies reaches 400.

Within a province, constituencies are delimited so that each one forms a single area with approximately equal population.

Source: www.etc.go.th

The motive for having a single-member constituency is to make constituencies smaller compared to the three-member constituencies of the past. It is believed that the influence of vote canvassers and vote buying is reduced in a small

constituency because a candidate can present him/herself directly to the electorate. Moreover, in a single-member constituency the member of the HoR tends to be closer to the constituents and is more accountable to them.

One of the new aspects of the electoral system is the application of the proportional rule for the election of the party-list members of the HoR. This initiative is aimed at reflecting the political will of all voters, since every vote is counted. It is believed that a party-list system also provides an opportunity for good and capable individuals, who are not keen on the style of political campaigns used in a constituency, to become members of the HoR. Moreover, the party-list system alleviates the problem of constituency members of the HoR championing local interests, as happened in the past. Since party-list members of the HoR are elected by votes throughout the country, with the whole territory of Thailand is regarded as the constituency, they are seen as representing the country rather than a constituency. The prime minister and the cabinet are expected to come from the party-list members of the HoR. For the election of party-list members of the HoR, each political party submits a list of not more than 100 candidates to the Election Commission before the date when the application for candidacy in the constituency election commences. Conditions for the party list include: (1) names of candidates should be placed in numerical order; (2) candidates cannot be listed by other political parties in their party lists, or stand as candidates in the constituency elections; and (3) candidates on the list should be drawn equitably from various regions (section 99 of the 1997 constitution). These party lists appear on the ballot and voters must select one. Any political party receiving less than 5 per cent of the total number of votes throughout the country cannot have candidates elected on a party-list basis, and lists of candidates of these political parties and votes received are not counted in the determination of the proportional number of members of the HoR (section 100 of the 1997 constitution). This rule was introduced to reduce the high party fragmentation in the HoR that is the side effect of a proportional system.

Vote Count at a Single Place

Another new aspect of the electoral system concerns vote counting. In previous elections, votes were counted at the polling stations. This is still true for the election of senators. But for the election of members of the HoR, the 1997 constitution stipulates that in each constituency, votes from all polling stations should be counted and results announced publicly at a single place, instead of at each polling station (section 104). This is aimed at resolving the problem of vote buying and intimidation, and promoting free elections by increasing voters' confidence in the secrecy of their votes. It is also believed that vote counting at a single place makes vote-buying through the network of canvassers very risky and ineffective for a candidate because, as ballots from every polling station are mixed, it is impossible to check whether or not canvassers have delivered votes as promised. Vote counting is still conducted at polling stations for the election

of senators because the large size of each constituency (province), makes it difficult and unwieldy to count votes in one place.

Voting as a Duty

For the first time, voting is obligatory by law under penalty (section 68 of the 1997 constitution). The failure to fulfil this duty, without notifying the authorities of the appropriate cause of this failure, is subject to the revocation of political rights as follows: (1) the right to petition an election of members of the HoR, senators, local administrators, members of the local assembly, and village and sub-district headpersons; (2) the right to be a candidate in an election of members of the HoR, senators, local administrators, members of the local assembly, and village and sub-district headpersons; (3) the right to request from the National Assembly the consideration of new laws under the law on public request for the introduction of bills; (4) the right to request from the local assembly the issuance of local ordinances under the law on public request for the introduction of local ordinances; (5) the right to request from the Senate a resolution for removing a person under the organic law on counter corruption; and (6) the right to request for the removal from office of a member of the local assembly or a local administration under the law on voting for the removal of a member of the local assembly or a local administrator. This loss of political rights is for a period from the election day on which a voter fails to vote to the next election day of an election at any level in which this voter is eligible to vote. The reason voting has been made a duty is to encourage as many people as possible to go to the polls. It is believed that a high voter turn-out alleviates the problem of vote buying to some extent because it makes it more expensive and difficult to manage. Moreover, since it is a duty for eligible voters to go to the polls, cheating by bringing in phantom votes or buying abstention (buying and holding identification cards of supporters of rival candidates until an election is over) is made more difficult. Although voting is obligatory, this does not mean that voters are forced to vote for a specific candidate or a political party. The choice of 'no intention to vote' is included on the ballot.

Advance and Overseas Voting

To complement the obligation of voting, there is, for the first time, a provision for advance and overseas voting. Advance voting is provided for eligible voters living or working outside their registered constituencies. Such voters are required to register for advance voting with the designated administration authority as determined by the Electoral Commission of Thailand (ECT). Eligible voters can then cast their ballots at central polling places outside their original constituencies ahead of the actual election. A similar arrangement is in place for overseas voting. Eligible voters living overseas are allowed to vote by mail or in person at designated polling places in the foreign countries in which they live. Prior registration is also required.

Conditions of Candidature

Candidates standing for election to the HoR must have the following qualifications: (1) have Thai nationality by birth; (2) be at least 25 years on the election day; (3) hold a degree not lower than a bachelor's degree or equivalent, except in the case of former members of the HoR or former members of the Senate; or (4) be a member of any and only one political party for a consecutive period of not less than 90 days prior to the date of applying for candidacy in an election. Moreover, candidates in a constituency election must possess one or more of the following qualifications: (1) have had his/her name included in the house register in the provinces where he/she is standing for election for a consecutive period of not less than one year up to the date of applying for candidacy; (2) have been a member of the HoR in the province where he/she is standing for election, or a member of a local assembly, or a local administrator of his/her province; (3) have been born in the province where he/she is standing for an election; (4) have studied in any education institution situated in the province where he/she is standing for election for a consecutive period of not less than two academic years; or (5) have been in official service before, or have had his/her name appear in the house register in the province where he/she is standing for election for a consecutive period of not less than two years.

This is the first time that a candidate in an election is required to hold at least a bachelor's degree or equivalent. In the past, the educational qualification of candidates in an election was not specified except in the case of candidates whose fathers were foreigners. This change is in response to a call from the public during the period of drafting the constitution that members of the HoR and the Senate should have an adequate education so as to be able to perform their responsibilities effectively. Moreover, it is expected that the requirement of a bachelor's degree will improve the quality of members of the National Assembly as a whole. Former members of the HoR and the Senate are exempted from this requirement because they have already had working experience in parliament. Another reason for this exception was to get support for the passage of the 1997 Constitution Bill from members of the HoR and the Senate whose educational qualifications were below a bachelor's degree.

The requirement that a candidate must be a member of a political party for at least 90 days is also a first. This is aimed at strengthening political parties and preventing party switching. In the past, party switching was common. Members of the HoR defected from their political parties just before an election if other parties offered more financial support or appeared more popular. Frequent party switching made politicians undisciplined and at the same time weakened political parties. As a result, most political parties were formed ad hoc. This provision is expected to discourage members of the HoR from switching parties because if they want to defect, they have to resign from their current parties to become members of other parties at least 90 days before the date of applying for candidacy in an election. Failure to do so would disqualify them as members of

the HoR. The attempt to develop and strengthen political parties also includes, for the first time, the establishment of the Political Party Fund, under the administration of the ECT, to support the activities of political parties.

The qualifications for candidates standing for election as senators differ as follows: (1) the age of a candidate should not be less than 40 years old; (2) a candidate's educational qualification should not be lower than a bachelor's degree without exception; (3) a candidate should not be a member of, or holder of another position in a political party; (4) a candidate, who is or has been a member of the HoR, must terminate his or her membership not less than one year before candidacy. These qualifications, especially the last two, reflect the intention of the 1997 constitution to create a new Senate that is elected by the people but politically impartial. This is because the Senate is entrusted with important responsibilities including the examination of bills, the resolution to remove key officers from office and the recruitment of commissioners of independent organizations such as the ECT, the National Counter Corruption Commission and the Constitutional Court. To promote the neutrality of the Senate, the law also prevents candidates in senatorial election from campaigning. They can only introduce themselves in limited ways.

Electoral Commission of Thailand

Another fundamental change in the electoral system is the establishment of an independent organization, the Electoral Commission of Thailand (ECT), to replace the Ministry of the Interior in the task of organizing elections. There was agreement that the electoral system of the past was not conducive to just, clean and fair elections. One reason was that members of the civil service, especially those belonging to the Ministry of the Interior, were seen as allowing themselves to be used to benefit certain political interests. Moreover, the Ministry did not seem to be able to combat vote buying and the practice of village and sub-district headpersons being used as canvassers. One attempt to remedy this problem was the establishment of the Poll Watch Committee in January 1992 to monitor electoral processes. But it had only limited success. In 1994, the Democracy Development Committee (DDC) presented a framework for political reform, which proposed the transfer of responsibility of organizing elections from the permanent bureaucracy to an independent and politically neutral commission. In 1995, a new committee, the Political Reform Committee, was established to review the DDC's proposals for political reform in order to produce the Political Development Plan. This plan proposed the establishment of an electoral commission, but its role was to be limited to supervision initially. In the medium-term, over a period of five years, the task of the electoral commission would expand to include control and administration of elections. As it turned out, the Constitution Drafting Assembly planned an immediate change. According to the 1997 constitution (section 144), the ECT is responsible for holding, or causing to be held, in an honest and fair manner, the election of members of the HoR, senators, members of local assemblies and local

administrators, including voting in a referendum. The ECT is also the political-party registrar and is responsible for the Political Party Development Fund.³

The ECT must have an independent administration and the government has the mandate to provide an adequate budget both for day-to-day operations and for the conduct of elections. The ECT consists of a chairman and another four commissioners appointed by the King on the advice of the Senate. All members have to be persons with apparent political impartiality and integrity. The electoral commissioners serve a seven-year term and can serve for only one term. The objective of this is to promote the freedom and neutrality of electoral commissioners without the concern of reappointment. Qualifications of electoral commissioners include (1) being of Thai nationality by birth; (2) being not less than 40 years old on the nomination day; (3) holding a degree not lower than a bachelor's degree or its equivalent; (4) not being under any of the prohibitions set down in the constitution;⁴ (5) not being a member of the HoR or the Senate, a political official, a member of a local assembly, or a local administrator; (6) not being or have been a member of, or holding any other position in a political party throughout the period of five years preceding the holding of office; (7) not being an ombudsman, a member of the National Human Rights Commission, a judge of the constitutional court, a judge of the administrative court, a member of the National Counter Corruption Commission or a member of the State Audit Commission.

Concerning its internal organization, the ECT is divided into five sections including general administration, investigation and adjudication, electoral administration, public participation, and political party affairs and referendums (ECT, 2000). Each commissioner is responsible for one section. Apart from the central office in Bangkok, the ECT has provincial branches, called Provincial Electoral Commissions (PEC). The ECT appoints the PECs. Each PEC has five, seven, or nine members, depending on the size of the province. The bulk of the ECT's work is done at the provincial level: preparing and checking the voter lists, identifying polling stations, recruiting and training polling station committees, determining and organizing a central place for counting votes, etc. The ECT's permanent organization ends at the provincial level with the PECs and their offices. Temporary positions, such as the constituency directors, exist only during elections of the HoR. In addition to its own manpower, during elections the ECT has the power to ask government officers, employees of a state agency, state enterprise or local government or other state officials to perform all necessary acts for organizing an election.

3. The Political Party Development Fund provides public funding to political parties according to certain key conditions as laid down in part 2, article 56-64 of the Political Party Law of 1998.

4. The prohibitions are in section 106 and section 109 (1), (2), (4), (5), (6), (7), (13) and (16) of the 1997 constitution.

Distinguished Power of the ECT

Apart from the intention to make the ECT independent and impartial, as seen above, the 1997 constitution strengthens the ECT by equipping it with a distinct power that the Ministry of the Interior never had when holding previous elections. In the past, petitions or cases against candidates who violated the election law were taken to a normal court. This normally took a long time to investigate and since such violations were done in secrecy and concerned parties were involved on a voluntary basis, the cases were usually dropped because of inadequate evidence. As a result, candidates were not motivated to respect the law. To correct this problem, the 1997 constitution empowers the ECT to investigate complaints of electoral fraud and irregularities, or objections to the results on the basis that the election in a particular constituency has been improper and unlawful, lodged by a voter, candidate or political party. With convincing evidence of a violation or irregularities, the ECT has the power to disqualify candidates and political parties, to cancel the results, to dismiss elected candidates, to revoke election rights of any person on the grounds of election fraud and to order a new election in any or all polling stations (sections 145 and 147). The resolution of the ECT is final. This distinctive power of the ECT is intended to be both a preventive and a corrective measure in dealing with problems of electoral fraud.

Supervisory Function of Private Organizations in the Electoral Process

The ECT alone cannot fulfil the mission of organizing a clean and fair election. Within the new electoral system private organizations also have a role to play. The 1997 constitution provides that the ECT can entrust private agencies with duties. The ECT is also obliged by law to work with private organizations or non-governmental organizations in two areas: providing political education to the people, and supervising and ensuring the integrity of the electoral process. The supervisory role of private organizations is not totally new in the Thai electoral system. As previously mentioned, the Poll Watch Committee was set up in 1992 with the same intention. But in the new electoral system, private organizations wanting to take part in the supervision of the electoral process have to make a request to the ECT. After checking their political impartiality, the ECT will appoint and support them to perform supervisory tasks in an election. Three private bodies are well-known in this matter: the Poll Watch Foundation for Democracy in Thailand, the People's Network for Election in Thailand (P-Net) and the Provincial Private Organization Co-ordinating Centre. The Poll Watch Foundation and the P-Net exist separately by name, but the General Secretary of the Poll Watch Foundation is also the co-ordinator of the P-Net. The Poll Watch Foundation is actually a successor of the Poll Watch Committee. The Foundation has the approval of the ECT to monitor electoral processes. The P-Net is a creation of the Poll Watch Foundation as a network of local private organizations. In other words, P-Net is the operating network of the Poll Watch Foundation. While the Poll Watch and P-Net are independent

from the ECT, the Provincial Private Organization Co-ordinating Centre is the people wing of the ECT. This is the co-ordinating centre for local private organizations endorsed by the ECT to operate at the provincial and constituency levels.

It is clear from the above that the 1997 constitution provides for an electoral system that is very different from what Thailand used to have in terms of electoral form, key actors, conditions of candidature and the role of citizens and private organizations in the electoral process. The next section looks at the performance of this new electoral system: to what extent it is conducive to open, clean, fair and meaningful elections.

Performance of the Electoral System

Since the instalment of the new electoral system, two elections have been conducted. One was the election of senators on 4 March 2000 and the other was the election of members of the HoR on 6 January 2001. In relative terms, both elections produced acceptable results. Electoral fraud and irregularities were closely monitored. The public applauded the ECT for using its powers to disqualify candidates before the elections, as well as elected candidates after the elections on the grounds of cheating and violation of the electoral law. However, there are lessons to be learned and problems to be resolved, especially concerning the management of elections, repeat elections, the integrity of the PEC and the high budget. Before evaluating the new electoral system in terms of openness, fairness and meaningfulness, the results of both elections are examined.

The Results of the Election of Senators

The election of senators on 6 March 2000 was significant for two reasons. First, it was the first senatorial election in Thailand, and second, it was the first election under the new constitution. According to the ECT, there were 42,557,583 eligible voters in the country. Every province was designated a constituency – 76 in all. For advance and overseas voting, the ECT set up 413 central polling stations in the country and 76 polling stations in foreign countries. For the Senate, 1,521 candidates were competing for 200 seats: 1,408 males (92.57 per cent) and 113 females (7.43 per cent). The voter turn-out was 30,593,259 (71.89 per cent). The rate of invalid ballots and no-intention-to-vote ballots was 6.29 per cent and 3.51 per cent, respectively. Only 1.44 per cent of eligible voters cast ballots in advance voting (25-29 February 2000). For overseas voting (16-26 February 2000), 26,058 voters registered but the voter turn-out was only 39.53 per cent. The ECT endorsed the results of 122 elected candidates in the first round. Repeat elections were called on 29 April 2000 in 35 constituencies. The ECT backed the results of 66 elected candidates and called a new round of elections on 4 June 2000. In this repeat election, the ECT approved the results of

eight elected candidates. Three more elected candidates were approved in the fourth (24 June and 9 July) and fifth (22 July) rounds of elections. It took five rounds of elections over a span of five months (March to July) to complete the quorum of 200 members (ECT, 2000: 33-57).

The Results of the Election of Members of the HoR

After the dissolution of the HoR on 9 November 2000 by Prime Minister Chuan Leekpai, an election was called on 6 January 2001. This was the twentieth general election of the HoR, but the first general election of members of the HoR to be held under the new constitution. It was also the first time Thai people had elected members of the HoR on a constituency basis and on a party-list basis. In practice, a voter, after checking his/her identification and signing his/her name, is given two ballots: one for the election of a constituency member of the HoR and one for the election of party-list members of the HoR. Candidates representing parties in constituencies are given numbers that correspond with the numbers in the party list. For example, if the number of the Thai-Rak-Thai Party on the party list is seven, every candidate representing the Thai-Rak Thai Party in every constituency is given the number seven. A voter elects one candidate in one ballot and one party list in another. A voter's choice of candidate and party list need not correspond. Voting hours are from 8.30 a.m. to 3.00 p.m.

According to the ECT,⁵ there were 42,759,001 eligible voters⁶ in the election for members of the HoR. The country was divided into 400 constituencies with an average of 154,154 inhabitants per member of the HoR. The ECT set up 476 central polling stations for advance voting (29-30 December) and 78 central polling stations in 66 countries for overseas voting (3-30 December). There were 2,782 candidates for the constituency election: 2,430 (87.35 per cent) males and 352 (12.65 per cent) females. They represented 39 political parties. Only the Thai-Rak-Thai Party nominated candidates in every constituency. The Democrat Party nominated candidates in 398 constituencies. For the party-list election, 37 political parties submitted their party lists of candidates. There were 940 candidates: 792 (84.26 per cent) males and 148 (15.74 per cent) females. Only five parties had 100 candidates on their party lists. These were the New Aspiration Party, the Thai-Rak-Thai Party, the Chart Thai Party, the Democrat Party and the Chart Pattana Party.

The voter turn-out rate was 64.94 per cent. For the advance voting, 275,692 voters registered and voter turn-out was 83.32 per cent. For overseas voting, there were 40,670 registered voters, but only 35.70 per cent went to the polls. In the constituency election, the rates of invalid and no-intention-to-vote ballots were 10.01 per cent and 3.35 per cent, respectively, and in the case of the party-list election, 2.49 per cent and 1.77 per cent, respectively.

5. The result of the 2001 election is available through the ECT website at www.ect.go.th

6. The number of inhabitants in the year preceding the year of election was 61,661,701.

Table 2 shows the results of the party-list election. Out of 37 parties, only five received more than 5 per cent of the total number of votes country-wide. With the proportion of 245,335.15 votes per member of the HoR,⁷ the Thai-Rak-Thai Party won a majority with 48 seats. The Democrat Party came in second with 31 seats, while the New Aspiration, Chart Pattana and Chart Thai parties netted eight, seven and six seats, respectively.

Table 2: Results of the Election of Party-list Members of the HoR (31 January 2001)

Party-list Number	Political Party	Scores	%	No. of MPs		
				M	F	Total
5	New Aspiration Party	2,008,948	7.0171	8	-	8
7	Thai-Rak-Thai Party	11,634,495	40.6386	45	3	48
9	Chart Thai Party	1,523,807	5.3226	5	1	6
16	Democrat Party	7,610,789	26.5840	29	2	31
21	Chart Pattana Party	1,755,476	6.13	6	1	7

Source: Adapted from data at www.ect.go.th

Table 3: Results of the January 2001 General Election of Members of the HoR, by Political Party (2 February 2001)

Political Party	Number of Constituency Seats		Number of Party-list Seats		Total Seats Won			
	No.	%	No.	%	M	F	Total	
							No.	%
Thai-Rak-Thai	200	50.00	48	48	222	26	248	49.6
Democrat	97	24.25	31	31	116	12	128	25.6
Chart Thai	35	8.75	6	6	36	5	41	8.2
New Aspiration	28	7.00	8	8	36	-	36	7.2
Chart Pattana	22	5.50	7	7	27	2	29	5.8
Liberal Democratic Party of the People	14	3.50	-	-	14	-	14	2.8
Party of the People	2	0.50	-	-	1	1	2	0.4
Social Action Party	1	0.25	-	-	1	-	1	0.2
Thai Motherland Party	1	0.25	-	-	1	-	1	0.2
Total	400	100	100	100	454	46	500	100

Source: Adapted from data at www.ect.go.th

7. This proportion is determined by the division of the total votes of the five parties receiving more than 5 per cent of votes (that is 24,533,515 votes) by the number of party-list members of the HoR (100).

The ECT endorsed 338 elected candidates in the first round of elections and called for a new round of elections in 62 constituencies on 29 January and ordered repeat elections in 11 polling stations in the Nakhon Nayok Province constituency on 1 February. On 2 February 2001, the election of the 400 constituency members of the HoR was completed. The ECT was under pressure to complete elections for the 500 quorum of the HoR within 30 days from the 6 January polling day according to the provisions of the electoral law. However, the ECT could continue to investigate complaints or objections concerning fraud and irregularities in the electoral process and could dismiss elected members of the HoR within a year. As shown in Table 3, the Thai-Rak-Thai Party won a majority of 200 seats. Again, the Democrat Party came in second with 97 seats. As a result, the Thai-Rak-Thai Party has in total 248 members of the HoR, followed by the Democrat Party with 128 members of the HoR.

Women and Farmers Under-represented

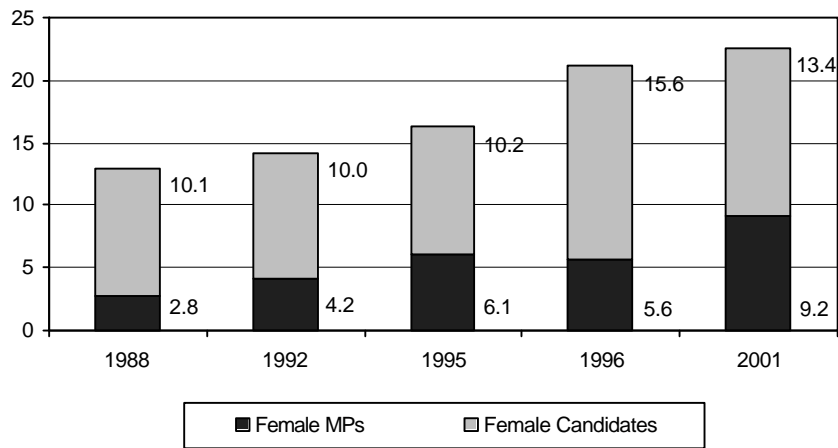
Given the results of the election of the HoR and the Senate, the question is whether the new electoral system allows every citizen to participate and to what extent the elected members are representatives of the people. By law, the electoral system grants equal political rights to all groups of citizens. Every Thai citizen who is at least 18 years of age, irrespective of gender, religion, language and occupation, has the right to vote. There is no institutional arrangement to guarantee a certain level of political representation of particular social groups. One reason is that Thai society has a high degree of homogeneity. Social conflict based on race, ethnic group, or religion is not a serious issue in Thailand. Instead, there is a requirement that the party list of each party should consist of candidates equitably distributed over all the regions of the country. The qualifying conditions for voters and candidates, such as age, education and party-affiliation, are not discriminatory, but are aimed at improving the quality of members of the HoR and the Senate, and politics as a whole.

Table 4: Gender Breakdown of Members of the HoR and the Senate

Election	Male		Female		Total	
	No.	%	No.	%	No.	%
Members of the HoR	454	90.8	46	9.2	500	100
<i>Constituency basis</i>	361	90.25	39	9.75	400	100
<i>Party-list basis</i>	93	93	7	7	100	100
Senators*	179	89.5	21	10.5	100	100

* Data as at 15 September 2000.
Source: Adapted from data at www.ect.go.th

Figure 1: Percentage of Female Candidates and Members of the HoR in the Elections, 1988 to 2001



Source: Table 4 and DOLA, Ministry of the Interior, 1988, 1992b, 1995 and 1996.

However, a closer look at the social and occupational backgrounds of candidates and members of the HoR reflects that women and farmers are not well represented in the HoR and the Senate. Currently, the number of males and females in the population is almost equal.⁸ But the number of female candidates in both elections was quite low. Out of 3,722 candidates running for the HoR and 1,521 candidates running for the Senate, only 13.43 per cent and 7.40 per cent were females, respectively. The results of the elections show that only 21 senators (10.50 per cent) and 46 members of the HoR (9.20 per cent) are female (see Table 4). The proportion of female constituency members of the HoR (9.75 per cent) is higher than that of female party-list members (7.00 per cent). This is due to the fact that, despite the higher number of female party-list candidates than female constituency candidates, only a few female candidates were placed in the top ranks of party lists. For example, the Thai-Rak-Thai Party, the Chart Thai Party and the Democrat Party had only one female candidate in the top twenty, while the New Aspiration Party and the Chart Pattana Party had two candidates. Large parties such as the Thai-Rak-Thai Party and the Democrat Party had a total of four and nine female candidates on their party lists, respectively. It is clear that no party paid serious attention to the promotion of the role of women in politics in recruiting candidates. It also reflects that women's issues are not attractive to the electorate. The results of both elections show a higher number of female members of the HoR and the Senate compared to previous elections; however, the proportion of female members of the HoR and the Senate is still very low at under 10 per cent. Such data reflects that the

8. According to *Mahidol Population Gazette*, 10(1), July 2001, the total population is 62,127,000. The male population is 30,848,000 and the female population is 31,279,000.

new electoral system may not have a negative effect on women, but it is inadequate for increasing female representation in the HoR and the Senate at an acceptable rate.

Farmers are also under-represented considering the majority of Thai people earn their living in the agricultural sector. Table 5 shows that out of 3,722 candidates in the HoR election, only 97 candidates (2.6 per cent) were farmers and only 1.8 per cent, or nine out of 500 members of the HoR are farmers. The Senate's election shows a similar picture. Out of 1,521 candidates, only 3.6 per cent or 55 candidates earned their living as farmers. Only 5 per cent of 200 senators are farmers (ECT, 2000: 122). Table 5 also illustrates that the majority of candidates and members of the HoR were businesspersons, civil servants or politicians.

Table 5: Occupational Backgrounds of Candidates and Members of the HoR in the 2001 Election

Occupation	Constituency Basis		Party-list Basis		Total	
	Candidates	MPs	Candidates	MPs	Candidates	MPs
Businessperson	550 (19.77%)	108 (27.00%)	168 (17.87%)	21 (21.00%)	718 (19.29%)	129 (25.8%)
Civil servant	498 (17.90%)	50 (12.50%)	181 (19.26%)	12 (12%)	679 (18.24%)	62 (12.4%)
Politician	286 (10.28%)	116 (29.00%)	49 (5.21%)	41 (41%)	335 (9.00%)	157 (31.4%)
Lawyer	370 (13.30%)	29 (7.25%)	65 (6.91%)	6 (6.00%)	435 (11.69%)	35 (7.00%)
Employee	153 (5.50%)	12 (3.00%)	125 (13.30%)	2 (2.00%)	278 (7.47%)	14 (2.80%)
Trader	151 (5.43%)	18 (4.50%)	31 (3.30%)	1 (1.00%)	182 (4.89%)	19 (3.80%)
Retired civil servant	100 (3.59%)	5 (1.25%)	114 (12.13%)	6 (6.00%)	214 (5.75%)	11 (2.20%)
Farmer	84 (3.02%)	9 (2.25%)	13 (1.38%)	-	97 (2.61%)	9 (1.8%)
Political official	68 (2.44%)	8 (2.00%)	46 (4.89%)	2 (2.00%)	114 (3.06%)	10 (2.00%)
Independent professional	60 (2.16%)	3 (0.75%)	21 (2.23%)	-	81 (2.18%)	3 (0.6%)
Nurse	25 (0.90%)	11 (2.75%)	7 (0.74%)	-	32 (0.86%)	11 (2.20%)
Public enterprise employee	20 (0.72%)	1 (0.25%)	12 (1.28%)	-	32 (0.86%)	1 (0.20%)
Local government employee	14 (0.50%)	6 (1.50%)	2 (0.21%)	-	16 (0.43%)	6 (1.2%)
Others	403 (13.49%)	24 (6.00%)	106 (11.28%)	9 (9.00%)	509 (13.67%)	33 (6.60%)
Total	2,782 (100%)	400 (100%)	940 (100%)	100 (100%)	3,722 (100%)	500 (100%)

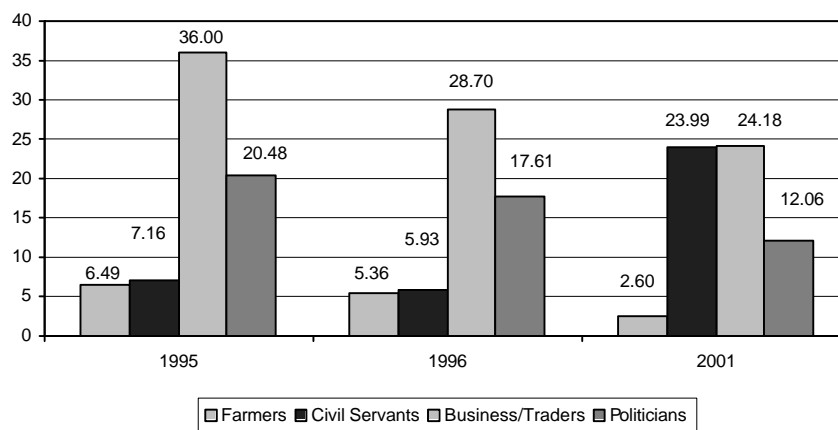
Source: Adapted from data at www.ect.go.th

Table 6: Selected Occupational Backgrounds of Candidates and Members of the HoR in the 1995, 1996 and 2001 Elections (as % of total)

Occupation	1995 election		1996 election		2001 election	
	Candidates	MPs	Candidates	MPs	Candidates	MPs
Farmer	6.49	3.00	5.36	2.00	2.60	1.80
Retired/Civil Servant	7.16	3.00	5.93	3.80	23.99	14.60
Businessperson/Trader	36.00	29.4	28.70	29.00	24.18	29.60
Politician	20.48	53.19	17.61	58.52	12.06	33.40

Source: Table 5 and DOLA, 1995 and 1996.

Figure 2: Selected Occupations of Candidates of the HoR in the 1995, 1996 and 2001 Elections



Source: Table 6.

It is notable that the percentage of candidates and members of the HoR with agricultural backgrounds in the 2001 election was lower than in previous elections (see Table 6 and Figure 2). From 5.36 per cent in the 1996 election it dropped to only 2.60 per cent in the 2001 election. It is also interesting to see the dramatic increase of candidates with civil service backgrounds from 5.93 per cent in the 1996 election to 23.99 per cent in the 2001 election. It is quite clear that this change is a function of the new requirement of a bachelor's degree as the minimum educational level of candidature. Most farmers are poor and have a compulsory level of education at best. Very few have degrees. Therefore, while the requirement of a bachelor's degree aims to improve the quality of the members of the HoR and the Senate, it has a negative impact on social groups with a low level of education such, as farmers, industrial workers and informal

sector workers, because it excludes the majority of them from the right to stand as a candidate in an election. This has reduced the already low representation of these groups even further. In contrast, this requirement favours civil servants as the most educated group in Thai society, as witnessed by the rise in the number and percentage of candidates with civil service backgrounds. The fact that under 10 per cent of Thai people with passive voting rights hold bachelors' degrees brings into question whether this requirement for candidacy obstructs democratic representation.

The Power of the ECT: Yellow and Red Cards

To what extent does the new electoral system support clean and fair elections? The new electoral system has been designed with the goal of combatting fraud and irregularities and upholding the integrity of the electoral process. The low quality of the electoral system in the past was seen as a root cause of the cronyism, corruption and lack of professionalism and ethics that characterized members of parliament. With this goal in mind, the ECT has been given full responsibility for conducting clean and fair elections. The public seems to be satisfied with the results of elections generally, compared with previous elections. At this stage, it appears that the new polling agency, and the new rules and regulations can serve to establish a standard of clean and fair elections. Cheating at the polls has become more difficult. The ECT is seen to be making serious attempts to ensure the integrity of the election process; for example, by requesting that the Royal Police Bureau transfers politically partial police officers to inactive posts, by affixing authenticity stickers on ballots as a counter-fraud measure and by supporting private volunteers to monitor the electoral process.

The most powerful measure in discouraging dishonest candidates is the legal mandate of the ECT to investigate complaints of any behaviour violating the Electoral Law and to cancel electoral results and call for a repeat election. In practice, the ECT used this authority by issuing red or yellow cards to candidates who had violated electoral rules, in much the same way as is done in a football match. If an elected candidate is suspected of cheating but the ECT cannot prove this beyond doubt, the candidate is issued with a yellow card, which invalidates the election results but allows the candidate to contest in a new round of election. Candidates or elected candidates who are given red cards are disfranchised of their voting rights for a year and barred from participating in subsequent rounds of elections. The issuing of yellow or red cards requires a unanimous decision by the five commissioners of the ECT. Handing out red cards to candidates also requires approval from the Council of State. In the Senate election, only yellow cards were handed out. In the 2001 HoR election, four candidates were issued red cards before polling day. After the election, the ECT ordered a repeat election in 62 constituencies in which eight elected candidates had received red cards and 52 elected candidates had received

yellow cards on the grounds of violating section 44 of the Electoral Law.⁹ The power of the ECT to issue yellow or red cards does not end when it endorses the election results. The ECT can continue to investigate complaints or objections and dismiss elected members of parliament for one year. For example, a yellow card was issued to the Lopburi senator who was also the speaker of the Senate. This resulted in his dismissal and he also lost in the repeat election. In the case of the HoR, the ECT issued seven elected members of the HoR with a yellow card and called a repeat election on 30 June 2001.

Such a legal mandate and the determination of the ECT to combat any violation of electoral rules has had an impact on the behaviour of candidates. A greater awareness of the Electoral Law and the power of the ECT made candidates more careful in conducting electoral campaigns. In fact, in addition to the ECT and its arms, such as the police and volunteers, the P-Net kept candidates under surveillance. Moreover, rival candidates also watched each other closely and became an informative source for the ECT and the P-Net. Some candidates did so aggressively by spying on their rivals, tapping telephone conversations, buying evidence of or information on violations of the law by rivals, or conspiring to accuse their rivals of violating the electoral law. From 400 constituencies, the ECT received 337 objections, mostly from candidates. Among the private organizations certified by the ECT as watchdogs in the election, the P-Net and the Poll Watch Foundation were the most well known and active in supervising the election process, both before and after the election. Moreover, the scope of the P-Net was not limited to candidates, but included the ECT and government offices. With limited support from the ECT, the P-Net was able to focus their monitoring operation on 206 constituencies that were considered as having a fierce competition (Srisuthiyakorn, 2001: 15). The P-Net's strategies were to report complaints to the ECT and employ media coverage. The media also played a crucial role in monitoring electoral processes. Situations or cases relating to fraud and irregularities were publicized. Media coverage was extensive in the election of the HoR, involving everything from the campaigns and activities of candidates and parties to daily analysis and discussion of parties' policies.

In addition to various actors supervising the electoral process, the introduction of a new vote counting system, in which all ballots in each constituency were tallied at a central venue, proved to be relatively successful in increasing voters'

9. Section 44 of the Electoral Law stipulates that no candidate nor any person shall commit any act to induce electors to cast a ballot for him or her or other candidates or any political party or to abstain from voting for any candidate or political party by the following means:
 - i) Providing, giving, offering, promising to give or preparing to give properties or any other benefits which can be calculated in money value to any person;
 - ii) Giving, offering or promising to give money, properties or any other benefits whether directly or indirectly to the community, association, foundation, temple, educational institution, asylum or any other institution;
 - iii) Advertising for an election by organizing entertainment;
 - iv) Treating or promising to treat any person with meals;
 - v) Deceiving, forcing, threatening, intimidating, slandering or inducing misunderstanding in the popularity of any candidate or political party.

confidence in the secrecy of their votes and subsequently provided voters with greater freedom of choice. It also became clear that the new counting system made vote buying through a network of canvassers an uncertain means of winning an election. This was evidenced by the fact that many influential politicians, such as Samut Prakhon, Phetchaburi and Pathum Thani, failed in the election (*The Nation*, 8 January 2001).

New Patterns of Vote Buying and Electoral Fraud

Despite the satisfaction with the overall performance, there are still problems concerning the integrity of the electoral process. First, cheating and vote buying still exist, but methods have become more sophisticated. For example, instead of having direct contact with voters, candidates and canvassers paid vote-buying money to voters via postal orders or bank accounts. The transaction tended to be exclusive in a group of trusted voters. Another method of vote buying used was putting voters' names down as temporary employees in voting campaigns or in labour-intensive businesses such as plantations and factories. Misinformation was also a common way of cheating in this election. For example, candidates spread false information that rival candidates had been disqualified by the ECT, or orchestrated vote buying using the name of rival candidates in order to get the ECT to sanction their rivals.

Second, although the merits of the new system of vote counting are well accepted, there are some problems of transparency in the vote counting process. These include (1) the risk of ballots being tampered with during their transportation to counting centres; (2) ballots having to go through too many hands from the time the polling station is closed to the end of the counting process;¹⁰ (3) simultaneous counting at the central venue could lead to confusion, giving opportunity for on-the-spot cheating; (4) representatives of candidates and parties are able to become members of vote-counting committees; (5) the new system is harder to monitor than the old one, where ballots were counted at individual polling stations (ANFREL, 2001). Problems with the counting process led to protests by candidates and their supporters in many constituencies.

Third, the integrity of the ECT was tarnished by the partisan conduct of its local staff. At provincial, constituency and polling station levels, some local staff (provincial electoral committee, constituency director, chairperson of a polling station counting committee, etc.) were found to be acquainted with candidates and canvassers. These officers were subject to bribery and influence, making their decisions and actions biased in favour of certain candidates, for instance by turning a blind eye to violations committed by their patrons while taking a tough stance against rival candidates. Moreover, electoral fraud such as the

10. After closing time, ballots are counted at a polling station. When they arrive at a central counting venue, they are counted again. Then the two categories of ballots in each box (constituency and party list) are separated. Ballots of each category are then mixed with those from other polling stations and divided into small bags of 500 ballots each.

smuggling of ballot papers, phantom voting and tampering with ballot boxes and vote tabulations were possible with the co-operation of dishonest electoral officers.

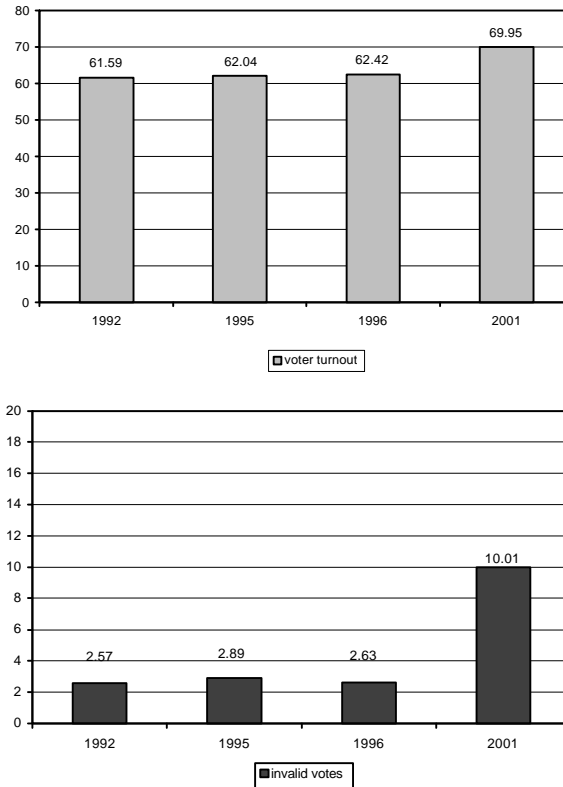
Meaningful Elections: High Voter Turn-out

Does the result of the HoR election reflect meaningful political participation of citizens? The picture is contradictory. On the bright side, there was a higher rate of voter turn-out than before (see Figure 3). This was due to various factors. First, voting was compulsory for citizens, with penalties for those who failed to vote. The provision of advance voting also facilitated the high voter turn-out, with 83.32 per cent of those registered for advance voting going to the polls. Second, since it was the first general election for members of the HoR, there was a high level of public enthusiasm for the new electoral system. Various government and private organizations made concerted efforts to educate people about the new rules and encourage participation in the election. For example, the Department of Local Administration launched a nation-wide campaign called 'Raising the Democratic Flag'. The ECT and P-Net also included political education in their missions. The ECT spent about 200 million Baht (US\$4.44 million) on educating the public about the new electoral processes.¹¹ Third, for the people, the 2001 election was not only an election of members of the HoR but also of the prime minister and the government. The constitution provides that the prime minister must be a member of the HoR. Voters had a clear choice of two different styles of leadership and two different lines of policy platforms. There was intense competition between the Thai-Rak-Thai Party under the leadership of Thaksin Shinawatra and the Democrat Party under the leadership of former Prime Minister Chuan Leekpai. Both parties employed various campaign activities to attract support, including an extensive recruitment of party members and offering candidates with high credentials, especially those on party lists, big rallies and advertising campaigns through the media, posters and billboards. The intense competition caught the public's attention and made people enthusiastic about exercising their voting rights.

Nevertheless, the voter turn-out has to be analysed with some caution. Despite the fact that the rate was higher than in previous elections, as many as 12 million eligible voters (30 per cent) did not vote in this election. Given the fact that voting was an obligation by law with the penalty of revocation of political rights, and that advance voting was provided, this reflects that for a number of people political rights do not matter. Political apathy does still exist.

11. Data was requested from the Secretariat of the ECT.

Figure 3: Voter Turn-out and Invalid Votes in the 1992, 1995, 1996 and 2001 Election of the HoR



Source: DOLA, 1992a, 1995, and 1996.

Another issue of concern is the high number of invalid ballots (see Figure 3). A total of 2,992,081 ballots were declared invalid in the constituency election, accounting for 10.01 per cent of total voter turn-out, while only 745,829 party-list ballots were invalid, or 2.49 per cent of total voter turn-out. Many invalid ballots in the constituency election had marks (X) on a number that had no candidate.¹² This happened because constituency candidates carried the number of their parties, but parties did not field candidates in every constituency. Additionally, it was found that the high number of invalid ballots was related to the number of illiterate voters. For instance, invalid ballots accounted for 28 per cent of total ballots in a constituency in Chiang Mai Province where most voters are illiterate people from hill tribes (*Bangkok Post*, 28 January 2001). In addition, invalid ballots were caused by the lack of information about

12. I made this observation at several counting centres on 6 and 7 January 2001.

constituency candidates for voters living or working outside their registered constituencies. According to the report of the Asian Network for Free Elections (ANFREL), 'most voters who cast ballots during the advance voting period in Bangkok had no clue about candidates in their home constituencies. At their designated central voting stations, they found the information boards provided by the ECT were not of much help to decide whom to vote for. It only gave the candidates' numbers and affirmed their qualification as candidates. Many voters said that the information boards would be more helpful if the candidates' background and their party policy in brief were included. Some of them had to call home to inquire about the candidates in their constituencies from family members while a number of them decided to forego casting ballots for constituency candidates and only marked party-list ballots (ANFREL, 2001: 24). These problems reflect the fact that voters were not well prepared (in terms of being aware of contesting parties' policies and credentials of candidates) for quality voting.

The last issue is the growing concern about unequal competition between small and large parties due to unequal financial resources and media attention. The problem was that only major parties received media attention or could afford to spend money on media coverage. It was found that major parties spent heavily on the media. For example, the Thai-Rak-Thai Party ranked as the biggest spender on political advertisements during the election. It spent 60.9 million Baht or US\$1.35 million. The next five parties in line were the Rassadorn Party (29.5 million Baht or US\$650,000), the Chat Pattana Party (25.5 million Baht or US\$560,000), the Chart Thai Party (23.5 million Baht or US\$520,000), the New Aspiration Party (20.1 million Baht or US\$450,000) and the Democrat Party (5.8 million Baht or US\$120,000) (*The Nation*, 12 January 2001). Due to lack of funding and an inability to get media coverage to help convey their party policies to the people, small parties were ignored and forgotten. This situation gave the large parties an advantage which was reflected in the results of the HoR election.

High Budget and Repetitive Voting

In terms of administration and efficiency, as it was the first general election under the new rules and as the ECT had only recently been implemented, there were several management problems. First, inadequate and untrained staff were reported to be a cause of delay and chaos in many constituencies. As the ECT itself only had 523 permanent officers, 152 officers at the central office and 423 officers at provincial offices (ECT, 2000: 6), most of the one million staff that the ECT used in organizing the election were temporary employees and government officers who had been seconded from government agencies. Therefore, in addition to the problem of the availability of government officers, providing training to a vast number of staff nation-wide was difficult. Second, the staff problem was worsened by confused information over rules and procedures. The rules and regulations issued by the central ECT were perceived differently by the PEC, which caused confusion among local staff, candidates and people.

For example, staff at some polling stations were not aware of the procedure of affixing authenticity stickers to ballot boxes as a counter-fraud measure until the ECT gave an instruction by radio to every polling station. Third, the ECT's high budget gave cause for concern. They spent almost 5,000 million Baht (approximately US\$111 million) on conducting both elections.¹³ This is very high compared to the approximately 700-900 million Baht (US\$15.5-20 million) spent by the Ministry of the Interior per election in the past. The high budget was partly attributed to repeat elections. As mentioned, it took five rounds of election to fulfil the quorum of 200 senators and two rounds of election to fill all the seats in the HoR. In addition to the high budget, repeat elections caused political apathy or boredom to set in. The rate of voter turn-out, for example, decreased from 71.89 per cent in the first round of the Senate elections to 31.40 per cent in the fifth round.

The Contribution of the New Electoral System and Elections to the Performance of the Political System

Elections are not an end in themselves. In Thailand the new electoral system is expected to be instrumental in the establishment of new politics. So are we seeing new politics in Thailand after the general elections of senators and members of the HoR? It may be too early to answer this conclusively since this was the first election of its kind to be held under the new electoral system and in the context of the 1997 constitution. At this stage, the new electoral system and both elections have contributed to several major changes in the Thai political system. However, whether these changes will lead to new politics or not still remains to be seen.

A Shift of Political Generation

The new electoral system has changed the personnel of parliamentary politics. The senators are now elected rather than appointed. This allows some variation of senators' backgrounds. At the 2000 senatorial election, the domination of the old force of bureaucratic polity (military and civilian officers) was diminished with the rise in the number of NGO representatives, activists, politicians and professionals, such as lawyers and medical doctors.¹⁴ For example, out of Bangkok's 18 senatorial seats, eight were won by NGO representatives and activists, while five went to senior bureaucrats, professionals, modern businesspersons and executives. Most of them were new faces in politics and all of them had at least a bachelor's degree.

13. The ECT spent 2,336,546,893 Baht on the 2000 Senate election and 2,344,909,200 Baht on the 2001 HoR election. The information on the budget of the 2001 HoR election is from the Secretariat of the ECT.

14. The percentage of senators with a background as retired bureaucrats decreased from 43.96 per cent to 27.96 per cent; lawyers increased from 2.56 per cent to 11.85 per cent; medical doctors increased from 0.37 per cent to 4.29 per cent; and politicians increased from 0.37 per cent to 9.01 per cent.

Table 7: Backgrounds of First Time Members of the HoR in the 2001 Election

Items	Description	Number	
		No.	%
Type of HoR Member	Party-list members	36	15.32
	Constituency members	199	84.68
Gender	Female	30	12.77
	Male	205	87.23
Political Parties	Thai-Rak-Thai	132	56.17
	Democrat	50	21.28
	New Aspiration	14	5.96
	Chart Thai	18	7.66
	Chat Pattana	13	5.53
	Others	8	3.4
Age	25-35	45	19.15
	36-45	107	45.53
	46-55	53	22.55
	56 and above	30	12.77

Source: The Secretariat of the HoR.

The generational shift is clear in the case of members of the HoR. At the 1996 election, for example, around a third of the total HoR's seats changed hands, passing to first-time members of the HoR (DOLA, 1996), whereas at the 2001 election, almost half were newcomers. There were 235 first-time members of the HoR, accounting for 49 per cent of total seats.¹⁵ Table 7 above illustrates the backgrounds of these new members of the HoR. More than half of them belonged to the Thai-Rak-Thai Party. And on the whole they were younger and more highly educated. Compared to previous elections, the educational background of members of the HoR at the 2001 election improved significantly. Members with a master's degree increased from 17.39 per cent in the 1996 election to 41.20 per cent in the 2001 election, while members with an education below a bachelor's degree decreased from 27.36 per cent in the 1996 election to 14.00 per cent in the 2001 election. In particular, the party-list system allowed well-known and capable figures to enter politics whose chances of being elected under the old system would have been small. Examples included Purachai Piumsombun (Minister of the Interior), Surapong Suebwonglee (Deputy Minister of Public Health) and Pongthep Thepkarnchana (Minister of Justice). Out of the 100 party-list members of the HoR, 43 per cent had a master's degree and 17 per cent had a Ph.D. This shift is considered a positive contribution to the development of a new political system, not only because new people with new ideas, attitudes and political culture have been brought in, but also because old

15. Data on the first-time members of the HoR is from the Secretariat of the HoR.

and patronage politics have been swept out. However, some critics have played down the contribution of the new breed of politician since many of them are sons and daughters of influential politicians. It is argued that this was in fact a hereditary shift or dynasty succession.¹⁶

Active Senators

Prior to the 1997 constitution, the focus of parliamentary politics was on the HoR while the Senate was passive, mainly consisting of military and civilian officers and key businesspersons who acted as supporters of the prime minister who had appointed them. The 1997 constitution and the new electoral rules changed this political landscape. As a result of the election, the backgrounds of senators expanded to include new forces in politics such as NGO representatives, activists and urban professionals. In addition, the Senate became a political institution responsive and accountable to the needs and demands of the public, and a channel for people's participation. As elected senators are not members of parties, they can act independently for the public interest. Therefore, the new Senate is seen to be playing an active role in examining bills and monitoring the government. This new role is beneficial to the performance of the political system, especially in the current situation in which parties from the government side (in particular the Thai-Rak-Thai Party) dominate the HoR and the members of the HoR are bound by parties' rules and decisions. The opposition force is also weak. The Senate provides an extra level for checking and examining governmental decisions.

Development of Political Parties

As a result of the new electoral system and the elections that have taken place under it, Thailand is seen as moving towards ideological or policy-driven politics with fewer parties. Under the new electoral rules, especially the combination of plurality and proportional representation systems, old style political parties, which were primarily groupings of individuals, networks of patrons, or provincial businessperson-politicians and clients, without attractive and feasible policy platforms or party images, have a small chance of survival. The 2001 election saw an intense competition between two large political parties with different platforms and groups of supporters. On the one side was the Democrat Party, the oldest party in Thailand, with roots going back to a royalist faction in the immediate post-war era. Under the leadership of Chuan Leekpai, and with the support of the Bangkok wing of the party,¹⁷ the Democrat Party had been transformed from a largely provincially based party that was

16. For example, Banharn Silpa-archa (the leader of the Chart Thai Party) brought in his son in Suphanburi Province; Siriwat Kajohnprasart succeeded his father, Sanan Kajohnpasart (former secretary-general of the Democrat Party and former minister of the interior), in Pichit Province; Sanoh Thienthong (chairman of advisers of the Thai-Rak-Thai Party) brought in his nephew and niece in Sa Kaew Province.

17. This included Supachai Panitchapakdi (former deputy prime minister and minister of commerce), Tarrin Nimmanhaeminda (former finance minister) and Aphisit Vechacheva (former minister of the Prime Minister's Office).

dominated by southern politicians in the early 1990s, to a party that stood for globalization, financial liberalization and the maintenance of Thailand's open economy at the end of the decade. The Party had a base of support among business and white-collar middle-class people, who either saw their interests best served by globalization, or were attracted by the image of internationalism and modernity (Phongpaichit and Baker, 2000). On the other side stood the Thai-Rak-Thai Party, founded by Thaksin Shinawatra¹⁸ in late 1998 to capture the reaction to the Democrat Party's urban bias and commitment to globalization and liberalization. The Party sought support from businesspersons and rural farmers who felt they had been neglected during the economic crisis, social conservatives concerned with the consequences of greater foreign penetration and dissident activities. Thaksin presented himself in a national campaign as a more visionary alternative to Chuan Leekpai of the Democrat Party. His party's platform was to make an economic revival through a mixture of local entrepreneurship, local craft heritage and high technology. In addition, the Thai-Rak-Thai Party was launched close to the 2001 elections with concrete populist programmes to broaden popular support, including a three-year moratorium for rural debt, a 30-Baht universal health care programme, a one-million-Baht village fund and a people's bank. These policies and programmes were very appealing to the public and the result was the landslide victory of the Thai-Rak-Thai Party.

The public, including the media and scholars, paid more attention to party policies than ever before. Many surveys found that party policy was a major factor in voter choice. This is likely to compel political parties to develop more feasible and appealing political platforms and to get messages across to the people. However, such capabilities seem limited to large parties.

The failure of medium and small parties was another significant factor in these elections. The Prachakorn Thai Party, for example, did not win a single seat, while the Sereetham Party won 14 constituency seats but no party-list seats, and the Rassadorn Party only gained one constituency seat. This has resulted in a trend for smaller parties to merge into a few large parties because they simply cannot survive under the new circumstances. Both the Sereetham Party and, more recently, the New Aspiration Party have merged with the Thai-Rak-Thai Party.

Political Stability and Stable Government

A fundamental problem in the Thai political system had been political instability. This was partly due to the fact that no single party had ever dominated the HoR, a situation that resulted in unstable coalition governments.

18. Thaksin Shinawatra was a successful businessman. Most of his wealth was made from monopolistic concessions to supply telecommunications services. In the 1990s, he joined Chamlong's declining Palang Tham Party, serving as minister of foreign affairs and briefly as party leader. But in 1998, he quit and formed the new Thai-Rak-Thai Party.

After the 1995 election, for example, Prime Minister Banharn Silpa-archa of the Chart Thai Party formed a coalition government of seven political parties which lasted only a year. During 1996-2001, there were two prime ministers and three cabinets. These frequent changes in government or cabinet reshuffles were often due to conflicts or break-ups with coalition partners. This situation weakened the decisive power of the prime minister in bargaining with coalition partners over cabinet composition and the administration of national policies because he had to maintain the stability of the coalition government. Therefore, when the Thai-Rak-Thai Party made history by becoming the first dominant party in the HoR with 248 seats, the potential for political stability appealed to everybody.

So far, the domination of a single party in the HoR has brought about stability. The Thai-Rak-Thai Party formed a coalition government of three parties (the Thai-Rak-Thai Party [248], the Chart Thai Party [41] and the New Aspiration Party [36]), with a comfortable majority of 325 seats in the HoR under the premiership of Thaksin Shinawatra. The support of 248 seats and 11 million votes throughout the country on the party-list system provided Thaksin with a clear mandate and strong power in bargaining with coalition partners in forming a government. He emerged as a strong and decisive leader. In terms of governmental policies, he stated clearly that coalition partners must fall in with the Thai-Rak-Thai Party's policy platform. Therefore, Thai-Rak-Thai Party policies were transformed into government policies. Thus far, Prime Minister Thaksin has kept his campaign promises by putting several policies and programmes into practice. For example, after only three months of his administration, the pilot project for the 30-Baht universal health care programme was initially launched in six provinces and was implemented nation-wide in October 2001, the Bank of Agriculture and Co-operation initiated a three-year debt moratorium for small-scale farmers and the Village Fund project was launched throughout the country in July 2001. In addition, Thaksin's government has declared a war on drugs and poverty, and has implemented a social re-engineering policy.

In terms of cabinet composition, Prime Minister Thaksin did not compromise with coalition partners. Responding to public demand, he announced that his cabinet would be from party-list members of the HoR or qualified outsiders. His determination made this possible. No exceptions were made, even for Banharn Silpa-archa, former prime minister and the leader of the Chart Thai Party, and other key Chart Thai Party people, since they were constituency members of the HoR. The 1997 constitution does not prohibit constituency members of the HoR from being ministers, but this is the intention of the constitution. To make a separation between legislative and executive power, it provides that members of the cabinet should lose their HoR mandate when joining the cabinet, thus creating a vacant seat in the HoR. In the case that a party-list member of the HoR is appointed a minister, the next candidate on the

list of that party will automatically refill the vacant seat. But if a constituency member of the HoR is appointed a minister, a by-election has to be held, the cost of which has to be borne by that person, and the party risks losing the seat to another party's candidate. In addition, with the high number of Thai-Rak-Thai Party seats in the HoR, Prime Minister Thaksin was able to reject politicians proposed by coalition partners for the cabinet who were unpopular or had a bad image. Most of his cabinet's members were acceptable to the public.

Popular Attitudes

A major change in Thai politics has been the rise of civil society, which is exerting greater control over the politics of the nation. This is not a result of the new electoral system and elections. On the contrary, the political changes that have taken place, including the passage of the 1997 constitution and the introduction of the new electoral system as well as its performance, were driven by a wave of urban pressure which aimed to transform politics. The 1997 constitution became known as the 'People's Constitution' as public participation was intensive in the process of drafting and passing it. The outcome of the elections also reflected the changing popular attitude toward politics.

Previously Thailand was a relatively apolitical society. People and groups had a minimal role in politics due to the centralized nature of the Thai state and Thai social characteristics and culture. In a predominantly agricultural society, most Thais maintained the traditional belief that politics was a matter for rulers. The right of citizens to control the state had not been promoted. Moreover, major Thai values, such as respect for seniority, compromise, the avoidance of conflict and open criticism, and personalism, are not conducive to the emergence of an active civil society. Against these constraints, civil society has incrementally inserted itself into politics and has become a major force in Thai politics. Its power was made evident when the mass demonstrations of civic groups against the appointment of General Suchinada as non-elected prime minister led to the political crisis of 13 to 17 May 1992. This crisis reduced the role of the military in politics, while expanding the political space for the popular sector. NGOs, or private organizations, gained momentum and quickly became the most active and effective opposition outside the formal political process.

In the late 1990s, stimulated by the economic crisis, the role of civil society in politics was intensified, as evidenced by the call for the resignation of Prime Minister Chavalit Yongchaiyudh in 1997 and the impetus behind the passing of the constitution in the same year. Both were driven by urban opinion expressed through the press, street demonstrations and the modern business lobby. There was considerable objection to the constitution draft from various institutional powers, including politicians, army, senators, judges and bureaucrats, as it

represented an overhaul of the whole political system.¹⁹ Confronted with these hostile attitudes, the Constitutional Drafting Assembly (CDA) sought support from civil society, especially businesspersons and the broader urban middle class, who saw political corruption and bad government as the root cause of the economic crisis and demanded political and bureaucratic reform. As a result, a movement to support the passage of the constitution emerged. For example, activist groups threatened mass demonstrations if the draft was rejected. White-collar workers staged demonstrations in Bangkok's business district. Green flags were used to symbolize support for the passage of the constitution. There were counter-demonstrations of village officers and village boy scouts in favour of rejection. With widespread public pressure, the constitution was passed on 27 September 1997 with 518 voting in favour of it and only 2 members of the HoR and 16 senators voting against it (Phongpaichit and Baker, 2000: 122).

The rise of people politics was reflected not only in the passage of the constitution, but also in its content. The constitution promotes the expansion of direct political participation of the people and private organizations. It enables laws to be initiated and petitions for the removal of the prime minister, ministers, members of the HoR, senators and public officers to be filed by 50,000 signatories. It also provides for referendums as a means of public consultation and promotes the participation of private organizations in the political system, such as the supervisory role of private organizations in elections and the advisory role of private organizations in national planning, consumer protection and environmental management.

The passage of the constitution emboldened public political activism which has become an important force in the political system. Therefore, unlike previous elections, both elections were held in a political atmosphere of public activism. Public enthusiasm and expectations were high, especially among the urban middle class. Recognizing the changing atmosphere and the importance of public opinion, the ECT developed a clever technique. Before any major move, a commissioner met the press and casually mentioned the plan. Then, he waited for the feedback before acting (*The Nation*, 6 January 2001). In addition to the expression of public opinion through the media and activist platforms, public activism was reflected by the rise of private organizations supervising the election process, like the Poll Watch Foundation and P-Net. Their personnel were volunteers, primarily urban professionals such as NGO activists, teachers, lawyers, university professors, retired bureaucrats and medical doctors. Active political participation was also evidenced by the more than 2000 cases of fraud

19. For example, the leader of the Prachakorn Thai Party (Samak Sundaravej) argued that the new constitution would create divisions in society and would not change the country for the better. The army chief objected to provisions about opposing coups, and to the liberalization of the media. The police chiefs objected to restrictions on police procedures. Senators objected to provisions for elections. Judges criticized proposals for new courts. The Ministry of the Interior objected to decentralization, police reform and the transfer of the conduct of elections to an independent election commission (Phongpaichit and Baker, 2000: 120).

and irregularities reported by the public to the ECT and the P-Net. The media watched over every step of the electoral process. After the 2001 election, public opinion also influenced Prime Minister Thaksin's choice of cabinet members – politicians who were unpopular or had a bad image were rejected. Recently, when key members of the HoR and entertainment business-owners attacked the minister of the interior over his social engineering policy aimed at strengthening controls on entertainment places in order to fight drugs and crime, the public came out in support of the minister in several ways: turning car lights on as a symbol of support, expressing their opinion through the media, organizing platforms and giving flowers. These reflect a new dimension to Thai politics.

Proposals for the Improvement of the Electoral System

Although it appears that the new electoral system can serve to maintain the standard of clean and fair elections, and that the elections have produced positive changes in the political system, there is agreement among candidates, the media and academics that the electoral system still has some weaknesses, mainly to do with the administration of the electoral process. Vote counting was one such problem. Unclear counting results led to protests against the election outcome, chaos in some constituencies and repeat elections, resulting in increasing abstentions and high expenses. Furthermore there were still incidents concerning the use of money and intimidation to influence voters, and complaints about the lack of political neutrality of election officers. In order to overcome these problems and be assured of a better electoral process in the future, four areas of improvement are essential:

1. The need to strengthen the capacity of the ECT to fulfil its mandate: There has been much criticism concerning the work of the ECT in conducting elections. Such complaints include the lack of proper understanding of the voting process among election officials, improper conduct of the vote counting process and, the most serious one, the lack of political neutrality of election staff. Some argue that these problems occurred because the ECT undertook too many activities itself: issuing electoral rules and orders, providing political education, managing the election process and investigating complaints and objections. It is proposed that the ECT should not *hold* elections but rather *control* elections held by other agencies. However, there is no proposed agency suitable for conducting elections under the control of the ECT and certainly the Ministry of the Interior is not a viable choice because of the lack of public trust.

This article supports the role of the ECT in organizing elections and the new electoral rules set by the 1997 constitution. Both elections were the first implementation of the new system; therefore, the extent to which the new electoral

rules have *really* changed the behaviour of politicians, the political system and the public is still unknown. The next election will be an important one to prove the effectiveness of the new electoral rules and the ECT. It is certain that the work of the ECT will be more difficult in the next election because political parties and politicians will have learned their way around the new rules by finding loopholes in the electoral law and adopting more sophisticated techniques of cheating and winning elections. In such a situation, the institutional strength of the ECT, as the agency upholding the integrity of the elections, is indispensable. Two elements are crucial for strengthening the capacity of the ECT: personnel and the structure of the administrative system.

First, the ECT's personnel is a crucial factor in the efficiency and effectiveness of electoral administration. Second, the legitimacy and trustworthiness of the ECT depends on its personnel. Successful election administration hinges on two key players: electoral commissioners and provincial electoral commissioners. They have to be competent, trustworthy and politically neutral. The existing recruitment process for electoral commissioners through the selection committee needs to be improved in terms of transparency. Qualifications and standards should be made public.²⁰ The recruitment process of provincial electoral commissioners has to be monitored in order to ensure their political neutrality and administrative competence. In addition, there is a need to develop the capability of provincial electoral commissioners in terms of their leadership and management skills as well as their understanding of the electoral law and procedures. In addition, the ECT has to ensure that large numbers of operational staff, mainly at polling stations and counting places, understand rules and procedures. Accusations of partiality arose because operational staff did not follow every instruction properly.²¹ Staff need more education and systematic training to ensure a consistent and fair voting process.

The centralization of decision-making in the ECT was viewed as another obstacle to the successful administration of elections. The decision-making power was in the hands of electoral commissioners in Bangkok. The PEC had only a small degree of discretion, which meant that most problems and ambiguities had to be forwarded to the central office of the ECT. This caused a work overload and delays at the central office and also weakened the development of the capability of the ECT's provincial branches. There is a need to decentralize by giving more power to provincial branches as well as developing their capacity. Furthermore, communication links within the ECT (the central ECT, provincial and

20. This was demonstrated when the ECT recruited new members to replace the first commissioners whose term ended in July 2001. The selection process itself, as well as the final appointments were highly controversial. The new chairperson of the ECT is, in fact, a former senator who had been disqualified by the previous ECT.

21. For example, staff at a polling station were supposed to fill out information forms concerning the number of voters, the number of unused ballot papers, the time of delivery of the ballot boxes and the names of those who accompanied the boxes to the counting station. However, some did not complete all the information and some gave incorrect information. In one case a candidate was allowed into the restricted area in the counting place, and in others relatives of candidates were appointed as counting committees. These cases can be interpreted either as electoral cheating with the co-operation of operational staff or as carelessness.

constituency levels) have to be strengthened to avoid break-downs in communication. In addition, to avoid repeat elections, the system of investigation has to be more efficient so that the ECT can disqualify cheating candidates before the polling day.

2. The need to achieve greater co-operation between the ECT and other government organizations: In addition to building the internal strength of the ECT, there is a need to develop greater co-operation between the ECT and other organizations. As illustrated earlier, the ECT has only a small number of permanent staff. It is certain that the success of electoral administration depends on the co-operation of concerned organizations, such as the Ministry of the Interior, the Ministry of Education, the Royal Police Bureau and others. Their co-operation was weak at the local level. Some local staff from other agencies had low morals and work commitment. They also lacked a clear understanding of electoral rules and procedures. Manuals have to be developed and training programmes need to be action-oriented. Therefore, the sense of partnership between the ECT and other agencies has to be developed, especially at provincial and constituency levels.

3. The need to develop civic groups or private organizations: The new electoral system entrusts private organizations with a supervisory role in the election process. Even though a more public activism is emerging, there are only a few civic organizations with experience in monitoring elections. In addition, these organizations only exist during elections. Their participants tend to be temporary. In order to strengthen the capacity of these private organizations, there is a need to support the formation of civic groups with an interest in democratic development. In addition, the existing civic groups or private organizations should be encouraged to include democratic development as part of their missions. The network of civic groups and private organizations such as P-Net should be strengthened. There is also a need to develop oversight partnership with the ECT.

4. The need to provide political education for the public: People, or voters, are crucial components in the electoral system. Active and informed voters contribute to the quality of elections and are also the most effective measure against vote buying and electoral fraud. However, making Thai citizens politically active is a tough job and will take a long time. Before the 2000 senate election and the 2001 general election, there were concerted efforts to inform voters about the new electoral rules and processes, but these attempts ceased after the election. This reflects a weakness in the provision of political education in Thailand. There is a lack of continuity. Only during elections are there campaigns on clean and fair elections or the importance of elections. In addition to lacking understanding of the new electoral rules, some voters still maintain traditional values which are in conflict with democratic thinking, such as respect for seniority, personalism and avoidance of conflict and open criticism (Kokpol et al., 2001).

There is a need to provide political education to voters in democracy and the significance of political reform on a sustainable basis, with a particular focus on the rural population. There are two reasons for this. First, most campaigns or political education programmes tended to concentrate at provincial and district levels. Information did not reach people in villages or remote areas. This is evidenced by the high number of invalid ballots in the villages of hill tribe people in Chiang Mai Province. Second, as mentioned, Thailand has experienced a rise in public political activism; however, participants of this force tend to be middle-class groups with urban professions. The rural population remains politically passive. There is a gap between urban and rural populations (Boonbongkarn, 1996b, Laothamatas, 1996). They have different definitions of good politicians and elections. Rural voters living in circumstances of poverty and scarcity tend to lack a free view. They are captives of the local patronage system and inevitably give their votes to local bosses. Provincial politicians are relatively free of any sanctions imposed by the electorate as long as they funnel some budget patronage back into their constituencies. This reflects the need to provide political education to the rural population to give them a clear understanding of elections and the role and duties of members of parliament.

In addition to focusing on the rural population, the forms of political education have to be changed. Most voter education programmes, including the ECT's, used one-way communication through publications such as posters, brochures and open letters. These methods were useful for disseminating information about the polling date and the method of voting, but they did not have an impact on voters' behaviour. In addition, they excluded illiterate people. In the design of these programmes, constraints faced by rural voters, such as illiteracy, time and language, have to be taken into consideration. Political education programmes should emphasize an interactive learning process within communities rather than one-off training sessions or meetings. Local civic groups, such as co-operative groups, women's groups, village funds and village civil society groups can be effective channels in the political learning process.

There is also a need to encourage women to join politics since there is still a low rate of female members of parliament. Despite efforts to support women in politics, the number of female candidates in the 2001 election was lower than that in the 1996 election. There is a need to find out more about the obstacles to women joining politics: culture, perception of women, party politics and the electoral system. From my own observation, a single-member constituency system may have an impact on female candidates. Further studies should be conducted in order to set up appropriate supporting programmes and remove obstacles.

External Support for Reforms

Two foreign actors have played an active role in the election process: ANFREL and the Asia Foundation. ANFREL was formed in 1997. It is a Bangkok-based regional network of election monitoring and human rights organizations whose general mandate and objective is to support initiatives towards democratization in Asia. It came about as a special project of Forum Asia. Its mission is to build the capacity of local groups through training for and supporting the monitoring of elections, lobbying and the dissemination of election-related information. As the first regional network in this field, it has rich experience and has developed expertise. The Poll Watch Foundation is also a part of this network.

Its involvement in the electoral process in Thailand can be divided into three areas. First, it provided technical assistance to both the P-Net and the ECT, mainly through study tours, experience sharing and provision of information such as research on electoral law or other election-related issues. However, the working relationship with the ECT tended to be informal since Dr Gothom Arya, an electoral commissioner, was a founding member of ANFREL. Second, ANFREL, in support of the P-Net and the Poll Watch Foundation, performed an election monitoring role. This included observer missions. In particular, from 2 to 7 January, ANFREL deployed 43 international observers from 17 countries to observe the electoral process in 28 provinces. This was useful not only for detecting irregularities but also for sharing with Thai partners the experience of administering and monitoring democratic elections. Third, ANFREL, in co-operation with the ECT and the P-Net, organized a grass-roots forum, which involved various stakeholders of constituency elections. This was an attempt to raise public awareness and participation. However, this was only done in a few constituencies.

The Asia Foundation, funded by the American Congress, is a non-profit organization that has maintained a continuous presence in Thailand since 1954. Early programmes focused on social welfare and basic human development needs. Beginning in the 1980s, the Foundation provided support to democratic institution-building and economic reform activities, with the aims of strengthening the role of the National Assembly in democratic governance and the participation of civic groups in public policy formulation. Presently the Foundation aims to promote the achievement of the reforms embodied in the 1997 constitution. The Foundation's programmes support civic participation, the upholding of constitutional supremacy and the enhancement of good governance and respect for human rights.

As a part of its mission to support the achievement of political reform, the Foundation provided financial support of 2.15 million Baht to the Poll Watch Foundation and the P-Net for conducting electoral monitoring in the 2001 election. In addition, the Foundation supported voter education activities in

the 2000 senatorial elections and 2001 HoR elections. In collaboration with the Women and the Constitution Network, the Foundation's staff designed a participatory training model and materials for voter educators involved in educating Thai citizens to become active and informed voters. The Foundation also trained 296 master trainers and 2,040 voter education trainers. The ECT, government agencies, academic institutions and civic organizations adopted the materials and drew on the Foundation's trainees to conduct voter education activities nation-wide.

Broadly speaking, the role of foreign agencies in the elections in Thailand was minimal. With the need for the improvements already mentioned, there are various areas in which foreign agencies can provide support. The strongest need for assistance is in the area of monitoring elections and the development of private organizations as watchdogs of the election process. Even though the ECT has the mandate to support private organizations, this support is still inadequate to conduct an efficient supervisory role. In addition, with the absolute power of the ECT in elections, a checks and balances system should be established outside the parliamentary system. Therefore, the electoral monitoring of private organizations should be conducted independently from the ECT to a certain degree. At this stage, compared to the ECT and political parties or candidates, the capacities of local private organizations in this field are weaker in terms of personnel, finance and technical knowledge. Capacity-building and professional training for electoral monitors would help strengthen the emerging role of civil society groups and organizations in monitoring elections and promote their participation in politics. The Poll Watch Foundation and the P-Net already have a number of local groups working in this field under their network. In addition, private organizations can co-operate with foreign agencies without any legal constraints. They have also had experience working with foreign agencies before. A key resource person in this field would be Dr Gothom Arya, a former electoral commissioner who was responsible for the public participation of the ECT. He has a background as an activist and rich experience as an electoral commissioner.

Another area that needs foreign assistance is the provision of political education to the public. As mentioned, the most efficient safeguard against election fraud and irregularities is an active and informed public. It is also the foundation of a meaningful election and effective political system. Before the establishment of the ECT, no particular agency was responsible for providing political education. In the 2000 senator elections and 2001 general elections, in addition to the ECT who has a direct responsibility in this area, numerous public and private agencies focused their efforts on encouraging voters to exercise their rights and duties and informing them about the new voting system. However, these efforts were temporary and only informative. The ECT accepts that it has to pay more attention to providing political education to the public. But considering its limited resources and vast responsibilities for conducting elections of local

councils throughout the country, the ECT does not have adequate resources to pay much attention to this area.²² In addition, the provision of political education needs a new strategy, not only for providing the public with information but also for making them aware of their constitutional rights and duties, giving them a deep understanding of the democratic way of living and the interlocking relationship between the political, social and economic factors which have an impact on themselves and the nation. This would go a long way towards changing public attitudes and behaviour. Assistance in this area could include designing political education for the rural population with activities that are participatory or action-oriented and are conducted on a sustainable basis.

There are various ways to channel assistance. The ECT is one channel because it is responsible for this task. However, forms of assistance or support have to be discussed because, according to the ECT law, the government's function is to provide sufficient resources for the operation of the ECT (section 34). This is interpreted as prohibiting the ECT from receiving financial support from other sources. Another channel could be academic institutions, whose strengths lie in their resources to design programmes and develop learning materials. Foreign assistance could also be channelled to government agencies. The Ministry of the Interior would be suitable in this field, particularly for targeting the rural population. In particular, the Department of Local Administration (DOLA) and the Department of Community Development not only have personnel at the local level but also have experience working with various local civic groups. Although DOLA has been released from conducting elections for the Senate, the HoR and local councils, it is still responsible for the election of village and sub-district headpersons (*Kamnan* and *Phuyaiban*); therefore, it has a strong interest in this area. The Department of Community Development aims to develop the potential of rural communities in terms of social and economic development. The possibility of including political development in the its work should be explored as another channel. The Ministry of Education, through the Department of Non-formal Education, is also a potential channel. Its strength lies in its expertise in non-formal learning methods and its operation in rural areas.

Conclusion and Evaluation

The late 1990s have been a time of immense change in Thai politics, both in the institutional structure and in the alignment of political forces. Political reform embodied in the 1997 constitution has started to take effect. In particular, the new electoral system, which was put in place with the three organic laws on the Electoral Commission of Thailand of 1998, the Election of Members of the HoR and the Senate of 1998 and the Political Parties of 1998, is expected to correct the problems of past elections by producing clear, fair and meaningful elections.

22. The Organic Bill on the Election of Members of Local Councils is in parliament. When it is passed, the ECT will be responsible for the election of more than 60,000 local councils.

The new electoral system was put to test for the first time in the 2000 Senate and 2001 HoR elections. The outcomes of both elections have been inspiring for political transformation toward a sustainable democracy. The new polling agency and electoral rules are serving to establish a standard for clean and fair elections. The ECT, which replaced the Ministry of the Interior in organizing both elections, is seen as putting great effort into ensuring the integrity of the election process. The power of the ECT to nullify electoral results and call for a repeat election has proved adequate in making candidates more aware of the Electoral Law. Decisions of the ECT to cancel electoral results on the ground of cheating were widely praised by the public as a show of political courage and commitment to democratic reforms. The role of private organizations such as the Poll Watch Foundation and the P-Net was found to be useful in monitoring the election process and upholding its integrity. Public enthusiasm and support of the new system were also evident in the high voter turn-out and concerted efforts of various public and private organizations playing a part in voter education campaigns. In addition, the introduction of a new vote counting system, in which all ballots in each constituency were tallied at a central venue, proved to be relatively successful in increasing voters' confidence in the secrecy of their votes and subsequently providing voters with greater freedom of choice. This is evident by the fact that many influential provincial politicians failed in this election.

The outcome of both elections also contributed to several major changes in the Thai political system. First, there was a political generation shift. In the senatorial election, the domination of the old forces of bureaucratic polity was reduced through the rise of new forces of NGO representatives, activists, politicians and professionals. In the HoR, a political generation shift was evidenced by the fact that 49 per cent of the seats were filled by generally younger and more highly educated newcomers. It is expected that the new generation of politicians will sweep out the old patronage culture from parliamentary politics. Second, the election has changed the Senate from a passive to an active political institution. The Senate also provides another channel for political participation and acts as a mechanism for checks and balances on the government. Third, there is a move towards fewer parties and more ideological or policy-driven politics in Thailand. The outcome of the elections will lead to the development of political parties in terms of policy platform, image, calibre of candidates, membership and leadership to enable them to survive under the new electoral system. Fourth, strong leadership and stable government are seen to be emerging from the election with the domination of one single party, the Thai-Rak-Thai Party, in the HoR. Elections will become a channel for people to influence public policy and select their political leadership since Thai-Rak-Thai's policy is being transformed into government policy. Lastly, there is a rise of public activism especially in urban areas. The expression of public opinion and criticism through the media and protests has become a major force in politics and has a significant influence on government decision-making.

Despite several changes there are a number of lessons to be learned and problems to be solved, especially concerning the administration of the electoral process. It is recommended that the electoral system should be improved in four areas. First, there is a need to strengthen the capability of the ECT, particularly in terms of its personnel, administrative system and technical management of the electoral process. The ECT's key staff have to be capable, trustworthy and politically neutral. The recruitment process of electoral commissioners and provincial electoral commissioners has to be more transparent. Decentralization of decision-making and administration to provincial branches should be initiated. Second, there is a need to achieve greater co-operation between the ECT and other agencies. A sense of partnership among concerned parties should be developed. Third, the capability and expertise of private organizations as watchdogs of elections should be developed. These private organizations should be independent from the ECT at a certain level because they should monitor the work of the ECT. Lastly, there is a need to provide political education to the rural public. Political education activities should be participatory and action-oriented.

This is not an end. A new system needs practice. At this stage, with the Senate and HoR elections so recent, it is too early to tell whether any real changes have taken place as a result of the new electoral system. The next election will be an important one in proving the effectiveness of the new electoral system.

List of Abbreviations

ANFREL - Asian Network for Free Elections
CDA - Constitutional Drafting Assembly
DDC - Democracy Development Committee
DOLA - Department of Local Administration
ECT - Electoral Commission of Thailand
HoR - House of Representatives
PEC - Provincial Electoral Commission
P-Net - People's Network for Elections

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Electoral Politics in Southeast and East Asia: A Comparative Perspective *

Aurel Croissant

Introduction

This volume collects empirical studies of elections and electoral politics in seven Asian countries. Unlike many election studies, the chapters were not concerned with explaining who won, when and why. Rather, the studies were concerned with the role that competitive 'democratic' elections play in various societies in giving citizens influence over policymakers, the causes and dynamics of electoral politics, and the problems of democratic development insofar as they are related to elections and electoral politics. For these reasons all the authors examined elections as instruments of democratic development and analysed the functionality of this instrument.

While there is a wide variety of different understandings of democracy – ranging from participatory democracy to minimal democracy in a Schumpeterian sense, with liberal and representative democracy somewhere in between the two poles – this volume is explicitly driven by a normative assumption: democracy, understood here as a form of political order in which the people participate in policy making and have the ultimate say in which policies are adopted (Dahl, 1989), is the best of all political worlds. This basic agreement does not draw any conclusions about the institutional design, the relation between individual and community, the rights and duties of citizens, or the institutional mechanisms through which people exercise their rights. Every society must decide these questions for itself according to its historical, cultural, societal and economic conditions. The debate on 'Confucian democracy' or 'Asian-style democracy', for example, is a debate that takes place after one has already accepted the idea of democracy as valid.¹ Only once the basic decision in favour of democracy has been made can the debate on different institutional, normative or ideological modes of democracy start.

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1. For an overview see Hahm et al., 2000; Foot, 1997; Fox, 1997.

For the purpose of this book it is sufficient to note that in modern states government by the people has to be indirect for the most part (Sartori, 1987; 1997). That is, citizens participate primarily by choosing political authorities in competitive elections (Powell, 2000: 3). This understanding of democracy holds an instrumental view of elections. Elections are not the only instruments for democracy and there is a widespread consensus among scholars that democracy is more than elections. However, elections are necessary and crucial for democracy. For, being an instrument for democracy, elections have to be more than mere symbolic rituals; they must be meaningful, that is, open, correct and effective (see Hadenius, 1992).

The aim of this book is to discuss three overarching questions. First, which electoral systems are found in Southeast and East Asia? Second, do elections and electoral systems contribute to democratic development? And third, how can institutional reforms strengthen sustainable democratic development? These three questions form the backdrop of the seven case studies collected in this volume and from them are derived several more specific questions. The authors' discussions of institutional reforms and their specific reform proposals differ too, depending on the problems of electoral politics with regard to democratic development in each country. While authors dealing with systems with a low degree of electoral quality focus on ways of improving the correctness of the electoral process and the fairness of the electoral system, others discuss the subject of political reform with particular attention to more general questions of institutional reform.

This last chapter concentrates on the second set of questions and puts a comparative perspective on it. In the first section, the history, genesis and forms of electoral systems in Southeast and East Asia are summarized, while in the second section, the performance of electoral systems with regard to the functional imperatives of representation, integration and governability is discussed. The third section then elaborates on questions of political reform, focusing on three aspects: (1) institutional reforms to improve the representativeness and inclusiveness of elected parliaments; (2) reforms of party politics; and (3) government reforms. The final section provides some tentative conclusions on the future possibilities for political reforms in the field of electoral politics.

History, Genesis and Types of Electoral Systems

From a comparative perspective, elections and electoral systems have had a remarkably long history in Southeast and East Asia. The countries considered here have held altogether 125 direct presidential and legislative elections between 1907 and 2001.

Although these data indicate a long history of elections, we have to differentiate

between periods in which elections were an instrument of democracy and periods when elections served as an instrument of political ritualism. Only a small percentage of the total 125 elections proved to be instruments for democracy, that is, people were given the chance to choose their political representatives in free and fair elections. In Cambodia, for instance, only the 1993 election met this criterion, whereas the 1998 general election was semi-competitive at best. In Indonesia, for the time being, only two out of eight legislative elections have been free and fair. Before democratization in 1987, only two elections in Korea, that is the 1948 and 1960 general elections, could be classified as free and fair. In Thailand, until September 1992, most of the elections were held under military tutelage and had only limited meaningfulness, for the government was not chosen by the parliament but de facto by the military (Wyatt, 1984; Morell and Chai-anan, 1981; Murashima and Mektrairat, 1991; Pasuk and Baker, 1999). In Singapore and Malaysia, elections may qualify as free but not as fair.² Only in the Philippines do free and fair elections have a long record, going back at least to the 1946 elections. This tradition was interrupted between 1973 and 1986, but revived in the 1987 general elections. However, the Philippines are a perfect example that free and fair elections are not necessarily 'clean' elections. The Philippines also has a long history of electoral anomalies. Although elections are free and fair, election laws 'have proven to be ineffective in addressing offences because of the preponderance of "dead-letter" provisions that have proven unrealistic or difficult to enforce' (Teehankee, this volume). Deficits of electoral quality also mark elections in Thailand and Cambodia these days.³

Table 1: Direct Elections in East and Southeast Asia

Country	Presidential Elections	Legislative Elections
Cambodia (1947-98)	1	10
Korea (South) (1948-2000)	9 ^a	16
Indonesia (1949-99)	—	8
Malaysia (1955-99)	—	11
Philippines (1907-2001)	13	27
Singapore (1968-99)	1	8
Thailand (1933-2001)	—	21 ^b
Total	24	101

a. Including the nullified April 1960 elections.

b. Including the 2000 Senate elections.

Sources: Compilation by the author based on information in the chapters in this book and Rueland, 2001: 83-129; Hartmann, 2001: 53-83.

2. See the chapter by Lim Hong Hai in this volume. Also Li and Elklit, 1999.

3. See the chapter by Orathai Kokpol in this volume. Also Croissant and Dosch, 2001; *Thai Rath*, 10 February 2002: 2.

For the most part, the long history of elections in Southeast and East Asia is a history of electoral ritualism, electoral anomalies and abuse. From a comparative perspective, we can identify three instrumental variants of elections in the region's past:

1. Elections as political ritualism and as an instrument for political mobilization: Cambodia before 1993; Indonesia between 1955 and 1999; the Philippines in the 1970s and early 1980s.
2. Elections as restricted competition and as an instrument for political integration: Korea from 1963 to 1987; Malaysia since the 1970s; Singapore.
3. Elections as democratic competition and as an instrument for political participation: Korea and Thailand in the 1990s; the Philippines from 1946 to 1971 and again from 1987 onwards; Indonesia in 1999; Cambodia in 1993.

Only in the last ten years or so has electoral quality improved in some countries, such as Korea and Thailand. In both these countries, institutional reforms to combat fraud and irregularities and to uphold the integrity of the electoral process turned out to be relatively successful, whereas in other countries, such as Cambodia, Indonesia and the Philippines, low electoral quality is still a root cause of cronyism and corruption as well as a reason for the lack of professionalism and ethics in parliamentary politics (see Teehankee, Sulistyono and Kokpol in this volume).

Unsurprisingly, the modes of introduction of electoral systems in East and Southeast Asia correlate with the instrumental variants. During times of autocratic rule, electoral rules are unilaterally written by the powerholders themselves. Only when democratization takes place do electoral rules emerge out of the free debates of several political and social groups. But again, we must differentiate. In Korea, Thailand and the Philippines, electoral reform was the by-product of a larger process of constitutional reform. In Thailand and the Philippines, the basic type of electoral system was already laid down in detail in the constitution; the constitution was drafted by a state organ, and the process of constitution-making was guided by vibrant public debates in which numerous civil society groups and intellectuals took part.⁴ Later, election laws were drafted and adopted in parliament. In South Korea, the constitution of the Sixth Republic stipulates no specific type of electoral system. The election law was drafted in a parliament, the members of which had been elected in the semi-competitive 1985 elections and, therefore, did not have any democratic legitimacy. The debate was dominated by the political parties in parliament; the election law which came out of this was a mere reflection of the political will of the ruling party. In Thailand, due to the process of constitution-making, the constitutional provisions as well as the electoral law gained procedural legitimacy in being drafted and ratified by a democratically elected parliament,

4. See the chapter on Thailand by Orathai Kokpol. For a comparative examination, see Croissant, 2002a.

while in the Philippines, although the constitution was finally adopted by referendum, it had been drafted by a presidential constitutional commission.

In Cambodia, electoral rules were first drafted by an external agency (United Nations); later, before the 1998 elections, the draft was modified according to the interests and strategic calculations of domestic agents. In Malaysia and Singapore, electoral rules emerged out of the process of gaining independence. Later, changes to the electoral rules were unilaterally decided upon by the ruling parties. In Indonesia, the electoral law was finally drafted by the parliament whose members were elected in 1997, that is, by a state organ without democratic legitimacy. However, contrary to South Korea, the whole process was accompanied by strong public debates. As Hermawan Sulistyio argues in his chapter on Indonesia, several academics and civil society groups made proposals. External organizations were also a source of input. Although the electoral law was drafted by a state organ without any democratic mandate, the process was highly consensus-oriented and inclusive, whereas in South Korea it was conflict-ridden and exclusive.

Interestingly, most electoral systems seem to have remained true to their historical roots. In cases where a young democracy could draw from earlier democratic experiences, it reinstated an older system with small modifications, as happened in the Philippines. South Korea, Indonesia and Thailand between 1992 and 1998 retained the electoral system they had inherited from their authoritarian past with only minor modifications (in the case of Korea and Indonesia) or even unmodified (in the case of Thailand). Malaysia and Singapore (before 1988) adopted the British colonial electoral system. Cambodia is an exception because the proportional representation system stipulated in the United Nations (UN) election law established a sharp break with the country's tradition of plurality and majority systems. Interestingly, the Cambodian parties preferred some variety of majority systems, whereas in the Paris Agreement (1991) the basic provisions of the electoral system were already laid down in favour of a proportional representation system. Hartmann (2001: 59) explains that the decision to lay down the proportional representation system in Cambodia – contrary to the country's institutional tradition – was strongly influenced by the UN and the model of the Namibian Electoral Proclamation that had been prepared by the UN for the 1989 Constitutional Assembly elections in Namibia.

Except for Cambodia, there is a clear institutional path dependency of electoral systems. Notwithstanding the high contingency of political action in the process of transition from dictatorship towards democracy, in most cases agents did not make use of the situation of regulative uncertainty to deviate from institutional decisions made several decades before under different conditions or by different agents. Only in the wake of major constitutional reforms in 1998, did Thailand desert this path. The country's electoral reforms, adopted in 1997

and 1998, had far-reaching implications for electoral politics, introduced the first-ever direct elections to the Senate, established new electoral rules for the House of Representatives, and put in place a segmented system. This shows, for example, that the path dependency of institutions does not establish an institutional destiny which binds political decision makers forever. However, it is obviously very difficult and mostly not desirable for political agents to leave the paths former generations of policy makers already have established.

This trend is clearly visible when current electoral systems are compared to the systems used by the countries in the past. Table 2 shows that five out of seven countries only have experience with several forms of the plurality system (including segmented systems) but have never employed proportional representation systems.

Table 2: Historical Development Path of Electoral Systems in East and Southeast Asia

Country	Current System		Other Systems Employed in the Past	
	Type ^a	Introduced	Type ^a	Years
Cambodia	PR system and minor component of plurality system in SMCs	1993	plurality system in SMCs or MMCs	1947-81
Korea	segmented system	1963	plurality system in SMCs	1948-60
Indonesia	PR system	1955	—	—
Malaysia	plurality system	1955	—	—
Philippines	segmented system	1987	plurality system in SMCs or MMCs	1907-86
Singapore	plurality system	1968	—	—
Thailand	segmented system	1998	plurality system in SMCs or MMCs	1937-97

a. Levels of seat allocation and electoral formula differ in proportional representation systems and plurality systems respectively. For details see Table 3.

PR - proportional representation; SMC - single-member constituency; MMC - multi-member constituency
Source: Author's compilation based on information from Nohlen, Grotz and Hartmann, 2001: 1-45.

Of the total seven cases, only Cambodia and Indonesia employ a proportional representation system. This dominance of the majority principle is not specific to the countries selected in this study – plurality or majority systems are widely used in Pacific Asia, a region consisting of the People's Republic of China, Taiwan, North and South Korea, and in the countries of Southeast Asia.⁵

5. According to the definition of Faust, 2001: 18.

Table 3: Types of Electoral System in Pacific Asia (First or Only Chamber of Parliament) ^a

Country	First or Only Chamber	Electoral System	Electoral Formula
Brunei	No elections	—	—
Cambodia	National Assembly	PR system in MMCs; plurality system in SMCs	Hare quota; d'Hondt and plurality
Indonesia	People's Representative Body	PR system	Hare quota, largest remainder
Laos	Supreme National Assembly	plurality system in MMCs	plurality
Malaysia	House of Representatives	plurality system in SMCs	plurality
Singapore	Parliament	plurality system in SMCs and small and medium MMCs	plurality
Vietnam	National Assembly	absolute majority system in small MMCs	absolute majority
PR China	No direct elections at the national level	—	—
Philippines	House of Representatives	segmented system	plurality and 2% of total votes for party-list system
Thailand	House of Representatives	segmented system	plurality and 5% of total valid votes
Japan	Lower House	segmented system	plurality and one sixth of total valid votes for the party list
N. Korea	Supreme People's Assembly	absolute majority system in SMCs	absolute majority
S. Korea	National Assembly	segmented system	plurality and 5% or 3-5% of total votes/ seats for party lists; Hare quota; largest remainder
Taiwan	Legislative Yuan	SNTV and additional national list	plurality and 5% of total valid votes; Hare-Niemeyer

a. Electoral provisions as of 2001.
PR - proportional representation; SMC - single-member constituency; MMC - multi-member constituency;
SNTV - single non-transferable vote
Source: See Table 2; additional information from the chapters of this book.

With the exception of Cambodia and Indonesia, all electoral systems in the region used in legislative elections (first or only chamber) can be classified as plurality systems. Laos, Vietnam and North Korea practise absolute majority systems in multi-member constituencies and single-member constituencies, respectively, which seems to reflect the pseudo-democratic claim of their communist ideology. Malaysia and Singapore use the plurality system in single-member constituencies, the 'mother' of all electoral systems. Singapore, however, deviated from the system in 1988 when the parliament passed an amendment to the electoral law that introduced additional block voting in Group Representative Constituencies.⁶ The constitution of the Philippines lays down a plurality system with a proportional list that has no compensatory effect. This system was not practised before the general elections in 1998 (see Teehanke, this volume). Between 1992 and 1996, Thailand practised a plurality system in small multi-member constituencies (one to three seats) with multiple voting. In 1997/98, during the process of major constitutional reform, a plurality system with a proportional list (segmented system) was adopted and practised for the first time in April 2001. The electoral system in Taiwan combines the single non-transferable vote system with an additional list for a national constituency and a second and third list for aboriginal members of the Overseas Chinese Communities as well. The Japanese electoral system, until the elections of 1993, was a single non-transferable vote system. In the mid-1990s the Japanese Diet introduced a segmented system composed of 300 seats distributed in single-member constituencies and 200 (1996)/180 (2000) seats distributed by proportional representation with closed party lists.

The Political Consequences of Electoral Systems

As already argued in the introduction to this book, similar electoral systems can produce dissimilar political consequences. Therefore it is necessary to examine their political effects more closely. The important question is: in what ways do electoral systems obstruct or promote the representativeness and inclusiveness of democratic institutions, the integration of citizens into political parties and the formation of parliaments and governments able to legislate and to govern? Three functional demands can be discerned – representation, integration and decision:

- First, elections ought to represent the people, i.e. the political will of the voters. Therefore it is necessary that the electoral system is sufficiently proportional to achieve an adequate conversion of the wide range of pluralistic social interests into political mandates. The question is: do electoral systems promote the representativeness of the elected institutions?
- Second, elections ought to integrate the people. An electoral system which accomplishes successful integration is one that stimulates the emergence of

6. For details see the chapter by Yeo Lay Hwee in this volume.

cohesive parties. It then contributes to integration in parliament and does not merely produce individual and isolated representatives. The question is: do electoral systems promote the development of a well institutionalized party system?

- Third, elections have to generate majorities large enough to ensure the stability of government and its ability to govern. The question is: do electoral systems promote the governability of the democratic system?

1. Representativeness

The degree to which electoral systems promote the democratic representativeness of democratic institutions depends on their degree of (dis)proportionality. Disproportionality refers to the deviation of parties' seat shares from their vote shares (Blais and Maiscott, 1996: 67-72; Lijphart, 1994: 57-77; Taagepara and Shugart, 1989). One of the most widely used indicators to measure the electoral disproportionality was introduced by Arend Lijphart. His *index of disproportionality* is the average vote-seat share deviation of the two largest parties in each election (first or only chamber of parliament; Lijphart, 1984: 163). For a wider comparative examination, measures are also provided for some other democratic systems in Asia, i.e. Japan, Nepal, Bangladesh and Taiwan.

Table 4: Degree of Electoral Disproportionality (First or Only Chamber)

Country	Elections Held (No.)	Elections Included (No.)	Degree of Disproportionality (%)	
			Average	Latest Election
Cambodia (1993-98)	2	2	5.42	7.30 (1998)
Indonesia (1999)	1	1	2.25	2.25 (1999)
Korea (1988-2000)	4	4	7.00	8.25 (2000)
Malaysia (1955-99)	11	11	14.75	10.25 (1999)
Philippines (1987-2001)	5	4 (1987-98) ^a	4.46 ^b	2.60 (1998)
Singapore (1955-97)	11	7 (1968-97) ^c	22.44	22.80 (1997)
Thailand (1992-2001)	4	4	2.70	6.04 (2001)
Taiwan (1992-2001) ^d	4	4	4.20	4.30 (2001)
Bangladesh (1991-96)	2	2	8.40	8.20 (1996)
Nepal (1991-99)	3	3	9.00	9.80 (1999)
Japan (1947-2000)	20	20	4.80	7.60 (2000)
Median	—	—	7.06	7.60
Standard deviation	—	—	4.98	5.28

Note: Only political parties/alliances gaining 1 per cent of the total valid votes are counted.

a. The Election Commission of the Philippines (COMELEC) does not provide complete data for the 2001 elections.

b. Excluding the party-list system.

c. Only available for elections after independence.

d. Legislative Yuan elections.

Sources: Teehankee, this volume; Croissant, this volume (South Korea chapter); Croissant, 2002c; Hartmann, 2001; Rieger, 2001; Rueland, 2001; Tan, 2001.

The fourth column of Table 4 shows that the average degree of disproportionality ranges from a low 2.25 per cent in Indonesia to a high 22.44 per cent in Singapore. There is a clear borderline between plurality and proportional representation systems concerning electoral disproportionality, although we can find a few outliers. The proportional representation systems of Cambodia (with a minor plurality element) and Indonesia should be given high marks for their representativeness; the same, however, is true for Japan, with its single non-transferable vote system until 1996 and its segmented system since 1996, as well as for Thailand's plurality system in multi-member constituencies used before 2001. But the remaining plurality systems are clearly inferior to the proportional representation systems in terms of the degree of proportionality. Segmented systems in South Korea (since 1988) and Thailand (2001), and the plurality system in single-member constituencies applied in Bangladesh and Nepal have produced significantly higher disproportionalities; the low representative character of Malaysia and Singapore's plurality systems is remarkable.

Table 5: Clusters of Electoral Systems According to the Degree of Electoral Disproportionality

	Average	Latest Election
Low disproportionality	Indonesia Philippines Thailand Taiwan	Indonesia Philippines Taiwan
Intermediate	Bangladesh Cambodia Japan Korea Nepal	Bangladesh Cambodia Japan Korea Thailand
High disproportionality	Malaysia Singapore	Malaysia Nepal Singapore

Note: Standard deviation for average electoral disproportionality is 4.98 and 5.28 for the latest election; median is 7.1 and 7.6. Scores of more than 0.5 standard deviation above or below the median indicate strong positions, scores in between indicate intermediate positions.

According to their degrees of disproportionality, Asia's electoral systems cluster into three groups. The first group includes systems with low disproportionality, resulting in an adequate conversion of the wide range of pluralistic social interests into political mandates and a high representativeness of the parliament. This group consists mainly of proportional representation systems and segmented systems. The second group includes intermediate cases, lying somewhere around the median, showing a mean record of reflecting social demands and conflicts and translating voters' decisions into seats in parliament. Finally, the third group consists of electoral systems that produce a high or

very high degree of electoral disproportionality, having therefore a poor record in representativeness.

The change in vote-seat deviation in the wake of electoral reforms is remarkable. Ironically, this is the case for Thailand's segmented system where the degree of electoral disproportionality rose significantly *after* components of the proportional representation system were introduced. The same is true for the Philippines's party-list system, used for the first-time ever in 1998 and again in 2001. Both times the system produced a tremendous disproportional effect, as Julio Teehankee shows in his analysis in this volume. But the most drastic changes occurred in Singapore and Malaysia. In Singapore, electoral disproportionality sky-rocketed from 22.05 per cent in 1984 to 26.15 per cent in 1988 after the parliament adopted a bill to create so-called Group Representation Constituencies (GRCs) in which 'the voters select among closed and blocked team lists, and the winning list retains all seats' (Rieger, 2001: 243). Obviously, only the ruling party benefited from this; further amendments extending the number and size of GRCs secured the system's disproportionality in favour of the ruling party. In Malaysia there has been a tremendous increase in electoral disproportionality since the 1974 general elections, the first elections after the ethnic conflicts of the late 1960s and early 1970s. While the average disproportionality for the four elections conducted before 1974 was 8.98 per cent, it was 15.69 per cent for the three decades from 1974 to 1999. As Lim Hong Hai shows in his analysis, mal-apportionment benefiting *bumiputra* parties with strongholds in rural districts with predominantly Malay constituencies is the key variable for explaining high disproportionality in Malaysia. In both cases, the electoral system, characterized by very high disproportionality has proven beneficial for one specific political party – the ruling majority party or, as in Malaysia, the ruling alliance. The electoral system also discourages the representation of opposition parties.

Another measure is Timm Beichelt's disproportionality index, E_{rep} (for ELECTION_{Representativeness}), which is computed in the following manner: the differences between the seat percentages and vote percentages for each party are summed up; this total is divided by 2 (to balance over- and under-representation); and finally the value is subtracted from 100 (1998: 611). The closer the score is to 100, the more proportional the electoral system is. The *majoritarian effect* of electoral systems can be measured in a second step. In order to do so, Beichelt formulates a second index, E_{rep1} (ELECTION_{Representativeness + 1st strongest party}). It is computed similar to E_{rep} : the difference between the seat percentages and vote percentages of the strongest party are summed up; the total is divided by 2; then the value of E_{rep} is subtracted from E_{rep1} . The difference of $E_{rep1} - E_{rep}$ shows the seat bonus for the strongest party, which indicates the majoritarian effects of an electoral system (Beichelt, 1998: 611). The higher $E_{rep1} - E_{rep}$ is, the more the electoral system over-represents strong parties and the more it helps therefore to produce political majorities in parliament. Table 6 shows to

what extent electoral systems help to produce political majorities in parliament by over-representing the strongest parties, or, in Malaysia, over-representing the leading parties' alliance – the Alliance from 1955 to 1969 and, later, the Barisan Nasional (BN - National Front).⁷

Table 6: Representativeness

	Average E_{rep}	Average E_{rep1}	Average $E_{rep1} - E_{rep}$	$E_{rep1} - E_{rep}$ Latest Election
Cambodia (1993-98)	91.35	96.52	5.17	3.35
Indonesia (1999)	95.30	98.50	3.20	3.20
Korea (1988-2000)	88.16	94.97	6.81	6.40
Malaysia (1955-99)	77.77	89.42	11.65	10.05
Philippines (1987-98)	86.20	97.05	10.60	4.00
Singapore (1968-97)	73.01	85.85	13.01	15.16
Thailand (1992-2001)	91.42	94.79	3.37	6.34
Nepal (1991-99)	82.88	92.98	10.10	10.60
Bangladesh (1991-96)	86.50	93.20	6.70	9.20
Japan (1947-2000)	91.77	96.17	4.40	6.86
Taiwan (1992-2001)	95.51	96.78	1.27	2.84
Median	88.16	94.97	6.70	—
Standard deviation	6.75	3.54	3.70	—

Sources: See Table 4.

Table 7: Clusters of Representativeness

E_{rep}	$E_{rep1} - E_{rep}$	High Over-representation	Intermediate	Low Over-representation
Low Proportionality		Malaysia Nepal Singapore		
Intermediate		Philippines	Bangladesh Cambodia Korea	Thailand
High Proportionality				Indonesia Japan Taiwan

Note: Standard deviation for average E_{rep} is 6.75 and 3.70 for average $E_{rep1} - E_{rep}$; median is 88.16 and 6.7, respectively. Scores of more than 0.5 standard deviation above or below the median indicate strong positions, scores in between indicate intermediate positions. High values for the average E_{rep} indicate high proportionality; high values for the average $E_{rep1} - E_{rep}$ indicate high over-representation.

7. Three communal parties formed the Alliance before the 1955 elections. The National Front (BN) became the successor of the Alliance in 1974. In the 1999 elections, the BN consisted of 14 political parties; see Lim Hong Hai in this volume.

Not surprisingly there is a strong correlation between disproportionality and over-representation of the strongest party. The electoral systems in Singapore, Malaysia and Nepal combine poor records of representativeness with strong majoritarian effects, that is, over-representation of the strongest party or an alliance. At the other extreme are Indonesia, Japan and Taiwan. In these systems a high proportionality goes together with a low majoritarian effect. Finally, the electoral systems of Korea, Bangladesh and Cambodia connect a moderate degree of electoral disproportionality with a moderate seat bonus for the largest party. Thailand and the Philippines are outliers. While Thailand's electoral system is less majoritarian than its intermediate degree of disproportionality predicts, the Philippines' system is marked by a high over-representation of the strongest party, although the system's degree of disproportionality is mean.

2. Party System Fragmentation

The electoral system affects not only the representativeness of democratic institutions, but also the structure of the national party system. A well-known proposition in comparative politics is Maurice Duverger's so-called 'sociological law': plurality method favours two-party systems; conversely, proportional representation and two-ballot systems encourage multi-partism (1964: 217-226). Duverger explains these differential effects in terms of 'mechanical' and 'psychological' factors. The mechanical effect of plurality rule is that all but the two strongest parties are severely under-represented because they tend to lose in each district. The psychological factor reinforces the mechanical one, because voters soon realize that their votes are wasted if they continue to opt for third parties. Therefore, they tend to transfer their vote to one of the two strongest parties. The psychological factor operates also at the 'support'-side: politicians do not want to waste their political capital by running as non-performing third-party candidates; instead they will join larger parties to improve their chances for candidature.

A useful method to unearth the effects of Duverger's mechanical factor is to compare effective numbers of parties. Again, for a better comparative examination of electoral outcomes, relevant measures are also provided for Japan, Nepal, Bangladesh and Taiwan. A comparison between the effective number of parties (based on vote shares) and the effective number of parties in parliament (based on seat shares) shows that all electoral systems concentrate party systems. This creates a lower effective number of parliamentary parties compared to the effective number of electoral parties. Duverger's mechanical effect is empirically detectable to the extent that plurality systems tend to produce a smaller effective number of parliamentary parties than proportional representation systems. The difference is highest in Nepal, Bangladesh, South Korea, Singapore and Malaysia; it is lowest in Indonesia, Taiwan, Cambodia, Japan and Thailand.

Table 8: Effective Number of Parties and Indices of Non-representation ^a

Country	Effective No. of Electoral Parties (A) ^c	Effective No. of Parliamentary Parties (B)	Difference A - B
Cambodia	2.81	2.39	0.42
Average (1993-99)			
Indonesia (1999)	5.05	4.87	0.18
Korea	3.99	2.95	1.04
Average (1988-2000)			
Malaysia	2.40	1.60	0.80
Average (1968-99)			
Philippines	3.99	4.90	N/A
Average (1987-2001)	(1995-98) ^b	(1987-2001)	
Singapore	1.96	1.03	0.93
Average (1968-97)			
Thailand	5.64	5.03	0.61
Average (1992-2001)			
Taiwan	3.09	2.69	0.40
Average (1992-2001)			
Bangladesh	4.07	2.79	1.28
Average (1991-96)			
Nepal	3.89	2.48	1.41
Average (1991-99)			
Japan	3.30	2.82	0.48
Average (1947-2000)			

a. Elections for the first or only chamber only, excluding parties with a share of votes/seats less than 1 per cent.
 b. The statistics provided by the electoral commission COMELEC are incomplete for the years 1987-92 and 2001.
 c. For computation see Laakso and Taagepara, 1979: 3-27.
 Source: See Table 4.

Which types of party system do we find in Asia? The concept of party systems refers to the structure of all the parties in a state, including the patterns of interaction between the parties (co-operation versus competition). Two factors are particularly eminent: a party system's fragmentation and its polarization. The Italo-American scholar, Giovanni Sartori, uses these two factors to develop his typology of party systems. By counting the number of 'relevant parties'⁸ and determining their ideological distance from each other, he distinguishes several types of party system (1976, chs. 5 and 6).⁹ Sartori then goes on to combine the variables of fragmentation and polarization (ideological, religious,

8. According to Sartori (1976: 122-124), a party must satisfy two criteria in order to count as relevant. First, it must find 'itself in a position to determine over time, and at some point in time, at least one of the possible governmental majorities' (coalition potential). Second, 'its existence, or appearance, affects the tactics of party-competition - by determining a switch from centripetal to centrifugal competition ... - of the governing-oriented parties' (blackmail potential). To compare large numbers of cases we propose a threshold of at least 1 per cent of parliamentary seats as the minimum for a party to count as relevant.
 9. Hegemonic party system; predominant party system; two-party system; limited pluralism; extreme pluralism; atomized party system.

ethnic, etc.) to discriminate two sub-types in each of the two basic types of limited and extreme pluralism: the strongly polarized party system, in which competition between parties takes a centrifugal direction, and the weakly polarized party system, that causes centripetal tendencies of competition (1976: 120-134).

Table 9: Types of Party System in Pacific Asia

		FRAGMENTATION ^a		
		High (Extreme Pluralism)	Moderate (Limited Pluralism)	Low (Two-party or Less Systems)
POLARIZATION ^b	high	Indonesia	Bangladesh	Cambodia Nepal
	moderate	Philippines		Malaysia Singapore
	low	Thailand	Japan Korea Taiwan	

- a. According to the effective number of parliamentary parties. Effective number of parliamentary parties (N) < 2.5 means low fragmentation; 2.5 ≤ N < 4.5 means moderate fragmentation; N ≥ 4.5 means high fragmentation.
- b. Classification is based on qualitative ratings by the author. Polarization relates both to ideological-programmatic conflicts and the polarization within the parliament between ethnic, religious or linguistic groups and political leaders, respectively (e.g. Bangladesh). Only parties gaining seats in the first chamber of parliament are counted. Polarization within the party system does not always represent the real polarization of society (e.g. Philippines).

Sources: The effective number of parties is taken from Table 7; classifications of the degree of polarization are based on information from the chapters in this volume and Croissant and Merkel, 2001.

The illustration shows the type of party system found in each country. The spectrum ranges from *extreme pluralism* in Indonesia, the Philippines and Thailand, to *moderate pluralism* in Bangladesh, Taiwan (both with less than three effective parliamentary parties), Japan and Korea, to *two-and-a-half party systems* in Cambodia and Nepal, and to *predominant* or even *hegemonic party systems* in Malaysia and Singapore.

There is widespread consensus among scholars that party systems have a positive bearing on the institutional efficiency and effectiveness, and consequently, on the governability of a political system, if (1) they are fragmented moderately or weakly, since low fragmentation facilitates the forming of government coalitions and of majorities, and accelerates thereby decision-making in parliament and cabinet, and if (2) they are moderately to weakly polarized, since low polarization mitigates the danger of ideological antagonism between political parties, which otherwise would lead easily to a paralysing and destabilizing political confrontation. In contrast to this, highly fragmented

or highly polarized party systems tend to have a negative bearing on governability. They hamper the formation of parliamentary and governing majorities and/or tend to bear highly antagonistic confrontation between different ideological, ethnic or otherwise segmented 'lager' (political camps).

The party system considered most obstructive to governability and political stability, extreme pluralism with high polarization, exists only in Indonesia, whereas five countries – Singapore, Malaysia, Japan, Korea and Taiwan – encompass weakly polarized party systems with moderate to (very) low fragmentation. Not surprisingly, those countries are considered by most scholars as the countries with the best record of governability, political stability and socio-economic performance in the region. But they are not necessarily the most 'democratic' regimes in the region. While the literature lists Korea, Taiwan and Japan with their *limited pluralism* type party systems as the most consolidated democracies in Pacific Asia, for various reasons Malaysia and Singapore are characterized mostly as 'semi-democratic'. The analyses of Yeo Lay Hwee and Lim Hong Hai illustrate at least that both cases are located at the borderline between predominant party system and hegemonic party system, due to high disproportionality, over-representation of the largest party/alliance and discrimination against opposition parties.

On the other hand, the less-than-three party systems in Bangladesh, Nepal and Cambodia are not necessarily very conducive to consolidation in spite of weak fragmentation, because they are highly polarized and further unsettled by their civil war or civil war-like experiences (Cambodia and Nepal), or by ethno-religious strife and the conflict between individual political leaders (Bangladesh). The highly fragmented party systems in the Philippines and Thailand may not pose a great threat to political stability and democracy, since they are balanced by low levels of polarization. However, high fragmentation certainly is an obstacle for institutional efficiency and effectiveness, and consequently, for the governability of democratic regimes, because it tends to show efficacy-reducing effects like short-lived multi-party coalition cabinets (Thailand), divided government (Philippines), mutual blockades between political parties and legislative gridlocks (see Croissant, 2002b; 2002c). We discuss this point in the following section.

3. Governability

The number of political parties, the degree of political polarization between them, the breadth of participation in government by parties and the relationship between parliamentary and executive majorities, i.e. 'divided governments' in presidential systems or 'minority cabinets' in parliamentary systems, are highly significant aspects for the stability and effectiveness of governments and the continuity of government policies (see Tsebelis, 1995; Morgenstern and Nacif, 2002; Figueiredo and Limongi, 2000).

Following Douglas W. Rae, the effect of electoral systems on the breadth of participation in government by political parties can be measured by looking at their capability to produce so-called manufactured majorities (1967: 67). A majority is manufactured when a party wins only a minority of votes but a majority of seats. It may be contrasted with earned majorities, where a party wins majorities of both votes and seats, and with natural minorities, where no party wins a majority of either votes or seats.

Table 10: Majorities and Minorities in Asia

	Manufactured Majorities (No.)	Earned Majorities (No.)	Natural Minorities (No.)	Elections (No.)
Cambodia	1	—	1	2
Indonesia	—	—	1	1
Korea	—	—	4	4
Malaysia	1	10	—	11
Philippines	1	—	4	5
Singapore	—	8	—	8
Thailand	—	—	4	4
Bangladesh	—	—	2	2
Japan	10	4	6	20
Nepal	2	—	1	3
Taiwan	2	1	1	4
Total	17	23	22	64

Sources: See Table 4.

Table 11 allows us to differentiate two groups of political systems in Pacific Asia. The first group consists of electoral systems with a high capacity to produce manufactured or earned majorities. The second group consists of systems where natural minorities are the rule, in some countries without any exception.

Contrary to the theory, there is no clear correlation between patterns of majority formation in parliament and the type of electoral system. While three plurality systems in single-member constituencies and multi-member constituencies have a good record, three systems do not; and neither do the segmented systems show a clear tendency.

Table 11: Majorities and Types of Electoral System in Pacific Asia

		High Capacity to Produce One-party Majorities		Low Capacity to Produce One-party Majorities	
		In more than 50% of all elections	In 100% of all elections	In less than 50% of all elections	Only natural minorities
PR Systems				Cambodia ^a	Indonesia
Segmented systems	Japan Taiwan				Korea Philippines (1998-2001) Thailand (2001)
Plurality systems in SMCs and MMCs	Nepal	Malaysia Singapore		Bangladesh Philippines (1987-95)	Thailand (1992-96)

a. Cambodia is a borderline case since the constitution provides for a two-thirds majority in the National Assembly confirming the government. Although there was a manufactured majority in the 1998 general elections, this was an absolute majority not large enough to ensure the parliamentary vote.
PR - proportional representation; SMC - single-member constituency; MMC - multi-member constituency

One-party majorities, either earned or manufactured, are not the only way to ensure stable and effective governments. The capacity of coalition cabinets to enforce legislative projects in parliament is not automatically inferior to one-party cabinets. On the contrary, coalition cabinets are sometimes even more effective in promoting policies because they may count on wider support. Arend Lijphart, for example, argues that successful policy making in general and economic policy making in particular requires not so much a strong hand, as a steady one (1984: 156). Policy continuity, however, needs cabinet stability, or, as Lijphart calls it, cabinet durability. Short-lived cabinets do not have sufficient time to develop sound and coherent policies; conversely, a high rate of cabinet durability indicates that cabinets are able to command strong support in parliament; it also indicates that the government has a high capability to discipline the parliament and to enforce its policy projects (Lijphart, 1999: 129).

The electoral system used in legislative elections influences only indirectly cabinet durability. Supplementary characteristics of the party system, such as the ideological distance between parties (polarization), voters volatility, or the type of government system (parliamentary, presidential or 'mixed systems'), are also important variables (see Sani and Sartori, 1983; Morlino, 1998: 85-103). But there is a general rule for parliamentary systems: the stronger the majoritarian effect of the electoral system, the more the electoral system tends to concentrate the party system. This usually produces a lower fragmentation of the party system. The smaller the effective number of parties in parliament and

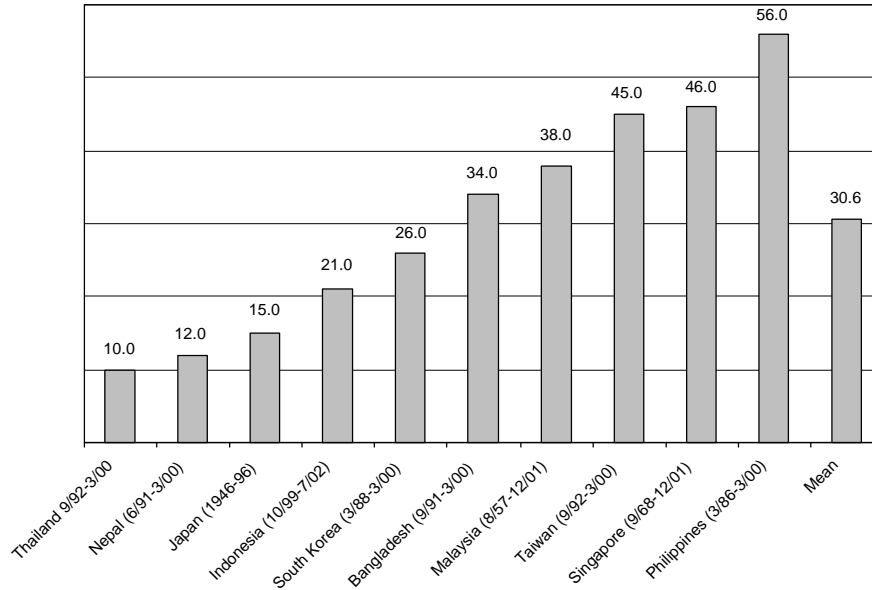
the higher the capacity of electoral systems to create majorities, the more likely single party cabinets or minimal winning coalition cabinets are. Single party cabinets have a higher average life span than minimal winning coalition cabinets, and they have a higher average durability than minority cabinets or oversized coalition cabinets.

Cross-national studies support this argument. Taylor and Herman as well as Lijphart found a strong inverse correlation between cabinet durability and the degree of party fragmentation (Taylor and Herman, 1971: 37; Lijphart, 1984). Bingham Powell (1982), Laver and Schofield (1990) and King et al. (1990) present statistical evidence for a relationship between degrees of fragmentation, ideological polarization, volatility of party systems and government stability and cabinet durability. The statistical evidence can be formulated into the following hypothesis: the higher the fragmentation, the more intense the ideological polarization, and the higher the volatility of the party system, the more volatile and the more insecure the distribution of *bargaining power* between political parties, and therefore, the more complex and unstable the parliamentary arena. But it is in parliament where political parties decide on the formation and downfall of cabinets (parliamentary systems), and cabinets have to prove their capability to decide policies (parliamentary *and* presidential systems).

The following data are calculations based on a narrow definition of cabinet duration. Three criteria are used for the termination of a cabinet. The life-span of a cabinet ends in the case of new elections, or of changes in party composition or prime ministership (Lijphart, 1999: 132). In presidential and presidential-parliamentary systems, the criteria are changes in party composition of cabinets, changes in presidency or coalition status, or new elections for the presidency. This modification was introduced since, in parliamentary systems, a cabinet has to resign before elections, and prime ministers must be elected by the new parliament after elections. Therefore legislative elections do have an automatic effect on cabinets in parliamentary systems, but not in presidential systems. Two notes: First, because reliable information about the party composition of presidential cabinets in the Philippines and Indonesia has not been available to the author, the first criterion is not used in these cases. Second, Cambodia is not included in the sample for the same reason and the violent circumstances of the cabinet dissolution in the year 1997 (see Gallup, this volume).

Figure 1 presents the average cabinet durability in ascending order. At first sight, there is a relatively clear correlation between party system fragmentation and cabinet durability. Thailand ranks last as expected, since party system fragmentation is high and the electoral system neither benefits the strongest party nor creates manufactured majorities. The ranks of Malaysia, Indonesia, Bangladesh, Singapore and Korea also fit with expectations since they almost correlate in both rankings. But the average cabinet durability in Nepal, Taiwan and Japan seems to be deviant, and the Philippines is the main outlier.

Figure 1: Average Cabinet Duration (in months)



Note: Data for Malaysia exclude the period 09/70-09/74.
Sources: Based on data in Croissant, 2002c; Leifer, 1996; Cook and Stevenson, 1998; Nohlen, Grotz and Hartmann, Vol. II, 2001; *Keesing's Contemporary Archives*.

Nepal ranks second last in cabinet durability, although the theoretical assumption predicts a high average cabinet duration since the electoral system clearly favours the strongest party, reduces party system fragmentation and creates manufactured majorities. Japan ranks worse than expected, considering that the Japanese Liberal Democratic Party ruled the country continually from 1955 until 1994. On the other hand, Taiwan ranks better on cabinet durability than on party system fragmentation. Finally, the Philippines rank highest for cabinet durability – a country whose party system is the second most fragmented in the region, whose electoral system has a low capacity for manufactured majorities and whose cabinets are notorious for their political weakness and inefficiency.

What are the reasons? Taiwan's good record of cabinet stability is most of all the result of two institutional factors: its presidential-parliamentary 'mixed' system and its electoral system's high capacity to produce manufactured majorities, albeit with weak electoral disproportionality and low over-representation of the strongest party. As long as the president and the majority of the Legislative Yuan belonged to the same party, the Kuomintang (which was the case between 1947 and March 2000), cabinet stability was easily defended. This of course results also from factors outside of the institutional order, i.e. the Kuomintang's former hegemonic position in the party system, its

(formerly) strong roots in Taiwanese society and its high capability to balance intra-party factionalism over a long period of time.

Table 12: Ranking of Party System Fragmentation and Cabinet Durability

	Party System Fragmentation ^a	Cabinet Durability ^b
Singapore	1 (smallest fragmentation)	2
Malaysia	2	3
Nepal	3	9
Bangladesh	4	5
Taiwan	5	3
Japan	6	8
Korea	7	6
Indonesia	8	7
Philippines	9	1 (highest durability)
Thailand	10 (highest fragmentation)	10 (lowest durability)

a. The smaller the number of effective parliamentary parties, the higher the rank.

b. The higher the average cabinet durability, the higher the rank.

The unexpectedly low average durability of cabinets in Japan is above all the result of distinct party factionalism and factional fighting within the ruling Liberal Democratic Party. The circulation of the prime ministership among faction leaders is a frequently used instrument for political bargaining inside the party and an effective instrument to regulate the competition between the different factions. This underlying dynamic helps to put the brief lifetimes of Japanese cabinets into better perspective. Although individual cabinets have come and gone, many of the same ministers and especially the same party have remained in government for nearly 50 years, thereby providing a longer-term perspective on policy and a 'hidden' continuity for cabinets.

Nepal is a different case. The low cabinet duration cannot be explained by informal and government stabilizing mechanisms as in Japan. The short lifespan of cabinets actually *is* an indicator of political instability in Nepal. The reason for unstable cabinets is located within the specific structures and dynamics of the Nepalese party system. Even though the general elections of 1991 and 1999 brought an absolute majority for the Nepali Congress, stable cabinets could not develop due to constant intra-party feuds (Perekrestenko, 1997).

The Philippines' democracy is obviously the most deviant case. The very high average of cabinet duration is in sharp contrast to the weak majoritarian effects of the electoral system and the fragmentation of its party system. The weaknesses of the indicator used here for measuring the dominance of the executive branch are actually shown in the case of the Philippines. In this case, cabinet duration gives a completely wrong impression of the degree of executive dominance, since it only measures the chronic continuity of presidencies. According to this

method, the Philippines had only three different cabinets within 14 years. Matthew Shugart and John Carey and others have shown that in presidential systems the degree of executive dominance or legislative dominance vis-à-vis the other branch of government is related to other institutional elements and characteristics of the party system that cannot be measured with the index of cabinet duration. Significant are elements like presidential decree authorities, the composition of legislative majorities and the coherence and cohesion of parliamentary parties (Carey and Shugart, 1998; Mainwaring and Shugart, 1997; Morgenstern and Nacif, 2002). These variables do not affect cabinet duration in presidential systems but the capability of presidential governments to dominate parliaments.

With regard to the Philippines only, recent research on the presidential-legislative relationship proves that the presidential executive does not dominate the congress. Instead of an 'imperial presidency' we find an 'impotent presidency' in which most presidents are caught in endless bargaining processes with individual members of the congress due to the absence of presidential majorities in congress, the weak credibility of congressional majorities, the lack of presidential decree authorities and a highly volatile party system. This leads to institutional or clientelist gridlocks and political frustrations of the executive (Croissant, 2002a; 2002b). Presidentialism in South Korea and in Taiwan sometimes resembles this scenario of 'impotent presidentialism'. Institutional blockades tend to occur in South Korea, when legislative or presidential elections produce 'competing majorities' in both branches of government. This was the case from April 1988 until February 1990, between February 1998 and August 1999, and has been again since April 2000. Institutional conflicts between the president and Legislative Yuan in Taiwan are frequent since the former opposition Democratic Progress Party won the presidency in March 2000 while the former ruling party Kuomintang still had the majority in parliament.¹⁰

Table 13 illustrates that competing majorities are the rule in South Korea and the Philippines at the beginning of legislative sessions. The average share of seats won by the party of the president is 45 per cent in Korea and 41 per cent in the Philippines. The average number given for the Philippines, however, includes the results of the congressional elections in 1987, when the pro-democratic alliance led by Corazon Aquino won 72.5 per cent of seats in the House of Representatives and 91.7 per cent of seats in the Senate. When the critical elections of 1987 are excluded, the average share of seats for presidential parties declines to a low 31.8 per cent for the House of Representatives and 27.8 per cent for the Senate. Taiwan does not fit into this trend. But since the Democratic Progress Party of President Cheng Shebiun failed to gain an absolute

10. The November 2001 Legislative Yuan elections were a disaster for the Kuomintang which lost its majority and was reduced to the second largest party in parliament. However, the president's party also gained a little more than one third of the seats in parliament.

majority of seats in parliament in the 2001 general elections, it is uncertain whether Taiwan will break the general trend again in the future. The negative effects of divided government on the political efficiency and institutional effectiveness of the democratic regime have already been high during the last two years, as has been and still is the case in the Philippines and Korea.

Table 13: Average Share of Seats for the President's Party

	First Chamber	Second Chamber	President Governing with Divided Government
Philippines (1987-2001)	40.70	47.30	All presidents built coalitions after gaining office / co-opted independents and representatives from other parties into their party
Korea (1988-2000)	45.10	—	Roh Tae-woo (1988-90) Kim Dae-jung (1998-99; 2000-02)
Taiwan (1992-2001)	52.95	—	Cheng Shebiun (2001-02)
Indonesia (1999)	10.20 30.80	—	Abdurrahman Wahid (1999-2001) Megawati Soekarnoputri (2001-02)

Sources: See Table 4.

An extreme example of institutional gridlock has been Indonesia in the years 2000-2001. Because of the weakness of the president's party in parliament (DPR) and the Supreme Assembly (MPR), and several additional factors (see Sulisty, this volume), the president became a hostage of the political will of the parliament. As Hermawan Sulisty shows in his analysis, the DPR and the MPR were dominated by parties that officially participated in the all-party cabinet, but that were behaving in fact more and more like opposition parties. The most critical point for governability in Indonesia came when those parties decided to use the sharp sword of impeachment as a weapon to turn the presidency over to someone else. Ironically, the same had happened in the Philippines a few months before when the opposition parties decided to set constitutional procedures aside and remove the democratically legitimized and constitutional government by a kind of popular coup d'état.

There may have been good arguments in favour of this strategy. As far as the author knows, in both countries, public and academic opinion on its virtues and perils is inconclusive. We may have to wait and see how it will affect the political development of these two countries in the future. However, these developments in Indonesia and Philippines illustrate very clearly the pitfalls for governability in presidential and semi-presidential systems in the case of a divided government. We shall keep them in mind when we discuss the possibilities for institutional reforms in order to promote further democratic development in Pacific Asia.

Reforming Electoral Politics

The last section focused on the representativeness of electoral systems as well as their integrative and majoritarian functions. However, even the most representative and integrative electoral system may produce democratically problematic results if the elected institutions are deficient in terms of social inclusiveness and lack of responsiveness to voters' demands, and are elitist in nature.

Lack of representativeness, responsiveness and inclusiveness of parliamentary politics are complaints common to all democracies. However, they are most often heard in young democracies. Here the gap between parliament and the voters appears to be even wider than in established democracies. The socio-political gap is often a consequence of badly institutionalized party systems in young democracies. They have not (yet) been able to perform the functions of socio-political inclusion and adequate representation sufficiently. The chapters on the Philippines, Indonesia, Thailand, Cambodia and South Korea provide detailed insights into these problems.

One question is therefore of crucial importance: What institutional choices exist to bridge the gap between parliament and political parties on the one side and citizens on the other? This issue enjoys particular and controversial attention in Pacific Asia. Various young democracies in the region are attempting to reform the institutional access to parliaments by reforming the voting rights of underprivileged social groups such as women and ethnic or religious minorities.

The goal of reforming the electoral law in favour of marginalized groups is to alter the sociostructural composition of the parliament and the spectrum of interest representation performed by the representatives. The most common institutional reforms are the establishment of proportional representation and the introduction of special rights of representation for marginalized groups. Proportional representation is considered to be the democratic electoral system *par excellence* because it faithfully mirrors the political preferences of the population. Advocates of pure proportional representation do not see it as a method of generating an efficient parliament, but as a mechanism to achieve an accurate representation of the different political currents within society. Special representational privileges do not occur exclusively but frequently in combination with proportional representation. A comparative perspective distinguishes two kinds. First, a quota for women as a politically disadvantaged social 'group', and second, rights of representation for ethnic minorities. The second kind is particularly frequent in heterogeneous societies. The institutional forms range from creating constituencies favourable for the election of representatives from particular segments of society or reserving a number of seats in the legislature for them (Bellamy, n.d.: 9).

If we look at the parliaments and party systems of young democracies in the Asia-Pacific region, we gain an unfavourable picture of the state of representative democracy. Studies of citizens' attitudes towards parliament and political parties suggest that most young Asian democracies have undergone a profound delegitimization of the organizations and institutions of representative democracy. Parties and parliaments suffer from a wholesale blame for inefficiency, corruption and passivity in legislating, hostility to reform and programmatic indifference. Political parties are primarily seen as representatives of the vested interests of oligarchic groups. Parliaments are perceived as elitist fortresses.¹¹

It is therefore unsurprising that intensive discussions have surfaced in some democracies about the best methods of enhancing the accountability of representatives and parties toward their constituencies and broadening the inclusion of social interests. In particular, ways to ensure the increased involvement of marginalized groups and their interests in the parliamentary process have received much attention.

The Philippines has been a pioneer in this field. As early as in 1987, the Philippine legislature was ordered to make parliamentary representation easier for various social groups by establishing a party-list system (see Teehankee, this volume). This reform, employed for the first time in 1998, has been the most far-reaching in Southeast Asia. However, the implementation faces serious technical problems, as Julio Teehankee illustrates in his chapter on electoral politics in the Philippines. In its 1998-2001 form, the party-list system hardly contributes to the integration of the electorate into a strong parliament and to the emergence of strong parties.

The fundamental problems of the Philippine party system remain unsolved; personalism, programmatic weakness and lack of accountability of the established, big parties controlling the parliamentary process are as pervasive as ever. The efficiency and effectiveness of the legislative process have not been increased. On the contrary, the new procedure might aggravate the problems. It individualizes parliamentary work and focuses it even more on the individual representative than the presidential system does anyway. The transparency of parliamentary decision-making could decrease even further.

In contrast, Taiwan has opted for the 'classic' method of special representation of minorities: representatives of the Overseas Chinese Communities are elected to the Yuan from a separate list, and six out of the 164 seats in the legislative assembly are reserved for representatives of indigenous minorities. Bangladesh has chosen yet another variant of special representation. The 300 directly elected representatives allot 30 extra seats in the legislative assembly to women at the beginning of each legislative period.

11. See, for example, the chapters by Teehankee, Sulisty and Croissant in this volume.

But the example of Bangladesh particularly demonstrates the disadvantages of the method. Since the constitution provides for a separate second mode of achieving women's representation, parties are impelled to neglect the selection and nomination of female candidates in the original electoral process. Additionally, the position of the indirectly elected women is undermined by the lack of direct legitimacy. Therefore, they have not yet been able to become equal representatives in parliament. The established parties have so far not used the special representation for women as a device to strengthen the political clout of women, but as a means to buttress the parliamentary distribution of power and as something to barter with in parliamentary bargaining.

Another mechanism has been chosen in South Korea. The law recommends that the political parties maintain a female quota of at least 40 per cent when nominating candidates. However, compliance is not obligatory, and parties face no negative sanctions if they disregard the recommendation. It is therefore not very surprising that when it first took effect during the elections in 2000, no parties came even close to fulfilling the quota. Although the proportion of women in parliament has risen slightly to a new record high, it still remains at the low level of about 10 per cent.

Party System

When discussing the impact of political parties on democratic development, we need to discriminate between different types of parties. Herbert Kitschelt recently proposed a rough classification of political parties that appears helpful when addressing the issue of *young* party systems. Kitschelt distinguishes three ideal-types: programmatic, charismatic and clientelistic parties (1995: 449).

Programmatic parties base their work on specific party programmes. They mobilize voters along social cleavages and issues that find explicit articulation in their platforms. The aims and policy proposals outlined in those platforms draw their substantive content from a certain set of ideological values (e.g. conservative, liberal, socialist, communist or religious values) on which the party feeds and develops. The distinctive features of their respective programmes are easily discerned and thus furnish the voter with a normative and material rationale to prefer one party over another. Consequently, programmatic parties offer to the voter real choices between competing programmes so that they represent a credible alternative to authoritarian regimes, where, in comparison, personal choice is highly circumscribed by the lack of programmatic alternatives. Programmatic parties are most apt to create and sustain stable linkages between voters and themselves, since party programmes based on ideological principles and values can only rarely be altered without damaging the vote and office-seeking ambitions of the party elites. Therefore, out of the three different party types, programmatic parties are the most conducive to the consolidation and stability of democratic regimes.

Charismatic parties are defined by the leadership of a charismatic person. They deprive their constituency of programmatic choices. Politics is reduced to the personal dimension, and programmatic choice is downgraded to a mere acclamation of the charismatic leader. Another related problem with charismatic authority is its inherent instability, stemming from the fact that the regime's persistence hinges on the (political) survival of one single individual, the charismatic leader.

Clientelistic parties also violate fundamental democratic principles and thus hamper the legitimization of any democratic regime. Officially, they act as if they have respect for the rules of the game. During electoral campaigns, for instance, they purport to champion the production of collective goods. In fact, however, they provide personal favours, partisan benefits and services for their loyal clientele. 'Moreover, in countries where clientelistic parties cooperate in dividing up state revenue and jobs as the booty disbursed to their followers, voting appears a superfluous exercise ... Clientelistic parties work around rather than through the stated rules of democratic competition' (Kitschelt, 1995: 450). Hence their behaviour gives rise to cynicism and undermines citizens' trust in democratic institutions.

All three party types, programmatic, charismatic and clientelistic, are ideal types. Despite the fact that actual parties are always hybrids of two or even all three types, we do find a correlation between the degree to which a party adheres to a particular programme and its contribution to democratic stability. If ideology prevails over personalism and clientelism, the party has a positive effect on democratic stability and consolidation. If clientelism and personalism predominate, the opposite is true.

Which types of parties, then, predominate in Asia? If we classify them with the help of the three types outlined above, we gain a clear picture (see Table 14). Among the 11 party systems, only three are dominated by programmatic or programmatic-clientelistic parties and eight have predominantly clientelistic or charismatic parties. The figure underscores that party systems in Asia exhibit a much lower ideological or programmatic orientation than party systems in the Western world. This can be attributed to the collapse of the communist systems on the one hand, and to the stigmatization of fascist ideologies on the other. In cases where we do find strong polarization, such as Bangladesh and Indonesia, this is more the consequence of ethnic strife or of conflict between individual political leaders than between the radical right and the radical left (see Thompson, 2002; Arenhoevel, 2002). And even true ideological polarization can be traced at least partly to those ethnic causes (e.g. in Nepal). The left-right ideological conflict today only occurs in Cambodia and the Philippines, where it persists with moderate intensity. But the picture is even worse since the predominance of charismatic or clientelistic parties goes together with a low degree of institutionalization in most Asian party systems, as attested by high indices of electoral volatility.

The rate of volatility renders an approximate value for its measurement in young democracies. We agree with Leonard Morlino's statement that '[e]lectoral stabilization involves the establishment of relationships between parties and the public and among the parties themselves. [...] The key indicator of stabilization/destabilization in voting behaviour is *total electoral volatility*' (1998: 85). Total electoral volatility (TEV) is the sum of the absolute value of the difference between the percentages of votes cast for each party between two elections (Bartolini and Mair, 1990). In the case of institutionalized party systems, the volatility index records voter vacillation between established parties and thus usually remains at low levels. In contrast, weakly institutionalized party systems usually face high rates of volatility. They not only facilitate volatile voting behaviour, but additionally, the party organizations themselves are in a constant flux, i.e. their very existence is challenged (cf. Mainwaring, 1998; Levitsky, 1998).

Table 14 presents the average total electoral volatility for nine countries. For reasons of systematic comparison, Japan is excluded from the table because it may be assumed that the regular conduct of elections over a long period of time will calm down electoral volatility. For methodological reasons, Indonesia is also excluded because it has conducted only one election in 1999. Two numbers are given for Malaysia and Taiwan. For Malaysia, the figures differentiate two periods. The first value gives the TEV for the period 1955-69, i.e. before emergency rule; the second value gives the volatility rate for the period 1974-99. Table 14 gives the average TEV for Taiwan in the period 1992-2001 and a second number only for 2001 for reasons explained below.

High voter fluctuations indicate that neither party identification nor party organization are well established yet. The highest scores in the regions are found in the Philippines (42.15) and South Korea (32.86), followed by Thailand (28.65). Only in two countries does a low level of volatility indicate a stabilization of party organizations and alliance structures. Not surprisingly, these are Singapore and Malaysia after 1974. However, for the late 1950s and 1960s the data exhibit a high electoral volatility in Malaysia. Although there is no space to examine this interesting finding more closely, we may conclude that high volatility demonstrates the highly unstable political situation of Malaysia leading to the political crisis of 1969. For Taiwan, the difference between the average TEV and the TEV provided for the year 2001 clearly shows that the 2001 legislative election was accompanied by considerable fluidity and increasing uncertainty in mass voting behaviour, and the destabilization of relationships between parties and the public.

Table 14: Party Types and Electoral Volatility in Pacific Asia

Country	Predominant Party Type	Electoral Volatility		No. of Elections Examined
		Average TEV	Degree of TEV ^a	
Bangladesh	Charismatic	15.10	Moderate	2 (1991-96)
Cambodia	Clientelistic-charismatic	25.00	Moderate	2 (1993-98)
Indonesia	Charismatic-clientelistic	-	-	1
Japan	Programmatic-clientelistic	-	-	-
Korea	Charismatic-clientelistic	32.86	High	4 (1988-2000)
Malaysia	Clientelistic-charismatic	28.68	High	4 (1955-69)
		9.94	Low	6 (1964-99)
Nepal	Clientelistic-programmatic	24.90	Moderate	3 (1991-99)
Philippines	Clientelistic	42.15	High	3 (1987-98)
Singapore	Programmatic	10.90	Low	7 (1968-97)
Taiwan	Programmatic-clientelistic	15.75	Moderate	4 (1992-2001)
		28.60	High	1 (2001)
Thailand	Clientelistic-charismatic	28.65	High	4 (1992-2001)
Geometric Mean ^b		23.33	-	-

a. Scores of more than 5 per cent above or below the geometric mean indicate low or high volatility, respectively, scores in between indicate moderate volatility.

b. For computation of geometric mean, both average TEVs for Malaysia were counted; for Taiwan, only the average TEV of 1992-2001 was counted.

Sources: Same as Table 4 and Rigger, 2001.

A close correlation of predominant party type with the level of institutionalization becomes evident. Party systems dominated by clientelistic and/or charismatic parties have greater difficulties with institutionalizing party identifications and organizations than parties with clear programmatic profiles (except Bangladesh). Two reasons help to explain this phenomenon. First, charismatic parties achieve the 'accumulation of political capital' (Pasquino, 1990: 50) primarily by emphasizing the personal attributes and political talents of their leaders. The accumulated capital is contingent on their personality and independent of the party organization. It is a 'mobile' political resource which can easily be transferred to other organizations should the respective leader choose to switch parties. Party organizations based on the charisma of their leadership have to be weakly institutionalized and structurally vulnerable for the sake of retaining power. Second, clientelistic parties often resemble private, patronage networks of individual office-holders and factions. The politicians and factions involved in these clientelistic networks enjoy a great deal of independence from the national party organization since they generate their own resources and bases of supports. Individual groups or politicians within a party are less inclined to comply with party discipline so that their behaviour brings a certain corrosive effect to bear on the party structure.

The presented empirical evidence poses one question: Is a change of the electoral system an apt means to influence the formation of parties? There are at least three arguments for and two against this assumption. First, the conclusion that party systems would evolve differently if institutional engineering of the type of electoral system were to be applied to them is neither logically cogent nor empirically verifiable. Moreover, the connection of the predominant type of party and the electoral system is statistically not sufficiently robust. It remains to be clarified whether or not it depends on a third, intervening variable (e.g. a democracy's age, or the existence of strong social polarization). Various other factors affect their evolution as well: mode and path of transition, historical party roots, traditional patterns of social stratification, cleavage structure and other central institutions (cf. Merkel, 1997b).

Second, the historical dimension of party systems is, of course, also just a product of traditional patterns of social, economic and cultural variables manifested in the cleavage structure. Several studies on South Korea, for instance, demonstrate that the absence of ideological right-left cleavages in South Korean society explains the lack of incentives for political parties to pursue more programme-based policies (cf. Croissant, this volume). In Bangladesh, on the other hand, the salience of ethnic, religious and even dynastic conflicts between the country's leading political clans covers the division between the economically privileged and the underprivileged almost entirely. Numerous studies on Thailand and the Philippines agree that the reasons for the marginal significance of political programmes lie in the combined effect of several institutional factors and socio-economic conditions, the essential structure of which can be outlined as follows. In both countries, rural areas elect the larger share of mandates. Poverty and extreme income inequality, traditional social structures and bad living conditions constitute strong incentives for the voters to view their votes not as a means to influence political decisions but as a commercial good to be sold to the highest bidder. Similarly, elected politicians are not seen as representatives of political interests but as distributors of state resources.

Informal social institutions co-ordinating the interaction between the *political sphere* and the rest of society form the link between socio-economic structures, citizens' voting behaviour and candidates' campaigning behaviour. They can be subsumed under the concept of clientelism or patron-client relationships. Such personalized relationships offer limited economic and social security to rural voters, and they represent a key device for incorporating the rural population into the political process. But at the same time, they hamper the formation of alternative, modern and generalized modes of interest representation due to their personalistic orientation (Sidel, 1999; McVey, 2000). Compared to the benefits afforded by the clientelistic relationship, which are directly experienced and attributed to specific individuals or groups by the recipients, programmatic engagement becomes quite unattractive for candidates

and representatives. The strategy they pursue is to fulfil their constituency's immediate and particular expectations. This kind of electoral market provides strong incentives for candidates and parties to satisfy the short-term, material expectations of local constituencies instead of adopting long-term programmes for producing collective goods.

Cultural norms, social cleavages and patterns of social stratification elude short-term changes achieved by institutional engineering. Consequently, a change of the type of electoral system would most likely have an effect on the party system in the medium-term. Although the impact of electoral systems on party systems is hedged in by the various factors mentioned above, three reasons suggest that proportional representation offers better conditions for creating a system of stable programmatic parties than a plurality system.

Firstly, plurality systems in single-member or small electoral districts are '*candidate-centred electoral systems*' (Cain, Ferejohn and Fiorina, 1987). They stimulate competition between individual candidates, not parties. Parliamentary representatives are generally more inclined to gain reputations as representatives of local interests and to promote the particular interests of their respective constituencies than to adhere to well defined party programmes. Their main task, therefore, consists of securing and distributing private (particular) goods (cf. Shugart, 1999; Carey, 2000a: 240; Carey, 2000b). Since they judge their political survival to be less a matter of policy-oriented action than of satisfying particular interests, they are not inclined to delegate much political power to party leaders. On the contrary, representatives commonly oppose the enforcement of strict party discipline and pursue grab-and-run strategies that aim at the short-term maximum of private goods for their voter clienteles (Cox and Morgenstern, 2002). The consequence is not only an acute underproduction of collective goods, but also a party system with permanent deficits in terms of programmatic content. Proportional representation, on the other hand, is a *party-centred electoral system*. Candidates' prospects of electoral success depend on their parties' organizational strength, their ability to run good campaigns and their programme's attractiveness. Proportional representation enables party elites to enforce compliance with their programme much more easily than plurality systems because they often decide who is going to be on the party list.

Secondly, plurality systems have a 'mechanical effect' (Duverger, 1964) on the party system which manifests itself in a process of party concentration towards a two-party system. As a result, the number of heterogeneous coalition or electoral parties in party systems dominated by charismatic or clientelistic parties usually increases. This contributes to candidates' individualistic and party-adverse attitudes, and it further undermines the ability of the party leadership to punish or reward individual representatives. We can see that the party's programmatic indifference and the candidates' loose loyalties to the

party programme are two sides of one and the same coin. Candidates and representatives therefore frequently put their party affiliation in doubt, as evidenced by the ease with which they abandon one party and join another with the intention of gaining new or securing existent political support and protection. In contrast, proportional representation can also set off a process of party concentration, because no actual electoral system can provide for a one-to-one conversion of votes into political mandates and many proportional systems have certain minimal percentage thresholds which have to be overcome by parties in order to be considered in the distribution of parliamentary seats. However, the 'mechanical' concentration effect tends to be weaker and the prospects of electoral success for small parties higher. The psychological effects change accordingly; proportional representation offers more incentives and entails less risk for voting for small and new parties.

Thirdly, as already mentioned, electoral systems also produce a 'psychological effect'. The 'psychological effect' of plurality systems further amplifies the mechanical effect. Voters quickly realize that they waste their ballot by casting it for a programmatic party that lacks any chance of winning a particular district's majority. As 'rational voters' (Downs, 1968), they will either abstain from voting or make their cross for one of the big parties. The political factor equally affects the supply side of political competition. Instead of wasting their resources by running as non-performing third-party candidates, politicians will join larger parties to improve their electoral prospects. More proportionally organized electoral systems offer small and new parties better opportunities for successful competition than plurality systems, which favour big parties and incumbents. Proportional representation thus exposes established parties to more competitive pressure and forces them to develop programmatic answers to new voter demands.

Although these three arguments may support the assumption that proportional representation is more likely than a plurality system to shift the development away from personalistic toward programmatic parties, some may argue, notwithstanding, that proportional representation increases the fragmentation of the party system, and that it (indirectly) leads to a political factionalization within parliament. But these objections chiefly address the unrestrained proportional representation as it exists in Indonesia today and as it was in Germany during the Weimar Republic, in Italy from 1948 to 1993 and in Poland between 1990 and 1992. This negative side may be neutralized by the introduction of legal thresholds of exclusion or a combination of proportional representation elements and plurality components. If the threshold is set at a sufficiently high level, it averts party fragmentation quite effectively. Proportional representation 'moderated' in this respect helps to rationalize the party system and facilitates government formation.

Reform of Government Systems

Some authors also discuss far-reaching reforms of the government system (see the chapters on the Philippines, Indonesia and South Korea). While Julio Teehankee shows some sympathy for the idea of introducing a parliamentary system in the Philippines, Hermawan Sulistyono strongly recommends a 'rationalization' of the constitutional separation of powers that would establish a presidential system instead of the current semi-presidential system.

Before discussing this subject in detail, we have to clarify its terminological and conceptual nature, i.e. we have to establish a clear understanding of what we mean when speaking about presidential, parliamentary or 'semi-presidential' systems. There is a widespread consensus in political science that democratic governments can be classified according to the relations between the parliamentary assembly, the government and the head of state. The distinction of parliamentary and presidential systems is fundamental. It found its first expression in Walter Bagehot's comparison of constitutional practice in the British and American political systems in the late nineteenth century. Current studies, however, generally employ more sophisticated classifications, because the simple dichotomy of parliamentary and presidential systems does not hold equally for all governments. Above all, the classification of 'semi-presidential systems' (Duverger, 1980) is controversial. They are characterized by a 'double-headed executive' consisting of a president and a cabinet. The (directly elected) president holds considerable executive and legislative powers, but he shares them with a prime minister and the cabinet.

The most cogent and sophisticated typology was proposed by Matthew Shugart and John Carey (1992). It includes several other variables next to the power of dismissal, namely the power of parliament to check the government, the president's power to dissolve parliament, the president's power to dismiss the prime minister and the cabinet, presidential policy prerogatives and the president's power to nominate and appoint the government. Together, these criteria render a list of five different forms of government.

1. A *presidential system* involves a direct or direct-like popular election of the president and a fixed time limit both to his incumbency and to the parliamentary term. The parliament and the president are independent of each other, and the president can fill cabinet posts at will. The president furthermore has certain, constitutionally granted powers in the legislative process (e.g. the United States of America).
2. In a *presidential-parliamentary system*, the mode of the presidential election is identical. The president gains office via a direct or direct-like popular election. The term of incumbency is fixed. The president can dissolve the parliament, or has some legislative powers, or both. The constitutional provisions creating the double-headed executive grant the president the power to

appoint and dismiss individual cabinet members. Parliament too can remove cabinet members, including the prime minister, from office by means of a vote of no confidence (e.g. the Russian Federation; the German Weimar Republic 1919-1933).

3. The *premier-presidential system* also provides for a direct or direct-like popular election of the president with a fixed term of office. The president holds considerable executive powers, which he shares with a prime minister and a cabinet. He, in turn, depends on the parliament's confidence and cannot be dismissed by the president against the parliament's will. In contrast to presidential-parliamentary systems, the president is not necessarily the head of government. He shares power with a prime minister, and does not necessarily have legislative powers (e.g. Portugal before 1982; Austria).

Presidential-parliamentary and premier-presidential systems build together the group of 'semi-presidential' systems in the sense that they mix elements of presidential and parliamentary systems without the structural and functional logic of one type dominating (cf. Sartori, 1994).

4. In a *parliamentary system* the parliament is sovereign in appointing and dismissing the government. The directly or indirectly elected head of state has no significant legislative powers, nor can he form a government autonomously, nor dissolve the parliament for political reasons (e.g. the Federal Republic of Germany; the United Kingdom).
5. An *assembly-independent government* is elected indirectly by the assembly for a fixed period of time. The government may not dissolve the assembly, but it has legislative powers. During its term it does not depend on the parliament's confidence. The president, who is also elected by the assembly, holds no autonomous prerogatives vis-à-vis the government (e.g. Switzerland; Micronesia).

Comparative government and party research advances four main hypotheses about the relationship of the type of government and the configuration of the party system:

1. Presidential systems, as a rule, give institutional incentives to the emergence of loosely structured *electoral parties*, while parliamentary systems tend to produce well-organized parties and rather cohesive parliamentary groups. The power to dismiss governments, held by the parliament in parliamentary systems, entails the parliament's power to appoint the executive. Due to the power of parliament to appoint and remove the executive, both institutions are highly interlocked. The executive, and particularly the head of the executive, can exert strong control over the parliamentary majority by means of a disciplined parliamentary group (Steffani, 1995; 1997). A comparable influence is hardly conceivable in a presidential system, where discipline within the

several parliamentary groups is relatively low, and parliaments therefore characteristically display certain trends towards volatility in supporting the government. Party discipline in parliamentary systems, in comparison, tends to be high, as it is often strictly controlled and enforced by the party leadership. Whereas parliaments in presidential systems are primarily legislative assemblies, with a special emphasis on the power of the purse, parliaments in parliamentary systems are mostly centres of cabinet formation that can remove the executive from power if they succeed in mobilizing the necessary majority in parliament. It is one major task of the governing party's leadership to prevent such defection. Accordingly, it is the central function of parties in parliamentary systems to install governments and supply them with lasting support. As a result, this form of government is strongly conducive to the emergence of disciplined 'programme parties', which offer coherent party programmes and a cohesive organizational structure. The mutual independence of government and parliament renders the fulfilment of such a function by any party in presidential systems superfluous. Instead, parties here serve to supply presidential candidates with support during their race for office ('electoral machines'). Once election day is over, parties do not feel responsible for the presidents' political fate in the same way as in parliamentary systems. This holds particularly true for parliamentary parties and individual representatives who are mainly concerned with legislation and controlling government action. A presidential system works notwithstanding the lack of stable parliamentary majorities, since it is offset by the relative ease with which ad hoc coalitions are built. Neither the rigorous enforcement of party discipline nor a unified opposition are necessary conditions for a presidential system. Hence it facilitates the emergence of *electoral parties* and members of parliament who direct most of their attention to the legislative process.

2. Presidential systems tend to engender parties with personalistic or clientelistic-charismatic identities, while parliamentary systems generally give rise to programmatic parties. Either form of government has a characteristic impact on the structure of parties and their actions (cf. Truman, 1953: 264), which in turn has a particularly salient impact on the prevalent strategies of integration and mobilization employed by parties. The loose party structures in combination with the focus of political conflict on the presidency further amplify the personalistic character of political competition in presidential systems. It is not uncommon for politicians to find additional political support in structures outside their own parties. It does not follow, though, that parties in presidential systems lack any ideological core or substantive programme, nor is their ideology necessarily eclectic or populist. But their purpose in presidential systems is limited in scope: they serve as 'electoral machines' that seek to gain the highest possible number of political offices. Rarely is their structure very complex, and it usually does not go beyond a constituency recruited on the basis of clientelistic relations. Candidates' prospects of winning the elections largely depend on their individual ability to tap resources and mobilize support.

3. Presidential systems obstruct the institutionalization of parties. The loose party structures result in frequent restructuring of the party system. These restructurings may occur before presidential elections if they are believed to improve a candidate's position in the electoral race. Depending on the electoral system, such developments either contribute to the party system's fragmentation (plurality system) or diminish it (majority system). More often, however, reorganizations take place after the elections. Due to the loose party structure and the low cohesion of representatives to their parties, presidential systems regularly witness the switching of party membership by representatives, which usually occurs in an 'upward fashion': the representative leaves the defeated party to join the ranks of the successful one. Accordingly, presidential and presidential-parliamentary systems frequently induce reductions in fragmentation of parliamentary parties in the aftermath of presidential elections, mostly due to clientelistic, personalistic and opportunistic motives. But the observed effects tend not to be of a lasting nature. Ideological bonds normally prove too weak to prevent the erosion of the newly formed coalition parties in the forerun to the next elections and a new party realignment takes place. Hence presidential systems display high rates of volatility too.

4. In young democracies, presidential systems entail a tendency to polarize the competition between parties (Linz, 1994; Ackerman, 2000). The presidency is the highest prize to be won in the political game. The concentration of political power in this office impels parties to focus almost all their efforts on the presidency. As a consequence, presidential elections, as perceived by political parties, take on the character of final judgments over the winners and losers of the political game. The winner-takes-all principle apparently pushes young democracies towards increased polarization of the political competition, which then easily turns into a zero-sum game. Confrontational, perceptual and behavioural dispositions are reinforced and the risks of social polarization are increased.

We can sum up these considerations with the proposition that each form of government both engenders and requires a specific type of party system. Each one relies on different functional inputs from the involved party system, stimulates the candidates to develop specific political qualities and offers distinct kinds of institutional incentives to political elites. Presidential systems, for instance, amplify tendencies towards party systems that exhibit low levels of programmatic content and institutionalization. In young democracies they furthermore increase the polarization of party systems. Parliamentary systems, on the other hand, encourage parties to strive for higher levels of institutionalization. They usually result in more programmatic parties and more stable party systems.

These tendencies should also be understood as structural responses to the specific functional needs and institutional incentives of each type of government.

In order to be able to avoid institutional gridlock between congress and the president in the case of competing majorities, presidential systems must rely on flexible party systems, unbound by prescriptive programmes or rigid structures. The satisfactory performance of this function requires that fragmentation and polarization of the party system is low. In comparison, the proper functioning of parliamentary systems depends on cohesive and well-institutionalized parties that have the ability to form durable coalitions and effective governments. Their performance too is enhanced by low fragmentation and polarization.

The classical cases of British parliamentarism and American presidentialism seem to underline this. Both models took shape by evolution rather than intentional design (Sartori, 1994), and in Westminster as well as in Washington, the type of government had crystallized before definite parties and the structure of today's party systems emerged. We argue that in both cases the party system adapted itself to the functional needs of government institutions. Political actors, with a certain time lag, reacted to institutional developments by 'inventing' 'appropriate' types of parties.

If we classify the existing governments in Pacific Asia according to their constitutions, we obtain a clear picture (see Table 15). Out of the 11 governments included, seven are parliamentary systems, compared to three presidential-parliamentary systems and one presidential system, characterized by president-dominated executives. Only the Philippines is purely presidential in terms of its constitution, but political reality makes South Korea a presidential system, too (Croissant, 1998). In contrast to other world regions where presidential and semi-presidential systems dominate (i.e. Latin America and Eastern Europe) parliamentary systems dominate Pacific Asia's constitutional landscape.

For the most part, a historical trait is visible. Almost all former colonies install the respective government of their former colonizers, i.e. the British Westminster parliamentarism or the French parliamentary system of the Third and Fourth Republic (1871-1959), with Indonesia being the only exception.

In cases where young democracies could draw from earlier democratic experiences, they usually reinstated the former system with slight modifications, as happened in the Philippines. South Korea and Indonesia, however, retained the systems they inherited from their authoritarian past, despite a brief interim period of parliamentarism during the short democratic period between 1960 and 1961 (South Korea). The Kuomintang simply transferred the Kuomintang regime from the Chinese mainland to the island of Taiwan in 1949. It remained in place, notwithstanding various profound constitutional reforms during the 1990s (Tien and Chu, 1998; Chao and Myers, 1998). Thailand and Japan are exceptions since they never were colonies. Nevertheless, they have developed their very own constitutional traditions, of which parliamentarism is a crucial element.

Table 15: Type of Government

Country	Type of Government	Constitutional Heritage	Dominating Party Type
Bangladesh	Parliamentary	British	Charismatic
Cambodia	Parliamentary	French	Clientelistic-charismatic
Indonesia	Presidential-parliamentary ^a	Dutch	Charismatic-clientelistic
Japan	Parliamentary	Indigenous (with Prussian and US legal traditions)	Programmatic-clientelistic
S. Korea	Presidential-parliamentary	Japanese (with Prussian and Anglo-Saxon legal influences)	Charismatic-clientelistic
Malaysia	Parliamentary	British	Clientelistic-charismatic
Nepal	Parliamentary	British	Clientelistic-programmatic
Philippines	Presidential	American	Clientelistic
Singapore	Parliamentary	British	Programmatic
Taiwan	Presidential-parliamentary	Indigenous (with French and Prussian legal influences)	Programmatic-clientelistic
Thailand	Parliamentary	Indigenous (with strong British influence)	Clientelistic-charismatic

a. Semi-presidential according to Garredo (2000), although the president is assembly-elected.

Sources: Classifications according to Croissant and Merkel, 2001; Croissant, 2002a; Garredo, 2000 and Table 12.

Historical continuities again attest to the path-dependency of institutional development. Once a particular institutional path has been taken, it appears to acquire some sort of resistance to further change if it is not disrupted at an early stage, as happened to the East European states of the inter-war period. This hypothesis concerning institutional inertia is sustained by the fact that most of all new democracies emerged in the late quarter of the twentieth century. Only a handful (i.e. Greece, Portugal, Belarus and the Ukraine) switched to another type of government after democratization. None of these changes involved a transition from a parliamentary to a presidential system, or vice versa (see Croissant and Merkel, 2001). Moreover, these empirical findings are not weakened even by examining more thoroughly the presidential status in presidential, semi-presidential and parliamentary systems. Although further constitutional reforms did occur, especially in Eastern Europe, they mostly

served to fortify the already dominant position of either the president in relation to the parliament, or, conversely, the parliament compared to the president¹² (Garredo, 2000). It follows from the above that radical institutional reforms like a change of government are extremely difficult and 'costly' to carry out and hence extremely rare in 'normal times'. Only revolutionary changes may offer a window of opportunity to instigate them (e.g. Germany in 1949, France in 1958; 1989 onwards in Eastern Europe).

The illustration in Table 15 shows that there is no clear correlation between the government system and the dominant type of political party in Asia. Also the hypothesis explicated above sounds plausible and may be valid in comparative, interregional big number examinations, but it does not tell us much about the development of political parties in Pacific Asia. This contradicts the hope that party politics would evolve differently if the constitutional engineering of the type of government were to be applied to them. Also the implicit assumption that a change in the type of government can be combined with a *tabula rasa* of the party system is not very plausible. The dilemma is that a newly institutionalized government system must work in combination with the same old party system. While a number of institutional arrangements, such as the competition between president and congress, the president's legislative powers and the mutual independence of parliament and executive, draw at least certain boundaries for the practices of clientelistic parties in a presidential system, parliamentary systems lack these checks and balances. As I have argued earlier, a parliamentary system must rely on a party system that is able to sustain that form of government. This, in turn, presupposes the organizational stability, internal cohesion and ideological coherence of parties. It is not sufficient for parties to be powerful enough to install a government – they also need to be stable and coherent enough to maintain it. But it is precisely the organizationally unstable, volatile party systems, marked by clientelism and personalism, that are too weak, too fragmented and too deficient in authority to change and lead the government towards a responsible party government.

A very different assumption therefore gains plausibility. Establishing a parliamentary system without creating simultaneously the corresponding parties is likely to intensify rather than attenuate phenomena like cronyism, short-term policy planning, the management of ad hoc coalitions by the government and a deficient orientation to the collective good. The obstacles to efficient and responsible government are thereby further exacerbated. Matthew Shugart (1999) wields this argument in his advocacy of presidential systems, claiming that they are the best among bad options for young democracies with a party system inapt for parliamentarism. Therefore countries like the Philippines or Indonesia are well advised to reconsider any proposal for a change in the form of government, and to question whether a new system really can work 'better' when it has to keep the old style of party politics.

12. One of the few exceptions is Poland.

Conclusion

This final chapter deals with the assumption that elections are an instrument for democracy. The functionality of this instrument depends, among others, on the electoral system. Conventional wisdom is that there is a trade-off between the quality and the effectiveness of democratic government. On the one hand, proportional representation systems may be accurate in terms of representation and contribute to the political and social inclusiveness of democratic institutions. The higher fragmentation of the party system, however, slows down decision-making, has a negative bearing on institutional efficiency and hampers the formation of stable cabinets, which, in turn, influences negatively the effectiveness of democratic institutions. On the other hand, conventional wisdom maintains that single-party cabinets, typically produced by plurality or majority elections, are more decisive and hence promote efficient decision-making and more effective policy-making. The conclusion drawn from conventional wisdom is that while proportional representation systems allow for more representative government, this representativeness is at the expense of effective government. Plurality and majority systems allow for more effective majority formation, but this effectiveness is at the expense of representative government. While democracies can compensate for deficiencies in representativeness, at least in the long-run, since majority and minority alternate, a lack of effectiveness may become fatal for democracy as it cannot be compensated for. Therefore conventional wisdom concludes that democracy has to give a higher priority to the principle of effectiveness than to representativeness.

This analysis does not support conventional wisdom. Concerning the advantages and disadvantages of plurality or proportional systems the conclusion that has to be drawn from this analysis is the following: there is no conclusive picture about what is 'better'. The analysis has shown that the dichotomy of proportional representation versus plurality and majority systems is not very useful for the explanation of different degrees of inclusiveness, efficiency and effectiveness of political institutions. Electoral systems with plurality formula create very different political outcomes with regard to these functional imperatives of democratic institutions. While in some cases (Singapore, Malaysia, Bangladesh) plurality systems in single-member constituencies and multi-member constituencies indeed support the rationalization of the party system and efficient cabinet formation, they do not in others, e.g. in Nepal, Thailand (before 2001) and the Philippines. And the high degree of electoral disproportionality of Malaysia and Singapore's electoral systems heavily violates the fairness principle.

In contrast, proportional representation in Indonesia has a good record in representativeness, but obviously hampers the formation of political majorities in parliament. Segmented systems like those in Taiwan and Japan (until 1994)

contribute considerably to the 'rationalization' of the party system, so that the requirement of social inclusion is not neglected, while at the same time the formation of stable governments is promoted. They are the better option compared to single-member constituency plurality systems like that in Nepal and multi-member constituency plurality systems like that in Thailand (before 2001). This result supports the conclusion other authors draw from comparative examinations of the political consequences of electoral systems. Shugart and Wattenberg (2001), for instance, draw the conclusion that 'mixed systems' may be superior to plurality systems in single-member constituencies or multi-member constituencies and to pure proportional representation systems with regard to their record of political representativeness and integration. Therefore, the authors conclude that 'mixed systems', that is electoral systems combining elements of plurality and proportional representation, are the best of all (electoral) worlds.

This conclusion may be overdrawn. However, the lesson that can be learned from comparative analysis is that plurality systems in the form of segmented systems do not necessarily create a trade-off between social inclusion on the one hand and political efficiency on the other, as the cases of Taiwan, Japan and, to a lesser degree, Korea show. On the other hand, the choice of a plurality system does not guarantee efficient formation of governments and cabinet stability. Pure proportional representation systems (Indonesia) pay a high price for representativeness. In order to balance representativeness and integration more aptly, countries like Indonesia, Nepal, Singapore, Malaysia and even Cambodia may be well-advised to modify their electoral systems and to introduce some form of 'mixed' or segmented system.

However, the studies in this volume do point to the need to take other influences into account. Social cleavages, institutional characteristics of the party system and the type of government system mediate and sometimes even contradict the effects of electoral systems. The electoral system alone cannot perform the task of developing representative and effective governments, or political institutions which fulfil the requirements of social inclusion, political efficiency and political effectiveness. As we state at the beginning of this book, any judgement about the influence of electoral systems on democratic governance, democratic consolidation and democratic politics in general has to take the broader institutional architecture of democracy as well as the social fabric into account. The question of how to reform political institutions to improve the chances of consolidation in new democracies cannot be addressed adequately when the electoral system is discussed without looking carefully at other elements of the political system.

Two points merit particular emphasis: the party system and the form of government. Representative democracies need to rely on a system of consolidated and responsive parties with a firm base in society in order to fulfil

the representative function of democracy and to secure its governability. But if we look at the development of party systems in Asia's young democracies from a comparative view, we come to a rather sceptical conclusion. In many countries in the region where democracies have emerged, neither truly responsible and representative democracies, nor consolidated and responsive party systems are established yet. The question of how to reinforce those parties and party systems that promote democracy is still of crucial importance for most young democracies. One of our core arguments has been that each of the different government types favours the emergence of a specific party system. A presidential system appears to hinder the development of stable, well-institutionalized, programmatic, weakly polarized party systems, while a parliamentary system seems to favour them. There are theoretical reasons and empirical facts to believe that institutions, once they have been created by intentional or have emerged by unintentional economic, political and cultural interaction, have a significant impact on political organizations, such as parties and interest groups. But party systems in young democracies have been and are being shaped by many different factors. Historical factors (path dependency) as well as societal (cleavage structure) and institutional factors (electoral system) are among the most important ones. Many different economic, social, cultural and political factors leave their impact on the specific type of parties and party systems. Anybody asking whether or when to choose which kind of institutional reform to support democratic consolidation must bear this in mind. Institutional engineering is possible, but it has its limitations precisely in these factors.

For these reasons, it is a risky, if not inappropriate choice to switch from a presidential to a parliamentary type of government or vice versa in order to 'engineer' more programmatic, responsive (electorate) and responsible (collective goods) parties. An effective government requires compatible parties; this holds true for presidential as well as parliamentary systems. Again there are theoretical and empirical reasons to assume that a switch from presidential governments to parliamentary systems in order to 'engineer' programmatic and non-clientelistic parties runs the risk of a 'constitutional fallacy' and the trap of 'hyperrationality'. Such a constitutional reform does not take into account the non-simultaneous time horizons: the consolidation of a party system takes much longer than the establishment of the constitutional structures. Once the new parliamentary government has been introduced, it has to cope, at least for a certain period of time, with the old, fragmented, clientelistic and irresponsible parties, which would not be able to create a strong and stable government. In such a situation the governability of the country would be less secure than under the old presidential system, where the prerogatives of the president could secure governability at least, even in the absence of strong and consolidated parties. When institutional reformers fail to recognize this, the reforms aggravate rather than mitigate the problems of consolidation and democratic governance. Incrementalism appears to be the most promising reform path.

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