



Say Peace First

CS Center

Conflict Study Center

PO Box 11374, Share Market Complex, Putalisadak, Kathmandu, Nepal Tel: +977-1-6218777 Email: [cscenter.nepal@gmail.com](mailto:cscenter.nepal@gmail.com)

## **Situation Update XII**

### **Election Theory for Constituent Assembly to Nepal**

*November 2, 2006*

Two prognosis are presently found in Nepal – the talks will materialize following the zest and zeal of the commoners and talks will fail ignoring the pray for sustainable peace of people. The Government of Nepal's (GoN) continued status quo on weapons management prior to political solution and political solution first in package raised by the Maoists created confusion among the people. Professor Johan Galtung says, "There is not a peace process but a cease-fire process." Galtung further stresses, "Prior to the conclusion of political agendas, we can not even imagine of disarmament." But, both conflicting parties GoN/SPA and the Maoists are trying their level best to assure the people that peace-talks is at the verge of completion as all issues have nearly bridged the gaps. The lip-service peace-talks and repeated assurance to people by them are minimizing the hopes of people for positive peace or just peace. On the one hand, the Maoists are regenerating its strength tossed and turned during the People's War, and on the other the GoN is preparing the ground for elections appointing Commissioners to Election Commission. Moreover, the government time and again claims CA election could be held within six months. But, the most perplexing point is that the government has neither done exercises on election process nor they have presently raised any concern on it.

Election or voting system was first introduced by Jean-Charles de Borda, which is also called Borda count as an academic study during the period of French Revolution in 1770. The French Academy of Sciences put forward the concept of voting system for electing the members in it. Later, Marquis de Condorcet proposed pair-wise method (Condorcet method) which he called the intransitivity of majority preferences.

Later in the 1800s, apportionment was begun to study and statespersons such as Alexander Hamilton, Thomas Jefferson, Daniel Webster, and so forth forwarded various methods. Some of the apportionment methods for instance party-list proportional representation system were revealed in the US and Europe in the 1900s. The apportionment methods are still used in the name of d'Hondt method and the Sainte-Lague method.

The election process coincides with voting system and voting system is a means of electing a number based on the contribution of a number of voters in favors of the candidates or parties. Voting is a part of the political and electoral process. A voting system consists of the rules for how people (voters) express their interests/desires, and how their interests/desires are cumulated to yield a result. Voting system is based on the notion of majority rule<sup>1</sup>. The study of officially defined voting systems is named voting theory - a subfield of politics or political science, economics or mathematics. Three - single winner, multiple winner and mixed theories (proposals) might be applicable in the case of Nepal.

---

<sup>1</sup>The principle that more than half of the voters should get the outcome they want. Given the simplicity of majority rule, those who are unfamiliar with voting theory are often surprised that such a variety of voting systems exists, or that popular voting systems can produce results not supported by more than half the voters. If every election had only two choices, the winner would be determined using majority rule alone. However, when there are three or more options, there may not be a single option that is preferred by a majority. Different voting systems may give very different results, particularly in cases where there is no clear majority preference. Thus, the choice of voting system(s) is one important component of a democratic government (<http://en.wikipedia.org/voting system>).

## 1. Single-winner Theory

**Single-winner** can be classified into **binary** (voter either casts vote(s) or does not for a given candidate), **ranked** (each voter ranks the candidates in order of performance) and

x	Ram	22,000
	Shanti	14,500
	Hari	9,000
	Indira	11,271
	Shyam	16,988
Box 1: Single-winner system		

**rated** (voter give a score or grade from 0 to 100 to each candidate) voting system<sup>2</sup>. The common uses of electoral system in single seats are First Past the Post (FPTP), runoff voting and preferential system and plurality.

X	Ram	22,000
	Shanti	14,500
	Hari	9,000
	Indira	11,271
X	Shyam	16,988
Box 2: Binary voting system		

1	Ram	
	Shanti	
3	Hari	
	Indira	
2	Shyam	
Box 3: Ranked voting system		

Single winner is a system that uses to elect member(s) of a parliament/state council or president based on single member constituency. It is called a relatively simple majority method, which is also known as FPTP or winner-take all voting system.

The **FPTP** is generally found in Brazil (Senate), Niger, Panama, Philippines (President), Russia (Duma), South Korea, Singapore, US (House of Representatives, Senate, President and

Local government), UK (House of Commons and Local government), etc. France uses a similar system, but carries out two rounds of elections or two ballot plurality systems choosing two highest voted candidates. The weakest candidates eliminate which is called elimination or runoff elections.

**Table No. 1: Single-winner voting system by some major countries**

Country	Body	System	Seats per District	Total seats
Bahrain		First past the post / Bloc voting		30
Bangladesh		First past the post	1	300
Brazil	President	Runoff		
Kuwait		Bloc voting		50
Lebanon		Party-block voting		128
Maldives		Bloc voting		40
Thailand		Bloc voting		391
Vietnam		Runoff	1	393
Yemen		First past the post	1	301

Source: <http://en.wikipedia.org>

The **runoff** voting system is practiced in Australia (House of Representatives), Brazil (President), France (President and National Assembly), Switzerland (Council of State), etc. In an exhaustive election method, no candidate shall eliminate and voting would be repeated until there is a majority, more than half percent of vote cast. Plurality voting system is known as relatively simple majority where multiple candidates win in a particular constituency using **bloc voting** likely in Panchayat regime in Nepal<sup>3</sup>. The bloc voting system is found in Ivory Coast, New Zealand (Territorial Authorities), Philippines (Senate and Local government), Singapore, Spain (Senate), Thailand, US (Local government), etc.

In the case of Nepal, this theory may partly be applied at this stage as most of the mainstream political parties including the CPN (Maoist) have expressed their concern over party-list proportional

<sup>2</sup> <http://en.wikipedia.org>

<sup>3</sup> Ibid

representatives and mixed theory. Before popular movement II, the FPTP had been applied to be electing members of parliament or village development committees.

## 2. Multiple-winner Theory

Multiple winner election systems comprise of **proportional representation** (PR) which is more concerned with multi-seat composition of constituency than exactly which candidates get elected. Victor D'Hondt in Belgium derived the PR theory in 1900s, which is attaining popularity in Canada. This system exists upon **party list** proportional, which corresponds directly with the name of candidates given by the parties. The party list theory is applied in Brazil (Chamber of Deputies), Cyprus, El Salvador, Hong Kong (Legislative Council), Indonesia (Lower House), the Netherlands, Norway, Peru (Congress of the Republic), South Africa, Sri Lanka, Switzerland (National Council), Turkey, Ukraine and so forth. It has open and closed proportional party list. **Open list** votes for one, two, or more than two candidates indicate their order of preference provided within the list of party. In terms of **closed list**, the voter casts vote to the parties rather than candidates and the concerned party finally ranks accordingly to its list, e.g., Israel, UK, etc. Party-list proportional representation was widely introduced to elect European legislatures in the early 2000s, even though Belgium implemented it first in 1900.

**Table No. 2: Multiple-winner voting system by some major countries**

Country	Body	System	Seats per District	Total seats
Austria	Nationalrat	Party list		183
Bolivia		MMP		130
Cambodia		Party list		120
Colombia		Party list		168
Costa Rica		Party list		57
Cyprus	House of Representatives[4]	Party list		80
Denmark		Party list		179
Finland	Eduskunta (and MEPs)	d'Hondt method (open lists)	6-33	200
Greece	Hellenic Parliament	Party list		300
Hong Kong	Legislative Council	Party list / Functional constituencies	4-8	60
Hungary	Országgyűlés	MMP		386
India	Rajya Sabha (upper house)	STV		?
Republic of Ireland	Dáil Éireann	STV	3-5	166
Israel	Knesset	d'Hondt method	120	120
Italy		MMP		630
Jordan		SNTV		80
Kuwait		Bloc voting		50
Lebanon		Party-block voting		128
Maldives		Bloc voting		40
Malta	Kamra tar-Rapprezentanti	STV	6-5	65 (variable)
Netherlands		Party list		150
New Zealand	House of Representatives (Parliament)	MMP		120

	Territorial Authorities	STV or Bloc voting (depending on the Territorial Authority)	3–9	
Norway		Party list / Additional Member		165
Panama		Parallel / FPTP		72
Peru	Congress of the Republic	Party list		120
Romania		Party list		328
South Africa		Party list		400
Sri Lanka		Party list		225
Turkey		Party list		550
Ukraine		Party list		450

Source: <http://en.wikipedia.org>

**Single Transferable Vote (STV)** considers as a specialized form of cumulative voting system. It uses preferential voting system to ascertain the results of election. It means voters rank candidate(s) in order of preference in a multi-member constituency. A successful individual candidate must attain a quota being the total number of votes received divided by the number of candidates to be elected plus one. In a 9 member of constituency the n quota would be the number of votes divided by 10% (9+1)%. If a candidate wins election keeping him/her in a number one rank, his/her surplus (excess) vote is transferred to second choice. This process is continued till all seats are filled. Andrew promoted STV voting system first held in Denmark in 1856 and in Tasmania in 1896.

**Single Non-transferable vote (SNTV)** is the semi-proportional method, which is simple than cumulative voting. It is a special variation of cumulative voting where votes cannot be divided to other candidates. It also is known as multiple-winner method where each voter casts one vote for one candidate (one share one vote) in multi-candidate contest. For four-seat constituency, four candidates may take part from a single party and largest number of votes individually wins the seat. Only Jordan and Republic of China (Taiwan) are practicing this method. For example, for three seats to be filled by six candidates, where the following candidates from the respective parties received votes as below:

**Table No. 3: SNTV Method**

Candidate	Vote	Party	Party	Votes	%	Seats
Shyam	1300	Green	Yellow	6900	40.0	1
Sarita	3500	Red	Red	6800	39.5	2
Yahsoda	2900	Yellow	Green	3500	20.5	0
Hari	4000	Yellow				
Geeta	3300	Red				
Ram	2200	Green				

Hari from Yellow Party and Sarita and Geeta from Red Party become winners. Although Yellow Party received the largest percentage of votes, it only got one seat.

The Communist Party of Nepal (UML) put forwarded the concept of inclusive and proportional election system. Similarly, both the Nepali Congress has put forward both single winner and multiple winner theories, which is also floppy. The Maoists also propose for federal autonomy and proportional representations. However, any single proposal is not sufficient taking into consideration Nepal's diverse social, cultural, linguistic, caste/ethnicities, class and topographical regions.

### 3. Mixed Theory

Mixed Theory is a combination of Single Winner Method and Multiple Winner Method, which eliminates the weaknesses of both the methods. The mixed election system functions mainly in diverse population or in geographic, socio-cultural and economic realities and the FPTP. The

proposed recommendations of the some political parties for CA elections suggest for mixed theory; which are as follows:

NC: CA elections within one year of IG Proclamation consisting 50% each of direct and indirect representations; indirect composed of women, dalits, indigenous/ethnicities, Madhesi, minorities, differentially abled, backward areas, professionals and civil society.

NC(D): CA elections within one year of IP Proclamation consisting 50% each of direct and indirect representatives, ensuring women, indigenous, ethnicities, Madhesi, dalits, Karnali, including remote areas and 10% from professionals and civil society.

Maoist: CA elections within one year of IC Proclamation; 225 CA members comprising 90 from nine autonomous regions; and 125 from 200-thousand population each; and 10 from marginalized and experts, ensuring inclusion and proportional representations of women, disadvantaged castes, ethnicity, differentially abled

**Table No. 4: Mixed winner voting system by some major countries**

Country	Body	System	Seats per District	Total seats
Australia	Senate	STV	6 or 2	76
	House of Representatives	Instant-runoff voting	1	150
Belgium	Chamber of Representatives	Party list (D'Hondt)	41+29+1	71
	Senate	Direct election (40 members), appointment by regional legislatures (21 members), election by other senators (10 members); overall distribution between parties by Party list (D'Hondt)		
Brazil	President	Runoff	—	—
	Senate	First past the post	2+1	81
	Chamber of Deputies	Party list		513
Republic of China (Taiwan)	Legislative Yuan	Parallel / SNTV		225
East Timor		Parallel / Party list		
France	President	Runoff		1
	Assemblée Nationale (National Assembly)	Runoff	1	577
	French Senate	Electoral college		331
Germany	Bundestag	Mixed member proportional	n/a	598 (at least; 0-3% out of proportion)
Hong Kong	Legislative Council	Party list / Functional constituencies	4-8	60
Indonesia	Dewan Perwakilan Rakyat (lower house)	Party list		550
	Dewan Perwakilan Daerah	Runoff		
Japan		Parallel / FPTP		480
Panama		Parallel / FPTP		72

Peru	Congress of the Republic	Party list		120
	Council of States	Runoff	2-1	46
Philippines	President	First past the post	1	1
	Senate	Bloc voting		24
	House of Representatives	Parallel		250
	Local government	Party-block voting / FPTP		
Poland	Sejm	d'Hondt method	7-19	460
	Senate	Plurality bloc voting	2-4	100
	President	Top-two runoff	1	1
Russia	Duma	Parallel / FPTP		450
Singapore		Party-block voting / FPTP	Currently 1 or 5 or 6 (depending on constituency)	84
South Korea		Parallel / FPTP		299
Spain	Congress	Party list		350
	Senate	Partial bloc voting (208 members), appointment by regional legislatures (51 members)	2-4	259
Sweden	Riksdag	Modified Sainte-Lague (Open list)		349
	Landstingsfullmaektige	Modified Sainte-Lague (Open list)		31-149
Switzerland	National Council	Party list	1-34	200
	Council of States	Runoff	2-1	46
United Kingdom	House of Commons	First past the post	1	646
	Scottish Parliament	Mixed member proportional	8 *7	129
	National Assembly for Wales	Mixed member proportional	5 *4	60
	Northern Ireland Assembly	STV		
	Local government	STV (Scotland and Northern Ireland), first past the post (elsewhere)		
USA	House of Representatives	First past the post with primaries	1	435
	Senate	First past the post with primaries	1	100
	President	Electoral college (electors generally chosen using first past the post on per state basis)	1	1
	Local government	Depending on the area, first past the post, top-two runoff, or bloc voting		

Source: <http://en.wikipedia.org>

## Conclusion

Nepal is a multi-ethnic, multi-lingual, multi-cultural and multi-religious country with geographic variations. The deep cultural pluralism of Nepal consists of at least 61 castes, sub-castes, ethnic and sub-ethnic groups<sup>4</sup>. There are about 90 languages and 10 religious communities<sup>5</sup>. The discrepancies based on the above fuelled political and economic exclusion, discrimination and/or exploitation for a large segment of the Nepali population. The post-1990 restoration of multi-party democracy, the zest and zeal of the people, could not be fulfilled due to failure to take steps either in restructuring and/or reforming institutions in the course to mitigate socio-cultural discrimination, economic deprivation and political polarization. Despite some progress in many areas, the huge discrepancy in income between rich and poor widened the gap from 0.32 to 0.43 during the period of 1996 to 2003<sup>6</sup>, which substantially stimulated to experience an armed conflict named People's War.

Appropriate election system would contribute to inclusion and proportional representation of all diversities. The following three prognoses are worth considering since Mixed Theory alone is not able to meet the socio-cultural diversities:

**Prognosis 1.** It includes FPTP, Party List Proportional Representation and Regional/Community Voting System which comprises inclusion of women by 40% as below:

- 40% FPTP (Direct Vote)
- 40% Party List Proportional Representation based on the FPTP
- 20% Regional/Community based on poor, marginalized, disadvantaged and vulnerable groups and experts, ensuring inclusion and proportional representations of castes, ethnicity, region, differentially abled, linguistics, etc.

**Prognosis 2.** It includes two methods of voting system, as follows:

- 80% Direct Vote to Party (Open/Closed List Proportional Representation)
- 20% Regional/Community based on poor, marginalized, disadvantaged and vulnerable groups and experts, ensuring inclusion and proportional representations of castes, ethnicity, region, differentially abled, linguistics, etc.

**Prognosis 3.** It includes absolute direct party participation voting system (Open/Closed List Proportional Representation).

## Therapy

However best plans, policies and programs the State adopts, the genuine implementation or the systems, processes and actors play vital roles for the success to restructuring of society and state through free and fair elections to CA. Expertise and experience in election process and systems to delineate constituencies is significant rather than political parties, bureaucrats, etc. In this context, the performances of chief commissioner has raised some doubt that CA election could be held in free and fair manner as he was NC activist more and less bureaucrat in the past.

Prior to go for CA elections, according to Professor Johan Galtung, four issues should be addressed: (i) mediation for conflict resolution, (ii) peace building, (iii) violence control, and (iv) conciliation for healing and closure. Besides, the Watchdog Committees for Peace and Reconciliation should be established at all tiers/layers of society from village to national levels comprising gender, caste, ethnicity, region, class, and youths.

---

<sup>4</sup> Pathak, Bishnu. 2006. *Politics of People's War and Human Rights in Nepal*. Kathmandu; Bimipa Publications.

<sup>5</sup> Basnet, Lalit Bahadur. October 16, 2005. *Restructuring State based on Caste/Ethnicity*. Kantipur. Kathmandu: Kantipur Publication

<sup>6</sup> Bohara, Alok. October 17, 2006. *Restructuring Nepal*. Kathmandu Post. Kathmandu: Kantipur Publication

This process may end all contradiction and tussle of caste/ethnicity, class, language, region and so on in Nepal. This could lead to social justice, which is a must for sustainable and just peace.

We agree with ten possible remedies put forward by the Distinguished Professor Johan Galtung, the International Advisor of the CS Center, while on a visit to Nepal on October 30 to November 1, 2006 for the therapy of deadlock on peace. They are:

- have committees likely to National Monitoring Ceasefire Committee to work on major social issues, like communicating vessels, with Maoist at multiple layers;
- learn “positive disarmament” from the Nicaraguan Sandinista-contra teams of former militants and military for joint reconstruction of what was destroyed, e.g. bridges, clinics, schools, etc.;
- send teams of Maoist and others to remote villages to work speedily with the people for literacy in Nepalese and other languages;
- encourage quotas for women, younger people and dalits in local political bodies – not waiting for the constitution to catch up;
- make sure that Nepal is up to date in labor intensive, cost effective, and environment-friendly appropriate technologies;
- experiment with labor value (instead of money) based niches in the economy to alleviate the abject misery of those with no money;
- invite India to share its expertise on federalism, but also to respect *Panchshila* norms of non-interference;
- invite USA to solve the “9/11” (September 11) conflict, like Spain seems to have solved “11M”, and not use 9/11 to interfere in Nepalese politics;
- use the Maoists and grassroots as a source of energy and national renewal for a better Nepal rather than seeing them as a threat; and
- start thinking of what a reconciliation process might look like.

***Contributed by***

*Mr. Bishnu Pathak PhD and Mr. Chitra Niraula*

***Assisted by***

*Ms. Yashoda Upreti*

*CS Center, established recently in 2006, is an academic, policy oriented and research based non-government, non-partisan and non-profit making autonomous institution registered with the Government of Nepal. Its purpose is to promote peace, respect human rights, enhance democratic process, and protect the poor, marginalized, disadvantaged and vulnerable (PMDV) people and endorse social justice and dignity through education, training, action research, action advocacy, capacity building and networking as a Think Tank, Center for Excellence.*