




Policy Directive

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UN support to electoral system design and reform


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POLICY DIRECTIVE ON UN support to electoral system design and reform

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Annex A: International normative framework

A. PURPOSE

1. This directive sets out UN policy for providing support to the design or reform of an electoral system, or parts of an electoral system. This policy is complementary to the policy directive on “Principles and Types of UN Electoral Assistance” FP/01/2012 and should be read in conjunction with it. This directive also contains important technical information and an overview of relevant political considerations. With respect to the features of an electoral system that can help promote or ensure the election of women (including through the use of temporary special measures), this directive should also be read in conjunction with the policy guideline “Promoting Women’s Electoral and Political Participation through UN Electoral Assistance” FP/03/2013.

B. SCOPE

2. This directive applies to all entities of the United Nations system and UN personnel with respect to activities that touch on electoral processes or electoral systems (even if the personnel involved are not referred to as electoral advisers). United Nations and UN are understood to refer to the entire UN system, that is, all UN departments, funds, programmes, entities, trust funds, commissions, peacekeeping missions, special political missions, peacebuilding missions, country offices and other bodies. The directive also applies to advisory missions or services of a limited duration.

C. RATIONALE

3. The UN Focal Point for electoral assistance, the Under-Secretary-General for Political Affairs, (hereafter “the UN Focal Point”) is the system lead in the development, issuance and dissemination of UN electoral policy. UN electoral policy is defined as the

normative framework and prescriptive guidance that apply to all UN entities providing electoral assistance. This policy directive has been developed as part of the efforts of the UN Focal Point to develop a comprehensive set of UN system-wide electoral policies.

D. POLICY

Background

4. Briefly put, electoral systems consist of the rules by which votes are translated into seats won by parties and candidates. They are generally found in constitutions (basic laws), electoral laws and/or other legislation governing electoral processes. Such rules can be described for any private or public institution of which the members are elected, but the focus in this paper is primarily on national parliaments. Electoral systems have profound implications for the political system and the governance of a country, and discussions around their design or reform will generally be sensitive and driven by political considerations.

5. The existing academic literature and technical resources on electoral systems is substantial. (A list of references at the end of the paper contains a selection of relevant titles). The intention here is not to replicate what has already been documented. Rather it is to provide UN personnel with a general understanding of key aspects of electoral systems and UN policy and guidance on how to support Member States in designing or reforming their electoral system. In the electoral policy directive on “Principles and Types of UN Electoral Assistance”, the UN Focal Point for electoral assistance set out a number of principles to further guide UN electoral assistance. These principles also apply to support and advice on a country’s electoral system.

International normative framework

6. Most states have ratified conventions requiring them to uphold – among other things – universal and equal suffrage, secret voting, and genuine periodic elections guaranteeing the free expression of the will of the people. Foremost among these binding obligations is the International Covenant on Civil and Political Rights (ICCPR), which draws on the Universal Declaration of Human Rights (see Annex A for more details). There are also other instruments such as the Convention on the Elimination of All Forms of Discrimination against Women, which requires States parties to remove legal and other obstacles to women’s equal participation in politics, and the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, there are regional conventions with similar provisions on citizens’ electoral rights, with binding effect for countries that have signed up to them. In addition to obligations under international law, UN Member States may agree to certain rules or principles among themselves, without the intention of creating binding obligations. Such political commitments can come in the form of declarations, statements, resolutions and the like, and can be of a global or regional character.

7. These international obligations and political commitments do not, however, prescribe the use of any particular electoral system. Proportional representation systems and plurality systems – to be discussed in detail later – can be equally suited, for example, to ensure universal suffrage, genuine periodic elections, and non-discrimination. Both types, and numerous combinations of the two, are used and accepted by countries throughout the world. In other words, aside from principles such as universal suffrage, secrecy, and genuine periodic elections guaranteeing the free expression of the will of electors, there is no set of absolute standards to help design an electoral system in *all* its aspects.

8. The General Assembly of the United Nations has also reaffirmed, on numerous occasions, that “while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirmed further “the necessity of due respect for sovereignty and the right to self-determination” in the context of elections.¹ The choice of a country’s electoral system is therefore a matter of domestic jurisdiction, taking into account its international obligations.

9. In sum, international law gives significant latitude to countries in designing the details of their electoral system. Nevertheless, with respect to implementation of international obligations stemming from the ICCPR, the (non-binding but authoritative) commentary of the UN Human Rights Committee on the Covenant should be kept in mind. With respect to Article 25, which deals with electoral rights, the Human Rights Committee has stated that “any system operating in a State party must be compatible with the rights protected by Article 25 and must guarantee and give effect to the free expression of the will of the electors. The principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely”.

UN Electoral Assistance Framework

10. Before the UN provides any type of electoral assistance, two preconditions must be met: first, all UN electoral assistance must be based on a Security Council or General Assembly mandate or an official request from a member state or territory, and second, a needs assessment must be carried out by the UN Focal Point for electoral assistance. The Focal Point will approve or deem inappropriate UN electoral assistance, based on the assessment report, and define the type, parameters and modalities for the assistance.

Policy considerations

11. Issues of representation are at the heart of electoral systems - who or what is to be represented, ensuring that the people as a whole are reflected in the legislature. The outcome may revolve around geographical areas, ideological leaning, party affiliation, population groups, or other dimensions of identity that are of importance in the country concerned.

12. The design of an electoral system is a political and highly sensitive process that has significant implications for, among other things, the distribution of political power, the inclusivity of elected bodies and the stability of political institutions. It can influence many factors of political importance, both in the short and the long run. These factors include:

- the degree of proportionality between the share of seats and the share of votes of each party;
- the proliferation and internal cohesion of political parties, which in turn can influence government formation;
- the propensity for the electoral system to entrench established political parties and make it difficult for new parties to participate successfully;

¹ General Assembly resolution 66/163 of 19 December 2011. The General Assembly has used similar wording in resolutions dating back to the early 1990s. In its resolution 48/124 of 20 December 1993, for example, the General Assembly had noted “that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors.”

- the effectiveness of measures in support of the representation of women and specific groups, where relevant, such as minorities and indigenous peoples;
- the extent of votes cast for parties or candidates not winning a seat, and the incentive the prevalence of this might give for tactical voting, sometimes in favour of larger parties;
- accountability towards voters;
- the acceptance of results and the legitimacy of political institutions;
- the functioning of political institutions, including the relationship between the legislature and the executive branch of government.

13. An electoral system, guided by a country's international legal obligations and commitments, has to be suitable for the context of the country in which it will be used. "Suitability" has to be defined for each country: national actors need to agree on the political objectives of their country's electoral system. There is no system that can meet every political objective; an electoral system cannot, by itself, solve all challenges relating to peace and political inclusion. Among all the possible models, features and effects of electoral systems, some choices will have to be made, and priorities will have to be set for what the system is designed to achieve. While there are technical aspects that need to be considered, these choices are ultimately political, and are for national actors to make. ("National actors" vary from country to country, but should ideally include not only legislators and members of government but also broader segments of society).

14. UN assistance should therefore provide support to the development of policies and the implementation of appropriate measures to promote as much as possible, in the design or reform of the electoral system, the participation of all sectors of society, including potentially any electorally under-represented or marginalized groups. This could include measures specific to electoral events, temporary special measures and longer term programmes.

15. At the same time, even the term "inclusiveness", which is generally seen as an important feature of electoral processes, depends on the political and social context of a country. It is not a synonym for ensuring that every possible voice in the country is represented by one or more members in an elected body. And while many Member States have signed up to international obligations with respect to the political rights of all their citizens, including indigenous peoples and minorities, it is not a given that a Member State seeks to adopt an electoral system that leads to the identification of political parties, candidates and voters by their ethnic, linguistic or geographic affiliation, rather than a political ideology.

16. Moreover, it should be kept in mind that any quota or reserved seat mechanism that is designed to help the representation of a particular group involves an intervention into how an electoral system would otherwise function. It may also entail a deviation from the equality of votes. This means that advice on such mechanisms should always be based on a comprehensive analysis of all political and legal consequences of their implementation.

17. Elections should ultimately be a means to peacefully elect representatives, distribute political power and enable transitions between governments (and to overcome and prevent conflict where applicable). An electoral system plays a role in this because, depending on its design, it can provide incentives for an inclusive composition of the elected body, one that gives a fair chance for different segments of society to be represented. At the least, an electoral system should not continue or deepen divisions and exclusions of the past, if any. This means that it is important for national actors to make choices about designing or reforming their electoral system after a consultative, inclusive and transparent process. The

deliberative process will affect the credibility and acceptance of the outcome of future elections.

18. For countries emerging from conflict, there is an even greater need to design the electoral system in a deliberative manner, as a way to overcome existing sources of conflict. The highest objective should be sustainable peace and security. Inclusive participation in elections, and a degree of legal certainty, is an integral part of achieving this.

19. In sum, an electoral system should:

- (a) conform to a country's international obligations and commitments;
- (b) be designed taking into account a country's political, legal, social and cultural circumstances;
- (c) be based on a clear understanding among national actors of what the system is intended to achieve;
- (d) help create inclusive political processes and eliminate conflict drivers (where applicable) such as systemic discrimination and exclusion;
- (e) allow for the development of new political options that may emerge;
- (f) be developed through an inclusive, transparent and participatory process; and
- (g) not be subject to frequent changes, or changes shortly before an election.

Policy directives

20. In light of the preceding policy considerations, the *main objective* for UN personnel providing support and advice on electoral systems – when requested – should be to support national actors in a way that allows them to take fully informed decisions, based on a broad and shared understanding of their international obligations and political objectives, and to adopt a system that has the features mentioned in paragraph 19 above.

21. UN personnel who are requested to provide support and advice to national actors on electoral systems should therefore:

- i. Develop a good understanding of the political, cultural, legal and social context of a country, including conflict drivers and challenges for women and other potential traditionally underrepresented groups such as minorities and indigenous peoples;
- ii. Be thoroughly familiar with the theoretical and practical aspects of electoral systems, and seek additional expertise in case of doubt, particularly from EAD/DPA;
- iii. From the outset advise on, and promote, an inclusive, consultative and transparent *process* for designing or reforming the electoral system. An inclusive process should reach out not only to established political actors, but also to women and other groups whose electoral rights may have been traditionally neglected or restricted, which could include minorities, indigenous peoples and youth.
- iv. Advise national actors on the *substance* of an inclusive electoral system that will meet their country's international obligations and commitments and the desired objectives as formulated through a consultative process, and that will contribute to inclusive political processes and to sustainable peace and security. This activity should therefore include:

- (a) Promoting an understanding among national actors of the features and typical effects – both technical and political – of electoral systems used around the world;
 - (b) Encouraging and, if requested, facilitating dialogue among national actors on the desired objectives and features of the electoral system, for example by formulating appropriate questions on what would constitute a suitable electoral system in their specific context;
 - (c) Translating the desired objectives of national actors into technical options and explaining how they might work, in particular their political implications and effects;
 - (d) Reviewing the differential impact of proposed electoral systems on the political participation of women and any traditionally marginalized groups, including minorities and indigenous peoples, and their election to representative bodies;
 - (e) Promoting and advising on ways to improve the participation of women and any traditionally marginalized groups, which could include minorities and indigenous peoples, including, where appropriate, through the use of temporary special measures such as positive action, preferential treatment and quota-based systems of reserved seats, based on a comprehensive analysis of their possible effects.
- v. Not be prescriptive and remain neutral on the options available to national actors, and not interfere in national decision-making processes, or lobby or favour one particular system over the other. However, this does not preclude UN experts from having an informed opinion on whether a certain feature of an electoral system is likely to:
- (a) produce effects contrary to international obligations and commitments, such as universal and equal suffrage, secrecy of the vote and genuine periodic elections, or the stated objectives of national actors;
 - (b) exclude segments of society from the political process and undermine confidence and credibility, (for example, a system that produces extreme disproportionality between the amount of votes received and the resultant level of representation);
 - (c) otherwise deepen divisions and sources of conflict; or
 - (d) produce counter-intuitive or paradoxical effects (such as a formula in which an increase in votes can lead to a decrease in seats).

Such opinions, if shared with national actors after appropriate coordination, should always be constructive, discreet, and accompanied by appropriate alternative solutions.

22. The policy considerations and directives above apply equally to UN personnel who provide advice on specific aspects of an electoral system, in accordance with their organization's mandate. As with all UN electoral assistance such advice is provided only after an official request from a member state or territory, a needs assessment and the approval of the UN Focal Point for electoral assistance. Such advice should always be consulted with the main UN entity providing electoral assistance.

23. In contexts where there is more than one international electoral assistance provider, UN personnel should aim, where possible, to build consensus and present a coordinated international community position so as to avoid providing conflicting advice to national actors.

24. Providing advice on electoral system design or reform is both a technical and a political matter. In light of the political ramifications, UN electoral assistance providers should involve the most senior UN representative in the country as early as possible: Resident Coordinators, Special Representatives of the Secretary-General, or their respective deputies or senior political advisers if any. Their political guidance and support will be important throughout any design or reform effort. The Electoral Assistance Division of DPA should also be kept informed in order to provide guidance and support.

Technical elements of electoral systems

25. There are a large number of different electoral systems currently in use globally, although they are often grouped into three broad families: plurality/majority, proportional and mixed systems. To categorize these, a distinction is generally made between three main variables:

- (a) **The electoral formula:** the mathematical method by which seats are allocated. The most important variations for electoral formula are: (a) plurality/majority, where seats are allocated to lists² or candidates on the basis of them having won more votes than other contestants (plurality) or more than half of all votes (majority), and (b) proportionality, where the available seats are allocated to lists in proportion to the share of votes obtained by each list or candidate. There are many variations in these two types, and electoral systems may also combine elements of both in the form of mixed systems.
- (b) **The ballot structure:** the process by which voters express their choice on the ballot, whether a voter makes a single choice for one list or candidate, votes for multiple parties/candidates, or ranks them based on preference.
- (c) **The district magnitude:** the number of representatives/seats in an electoral district.³ In single-member districts (SMD), the magnitude is one, and in multi-member districts (MMD) it is more than one.

26. The various possible combinations of these three main variables form the basis of what is now a well-established typology of electoral systems (*detailed in Table 1: Typology of electoral systems*).

27. In addition to these three main variables, other important features may include:

- (a) **The electoral threshold:** the minimum support a list must have to win seats. It is by no means necessary to have an electoral threshold and not every country has one. Formal thresholds, where they exist, are defined by law and can be expressed, for example, as a fixed percentage of the votes.
- (b) **The number of electoral districts in a country, and the process by which they are demarcated.**

² The term “list” rather than “party” will be used throughout this directive. Not all countries require a group that wishes to nominate candidates to be formally registered as a political party. A “list” is therefore any entity which participates in an election by nominating multiple candidates (ie submitting a list of candidates).

³ The term “constituency” is also used in this directive. Unless otherwise stated, it is synonymous with electoral district.

- (c) The process by which seats are apportioned to the electoral districts before the election.
- (d) Compensatory mechanisms: in list proportional systems that use more than one constituency, a number of seats may be used to ensure that the final distribution among lists reflects their share of the cumulative national vote, by “compensating” lists for any deviation from nationwide proportionality.
- (e) Temporary special measures such as quotas and reserved seats for the representation of women or of certain groups such as minorities and indigenous peoples.
- (f) Turnout requirements: some systems require that at least 50 per cent, or a higher percentage, of the registered voters must participate in an electoral process, including referenda, for the results to be valid.
- (g) Geographic distribution of votes: Some electoral systems require that a winning candidate must have a certain level of support from a pre-defined number of provinces or constituencies across the country (generally in the context of a presidential election).

28. Some elements of an electoral system, if not carefully designed or if deliberately manipulated, can lead to the distortion of the intended effects. These include:

- (a) Malapportionment: the creation of excessive differences in constituency magnitude in terms of the proportion of elected representatives to the number of voters – or inhabitants/citizens – between constituencies;
- (b) Gerrymandering: deliberate manipulation of electoral district delimitation intended to result in representation disproportionate to the actual votes obtained by each political grouping.

Typology of electoral systems

29. As noted above, variations in the main key elements (electoral formula, ballot structure, district magnitude) are at the heart of a common typology of electoral systems. Systems in this typology are usually known by the following names:

Plurality/Majority systems

- First Past the Post (FPTP)
- Two-Round System (TRS)
- Alternative Vote (AV)
- Block Vote (BV)
- Party Block Vote (PBV)
- Single Non-Transferable Vote (SNTV) (sometimes described as “semi-proportional”)
- Limited Vote (LV)

Proportional systems

- List PR (Closed or Open)
- Single Transferable Vote (STV)

Mixed systems

- Parallel System (also sometimes describes as a “semi-proportional” system)

- Mixed Member Proportional System (MMP)

30. Some systems are far more prevalent than others. List PR and FPTP, along with combinations of the two in mixed systems, are the most common for the election of lower houses or single houses of parliament. LV, STV, SNTV, AV and PBV are used in far fewer countries for such elections.

Table 1. Typology of electoral systems

I. District magnitude...	II. + Electoral formula...	III. + Ballot structure... <i>Each voter:</i>	= Type of electoral system
Single member districts (one seat per district)	Plurality (most votes needed to win)	Has one vote, to be cast for one candidate	First-Past-the-Post (FPTP). The candidate with most votes is elected. A winning candidate's share of the total vote does not matter, as long as his or her vote is larger than any other candidate's vote.
	Majority (more than half of votes needed to win)	Has one vote, to be cast for one candidate	Two Round System (TRS). If no candidate obtains a majority of the votes, a second round must take place. Second rounds are either among the two top vote-getters in the first round, or more candidates (e.g. all candidates with more than a certain per cent of the vote). If there are more than two candidates in the second round, only plurality is required to get elected.
		Can rank all candidates in order of preference	Alternative Vote (AV). Voters indicate their candidate preferences on the ballot paper by marking the number of their choices (preferences), from 1 to n (or to any lower number), n being the number of candidates in the constituency. If no candidate has a majority of first preference votes, the candidate with the fewest highest preferences is eliminated; her or his ballots are then redistributed among the other candidates according to the next highest preference; this continues until one candidate has a majority of preferences. Sometimes also called "instant run-off".
Multi-member districts (MMD) (two or more seats per district)	Plurality (most votes needed to win)	Has one vote, to be cast for one candidate	Single Non-Transferable Vote (SNTV). Voters cast one vote for a candidate, even though there are multiple seats to be filled. The candidates with the most votes win.
		Has multiple votes, to be cast for as many candidates as seats	Block Vote (BV). Voters cast as many votes as there are seats. The candidates with the most votes win.
		Has multiple votes, but not as many as seats	Limited Vote (LV). Voters cast more than one vote but not as many as there are seats to be filled. The candidates with the most votes win.
		Has one vote, to be cast for one party	Party Block Vote (PBV). Entities present a slate of candidates, as many as there are seats. The list with the most votes has <i>all</i> its candidates elected.
	Proportionality	Has one vote, to be cast for a list only	Closed List PR. Seats are allocated to lists on the basis of their share of the votes. Candidates on the list are awarded seats as per their position on the list (e.g. a party winning three seats awards its seats to the first three candidates on its list).
		Has one vote to be cast for a list, and one or more votes to express a preference for one or more candidate(s) (in some cases even the option to "strike" a candidate)	Open List PR. Seats are allocated to lists (parties) on the basis of their share of the votes. Candidates on each successful list are awarded seats depending (in part) on the number of votes obtained by each candidate. The effect of the individual candidate votes on the order in which candidates get seats can differ from system to system.
		Can rank multiple candidates in order of preference	Single-Transferable Vote (STV). Voters rank the candidates. In some cases this may be as many candidates as they want, or the rules may set a maximum or minimum. For the results, a quota is first calculated (for example, total votes divided by all seats plus

			one vote). Candidates who reach the quota with their first preference votes win a seat. For each candidate so elected, the surplus of votes - the number of votes exceeding the quota needed to win - is calculated and then redistributed according to the next preference on the ballot. If not all seats are filled, the candidates with the lowest number of votes are eliminated and their votes distributed among the other candidates according to the second preferences. This is repeated until all seats are filled.
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List PR with nationwide compensation

31. A variation on the List PR system deserves to be mentioned, even though it falls outside the schematic table above. This variation may be used in situations in which the country is divided into multiple constituencies (for example, each province or region is considered a constituency), each electing a number of seats using the List PR method. Such a method will generally ensure proportionality at the level of each constituency, but not necessarily proportionality on a nationwide basis. For example, a list with pockets of supporters spread throughout the country may be too fragmented to win a seat in any one constituency, and yet have a sufficiently large share of the cumulative national vote to earn one or more seats. The use of compensatory seats entails allocating a number of the parliamentary seats to lists to the extent necessary to "correct" any deviations from nationwide proportionality. There is no separate race or ballot for these seats: their allocation is calculated based on the general votes cast.

Mixed systems

32. There are also systems in which elements of a majoritarian character are combined with proportional representation elements. The two main types are known as the parallel system and the mixed member proportional system (MMP):

Parallel system: when some seats in an elected body are contested through a plurality or majority race and others through a proportional race. If the calculation of results in each race does not affect the other, it is known as a parallel system.

MMP: when some seats in an elected body are contested through a plurality or majority race and others through a proportional race and the results in the plurality race are taken into account when determining the final results in the proportional race: the seats in the proportional race are used to achieve overall proportionality. If the number of seats a list wins through the FPTP race in single-member constituencies is lower than the number of seats it would be entitled to based on its nationwide share of the votes cast in the proportional race, the list would be given additional seats until it reaches the equivalent proportional nationwide share.

Additional aspects: seat allocation methods in List PR systems

33. In a proportional system, there is need for an additional step to convert each party's share of the total votes into a share of the seats. Perfect proportionality between those shares is practically never possible, since seats are not divisible units that can accommodate the inevitable fractions that will occur in the calculations. For example, in an elected body of 125 members a 10% share of the votes cannot be turned exactly into a 10% share of the seats, since that would be 12.5 seats. Simply rounding up or down will not necessarily work. Instead, two types of seat allocation methods have been developed for dealing with these fractions in PR systems.

34. The first method is called the largest remainder method. It involves, as a first step, the calculation of an “electoral quota” (not to be confused with quotas that can ensure the representation of certain groups such as women). In the most common version the electoral quota is the total number of votes divided by the total number of seats to be allocated. Next, each party’s total vote is divided by this quota. Each party is entitled to as many seats as the number following from rounding down the result of this division to the nearest integer. This may not result in all seats being allocated. If this is the case, the next step is to look at the remainders or decimals resulting from the earlier division. The remainders are ranked from highest to lowest. The remaining seats are then allocated one by one, starting from the highest remainder, until all seats have been allocated.

35. Within the largest remainder method, there are variations depending on the calculation of the quota, each approach being named after the person who conceived or devised the calculation. The Hare quota is the most common quota mentioned earlier (total votes divided by total seats). The Droop quota involves dividing the total votes by total seats plus one. There are other quotas designed for different purposes.

36. The second method is known as the divisor method (also called the largest average method). This involves first dividing each party’s vote total by a series of divisors, for example 1, 2, 3, 4 and so on. The quotients resulting from these divisions are ordered from largest to smallest. Seats are then allocated to the quotients, one by one, starting from the highest quotient, until all seats have been awarded. The two best known variations in this approach are the d’Hondt system or Jefferson method, which uses the divisors 1, 2, 3 and so on; and the Sainte-Laguë or Webster method which uses the divisors 1, 3, 5, 7 and so on.

37. All these methods may produce different results, depending on the distribution of votes. Some methods have a slight bias towards larger parties and others to smaller parties. These biases should be well understood before adopting any particular method. While there is no right or wrong allocation method, it should be noted that the divisor methods avoid some problematic effects that the largest remainder methods may have under certain conditions.

Additional aspects: group representation and temporary special measures

38. The desire to ensure the election of women or members of any traditionally underrepresented groups may be an important factor in designing an electoral system (and UN electoral assistance should provide support to the development and implementation of measures that fit the context, where appropriate). This is not limited to examining possible temporary special measures such as quota mechanisms, reserved seats or appointments, since even the basic features of the electoral system, such as the process of demarcating constituencies, can have a direct impact on the representation of these groups. In the case of a geographically concentrated ethnic minority, for example, the boundaries of the constituencies may have an effect. If, in a majoritarian system with single member constituencies, the minority group constitutes a majority of the population in a given constituency, it would be expected to have sufficient numbers to elect its own representative (assuming they wish to vote along ethnic lines). If, on the other hand, the group is dispersed across numerous constituencies, this is unlikely.

39. The typical effects in a proportional representation system with larger, multi-member constituencies are different. Depending on the size of the group overall and assuming there is a list representing its interests, it may well win a sufficient share of the votes to win a seat for the list. List PR provide incentives for lists to include minority candidates since this may attract voters. Since every vote counts – unlike in plurality and majoritarian systems where

the votes that exceed the amount needed to win a seat do not matter – this kind of strategy may produce an extra seat. With respect to women too, it is well established that women are more likely to win seats under proportional systems than under majoritarian systems, even in the absence of quota measures, as there is a greater incentive for parties to draw up a diversified list of candidates.

40. In some cases, it may also be desirable to design additional measures to ensure the election of members of traditionally underrepresented groups. This could be for example in the form of reserved seats or quotas. Such measures, if decided upon, will need to fit in to the design of the electoral systems overall and the technical details will determine their effectiveness. Reference should be made here, for example, to the UN Guideline “Promoting Women’s Political and Electoral Participation through UN Electoral Assistance”, which contains policy and detailed technical considerations with respect to the use of quotas or similar mechanisms. The technical features there will also be of relevance to the election of other groups.

41. Nevertheless, as noted before, any quota or reserved seat mechanism involves an intervention into how an electoral system would otherwise function. It may also entail a deviation from the equality of votes. All political and legal consequences therefore need to be taken into account, when considering such mechanisms: they have to fit the context in which they are adopted and match the objectives of the electoral system.

Typical effects of various systems

42. There is a significant amount of literature and technical documentation on the features and effects of electoral systems. Important advances have been made in understanding and foreseeing the possible effects.

43. The intention here is to simplify and to present the main implications of the various choices and how the various electoral systems tend to perform in relation to the broad criteria outlined previously. But it should be remembered that one cannot predict the voters’ choices and it would be dangerous to design an electoral system around assumptions about those choices. Moreover, electoral systems and the voting behaviour of electors do not work in a vacuum, and are affected by other rules that define how a state is organized and power is distributed. Electoral outcomes not only reflect electoral district magnitudes and electoral thresholds; they also depend, for example, on the number of political parties running for election and the actual vote distribution across parties and candidates.

Typical effects: plurality and majority systems

44. The following typical effects may be considerations in favour of adopting a plurality/majority electoral system, depending on the context:

- i. The tendency to favour larger parties, in particular the largest, and/or geographically concentrated groups, which will benefit from constituting local voting majorities. This may also ease government formation based on large parties, or even based on one party with a legislative majority of its own;
- ii. In plurality/majority based systems in smaller, single-member constituencies, the closer contact with the electorate can strengthen the accountability on the part of the elected member towards the voters;
- iii. The system is less difficult to administer and to understand, including for first-time voters: the candidate elected is the one with the most support;

- iv. A majority system (more than 50% required) ensures that a person cannot get elected unless he or she has more supporters than people supporting all other candidates combined (this is not the case in a plurality system with more than two candidates running).
45. In other contexts, however, the typical effects of a plurality/majority system may mean that it is not the most suitable. For example:
- i. The tendency to over-represent the larger parties reduces the proportionality between vote shares and seat shares. The system may leave some segments of society feeling under- or unrepresented.
 - ii. A government that can count on single-party majority support in parliament may be less likely to seek consensus and compromise with others. This could lead to a more adversarial political culture.
 - iii. Plurality and majority electoral systems in single-member constituencies may be more exposed to tactical voting than PR systems, because it will often be more evident who the strongest candidate(s) in a constituency will be; voters may feel that votes for their otherwise preferred candidate may be wasted, or decide not to vote at all.
 - iv. Plurality and majority systems are more exposed to gerrymandering, the process of redrawing constituency borders with the intention to maximize political gain.
 - v. Women and – depending on constituency boundaries – minorities and indigenous peoples tend to be underrepresented, and the options for special measures to ensure their representation are more limited than in proportional systems.

Typical effects: proportional representation systems

46. The following typical effects may be considerations in favour of adopting a proportional electoral system, depending on the context:
- i. A PR system – by definition – provides for a higher level of proportionality between vote shares and seat shares than a plurality or a majority system. In some contexts, voters may perceive this to be a “fairer” outcome.
 - ii. A larger share of the voters will have a candidate/party of their choice elected than under a plurality/majority electoral system; therefore, more voters will feel that they have one or more of “their” representatives in the elected body, and this may help to facilitate a perception of a more inclusive political process and outcome.
 - iii. Proportional systems tend to lead to fewer wasted votes (votes cast for lists or candidates that do not win a seat) than plurality/majority systems.
 - iv. Consensus-building in parliament is often needed after a PR election because parties are traditionally not able to win overall majorities of their own. While this can also have its drawbacks, it provides an opportunity for (some of) the political leaders to demonstrate that they can work together, which might provide more acceptable and better political solutions to the problems facing the legislature (and the executive, which might then be a coalition government).
 - v. The possibility of influencing which candidates are elected. If the national electoral system allows voters to indicate their preferred candidate in addition to their party, voters can not only secure their preferred party a reasonable share of the seats, but also influence who eventually take those seats. This may further strengthen the feeling of being included in political processes.

47. On the other hand, in other contexts the typical effects of a proportional system may mean that it is not the most suitable. For example:

- i. It is not as easy to hold a party or a candidate to account in a PR system as it is in a plurality/majority system. The link between voters and the elected candidates may be weak. If one does not like a candidate who is high on the list in a closed list PR system, then that candidate might still get elected, as long as the party wins as many seats as what matches that candidate's position on the list. (This effect is mitigated in an open list PR system).
- ii. It is sometimes claimed that PR leads to less efficient government because it is often difficult for the largest party to win a majority of seats and form a government on its own. (However, there is no convincing evidence that countries with a plurality or a majority electoral system actually do better in this respect than PR countries).
- iii. Open list PR systems may not be as simple for electoral management bodies to manage and for voters to understand. Illiterate voters may be disadvantaged if there is not enough space on the ballot to allow for a picture or other identifier for each candidate. The seat allocation methods generally add an element of complexity, sometimes making it harder to understand the details of the calculations, even if they produce an intuitive result.

Political objectives and the effects of various systems

48. As noted earlier, a country's electoral system should meet the political objectives of national stakeholders. Such objectives can be expressed as an effect or series of effects that the electoral system is expected to bring about. The discussion above presents some of the typical effects of electoral systems, and which system is more likely to achieve which objectives. However, it should be noted that no one system is best with respect to all objectives. Commonly used objectives and priorities for a "suitable" system are listed below.

- Support accountability of elected members: Will the electoral system make it possible to hold the incumbents (government, political parties, individual candidates) to account?
- Create representative elected bodies: Does the electoral system produce an elected body that is an accurate reflection of the political views of the population? What other dimensions of identity are important for voters to feel represented? Geography, ethnicity, religion, gender, etc? Does the system provide ways for women and typically under-represented groups – such as minorities and indigenous peoples – to be represented?
- Be simple for voters to understand and implementable from an electoral administration point of view: Is the electoral system reasonably simple, so that it is easy to vote and understand the mechanisms of the seat allocation system? Does it work in a way which does not lead to unnecessary and costly extra rounds of voting?
- Support stable and effective governments: Does the electoral system provide for an effective and easily formed government based on a party with the majority of seats – or does it provide for a broader reflection of various opinions in the electorate, likely to produce coalition governments?
- Promote conciliation and dialogue: does the electoral system provide incentives for the emergence of parties and candidates that seek to represent broad segments of society and favour the use of compromise, or ones that seek to represent only narrow interests?

E. REFERENCES

Normative or superior references

General Assembly resolutions 46/137, 47/138, 48/131, 49/190, 50/185, 52/129, 54/173, 56/159, 58/180, 60/162, 62/150, 64/155 and 66/163.

Related guidance

- Policy directive on principles and types of UN electoral assistance, FP/01/2012.
- Promoting Women's Electoral and Political Participation through UN Electoral Assistance, FP/03/2013.

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F. MONITORING AND COMPLIANCE

The Focal Point is tasked with ensuring coordination within the United Nations system with regard to electoral assistance and will therefore help to ensure that the principles outlined in this document are adhered to.

Managers of UN electoral assistance programs and projects will also be responsible to ensure compliance with this directive by all UN electoral staff under their supervision.

G. DATES

This policy became effective on 16 September 2013. It shall be reviewed every two years or as necessary.

H. CONTACT

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I. HISTORY

Drafted by the Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs.

Consulted with members of the Inter-Agency Coordination Mechanism for UN Electoral Assistance (ICMEA) prior to adoption.

SIGNED:

DATE: 16 September 2013

Annex A - International normative framework

1. Article 21 (3) of the Universal Declaration of Human Rights (UDHR) of 1948 specifies that “[t]he will of the people shall be the basis of the authority of government: this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or equivalent free voting procedures.”

2. The UN International Covenant for Civil and Political Rights (ICCPR) of 1966 provides in Article 25 that “[e]very citizen shall have the right and opportunity, without any of the distinctions mentioned in Article 2 [race, colour, sex, language, religion, political or other opinion etc] and without unreasonable restrictions, [...] to vote [...] at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”.

3. The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) binds States parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country. States parties are bound to ensure to women, on equal terms with men, the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies. In its commentary on the convention, the Committee on the Elimination of All Forms of Discrimination Against Women states that it considers States parties to be obliged to adopt and implement temporary special measures if such measures can be shown to be necessary and appropriate in order to accelerate the achievement of the overall, or a specific goal of, women’s de facto or substantive equality within their national context.

4. There are also regional conventions and instruments which reaffirm the principles mentioned above. These include the Charter of the Organization of American States (1948), the Inter-American Convention on the Granting of Political Rights to Women (1948), the American Convention on Human Rights (1969), the African Charter on Human and Peoples’ Rights (1981), the OAU/AU Declaration on the Principles Governing Democratic Elections (2002), the African Charter on Democracy, Elections and Governance (2007), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the First Protocol (1952) to this Convention.

5. In 2000 the UN Security Council adopted Resolution 1325 on Women, Peace and Security acknowledging that women remain marginalised in peacebuilding and post-conflict reconstruction processes and demanding their full involvement in conflict prevention and post-conflict peacebuilding. Since 2003, the UN General Assembly has issued resolutions on “Women and political participation” stressing that the “active participation of women, on equal terms with men, at all levels of decision-making is essential to the achievement of equality, sustainable development, peace and democracy” and calling upon Member States to “eliminate laws, regulations and practices that, in a discriminatory manner, prevent or restrict women’s participation in the political process” and urging States to take a wide range of actions to ensure women’s equal participation. (There are numerous other instruments, resolutions and statements with respect to women and political participation; for a full list, see the UN guideline “Promoting Women’s Electoral and Political Participation through UN Electoral Assistance” FP/03/2013.

6. The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992, provides that persons belonging to minorities have the right to participate effectively in public life, as well as in decisions on the national and regional level concerning the minority to which they belong or the regions in which they live. Instruments of a regional

nature also emphasize the political rights of national minorities, such as the Council of Europe Framework Convention for the Protection of National Minorities of 1995.

7. The United Nations Declaration on the Rights of Indigenous Peoples, adopted by General Assembly resolution 61/295 of 2 October 2007, establishes that indigenous peoples have the right to participate in decision-making which would affect their rights, through representatives chosen by themselves in accordance with their own procedures.