

Proportional Representation: Why Now is Not the Right Time



first-past-the-post

proportional
representation

| Nu Tsen Mun

BRIEF HISTORICAL BACKGROUND OF THE BURMA ELECTORAL SYSTEM

Burma has been practicing a plurality electoral system called First Past the Post (FPTP) during each of its elections since gaining independence in 1948. There is no official reason as to why this particular electoral system had originally been adopted to practice, but one plausible explanation is the impact of the British colonization. FPTP is indeed used in the United Kingdom as well as in most of its previous colonies in Asia: Bangladesh, Burma, India, and Malaysia (Reynolds et al., 2008). In Burma, there have been some attempts to adopt Proportional Representation (PR) as an alternative electoral system, most notably in 2012 and 2014 by the National Democratic Front. The Union Solidarity and Development Party (USDP) and military MPs strongly supported the motions. However, each of these attempts failed, without conducting a thorough investigation of the case—for reasons that are not entirely clear—and thus, FPTP has dictated how representatives got elected at every election held in the country so far.

WHAT IS FPTP AND HOW DOES IT WORK?

FPTP belongs to the family of so-called plurality (or majoritarian) electoral systems. These systems operate according to a simple general rule: candidates or parties that receive the highest number of votes in a constituency automatically win, which means that a candidate or a party doesn't necessarily need to get half or over half (the absolute majority) of the votes to become the winner (Reynolds et al., 2008). FPTP in particular is a plurality system with single-member districts in which people vote for individual candidates—the voters' local representatives (see Nu Tsen Mun, 2020 for more detail on FPTP and plurality systems in general).

Over the years of FPTP being the default electoral system in Burma, significant disparities in the distribution of parliament seats among the competing political parties have arisen, particularly in terms of demographic representation. For instance, in the 2015 general election, 87% of all parliament seats got occupied by the two biggest parties with mostly Bamar majority candidates, even though Bamar make up only 68% of the country's total population. At the same time, only 10% of the seats went to diverse ethnic minority candidates, while such groups compose 32% of the population. Especially since the adoption of the 2008 Constitution, the election results have never favored ethnic minority groups—these continue to be under-represented in the legislature—while large, Bamar majority parties always get seated. Although the electoral system is not the only factor that makes these disparities so significant, it definitely acts as a supporting factor.

OVERVIEW OF THE ELECTION RESULTS UNDER FPTP

There are three kinds of disparities to point out when analyzing Burma's past election results under the FPTP system. The first disparity is the distortion between the percentage of popular votes and the percentage of actual seats in the parliament.

Figure 1. Disparities between the percentage of seats and votes among political parties in the Pyithu Hluttaw across three general elections

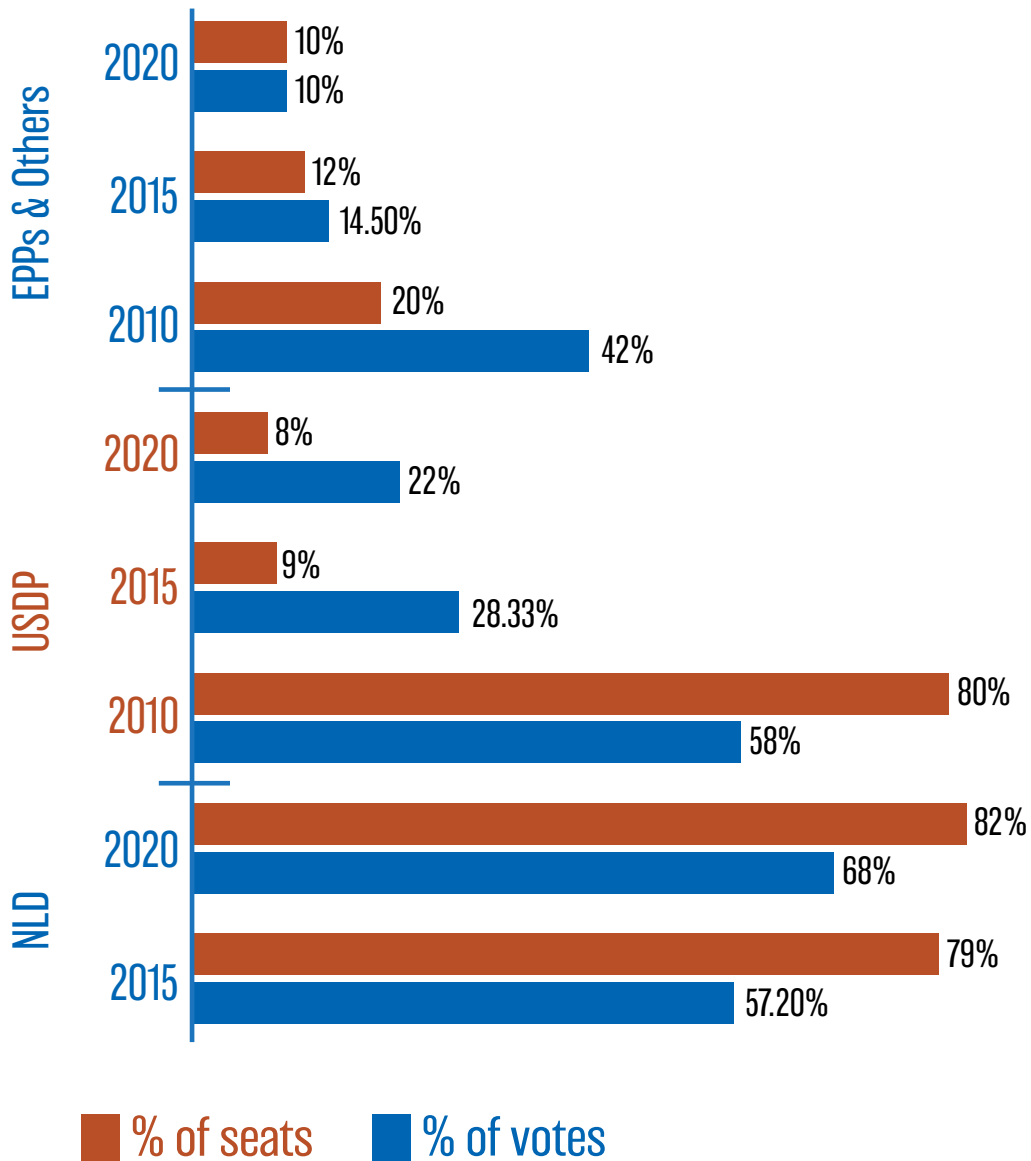
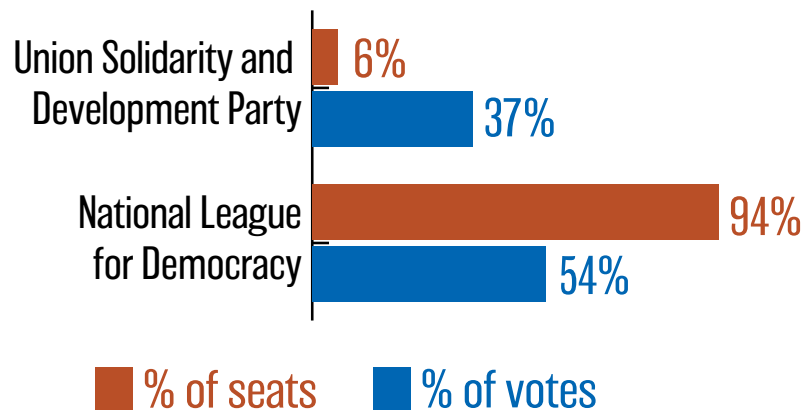


Figure 1 shows the election results in the Pyithu Hluttaw (Lower House) in 2010, 2015 and 2020. Across all general elections, the level of disparity between the percentage of votes and actual seats is significant. In particular, the USDP received 80% of seats with only 58% of votes in 2010, and similarly, the National League for Democracy (NLD) won 79% of seats with only 57% of votes in 2015 and 82% of seats with only 68% of votes in 2020, respectively. Although there was some degree of disparity in 2010 for ethnic political parties and other small political parties (EPPs & others) as well, it ran in the opposite direction (fewer seats than votes) and almost disappeared in 2015 and 2020.

What is more, this kind of disparity occurred at not only the national but also state and regional levels. For instance, Figure 2 displays the Ayeyarwaddy regional parliament, in which the NLD received 54% of the total votes but got as many as 94% of the seats in the 2015 general election. In contrast, the USDP received 37% of the total votes, but ended up with only 6% of the seats.

Figure 2. Disparities between political parties' percentage of votes and seats in the Ayeyarwady parliament in the 2015 general election



The second distortion can be found in the number of votes in each electoral district. Table 1 shows the percentages of votes for the winning party and for the biggest losing party across 10 out of 55 townships in Shan State—constituencies in the Pyithu Hluttaw—during the 2015 general election. The table clearly documents that the winners did not demographically represent their respective constituencies; the candidates with the most votes won, while the rest of the candidates were simply left out. For example, among the Pyithu Hluttaw constituencies, the USDP won in Kutkai Township with 45% of the total votes, while the rest of the parties with 55% of the total votes did not make it to parliament. As a result, these groups did not get their preferred representatives to raise their voices in the parliament, while the winner who represented only 45% of the voters became the representative of the whole constituency. The unseated parties' percentage of votes represents voters who likely feel unrepresented in the Hluttaw.

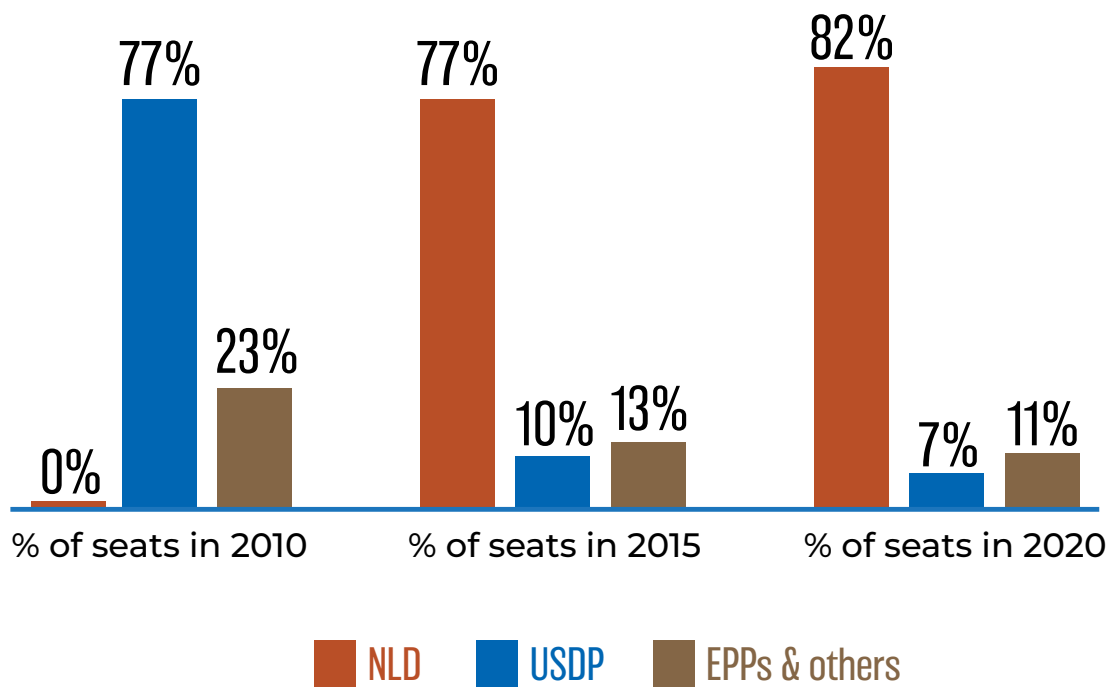
Table 1. Percentages of votes for winning parties as compared to unseated parties in 10 townships in Shan State (constituencies in the Pyithu Hluttaw) in the 2015 general election

Constituency	Winning party	Winning party: % of votes	Unseated parties: % of votes
Kutkai	Union Solidarity and Development Party	45%	55%
Lashio	Union Solidarity and Development Party	34%	66%
Hseni	Shan Nationalities League for Democracy	39%	61%
Hsihseng	Pa-O National Organization	69%	31%
Kalaw	National League for Democracy	52%	48%
Kengtung	Union Solidarity and Development Party	38%	62%
Kunhing	Shan Nationalities League for Democracy	49%	51%
Kyaukme	Shan Nationalities League for Democracy	51%	49%
Langkho	Shan Nationalities League for Democracy	50%	50%
Kunlong	Kokang Democracy and Unity Party	29%	71%

Third, what is immediately visible in Figure 3 is that high disparities in the seat distribution among the winning political parties have occurred in all elections. A large winning party has always gained the highest number of seats, while ethnic political parties and other political parties have ended up with around 20% of all seats.

It's the given situation that Bamar are the country's majority in terms of demographics, and it can thus be speculated that they would win a majority of the seats no matter what. But the FPTP system itself favors large parties with bonus seats. As a result, large parties are always over-represented in the parliament, and the number of their seats increases every time, while the representation of small ethnic groups slightly increased in 2015 and decreases in 2020. For instance, the NLD party received more Union Parliament seats in the 2020 general election than in 2015, with an increase from 77% to 82% (shown in Figure 3); while the considerably smaller Zomi Congress for Democracy received 1% of seats in 2015 and only 0.2% of seats in 2020. In other words, ethnic groups' representation in the parliament does not reflect the country's demographics: minorities remain excluded or included only symbolically, with negligible numbers of parliament seats.

Figure 3. Disparities among political parties' occupancy of the Union Parliament in three general elections



Overall, these three disparities prove that the FPTP system is unfair in a number of distinct ways to different political parties and voter populations and, especially, that it remarkably favors the country's largest national party, the NLD.

THE RESULTS UNDER FPTP AND THEIR POLITICAL EFFECTS

It is not unusual that a party with a majority of parliament seats starts to act like a single-party majority government when there is no strong, critical opposition party to perform checks and balances—a crucial role in democratic countries. In such a situation, minority voices are never heard in the parliament as they could not win enough seats (as shown in Figure 3). Even in a state parliament, a large regional party like the Shan Nationalities League for Democracy was not able to receive enough seats to counter the influence of a big majority party, the USDP. This imbalance resulted in a passing of a state level bill in late 2016, which declared a number of ethnic armed groups, particularly the members of the Northern Alliance, as terrorist organizations (Thu Thu Aung, 2016). With the military and its proxy party having enough seats to influence the decision-making process in the Shan State parliament, ethnic minorities and their representatives became the default victims once again. Indeed, if we look at the data in more detail, ethnic political parties tend to lose their seats not only at the Union level but also in state level parliaments.

It is undeniable that the current system favors large parties and, at the same time, benefits small parties representing groups that live in concentrated areas. For instance, the Ta'ang ethnic group usually receives a fair number of seats in both state/regional level parliament and in the Lower House. This is great for the Ta'ang, but becomes rather unfair to other ethnic groups that live scattered across different areas and constituencies: these always end up with no parliament seats whatsoever, no matter how hard they try.

While this “unfairness” is not the system’s fault, as it is a part of a set of rules under the FPTP system, not having effective representation of ethnic groups is quite problematic both now and in the long term. As a result of no party performing the critical role of checks and balances in the parliament combined with the under-representation of ethnic groups, the legislature ends up dominated by one large party acting as a single-party government. Ultimately, the country becomes ruled by democratic civilian “dictators”.

To sum up, since the adoption of the 2008 Constitution, large majority parties have been taking turns in ruling the country—the USDP in 2010 and the NLD in 2015—while minority voices have not been taken into account due to the negligible number of their seats under FPTP. These are the reasons why some started to think about adopting PR as an alternative electoral system.

WHAT IS PROPORTIONAL REPRESENTATION (PR)?

The PR system is built on a set of rules that assign the number of seats proportionally to the number of votes each political party receives. For example, if a party receives 25% of the votes, the number of the party's seats will be equivalent to the percentage of their votes. The rationale behind the PR system is to “reduce the disparity between a party's share of the national vote and its share of the parliamentary seats” (Reynolds et al., 2008, p. 29). This, in turn, is supposed to lead to better representation of diverse communities—by both large and small parties—in parliament. Moreover, women are more likely to be elected under PR than plurality systems (Reynolds et al., 2008; see Nu Tsen Mun, 2020 for more detail on PR systems).

Looking at the trends in electoral system reform, it is indeed true that countries tend to either switch to a more proportional system by practicing PR variants of plurality systems, such as a so-called Mixed Member Representation system (MMR), or directly replace a plurality system with a PR system. Numerically, List PR—which is the simplest form of PR—is the most popular in the world (used in 35% of countries), followed by FPTP (24%; Reynolds et al., 2008).

As mentioned previously, there have been attempts to adopt PR as an alternative electoral system in Burma. Since then, PR drew attention for a while, as its features are indeed promising in theory: the inclusion of small parties representing diverse ethnic groups and encouragement of coalition governments. Recently, the idea of switching to PR was brought up again by the State Administration Council. According to Senior General Min Aung Hlaing, “It is necessary to consider the Proportional Representation-PR system with all participants. It is necessary to amend the elected representatives and election system” (Myanmar News Agency, 2021).

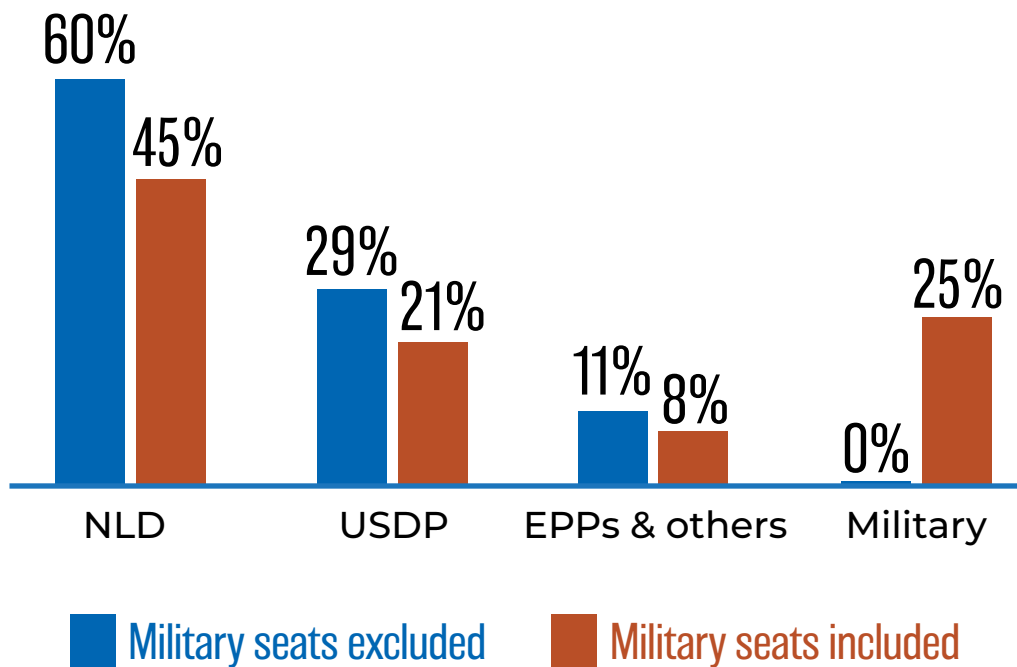
The following are potential scenarios if the country adopted PR as its electoral system.

HOW WOULD VOTES TRANSLATE INTO SEATS IN PR?

Figure 4 shows how the 2015 election results, analyzed at the Union level, would have changed if the country had adopted PR as an alternative electoral system. The first scenario (depicted by the blue columns) would have taken place if 25% of the seats had no longer been reserved for the military. In such a set-up, the NLD would have received 60% of the seats (while it received 77% of the seats under FPTP), and would have remained the majority in the parliament. On the other hand, the opposition party, the USDP, would have

received more seats under PR than FPTP, with an increase from 10% to 29%. Finally, ethnic groups and other small parties would have gotten fewer seats in PR (11%) than in FPTP (13%).

Figure 4. Two scenarios in the Union Parliament under PR: the 2015 general election



The second scenario (represented by the orange columns) displays the situation under the 2008 Constitution where 25% of the seats are still reserved for the military. If we analyze this situation, the NLD would have received only 45% of the total seats and thus lost its majority, while the USDP would have similarly ended up with a smaller percentage of seats than in the previous scenario (21%).

It may therefore seem that this would not have been a good deal for either the USDP or the NLD, but here we have to remember the 25% of parliament seats reserved for the military that would have supported whatever the USDP would have wanted. Taking into account both these reserved military seats as well as the elected seats of the military proxy party, the USDP could be considered as having 46% of seats in total in this particular scenario. Thus, the USDP would have become the new “dictator” in the parliament. Finally, the representation of ethnic and other political parties would have seen even a bigger decline in this scenario than in the previous one, dropping from 13% under FPTP to 8% under PR within the 2008 Constitution framework.

POLITICAL EFFECTS OF PR

Military dictatorship is a potential political outcome of PR according to Figure 4, if operated under the 2008 Constitution, making it thus clear that the PR system in Burma would have favored the military. Another significant finding is that the USDP could become the new “dictator” by gaining only 21% of the total votes without having to earn the majority of popular votes. The electoral system would still be proportional and fair for political parties but its political effects could be dangerous, especially since the country itself does not offer the required supportive conditions for the system to work in a more balanced way. An opposition party like the USDP is definitely not critical enough to help check and balance the majoritarian winner, the NLD, and vice versa; the NLD is also busy trying or waiting to make the USDP look bad. Thus, overall, adopting PR would in theory be fairer but the political effects are too risky as all these two parties do is trying to dominate the parliament.

A PR system may in fact be a more advantageous electoral system for Burma’s future political development and institutional design, if it were designed and implemented within a truly democratic system instead of the 2008 Constitution. A PR system could do a better job of allocating seats to reflect the allocation of votes across parties. This in turn would lead to a more inclusive political culture and enable meaningful political participation by a larger number of parties that represent a wider range of interests. Such a system may encourage greater cooperation across political parties—instead of only potentially dangerous competition—and it may encourage political actors to work more earnestly towards conflict resolution between communities, instead of seeking domination.

However, it is important to note that even within a democratic system there are alternative options to PR, such as alternative voting plurality systems, that may also serve some of these goals. Furthermore, PR is a category of electoral systems. Whether it will effectively achieve the goals set out for it depends greatly on how its details are designed, how it is implemented and other aspects of Burma’s political system, including whether it is truly an inclusive democracy.

2 WHY NOW IS NOT THE RIGHT TIME FOR PR?

Due to different political situations, countries may adopt and practice the same electoral system but experience very distinct political effects of doing so. When it comes to Burma, it is possible to speculate that whatever electoral system the country adopts, the two big parties would take turns being the majority or absolute majority in parliament. In other words, it seems that both systems—FPTP and PR—would lead to the emergence of either democratic civilian or military dictators.

However, this is not because PR would especially favor the military, or because FPTP would specifically benefit the NLD. There are no problems with any of these systems: it is normal that one electoral system favors some while disadvantaging others, and vice versa. Instead, the problem lies in the two large parties trying to take advantage of the system that benefits them the most in order to rule the parliament in the name of democracy. Their behavior is what is making the whole political situation unstable.

For instance, Senior General Min Aung Hlaing recently said that “the PR system would be ‘all-inclusive’ and would better represent constituents’ voices” (ASEAN NOW Content Team, 2021). It is obvious that the military aims to take advantage of the PR system in order to get to rule the parliament in the name of “all-inclusiveness”. Indeed, if the country adopted PR under the 2008 Constitution, the USDP would be in the best position to shape and dominate the legislature as it pleased. Meanwhile, ethnic minority groups would remain a minority under both systems.

To sum up, Burma needs to recognize the real disadvantages of each electoral system from the perspectives of different political parties as well as the instability brought about by the two large parties. Otherwise, the country might end up rotating endlessly in this vicious cycle. Instead, the country should try to adopt an electoral system that could help us shape a political scenario we would like to see in the future federal Union, regardless of what electoral systems work well in other democratic countries.

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