The Cyprus Negotiations and “the one person-one vote principle”: Examples of Divergence from Democratic Federations

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The Cyprus Negotiations and “the one person-one vote principle”
Examples of divergence in democratic federations

Memo prepared for policymakers and journalists interested in comparative examples of elections and federalism

By

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Abstract:

Much of the recent political debate in both sides of the island has centered on a proposal by the Greek Cypriot negotiating team for weighted-voting between Greek and Turkish Cypriots in the island. Specifically, this proposal will allow all Cypriots a double vote, one in their ethnic community and another (with a standardized weight of approximately 20%) in the other community. In the election of President, every person will have one vote therefore Turkish Cypriots will be an electoral minority of around 20%. In a second election, Turkish Cypriots will vote for the Vice-President. Greek Cypriots will participate but with a weighted vote of about 20% (same percentage as Turkish Cypriots in the electoral rolls). Thus, the Greek Cypriot vote will be weighted and the community will become an electoral minority of the Turkish Cypriots. The Greek Cypriot President will be the Head of government for 2/3 of the time; the Turkish Cypriot will rotate as President for 1/3 of the time. In cases of constitutional deadlock, the acting President will have the winning vote.

Following this proposal, it has been argued that weighted voting is a Cypriot innovation with no international precedents. This memo questions this view by demonstrating that weighted voting systems are neither new nor particularly exceptional. About 40 percent of the population of the planet currently lives in democratic or democratizing federations. By their own nature, federal systems try to balance individual rights with those of the governing federal units, drawing on weighted voting systems to do so. The memo summarizes examples of federations departing from the “one person one vote” principle by using some form of weighted voting comparable to the one recently proposed by the Greek Cypriot negotiating team.

Switzerland: “one citizen from Uri outweighs 34 citizens from Zurich (Linder 1994:73)”

Democracy emphasizes equal representation of every individual, that is, one person one vote, whereas federalism guarantees equal representation of member-states of a federation, that is, an equal vote for every state in at least a number of areas (ibid). Linder notes that in Switzerland, 9% of the Swiss population (residing in the smallest cantons) could block a democratic majority of 91% (ibid).

Such ratios are not unique. In the US, the difference in a Senate vote between the smallest and largest states can reach a ratio of 1 to 50 or more; in 2000 Al Gore won the popular vote
but lost the election because of the way the electoral college system operates in the election of the US president. In Australia, Tasmania with about 502,000 people has the same number of Senators as New South Wales which has over 7 million residents. Prince Edward Island in Canada, with 138,632 residents, has 4 appointed Senators, while Vancouver Island, with over 740,000 people, has none. A single province Manitoba in Canada derailed the Meech Lake accord with Quebec in 1990 while recently Ireland delayed the Lisbon treaty for the whole European Union.


**Italy: In South Tyrol majority German-speakers rotate presidency with minority Italian-speakers**

In northern Italy, in the province of Bolzano-Bozen also called South Tyrol, a German-speaking population of about 290,000 shares the space with an Italian-speaking population of 120,000 and 18,000 Ladins. A major feature of power-sharing in South Tyrol is the compulsory rotation of offices in the presidency of the provincial assembly. Elected by the assembly, the presidency consists of one President and one Vice-President. In the first half of every five-year legislative period, an elected representative of the German-speaking group must be chosen President, and an Italian as Vice-President; in the second half, their roles reverse (Wolf, 2009:14-15). In another level of power-sharing between the provinces of South Tyrol and Trentino (forming together the region of Trentino-Alto Adige/Südtirol), in the provinces’ joint regional assembly, majority Italians and minority German-speakers rotate the presidency and vice-presidency.

Main Source: Stefan Wolff, “Complex Power Sharing as Conflict Resolution: South Tyrol in Comparative Perspective” (Available at http://www.stefanwolff.com/working-papers/STCPS.pdf)

**Germany: In elections citizens have two votes—one for their district MPs and one for their party**

One vote goes to a single MP via First-Past-The-Post, and one goes to a regional or national party list. Half the seats or more are allocated to the single-member constituencies and the rest to the party list. If they wish, voters can choose simultaneously their own party and a favourite candidate from another party. The system creates an incentive for parties and candidates to be inclusive towards broader audiences. The electoral system has contributed to Germany having a stable political system despite the relative large number of political parties—it is also one of the Western European countries where the extreme right has been relatively weak although this might be also attributed to other reasons.3

A similar system is used in New Zealand, Scotland, and Wales.


**Bosnia 1: Presidency rotates among a Serb, a Croat and a Bosniak**

As in Switzerland and South Tyrol, Bosnia uses a system of rotating presidency. In its first post-war elections, the country used the first-past-the-post system for the presidency at the state level and the Republika Srpska presidency. In Republika Srpska the candidate with the
highest number of votes won the race, whereas in the Federation, the Bosniak (i.e. Bosnian Muslim) candidate with the highest number of votes and the Croat candidate with the highest number of votes won the election for the state presidency. The 2000 demographic situation in the country was: Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6%.4

In Bosnia there are no separate electoral rolls based on ethnicity or religion. If you live in Republika Srpska you are likely to vote for a Serb president while if you live in the Croat-Bosnian Federation you can choose between two ballots and vote for either a Croat or a Bosniak candidate.

The case of the Croat-Bosnian Federation is worth noting, because it is possible for Muslims to vote for the Croat member of the presidency and for Croats to vote for the Muslim member. This mechanism permits voters the possibility of “sacrificing” their vote in their own community for the sake of voting a moderate politician across the ethnic divide. However, it is restrictive compared to the proposed Cypriot model and since Bosniaks are more numerous they tend to have moderating influence primarily to the direction of the Croat president.

The Bosnian model is downplayed by many Greek Cypriots, yet it reduced violence and brought stability to a war-torn partitioned country. Moreover, in Bosnia among the estimated 2.2 million people driven from their homes during the 1992-95 war, an estimated 1.015,394 had returned by 2006. More interestingly, an impressive 457,194 has repatriated under minority status in areas administered by another ethnic group.5

Main Sources:
Florian Bieber, “Regulating Elections in Post-War Bosnia: Success and Failure of Electoral Engineering in Divided Societies” (available at: www.policy.hu/bieber/Project/ElectionsBosnia.pdf)

Bosnia 2: Refugees can keep the right to vote in their original homes regardless of whether they have actually returned to pre-war residents

In the Bosnian election law, a provision article allowed displaced citizens to vote either in their new place of residence or in their pre-war residence (Bieber, 2009:3). Unlike Annan Plan V, here displaced persons could vote in their pre-war districts without actually having permanently returned (in Annan V, they could return but without voting rights). This provision helped displaced persons organize and facilitated their right of return. The Drvar DP association (Coalition for Drvar) convinced followers to vote in their pre-war home towns against the wishes of Serb nationalists who counted on those votes to consolidate control in ethnically-cleansed parts of Bosnia. Following the 1997 elections, displaced Serbs from Drvar were among the first to return under the administration of the other two communities. Beyond Drvar there are several cases where refugees first voted in absentia, and then returned home.

Main Sources:

**Nigeria: Elected president should not only get majority of votes but also at least 25% in 2/3 of the federal states**

Although most of the discussion in Cyprus has focused on Europe there are a number of indicative and relevant examples from around the developing world, showing how electoral innovations could contribute to relative stability even in difficult environments. In Nigeria, the constitutional requirement for non-sectarian parties is reinforced by the electoral imperatives of a presidential system, in which a successful presidential candidate is required to win at least a quarter of the votes cast in two-thirds of the states of the federation. No ethnic community is larger than 25 percent of the population in more than 2/3 of the states, therefore to form a government, parties and coalitions must be geographically inclusive.

A possible arrangement for Cyprus might require the President and Vice-President to obtain at least 25% of the other community’s vote in order to have increased authority—such as arbitrating in a deadlock.

**Main Source:** Rotimi T. Suberu “Diversity and Unity in Federal Countries: Nigeria” (forthcoming-contact author or Forum of Federations)

**Indonesia: the country uses a similar system as Nigeria in presidential elections**

“The president and vice-president are directly elected, with candidates pairing up to form tickets. A two-round majority run-off system is used, with the aim of ensuring that the successful candidates have sufficient support across a large and diverse country. For a ticket to be elected on the first round, it must not only poll an absolute majority of votes cast but also meet a distribution requirement of 20 per cent of the vote in at least half the provinces. While a majority winner will almost certainly achieve this, the requirement prevents a ticket whose support is solid in Java and minimal elsewhere from winning an election in the first round. In the first direct presidential election in 2004, five tickets contested the first round in July, with none polling over 35 per cent; in the second round in September, Susilo Bambang Yudhoyono gained victory with 61 per cent of the votes.”

Quoted from: http://aceproject.org/ero-en/topics/electoral-systems/INdonesia.doc/view

**Northern Ireland: Voters have a single transferable vote (STV) and once elected all parties formed the executive in accordance with their size without exclusions.**

In Northern Ireland, electors vote by showing preferences for individual candidates. They rank the candidates, putting a “1” for their favourite, a “2” for the next, and so on. To be elected, a candidate needs to receive a quota of votes. Each elector has a single vote, which can be transferred from candidate to candidate, according to the preferences shown until all vacancies are filled.

In the parliament and the executive power is shared by majority Unionists (Protestant) and minority Irish Nationalists (Catholics). Bills require separate majority support from both, while all parties are represented proportionally in the executive (inclusive coalition for all political parties- a concession made in the negotiations to Sinn Fein/IRA).
The STV (Single Transferable Vote) is also being used in the Australian Senate, Tasmania (province of Australia), Estonia (only in 1990), Ireland and Malta.

In divided societies, STV could provide incentives for moderation, as voters might choose their own ethnic group while at the same time voting for moderates across the divide. Admittedly, in some cases, this is not very effective, because STV allows for multi-seat constituencies; ethnic groups might elect their own representatives without needing transfers from the other community.

Horowitz has argued that the Alternative Vote System could solve this problem by allowing the ranking of candidates in single districts. AV is an electoral system that requires 50% of the vote plus 1 for victory. Where no candidate receives 50% of voters’ first preferences, AV requires that the candidate with the fewest first-preference votes be eliminated and that the second-preference votes be redistributed as if they were first preferences. The process is repeated until a candidate receives 50%. If constituencies are designed deliberately to be multi—ethnic, victory will go to the candidate who has significant support outside its core of (ethnic) supporters (Horowitz, 2003:123). This system has been used in the Australian House of Representatives, Fiji, and Papua-New Guinea.

Main sources:


http://www.electoral-reform.org.uk/votingsystems/systems2.htm#AV

**Discussion**

1. Weighted voting is *not* the exception but has been the norm in established and democratizing federations. States have used federal structures for decades (in some cases for centuries) and new federations have emerged recently especially in Europe successfully addressing ethnic balances while distancing themselves from the “one person one vote formula”. The latter is increasingly recognized not only as unfair in permanently excluding minorities from power but as destabilizing, as those who are excluded resort to secession or violence (e.g. Kurds in Turkey, Albanians in the former Yugoslavia, Irish Republicans in Northern Ireland before 1998 and Tamils in Sri Lanka). Weighted voting systems as the one suggested in Cyprus can be inclusive towards minorities and, at same time, be conducive to moderation.

2. Admittedly, no electoral system provides full guarantees for moderation and inter-communal cooperation. Electoral systems simply create opportunities for the people and their leaderships to build a better future.
3. Compared to the electoral systems described above, the system suggested in Cyprus offers better incentives for cooperation. In places like Northern Ireland, it is likely that with STV or AV voters will abstain from transferring their votes to moderates across ethnic communities (they might transfer votes instead from their own ethnic party to other co-ethnics). In the overwhelming majority of divided societies, there are no separate electoral roles (Cyprus along with New Zealand and South Tyrol are probably the only exceptions). Because most systems do not simultaneously separate their electorates and candidates in ethnic categories, they cannot provide credible arrangement where, for instance, an Irish Nationalist gives a second vote for a Unionist candidate. The ingenuity of the proposed formula for Cyprus is that it relies on the major disadvantage of separate electoral rolls (a system that has prohibited any cross-community voting in the past), turning this into a major electoral advantage by allowing each community to influence the other in a very specific and equitable manner.

4. The weighted voting proposal can be adjusted and readjusted in multiple ways. It should not be seen as a finalized formula but a starting point for discussion and amenable to emendation until the most appropriate arrangement is found. The examples cited above could inspire modifications. For instance, it is possible to draw from Germany and use a weighted voting system in a parliamentary system: one community could vote for their district representatives while the other community votes for the same representatives as nation-wide senators.

5. Moreover, drawing from Nigeria, there could be a minimum threshold for an elected president to have specific arbitration rights in resolving possible inter-communal deadlocks (current proposal by Greek Cypriots gives sitting president the right to arbitrate these deadlocks).

6. Any electoral design for Cyprus could possibly be complex and possibly subject to different interpretations. The electoral system and the agreement should be combined with an independent judiciary which could resolve potential disputes of interpretation. For instance in Nigeria even from the first election of 1979 the intentions of the electoral system were questioned after the supreme court was seen as making a partisan/political decision in the Awolowo v. Shagari and others case (see also US Supreme Court decisions in Gore election).

7. Finally, a very important point is that any internal political criticisms of the electoral system being “racist” could be resolved by requesting the formal opinion of the Venice Commission which is the advisory body for constitutional issues of the Council of Europe (see discussion in Bieber for Bosnia and http://www.venice.coe.int/site/main/Presentation_E.asp).

8. The Venice Commission of the Council of Europe has already made an opinion on the “one person, one vote principle. It has argued the following: “It does not follow, however, that all votes must necessarily have equal weight as regards the outcome of the election or that all candidates must have equal chances of victory. Thus no electoral system can eliminate ‘wasted votes.’” Paragraph 16: "According the right to dual voting of persons belonging to minorities ... is quite exceptional". "States enjoy less flexibility in altering the ‘one person, one vote’ principle, than in designing the methods that translate votes into seats of parliament". Possibility of restriction (on the
right to equal vote): if it pursues a legitimate aim and is not disproportionate. Votes need not necessarily have equal weight as regards the outcome of the election (Mathieu-Mohin & Clerfayt v. Belgium judgment, in connection with so-called "amplifier effects"). "Such a mechanism must not thwart “the free expression of the people in the choice of the legislature”. Source: http://www.venice.coe.int/docs/2007/CDL-EL(2007)025-e.asp

9. Additional support could be sought by inviting the consultation of specialized international bodies and organizations such as the Forum of Federations http://www.forumfed.org/en/index.php

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Endnotes:


3 For different explanations on this issue see Antonis Ellinas (2010) The Media and the Far Right in Western Europe: Playing the Nationalist Card, Cambridge University Press.


5 Updated numbers can be found at the UNHCR Bosnia website http://www.unhcr.ba/