
INFORMATION NOTE

Supplementary Information on the Regulatory Framework of Political Parties in Germany, the United Kingdom, New Zealand and Singapore: Historical Development of Political Parties

1. Introduction

1.1 The Panel on Constitutional Affairs of the Legislative Council, at its meeting on 21 February 2005, requested the Research and Library Services Division to provide the following supplementary information regarding the research report *"The Regulatory Framework of Political Parties in Germany, the United Kingdom, New Zealand and Singapore"*:

- (a) historical development of universal suffrage in relation to development of political parties; and
- (b) factors considered by commentators/academics as having the effect of encouraging or hindering the development of political parties.

2. Germany¹

Historical development of universal suffrage in relation to the development of political parties

2.1 Uprisings in all states of the German Confederation² led to the creation of an elected federal legislature, the National Assembly in 1848. Voting rights in many states were based on the principles of the ownership of property and tax contributions. Direct elections were permitted in only six states and there were no political parties. However, many representatives of this National Assembly gathered in groups to organize their work. These loose groupings were the precursors of political parties.

2.2 In the 1850s, the economic upswing brought by industrialization led to the rise of the industrial and commercial classes. They formed the German Progressive Party, the first political party of Germany, in 1861, which aimed at German unification under Prussian leadership. The German National Association was also formed in the same period by moderate liberal constitutionalists and radical democrats.

¹ This information note focuses on the development of political parties in Germany before the Second World War in 1939, and that in the Federal Republic of Germany before and after unification in 1990.

² The German Confederation was a loose association of the individual sovereign states, formed after the Congress of Vienna in 1815. Members of its Federal Diet were appointed by the Princes of the German states and the Diet could only act if the two great powers, Prussia and Austria, agreed.

Universal male suffrage

2.3 In 1867, the newly formed North German Confederation, which replaced the German Confederation, had an elected lower House of Parliament. The Second Empire, founded in 1871, succeeded the electoral system. From 1871 to 1918, male citizens over 25 had direct and secret voting rights.³ Deputies had to gain an absolute majority in single-member constituencies.⁴ The elected lower House had very limited power, and the Chancellor, the Head of Government, was accountable to the Kaiser (Emperor), not to Parliament.

2.4 The creation of the elected lower House encouraged the development of political parties in the late 1860s and the 1870s. These parties included the National Liberal Party, the Conservative Party, the Centre Party (supported by Catholics) and the Socialist Workers' Party of Germany (renamed the Social Democratic Party of Germany in 1890). The most organized Social Democratic Party had a membership of more than 1 million before the outbreak of the First World War in 1914.

Universal suffrage and multi-party system

2.5 After the First World War, parliamentary government was established by the constitution of the newly formed Weimar Republic, which meant the majority party in the lower House of Parliament would form the ruling government. When the lower House of the Weimar Republic was elected in January 1919 by universal suffrage, it was the first time woman being entitled to vote and stand for election.⁵

2.6 Deputies were elected by proportional representation.⁶ The political parties drew up lists of candidates for each of the 35 large electoral districts. Parties were not required to gain any minimum percentage of votes to enter the lower House of Parliament, which meant that a party with 1% of the votes would attain 1% of the seats. This proportional representation resulted in a legislature with a large number of parties, including those with low levels of votes. For instance, 14 of the 32 contesting parties in the 1930 election gained parliamentary seats.⁷ New parties were formed and old parties were reorganized in the Weimar Republic. A number of small parties emerged, including the National Socialist German Workers' Party – better known as the Nazi Party, which was founded in 1920 and headed by Hitler since 1921.

³ However, anyone receiving alms, being bankrupt or being placed in care, and those who had lost their citizenship following a court sentence were disenfranchised.

⁴ James (2003). Second ballots were required if no candidate gained over 50% in the first round of voting. From 1871 to 1918, Germany was divided into 397 constituencies, each with an average population of around 100 000.

⁵ German Bundestag (1998).

⁶ Braunthal (1996).

⁷ James (2003).

Nazis crushed all parties

2.7 The Nazis came to power after winning around 43% of the votes in the last free election of the Weimar Republic in 1933 against the background of unstable coalition governments contributing to social and economic problems that peaked in the Great Depression. The Weimar constitution was suspended and the legislative powers of Parliament were handed to the Nazi government. From mid-1933 until the end of the Second World War, the Nazi government outlawed all political parties except its Nazi Party. In the elections of the lower House of Parliament since 1933, the Nazi Party was the only party contested. This totalitarian one-party regime collapsed when Germany was defeated in 1945 by the Allies in the Second World War.

Mixed electoral system

2.8 In 1945, the Allies, which carved up the defeated Germany into four occupied zones, granted licences only to democratic parties, and forbade right-radical parties to operate.

2.9 Article 38 of the constitution of the Federal Republic of Germany (or West Germany), the Basic Law, provides that elections have to be universal, direct, free, equal and secret. Universal voting rights mean that all German citizens over the age of 21 (lowered to the age of 18 in 1970) are eligible to vote.

2.10 In 1949, a mixed electoral system combining both simple-majority and proportional representation was introduced in West Germany to elect the Bundestag (the lower House of Parliament), and with modifications, it is still in use today in the reunited Germany. Half of the seats are allocated by simple-majority and the other half by proportional representation.⁸

2.11 Each voter has two votes.⁹ The first vote is cast for a constituency candidate to represent the voter in the area he or she lives. The constituency candidates are elected by a simple majority in single-member constituencies¹⁰. The second vote is cast for a political party on a party list for a particular federal state. The second votes are counted first to determine the number of seats a party is to be allocated and are thus more important.¹¹

⁸ Sixty per cent of the seats were allocated by simple-majority in 1949 and the proportion has been changed to 50% from 1953 onwards.

⁹ James (2003). The voter had only one vote in 1949. A cross was placed against a constituency candidate's name, and it was assumed that the voters were also giving their list vote to the party to which the candidate belonged. From 1953 onwards, each voter has two votes.

¹⁰ There were 299 constituencies in the 2002 election.

¹¹ For instance, if 120 seats are to be allocated for a particular state, and a party receives 40% of the second votes, that party will be allocated 48 seats as a whole. If 20 candidates of that party win their constituency seats via the first votes, that party will have 28 seats (48 seats minus 20 seats) left to be allocated to its party list candidates. If the number of constituency seats won by a party exceeds the number it should be allocated as a whole, then extra parliamentary seats for that particular state are created, and the size of the Bundestag may increase.

2.12 There is an additional threshold requirement for a party to be proportionally represented in the Bundestag. In 1949, the threshold was that a party had to gain at least 5% of the valid second votes in any of the West German states. The alternative was to win one constituency seat via the first votes. As a result of this lenient threshold, 11 parties were represented in the Bundestag after the 1949 election. From 1953 onwards, the threshold is tightened so that a party has to attain 5% of the valid second votes in West Germany (and later in the unified Germany as well) as a whole. Since 1957, the alternative has been that a party must gain at least three constituency seats if it does not pass the 5% threshold.

2.13 The tightening of the threshold requirement reduced the number of parties being represented in the Bundestag, from 11 in 1949 to six after the 1953 federal election, and further to three after the 1961 federal election. From 1961 to 1983, a three-party system was firmly anchored in West Germany's political system, which replaced the multi-party system in the past.¹² In 1983, the Green Party was able to satisfy the threshold and the Bundestag had four parties represented. Minor left and right radical parties in West Germany from 1945 to 1990 had emerged and vanished, but had never obtained sufficient support to gain a seat in the Bundestag.

First all-German federal election

2.14 The first all-German federal election was held on 2 December 1990 to elect a government for a reunited Germany. Most of the East German political parties had merged with their West German counterparts before the 1990 election. A special law for the 1990 election alone was passed stating that in order to gain representation in the new all-German Bundestag, a party only had to obtain at least 5% of the valid second votes in either the western or eastern territories. As a result, the Party of Democratic Socialism (PDS), the successor to the former Socialist Unity Party of Germany in East Germany, managed to gain parliamentary seats even though it had almost no success in the western territories in 1990.

2.15 Although there were more than 20 political parties contested in the recent federal elections¹³, only four to five parties managed to obtain representation in the Bundestag.

¹² The three parties included the two big catch-all parties, the Social Democratic Party and the Christian Democrats (these two parties have always won over 70% of the votes together since 1957), and either of them would form a coalition government with the Free Democratic Party (or the Green Party after 1983).

¹³ *Federal Returning Officer*. Available from: http://www.bundeswahlleiter.de/wahlen/e/index_e.htm [Accessed 15 April 2005].

Factors considered by commentators/academics as having the effect of encouraging or hindering the development of political parties

The Basic Law and the Law on Political Parties

2.16 The Basic Law of Germany requires that parties may be freely established¹⁴, but parties that seek to impair the free democratic basic order are unconstitutional and the Federal Constitutional Court (FCC) will rule on the question of constitutionality¹⁵. One critic points out that the aim of such provision is to prevent a repetition of the subversion and destruction of democratic government during the Nazis' rule.¹⁶ However, some regard such restriction as limiting free expression.¹⁷ Since 1949, FCC has banned two parties, the rightist Socialist Reich Party in 1952 and the German Communist Party in 1956.¹⁸

2.17 Article 21 of the Basic Law formally recognizes the role of political parties in the "*formation of the political will of the people*" and requires their internal structure to be organized according to democratic principles. The Law on Political Parties (LPP) was enacted in 1967 to implement these principles. One critic opines that it is this role of political parties in shaping the political will of the people that justifies the German political parties receiving relatively generous direct state subsidies.¹⁹

Electoral system

2.18 During the period of the Weimar Republic, parties with a low level of votes could attain a seat in the lower House, therefore, they tended to represent the special sectional interests of their supporters and be uncompromising. No party attained a majority in the lower House and it was very hard for parties to form and maintain stable coalition governments. Only four of the 20 governments formed in the period from 1919 to 1933 lasted for as long as 12 months. One critic opines that such a system prevents parties from becoming an effective part of the political system.²⁰

¹⁴ Section 1 of Article 21 of the Basic Law.

¹⁵ Section 2 of Article 21 of the Basic Law.

¹⁶ Sontheimer (1972).

¹⁷ Braunthal (1996).

¹⁸ Legislative Council Secretariat (2004). In early 2001, the German government, the Bundestag, and the Bundesrat (the upper House of Parliament) filed requests at FCC to initiate proceedings aiming at outlawing the National Democratic Party of Germany, but the case was rejected because of procedural improprieties.

¹⁹ Saalfeld (2002).

²⁰ Roberts (1997).

2.19 Critics are of the view that the post-Second World War threshold requirement of getting at least 5% of the second votes makes it more difficult for small, locally-based parties to secure the 5% votes and enter Bundestag.²¹ It was not until 1983 that the Green Party cleared the 5% hurdle and became the first new party to enter the Bundestag since the 1950s.

Restriction on political donations

2.20 LPP places a number of restrictions on political donations. It prohibits certain kinds of donations and limits the amount of donations that a party is allowed to receive from a certain group. In particular, anonymous donations of more than DM1,000 (HK\$4,900) are not allowed. It also requires political parties to keep and submit records of donations received.²² One critic is of the view that the restrictions on anonymous donations, together with FCC rulings which eliminate tax advantages for corporate political donations, have created more obstacles to party fundraising.²³

Funding of political parties

2.21 Political parties receiving at least 0.5% of the second votes in the Bundestag²⁴ are eligible for state funding.²⁵ The limit on the total amount of public funding available to support eligible parties each year is set at DM245 million (HK\$1,200 million). Levels of funding for political parties are based on the number of votes received, party membership and the private contributions received.²⁶

2.22 One critic is of the view that the provision of public funding is crucial to the development of fledgling parties.²⁷ The same critic points out that the vast increase in public subsidies since the 1960s has allowed all the parties to build up professional bureaucracies that are somewhat insulated from decline in party enrolment. She opines that as in recent years, state subsidies have contributed to an average of 20% to 40% of total party revenues, and these public payments have made the parties relatively well-off in financial terms when compared with their international counterparts.

²¹ Roberts (1997) and Scarrow (2002).

²² For details of restrictions on political donations, please refer to Legislative Council Secretariat (2004), paragraphs 2.5.1 – 2.5.3.

²³ Scarrow (2002).

²⁴ Political parties receiving at least 0.5% of the party votes in European Parliament elections or 1% in state elections are also eligible for state funding.

²⁵ Section IV of LPP deals with state funding for political parties.

²⁶ For details of the state funding for political parties in Germany, please refer to Legislative Council Secretariat (2004), paragraphs 2.5.5 – 2.5.11.

²⁷ Scarrow (2002).

3. The United Kingdom

Historical development of universal suffrage in relation to the development of political parties

Limited franchise

3.1 The United Kingdom (UK) has a bi-cameral Parliament – the unelected House of Lords and the elected House of Commons. Before 1832, the date of the first Reform Act, "*political parties*" at that time were just loose groupings within Parliament and no strong party discipline existed. The terms "*Whig*"²⁸ and "*Tory*"²⁹ had been used in those days to describe certain political leanings, but they were just loose parliamentary groups without any party organization outside Parliament.

3.2 The absence of party organization was, to a great extent, due to the comparatively small size and exclusive nature of the electorate.³⁰ Before 1832, less than 5% of the adult population had the right to vote.³¹ Voting qualifications and the size of constituencies varied from one area to another. In some areas, only the freeholders of property were enfranchised, but in others, anyone present at the time of election could vote. Whilst many growing industrial areas had no representatives at all, some country areas had two representatives who were elected by fewer than 10 voters.³²

3.3 The Industrial Revolution led to the growth of the middle-class who advocated for an extension of the franchise and redistribution of parliamentary seats. The Reform Act of 1832 increased the electors from 5% to 7% of the adult population and established a uniform national franchise based on property qualifications.³³ Parliamentary seats were re-distributed to more populated industrial areas.

3.4 The Representation of the People Act 1867 almost doubled the electorate, albeit the right to vote still depended on a property qualification. There was a further redistribution of seats from less populated to more populated areas. The secret ballot was introduced in 1872.³⁴

²⁸ The Whigs favoured parliamentary reform. The aristocratic connotations of the name caused some politicians to prefer calling themselves "*Liberals*" and this term was used officially since 1868.

²⁹ Tories were defenders of the Crown and the established Anglican Church, and they opposed parliamentary reform.

³⁰ Central Office of Information (1994).

³¹ Birch (1998).

³² Barnett (2002a).

³³ Birch (1998).

³⁴ Until 1872, voters announced their choice of candidate to the presiding officer who would then record it.

Extension of franchise and emergence of political parties

3.5 The extension of the franchise gave rise to party organizations as there was a need to encourage the registration of voters and to conduct electoral campaigns throughout the country. The Conservatives³⁵ established local registration societies two years after the passage of the Reform Act of 1832 (which later evolved into constituency associations). In 1867, they founded the national party organization called the National Union of Conservative and Constitutional Associations, designed to co-ordinate the work of the constituency associations which provided electoral support for the Conservative Party. In 1870, the Conservative Central Office was established, staffed with professional organizers and controlled by parliamentary leaders.³⁶

3.6 The Liberal Party was formed towards the end of the 1850s with the support of former Whigs and other political groups. In 1860, some Members of Parliament (MPs) established the Liberal Registration Association, designed to encourage the registration of voters and the growth of constituency associations. In 1877, the Liberals founded its national organization, the National Liberal Federation.

3.7 In 1884, the Franchise Act extended the right to vote to most male adults. However, the franchise was limited to those with a year's residence qualification. University graduates and those owning land or business premises in a constituency other than that in which they lived, were allowed to vote in more than one constituency.

3.8 Until 1918, the two main parties in the UK were the Conservative Party and the Liberal Party, but the latter's position as a major party was displaced by the Labour Party. The Labour Party began as a movement outside Parliament. Its rise was due to the extension of the franchise in 1884 and 1918 to large numbers of working class citizens.³⁷ Dissatisfied with the Liberal government, the trade unions decided to seek labour representation in Parliament to promote working-class interests. In 1900, the Labour Representation Committee was established to co-ordinate plans for parliamentary election and won two seats, and after the 1906 election, it was renamed the Labour Party.

Universal suffrage

3.9 The Representation of the People Act 1918 gave the vote to all men aged 21 and over. The residence qualification was reduced to six months. Women were given the right to vote, albeit this was restricted to those aged 30 and over. In 1928, the franchise was extended to all women aged 21 and over.

³⁵ After 1834, the political group of Tories in the House of Commons preferred to use the term "*Conservative*".

³⁶ Andrews (1999). The Conservatives received support from the Liberal Unionists, a group which had spilt from the Liberal Party since 1886, and the two formally merged in 1912.

³⁷ Birch (1998).

3.10 Universal suffrage was adopted by the Representation of the People Act 1949. It abolished additional votes for university graduates and those owning business premises and land in constituencies other than those in which they lived. The six-month residence qualification was removed. In 1969, the minimum voting age was reduced to 18 for both men and women.

3.11 Since the Second World War, all the governments in the UK have been formed either by the Labour Party or the Conservative Party. A number of other parties have also won seats in Parliament. In 1981, a number of Labour and Conservative MPs and former ministers broke away from their parties to form the Social Democratic Party. In 1988, it merged with the Liberal Party to form the present Liberal Democrats. Other parties represented in the House of Commons include nationalist parties in Scotland and Wales, and locally-based parties in Northern Ireland.

3.12 Currently, the UK is divided into 646 constituencies³⁸, each of which represented by one MP. The first-past-the-post electoral system is used for parliamentary elections. Voting is not compulsory.

Factors considered by commentators/academics as having the effect of encouraging or hindering the development of political parties

Electoral system

3.13 One academic³⁹ is of the view that the first-past-the-post system serves to perpetuate the dominance of two main political parties and leaves little room for the adequate representation of smaller parties. For instance, the largest of the minor parties, the Liberal Democrats, consistently polls between 15% and 25% of the popular vote, but its share of the votes does not translate into a proportionally related number of parliamentary seats. Another academic⁴⁰ elaborates that the unrepresentative nature of the first-past-the-post system matters relatively little when the two major parties win over 90% of the national vote, as was the case from 1945 to 1970. However, since then, minor parties have come to account for a quarter of the vote on a regular basis, and have suffered particularly from the workings of the electoral system.

³⁸ *The United Kingdom Parliament*. (2005) Available from: <http://www.parliament.uk> [Accessed 6 June 2005].

³⁹ Barnett (2002a).

⁴⁰ Webb et al. (ed.) (2002).

Funding of political parties

3.14 In the UK, there is no provision of direct public funding to political parties for election campaigns. However, since 1975, opposition parties have received public money, better known as Short money, for the purpose of parliamentary business only.⁴¹ The Political Parties, Elections and Referendums Act 2000 (PPERA) also establishes a Policy Development Grants Scheme⁴² to assist political parties with the development of policies for inclusion in their manifestos for parliamentary elections⁴³. One critic opines that the Short Money and the Policy Development Grants help redress the imbalance between the support available to opposition parties and that available to the ruling party through the civil service.⁴⁴

3.15 The decline of parties' traditional support bases and the lack of public funding made the major parties increasingly shift towards soliciting large donations from wealthy individuals.⁴⁵ At the 2001 General Election, only two political parties, the Labour Party and the Conservative Party, received single individual donations in excess of £1 million (HK\$14.27 million). In the same Election, the Labour Party and the Conservative Party spent significantly more than the Liberal Democrats – £12.77 million (HK\$182.23 million), £11.14 million (HK\$158.97 million) and £1.36 million (HK\$19.41 million) respectively – with their ability to spend related to their ability to attract large amounts of donations.⁴⁶ One academic⁴⁷ points out that there are views supporting public funding for campaign spending in the hope that greater fairness would be achieved among political parties.

3.16 The Scottish National Party argues in a similar vein.⁴⁸ It points out that as only the two main parties, the Labour Party and the Conservative Party, are able to raise very large donations from wealthy donors, it leads to a huge imbalance between political parties on how much they can spend in an election. In other words, the Labour Party and the Conservative Party are provided with an unfair advantage over their competitors which may distort electoral competition. At the 2001 General Election in Scotland, the Labour Party spent around £1.1 million (HK\$15.70 million), the Conservative Party £0.9 million (HK\$12.84 million) and the Scottish National Party £0.2 million (HK\$2.85 million).

⁴¹ For details regarding the funding of political parties in the UK, please refer to Legislative Council Secretariat (2004), paragraphs 3.5.14 – 3.5.21.

⁴² Section 12 of PERA.

⁴³ Parliamentary elections include elections to the European Parliament, the Scottish Parliament, the National Assembly for Wales, and the Northern Ireland Assembly, as well as local government elections in Northern Ireland.

⁴⁴ Rogers and Walters (2004).

⁴⁵ The Electoral Commission (2004) and Rogers and Walters (2004).

⁴⁶ The Electoral Commission (2003).

⁴⁷ Barnett (2002b).

⁴⁸ The Electoral Commission (2004).

4. New Zealand

Historical development of universal suffrage in relation to the development of political parties

Limited franchise

4.1 The British government passed the New Zealand Constitution Act in 1852, which provided for a national bi-cameral General Assembly, as a measure to grant limited self-rule to settlers in New Zealand. The legislature consisted of an appointed Legislative Council (which was abolished in 1950) and an elected House of Representatives. The franchise was restricted to men aged 21 years and over who owned, leased or rented property of a certain value⁴⁹. Provided the electors met the property qualifications⁵⁰, they could register and vote in every electorate where they had property rights. Thirty-seven members were elected by the first-past-the-post system⁵¹ in 1853, forming the first House of Representatives.

4.2 Representative government was introduced after the second General Assembly was elected in 1856. The Governor⁵² agreed to appoint his advisers from among the elected members of the House of Representatives and to act on their advice. Most members of the legislature came from the wealthy colonial elite. There was no political party to organize election campaigns as in those days, settlers had so much to occupy themselves with their own affairs and were so widely scattered about that most of them did not care to cast their votes.⁵³

4.3 Universal male suffrage was introduced in 1879. The first General Election under universal male suffrage was held in 1881. However, electors remained entitled to register and vote in each of those electorates they had property rights until such plural voting was abolished in 1889.

Universal suffrage and the first political party

4.4 Traditional show of hands on nomination day was replaced by secret ballot in 1890. In 1893, full voting rights were extended to women, but women could not stand for election until the passage of the Women Parliamentary Rights Act in 1919.

⁴⁹ Jackson and McRobie (1998).

⁵⁰ The property rights requirement excluded almost all the Maori since their land was held in communal ownership. To permit Maori parliamentary representation, the 1867 Maori Representation Act provided for two separate electoral rolls, one general and the other Maori, which allows the Maori to vote in one of the Maori electorates. From 1975 onwards, Maori could choose to register in the non-Maori electorates.

⁵¹ From 1853 to 1881, and again from 1889 to 1903, MPs were elected in a mixture of single-member and two or three-member electorates. After 1903, all electorates returned only one member.

⁵² The Governor was the representative of the Queen of the United Kingdom in New Zealand.

⁵³ The Electoral Enrolment Centre (2005).

4.5 The first political party, the Liberal Party, was founded in 1890, which coincided with the introduction of universal suffrage in 1893. It drew support from the urban working class and small farmers who were benefited by universal suffrage. Meanwhile, their conservative opponents organized themselves into the Reform Party, forming the original duopoly in the New Zealand parliament. The removal of property qualification also gave rise to working class politicians and voters, and led to the establishment of the Labour Party in 1916.⁵⁴ After the Labour Party eventually won office in 1935, the Liberal Party and the Reform Party merged and formed the National Party. The Labour Party and the National Party still exist as the two main parties in New Zealand.

4.6 In 1969, the voting age was lowered to the age of 20 and then to 18 in 1973. Voting was voluntary. The franchise was altered again in 1975 to allow all permanent residents to vote, whether or not they had New Zealand citizenship.⁵⁵

4.7 Over the years, a number of minor parties developed - notably the Social Credit Political League, the New Zealand Party, the Values Party, and the Alliance. However, under the first-past-the-post electoral system, the minor parties were not able to translate their votes into seats even when they won considerable votes on a nation-wide basis. For example, the Social Credit Political League (renamed the Democratic Party in 1985), the leading third party since 1954, won 16% of the overall vote in 1978 but only one seat out of the 92 in the House of Representatives. In 1981, nearly 21% of electors voted for the Social Credit Political League, but the party won just two seats. In the 1984 election, the New Zealand Party won 12% of the overall vote but no seats at all. From 1935 to 1994, no third party ever won more than two seats at one election⁵⁶. This eventually led to pressure to change the "winner-takes-it-all" first-past-the-post system.

Change of electoral system

4.8 Since 1996, the House of Representatives has been elected on a German-style proportional representation basis, referred to as mixed member proportional (MMP) electoral system in New Zealand. Each voter has two votes, one for an electorate candidate and one for a political party. Each party's share of seats in the House of Representatives depends on its share of all the party votes, provided the party crossed the threshold by winning at least 5% of all the party votes or at least one electorate seat.⁵⁷ Currently 51 of the 120 members in the House of Representatives come from party lists and 69 from single-member electorates⁵⁸ (seven of which are Maori electorates, reserved for the Maori ethnicity who chooses to register on a separate electoral roll).

⁵⁴ The Electoral Enrolment Centre (2005).

⁵⁵ However, only New Zealand citizens can serve in Parliament.

⁵⁶ Jackson and McRobie (1998).

⁵⁷ A party's total share of seats is filled first by any of its candidates who win electorate seats and then by taking other candidates from the party list.

⁵⁸ A candidate winning a simple majority will obtain the seat.

4.9 Since the adoption of the MMP system, neither the Labour Party nor the National Party can win a clear majority of votes, whilst more minor parties obtain representation. The current Government elected in 2002 is a minority coalition between the Labour Party and the Progressive Coalition.⁵⁹

Factors considered by commentators/academics as having the effect of encouraging or hindering the development of political parties

Electoral system

4.10 From 1853 until 1993 (apart from 1908-13)⁶⁰, New Zealand elections were held under the first-past-the-post system. Each voter had one vote and the candidate who received the highest votes in each electorate was the winner. No matter how many votes a party gained nation-wide, it could not win a seat without a majority in a particular electorate. As a result, the most popular political party usually won a share of the seats in Parliament that was larger than its share of the overall votes. One critic⁶¹ opined that this winner-takes-it-all electoral system encouraged the formation of strong, single-party governments and resulted in a two-party system.

4.11 One critic⁶² noted that if not for the change of the electoral system in 1996, the incumbent legislators would not break away from the two dominant parties and establish their own new parties. A total of 13 Labour and National MPs defected and formed their own parties.⁶³

4.12 The adoption of the MMP electoral system makes it easier for smaller parties to enter the legislature. Since the change to the MMP system, around a third of the seats have been held by members representing parties other than Labour and National (whereas in the last first-past-the post election in 1993, only four seats were won by minor parties). Currently, five minor parties are represented and occupied 41 out of the total 120 seats in the House of Representatives.

4.13 On the other hand, one academic⁶⁴ is of the view that the 5% threshold of the MMP system is a barrier to the growth of these small parties, as this is not an easy threshold for small parties to cross. In fact, in the 2002 election, the third election based on the MMP system, 12 registered minor parties contested the party list seats, but only five of them managed to cross the 5% threshold.

⁵⁹ It has an agreement on confidence votes with United Future and a co-operation agreement with the Green Party, neither of which is part of the Government.

⁶⁰ In 1908, the Liberal government introduced the second-ballot system. This provided that if no candidate won more than 50% of the votes in an electorate, a run-off would be held (usually a week later) between the two top candidates. This experiment did not prove a success, and was abandoned in 1913.

⁶¹ Mulgan (1994).

⁶² Vowles (2002).

⁶³ Miller (1997). For instance, the Christian Democrats, the Conservative Party and the United Party were formed in the approach to the MMP system.

⁶⁴ Miller (1997).

4.14 The introduction of the MMP system also poses challenges for both the minor and major parties. Some academics⁶⁵ opine that minor parties can no longer act simply as repositories for protest votes, as they now have a chance to get representation or even be a partner in a coalition government. For the major parties, one critic⁶⁶ notes that instead of being resolutely ideological, the major parties try to appeal to a broader cross-section of voters in response to the competition of the rising minor parties.

Funding of political parties

4.15 As minor parties have a better chance to enter the House of Representatives, they have better access to the resources of Parliament as well. Public funding is available for political parties to perform parliamentary duties. The level of funding for each party is determined by the number of seats won. Critics⁶⁷ opine that minor parties are able to compete with the major parties on a more equal footing in term of resources.

4.16 For the newer parties represented in the House of Representatives due to MMP, academics⁶⁸ point out that the resources are crucial in underwriting their consolidation and organizational development, as some of the new parties are formed by defected politicians of the major parties, and they do not have large membership. Nevertheless, they sustain by the state funding provided to all MPs, including office space and research assistance, rather than relying on organizational structure and active membership as in the case of traditional political parties.

⁶⁵ Rainbow and Sheppard (1997) and Mulgan (1994).

⁶⁶ Miller (1997).

⁶⁷ Rainbow and Sheppard (1997).

⁶⁸ Vowles (2002) and Miller (1997).

5. Singapore

Historical development of universal suffrage in relation to the development of political parties

Limited franchise

5.1 The birth of political parties was a recent phenomenon in Singapore's history.⁶⁹ The British agreed to allow Singapore, its Crown Colony, a limited form of local government through the creation of a Legislative Council in 1948⁷⁰. The first Legislative Council consisted of nine officials and 13 non-officials, four of which would be nominated by the Governor, three chosen by chambers of commerce and the remaining six elected. Only adult British subjects who had been residents in Singapore for one year prior to the election were eligible to vote for the six elected seats.⁷¹ The first election was held on 20 March 1948.

5.2 The Malayan Democratic Union (MDU), regarded by some scholars as Singapore's first political party, was founded by English-educated intellectuals in December 1945 to work towards self-government by extending representation in the legislature.⁷² MDU was not satisfied with the constitutional reforms and decided to boycott the election.⁷³ The Singapore Progressive Party (PP)⁷⁴, founded in 1947, was the only party participating in the 1948 election and won half of the six elected seats. The remaining three seats fell to independents.

5.3 Two parties (fielded 15 candidates) and seven independents contested in the 1951 election by which the number of elected members of the Legislative Council increased from six to nine. The two contesting parties were PP and the Labour Party. The latter was inaugurated in 1948 by English-educated Indian trade unionists.

Extension of franchise

5.4 The 1955 General Election was held to elect 25 Members into the new Legislative Assembly,⁷⁵ in addition to the three ex-officio ministers and four nominated non-officials.

⁶⁹ Mutalib (2003).

⁷⁰ Singapore Yearbook 2004.

⁷¹ Turnbull (1979).

⁷² Ibid.

⁷³ MDU later turned into a communist front organization. Fearing that the government would break it up, MDU voluntarily dissolved itself in June 1948. The Governor of Singapore also outlawed the Malayan Communist Party in July 1948 (which was founded in Malaya in 1930) after acts of violence in May and June that led to a declaration of a state of emergency in Singapore.

⁷⁴ PP consisted mainly of moderate businessmen and multi-racial English-educated members, who were willing to co-operate with the British to promote steady constitutional reform.

⁷⁵ The Legislative Assembly was formed following the recommendations of the Constitutional Commission, better known as the Rendel Commission (chaired by Sir George Rendel), which was appointed to make recommendations to give Singapore a greater measure of self-government.

5.5 The franchise was also extended. Automatic registration had expanded the register of voters from 75 000 voters to over 300 000 voters, which for the first time, included a large number of Chinese⁷⁶ and the lower income groups.

5.6 In anticipation of the 1955 General Election, new political parties were hurriedly formed⁷⁷, including the People's Action Party (PAP) which was launched in late 1954. The 1955 General Election, with five political parties contesting, was described as the first lively political contest in Singapore's history.⁷⁸ Sixty-nine out of 79 candidates had party affiliations. Labour Front (a political party formed by the merger of the Labour Party and the New Socialist Party in 1955), winning the largest number of seats (a total of 10), formed the first elected government with others⁷⁹.

Election of the first fully elected legislature

5.7 The Constitutional Agreement between the UK and Singapore promised to give Singapore self-government in internal affairs⁸⁰ in 1959 with a fully elected legislature. Singapore's first General Election of a fully elected Legislative Assembly was held in May 1959, with the number of contesting parties increased to 10. The majority 220 000 alien-born Chinese were enfranchised⁸¹, and voting became compulsory. PAP, which won 43 out of 51 seats, has begun its rule in Singapore since then.

5.8 In the 1968 General Election, the number of seats increased to 58. As most of the opposition parties boycotted the General Election against the redrawing of constituency boundaries, only one party and some independents challenged PAP.

5.9 The number of parliamentary seats gradually increased to 79 in 1984. Whilst there were five to eight opposition parties challenged PAP in the 1972, 1976, 1980 and 1984 General Elections, the number of candidates these opposition parties managed to support declined from 79 in the 1972 General Election to less than 50 in 1980 and 1984. None of them managed to win a seat in these elections.

⁷⁶ Mutalib (2003). The basic electoral qualification was citizenship of the United Kingdom and the Colonies, for which some Chinese immigrants had by then qualified.

⁷⁷ Ibid.

⁷⁸ Singapore Yearbook 1991.

⁷⁹ It formed a coalition government with the Malay Union Alliance, a parliamentary coalition of the United Malays National Organization (UMNO) and the Malayan Chinese Association.

⁸⁰ The British still controlled Singapore's defence, internal security and foreign affairs.

⁸¹ Only Straits-born or naturalized British subjects who were literate in English were eligible to participate in politics in the first half of the 1950s. This requirement disenfranchised more than half of the total adult population of Singapore who were born in China. The alien-born Chinese were qualified for citizenship by the Citizenship Ordinance in 1957 and were hence enfranchised.

Introduction of Non-Constituency Members and Nominated Members of Parliament

5.10 The unexpected victory of the opposition Workers Party (WP)'s leader, J. B. Jeyaretnam, in a parliamentary by-election⁸² in 1981 not only made him the first opposition MP since October 1966⁸³, but was also considered as re-energizing the opposition "by showing that PAP was not invincible, and it ignited public interest in the idea of having an opposition".⁸⁴ In addition, PAP's votes dropped from 77.7% in the 1980 General Election to 64.8% in the 1984 General Election, losing two seats to two opposition parties⁸⁵. With these electoral setbacks in mind, the PAP government decided to add appointed seats to the previously fully elected legislature.

5.11 In 1984, the government changed the law to allow for the appointment of up to six Non-Constituency Members of Parliament (NCMPs)⁸⁶, allocating to those unsuccessful opposition candidates with the highest percentage of votes. The number of NCMPs for each Parliament depends on the number of opposition candidates elected and is reduced by one for each opposition party candidate returned.⁸⁷

5.12 In addition, the Constitution was amended in October 1990 to empower the President of Singapore to appoint Nominated Members of Parliament (NMPs) on the recommendation of a Special Select Committee of Parliament. The number of NMPs varies each time. NMPs must not be affiliated with any political parties. Both NMPs and NCMPs have restricted voting rights.⁸⁸

5.13 In the 1988 General Election, seven opposition parties supported a total of 71 candidates challenging PAP, but only won one seat. Nonetheless, PAP's votes dropped slightly from 64.8% in 1984 to 63.2% in 1988. In the two General Elections in the 1990s, there were five opposition parties challenging PAP. The number of opposition candidates fell to 38 in both elections as the opposition parties agreed not to contest more than half of the elected seats. They won four and two seats respectively in 1991 and 1997.

⁸² Mauzy and Milne (2002) and Mutalib (2003).

⁸³ The only opposition in Parliament, Barisan Sosialis, i.e. the Socialist Front, had its nine MPs resigned from Parliament in October 1966.

⁸⁴ Mauzy and Milne (2002).

⁸⁵ The two opposition parties were WP and the Singapore Democratic Party.

⁸⁶ Section 52(1) of the Parliamentary Elections Act provides for the appointment of three NCMPs, but the President may by order specify a greater number not exceeding six for the purpose of a particular General Election.

⁸⁷ For instance, a maximum of three NCMPs may be appointed after the 2001 General Election. As two opposition MPs won their seats in the General Election, only one NCMP is appointed in the current Parliament, which is constituted by the 2001 General Election.

⁸⁸ They cannot vote on key issues in Parliament, including any motion relating to a constitutional amendment, a vote of no confidence or on money bills.

5.14 Although there were 24 political parties currently registered in Singapore, only seven⁸⁹ competed against PAP in the recent 2001 General Election and won two out of a total of 84 elected seats. PAP's votes increased to 75.3%, its best performance since 1980. The prospects for political parties were once promising when representation was widened; however, a number of factors have hindered their development and made Singapore a one-party dominant state.

Factors considered by commentators/academics as having the effect of encouraging or hindering the development of political parties

Frequent changes to the Constitution and the electoral laws

5.15 As PAP has dominated Parliament since 1959, it always has majority in the legislature to change the rules of game at its will. In the run-up to the 1968 General Election, the ruling PAP government redrew the boundaries of many constituencies. Pertubuhan Kebangsaan Melayu Singapura (PKMS), i.e. the Singapore Malays National Organization, had won all the constituencies with a Malay majority in the 1955 and 1959 General Elections. Foreseeing defeat after this redrawing of boundaries, PKMS and a number of other parties, including Barisan Sosialis (BS), i.e. the Socialist Front, decided to boycott the 1968 Election.

5.16 Due to the boycott of the election by a number of opposition parties, only seven of the total of 58 seats were contested and PAP won all the seats for the first time. Singapore emerged as a one-party-dominant party state with no opposition in Parliament until 1981⁹⁰. To PKMS, it never won a seat after the 1968 boycott. BS participated in the three subsequent General Elections, but failed to attain a seat. It gradually dwindled, and is no longer active.⁹¹

5.17 Ten months before the 1988 General Election, the PAP government changed the electoral law again to introduce multi-member constituencies⁹², known as group representation constituencies (GRCs), while retaining a small number of single-member constituencies. Political parties contesting in GRCs have to run a list of candidates (three in 1988, raised to six in 1996), one of which must be an ethnic minority, such as an Indian or a Malay.⁹³ Political commentators criticized that this was an attempt to dilute opposition votes and enable the ruling PAP to change and transfer weaker Malay candidates to safer areas,⁹⁴ making it more difficult for the opposition parties to win a seat in Parliament.⁹⁵ In fact, opposition parties have never won in GRCs.

⁸⁹ They were WP, the Singapore Democratic Alliance (an umbrella alliance consisting of Pertubuhan Kebangsaan Melayu Singapura (the Singapore Malays National Organization), the Singapore People's Party, the Singapore Justice Party and the National Solidarity Party), the Singapore Democratic Party and the Democratic Progressive Party.

⁹⁰ The leader of WP won a seat in the 1981 by-election.

⁹¹ Roberts (1999).

⁹² Section 8A of the Parliamentary Elections Act (Chapter 218).

⁹³ All candidates of a list must either belong to the same political party or be independents.

⁹⁴ Mutalib (2003).

⁹⁵ Roberts (1999).

5.18 In 2001, the PAP government redrew the constituency boundaries shortly before an election was called, including merging seven of the single-member constituencies with adjacent constituencies which had strongly supported PAP.⁹⁶

5.19 In addition, the introduction of NCMPs and NMPs in 1984 and 1990 respectively is viewed by an opposition MP⁹⁷ as weakening the sentiment for electing more opposition MPs. He opines that those who want opposition in parliament now need not vote for any opposition candidates because in any event there shall be opposition in parliament.⁹⁸

5.20 Moreover, the first-past-the-post electoral system adopted by Singapore inherently leads to a winner-takes-it-all result. Despite winning nearly 40% of the votes in the general elections in the 1980s and 1990s, the opposition had never won more than four seats. One academic worries that this might lead to a vicious cycle for the opposition parties, as people do not like to back a certain loser.⁹⁹

Structural constraints

5.21 One academic considers that the unitary state structure and unicameral parliamentary system of Singapore pose problems to the development of opposition parties.¹⁰⁰ First, it makes parties difficult to establish a power base in its own regions. Secondly, the opposition parties cannot voice their grievances in the upper house after the ruling PAP has got their bills passed by their majority.

5.22 Singapore once had a City Council, which was a fully-elected local government administering crucial facilities like water and gas. The abolition of the fully elected City Council in 1959 deprived the opposition parties of another channel to check government policies and disseminate their views.¹⁰¹

⁹⁶ Mauzy and Milne (2002).

⁹⁷ MP Chiam See Tong of the Singapore People's Party. He moved from the Singapore Democratic Party to the Singapore People's Party in 1996.

⁹⁸ Straits Times: 4 January 1997.

⁹⁹ Mutalib (2003).

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

Legal regulations of political parties

5.23 In Singapore, a political association is required to be registered under the Societies Act (SA). In applying for registration, information must be supplied concerning the aims, the constitution and rules of the political association, and the names and the background of the office-holders. It has to confine its membership to citizens of Singapore and must not have affiliation or connection with any organization outside Singapore that is considered by the Registrar of Societies to be contrary to the national interest. Under SA, a Minister may order dissolution of a political association when it has affiliation or connection with any foreign organization that is considered to be contrary to the national interest.¹⁰² One academic opines that SA enables PAP to monitor the internal affairs of any rival party.¹⁰³

Other factors

5.24 One academic is of the view that the regulation of key institutions by the PAP government has left the opposition parties very little opportunity to rely on institutions like the grassroots organizations, trade unions, mass media and the bureaucracy to advance their agenda.¹⁰⁴ The opposition parties are therefore denied sources of mobilizational support, manpower and leadership talent from these key institutions.¹⁰⁵

5.25 The PAP government and its leaders brought charges for defamation and others against opposition leaders who had little hope of defending themselves in front of a compliant judiciary. For instance, WP's former leader, J. B. Jeyaretnam had faced a number of lawsuits and was once imprisoned and disqualified from being an MP. One academic opines that these prosecutions are aimed at keeping the opposition impoverished and criminalizing the most effective opposition leaders.¹⁰⁶

Prepared by Kitty LAM
15 June 2005
Tel: 2869 8343

Information notes are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Information notes are subject to copyright owned by the Legislative Council Commission (the Commission). The Commission permits accurate reproduction of the information notes for non-commercial use in a manner not adversely affecting the Legislative Council, provided that acknowledgement is made stating the Research and Library Services Division of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library.

¹⁰² Legislative Council Secretariat (2004).

¹⁰³ Tremewan (1994).

¹⁰⁴ Mutalib (2003).

¹⁰⁵ Hill and Lian (eds.) (1995).

¹⁰⁶ Tremewan (1994).

References

Germany

1. Braunthal, G. (1996) *Parties and Politics in Modern Germany*. United States, Westview Press.
2. Conradt, D. P. (1996) *The German Polity*. 6th ed. The United States, Longman.
3. *Federal Returning Officer*. Available from: http://www.bundeswahlleiter.de/wahlen/e/index_e.htm [Accessed 15 April 2005].
4. German Bundestag. (1998) *Questions on German History: Paths to Parliamentary Democracy*. Bonn, German Bundestag Public Relations Division.
5. James, P. (2003) *The German Electoral System*. England, Ashgate.
6. Roberts, G. K. (1997) *Party Politics in the New Germany*. London, Pinter.
7. Saalfeld, T. (2002) Parliament and Citizens in Germany: Reconciling Conflicting Pressures. In: Norton, P. (ed.) (2002) *Parliaments and Citizens in Western Europe*. London, Frank Cass.
8. Scarrow, S. E. (2002) Party Decline in the Parties State? The Changing Environment of German Politics. In: Webb, P. et al. (eds.) (2002) *Political Parties in Advanced Industrial Democracies*. Great Britain, Oxford University Press.
9. Sontheimer, K. (1972) *The Government and Politics of West Germany*. London, Hutchison University Library.

The United Kingdom

10. Andrews, W. G. (1999) United Kingdom of Great Britain and Northern Ireland. In: Delury, G. E. (eds.) *World Encyclopedia of Political Systems and Parties*. Vol.III. New York, Facts On File Inc.
11. Barnett, H. (2002a) *Britain Unwrapped: Government and Constitution Explained*. England, Penguin Books.
12. Barnett, H. (2002b) *Constitutional and Administrative Law*. London, Cavendish Publishing Ltd.
13. Birch, A. H. (1998) *The British System of Government*. London, Routledge.
14. Central Office of Information. (1991) *Parliamentary Elections*. London, HMSO.

15. Central Office of Information. (1994) *Organisation of Political Parties*. London, HMSO.
16. Rogers, R. and Walters, R. (2004) *How Parliament Works*. England, Pearson Longman.
17. The Electoral Commission. (2003) *The Funding of Political Parties: Background Paper*.
18. The Electoral Commission. (2004) *The Funding of Political Parties: Report and Recommendations*.
19. *The United Kingdom Parliament*. (2005) Available from: <http://www.parliament.uk> [Accessed 6 June 2005].
20. Webb, P. (2002a) Political Parties in Britain: Secular Decline or Adaptive Resilience? In: Webb, P. et al. (eds.) (2002) *Political Parties in Advanced Industrial Democracies*. Great Britain, Oxford University Press.
21. Webb, P. (2002b) Parties and Party Systems: More Continuity than Change. *Parliamentary Affairs*. Vol. 55, No. 2, pp. 363-376.

New Zealand

22. House of Representatives. (1973) *The Parliament of New Zealand and Parliament House*. New Zealand, Government Printer.
23. Jackson, K. and McRobie, A. (1998) *New Zealand Adopts Proportional Representation*. New Zealand, Ashgate.
24. Miller, R. (1997) Preparing for MMP: 1993-1996. In: Miller, R. et al. (ed.) (1997) *New Zealand: Politics in Transition*. Auckland, Oxford University Press.
25. Mulgan, R. (1994) *Politics in New Zealand*. New Zealand, Auckland University Press.
26. Office of the Clerk of the House of Representatives. (2004) *Parliament Brief: What is Parliament?* Available from: <http://www.clerk.parliament.govt.nz> [Accessed 19 April 2005].
27. Rainbow, S. and Sheppard, S. (1997) The Minor Parties. In: Miller, R. et al. (ed.) (1997) *New Zealand: Politics in Transition*. Auckland, Oxford University Press.

28. The Electoral Enrolment Centre. (2005) *History of the Vote: The Right to Vote*. Available from: <http://www.elections.org.nz/study/history/right-to-vote.html> [Accessed 20 April 2005].
29. Vowles, J. (2002) Parties and Society in New Zealand. In: Webb, P. et al. (eds.) (2002a) *Political Parties in Advanced Industrial Democracies*. Great Britain, Oxford University Press.

Singapore

30. Haas, M. (ed.) (1999) *The Singapore Puzzle*. London, Praeger.
31. Hill, M. and Lian, K. F. (eds.) (1995) *The Politics of Nation-building and Citizenship in Singapore*. London, Routledge.
32. Mauzy, D. K. and Milne, R. S. (2002) *Singapore Politics Under the People's Action Party*. London and New York, Routledge.
33. Mutalib, H. (2003) *Parties and Politics: A Study of Opposition Parties and the PAP in Singapore*. Singapore, Eastern Universities Press.
34. Roberts, K. (1999) The Republic of Singapore. In: Delury, G. E. (eds.) *World Encyclopedia of Political Systems and Parties*. Vol.III. New York, Facts On File Inc.
35. Shils, E. (1965) Opposition in the New States of Asia and Africa. *Government and Opposition*. Vol.1, No. 2, p.184.
36. Singapore Ministry of Information, Communications and the Arts. (various years) *Singapore Yearbook*. Singapore.
37. Tremewan, C. (1994) *The Political Economy of Social Control in Singapore*. London, Macmillan Press Ltd.
38. Turnbull, C. M. (1979) *A History of Singapore 1819-1975*. Kuala Lumpur, Oxford University Press.

Others

39. Legislative Council Secretariat. (2004) *The Regulatory Framework of Political Parties in Germany, the UK, New Zealand and Singapore*. LC Paper No. RP05/03-04.