

**Commission on Strategic Development
Committee on Governance and Political Development**

**Adoption of the Principles of
“Universal Suffrage” and “Balanced Participation” –
Practices in Some Democratic Countries**

(Translation)

Introduction

This paper aims to give a brief account on how a country or a region, having regard to its political structure, demographic composition, cultural tradition, state of economy, religious diversity, ethnic characteristics, geographical divisions, language diversity or established values, may take into account the principle of “balanced participation” in the implementation of universal suffrage, and how it may adjust its electoral systems within the context of “universal suffrage” (universal and equal suffrage) to take forward “balanced participation”, so as to ensure wide acceptance and support to the systems, and hence maintain political stability as well as sustainable and orderly democratization. Examples of the electoral systems of various overseas countries are cited to facilitate discussion on how “balanced participation” can be adopted in the implementation of universal suffrage in Hong Kong.

Universal Suffrage and Balanced Participation

2. Many countries or regions implementing universal suffrage adopt different electoral arrangements to cater for the needs of the different sectors of the community. The phenomenon of introducing certain adjustments to the electoral systems to achieve “balanced participation” is particularly evident in the allocation of parliamentary seats.

3. Different countries have different perceptions of and planning for “balanced participation” and “protection of the various interests of different sectors” according to their own conditions. In federal countries where equality of power has to be ensured among states, seats in the upper chamber are allocated to states irrespective of their population sizes. For countries with ethnic minorities or having a culture in which women enjoy a relatively high status, certain seats are reserved in the parliament for these groups, so that their views can be taken into account in the formulation of national policies. As to delineation of constituencies, some countries may adopt a “individual-based” instead of a “territory-based” approach. The former is a functional representation system while the latter is a geographical representation system. In countries adopting party politics and geographical representation, their electoral systems are often characterised by proportional representation, which is meant to provide opportunities for minor political parties to participate in politics. Professor Arend Lijphart has a critical analysis in this respect.¹

Balanced Participation in Some Overseas Countries

4. Some typical examples of countries which have implemented universal suffrage and which have introduced specific requirements on the mode of election, seat allocation, as well as the eligibility of the candidacy and the electorate with a view to ensuring balanced participation are provided in the ensuing paragraphs:

- (1) Emphasis on the political rights of “states” — the United States, Australia, Switzerland

Since federal countries are mainly founded on a group of “states”, they attach as much importance to the political rights of a “state” as to those of an “individual”. A “state” often carries a greater weight than an “individual” as and where federal governance is concerned. This reflects a special tradition of “balanced participation” among individual states in a federal country. The purpose is to allay the fear of small states that they may be overruled in the parliament because of their small population. The tradition also aims to promote national cohesion and harmony.

¹ Lijphart, Arend, *Democracy in Plural Societies: A Comparative Exploration*, New Haven: Yale University Press, 1977.

The House of Senate in the United States comprises 100 seats, two for each state. All the states are provided with the same level of power. The State of California with a population of 36.1 million takes up two seats and so does the State of Wyoming with a population of 0.49 million. In Australia and Switzerland, Senate members are also elected by universal suffrage. Each State/Canton takes up the same number of seats in the Senate.²

Presidential election in the United States also epitomises to a greater extent the political rights of “states” than those of “individuals”. First of all, the President of the United States is elected “universally” but in an “indirect” way. Second, though the number of presidential electors of each state is determined by the proportional size of its population, the outcome of their voting is determined by “a majoritarian system”. For example, in the State of Florida where there are 25 electoral votes, a presidential candidate who manages to obtain one more popular vote in the state will be awarded all of its 25 electoral votes. An example illustrating this “winner-takes-all” rule is the 2000 presidential election at which Al Gore was defeated in the Electoral College vote by George W. Bush on a vote of 271-266, despite the fact that Gore did receive some 540 000 more popular votes than Bush.

(2) Retention of Seats — New Zealand and India

Retention of seats is a special arrangement adopted in some countries and regions for protecting, encouraging and safeguarding the participation in politics of particular groups. The arrangement is not an expedient measure. It is adopted with regard to the history, tradition and conditions of the country or region. Thus, the principles underpinning the arrangement and the number of seats to be retained are usually set out in the constitution in order to guarantee a certain level of representation for these groups in national affairs irrespective of any ruling government or any electoral systems.

² See S.7 in Part II of Chapter I of the Australian Constitution and Article 150 of the Federal Constitution of the Swiss Confederation.

New Zealand

New Zealand has a unicameral parliament of 120 members with a certain number of seats traditionally guaranteed for the South Island and the indigenous Maori. Under the existing electoral law, the South Island is guaranteed a minimum of 16 general electorate seats, whereas for the Maori, separate electorate seats are retained subject to the number of Maori voters registered in the Maori electorates.³

Seats are retained for the indigenous Maori under the Treaty of Waitangi which was signed between the British Crown and the Maori in 1840. The Treaty, which is regarded as a founding document of the government in New Zealand, has pledged that Britain, while securing interests in New Zealand, will recognise the authority of the Maori over their land and culture. In the last four general elections of the Parliament, seats for the general and Maori electorates as well as political parties were allocated as follows:

Election	Electorate Seats		Party List Seats	Total Seats
	General	Maori		
1996	60	5	55	120
1999	61	6	53	120
2002	62	7	51	120
2005	62	7	52	121

(This table is drawn from a study report by Manuel Alvarez-Rivera on elections in New Zealand)

³ “Under the new electoral law, Parliament was expanded from 99 to 120 members. At the same time, the number of electorates was reduced from 99 to 65. The South Island was guaranteed 16 general electorate seats, down from 25 under FPTP since 1965. The new electoral law retained separate electorate seats for the Maori - New Zealand's indigenous population - although their number, previously fixed at four, would be allowed to vary according to the number of Maori voters registered in the Maori electorates (voters of Maori descent may choose to register in a Maori electorate or a general electorate.)” Excerpt from a study report by Manuel Alvarez-Rivera on elections in New Zealand, <http://electionresources.org/nz/#SYSTEM>

India

There are also reserved seats in the assemblies of India, reflecting the uniqueness of its multi-class society and the historical past of a British colony. Lok Sabha (House of People) is composed of up to 530 members representing the States, up to 20 members representing the Union Territories, and not more than two members nominated by the President from the minority community of Anglo-Indians.⁴ The 550 members from the States and Union Territories are elected by universal suffrage and relative majority voting. The number of seats allocated to each State is in direct proportion to the population size of the State. However, under the Constitution, 119 seats are reserved in the Lok Sabha for the Scheduled Castes and the Scheduled Tribes (79 seats for the Scheduled Castes and 40 seats for the Scheduled Tribes).⁵

(3) Allocation of seats based on religion or ethnicity – Belgium

Different from societies having ethnic minorities and vulnerable groups where the electoral systems may provide for retention of seats, societies with nationalities or ethnic communities of comparable size and strength may opt for even distribution of their parliamentary seats. A notable example is Belgium.

Since Belgium was once occupied by the Netherlands and France, it is a pluralistic country in terms of ethnicity and language.

⁴ The Anglo-Indian community is a distinct minority community originating in India consisting of people of mixed British and Indian ancestry who speak English as their mother-tongue. The British ancestry was in most cases bequeathed paternally. Anglo-Indians formed a small portion of the minority community in India before independence, but today more of them live outside India than within. The community has always been concentrated around towns and cities that were important railway terminals, as a large proportion of them worked in the Indian Railways and the post and telegraph services. Excerpt from <http://parliamentofindia.nic.in/ls/intro/introls.htm>

⁵ “Lok Sabha (印度下院, House of the People) is composed of representative of the people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution is 552, up to 530 members to represent the States, up to 20 members to represent the Union Territories and not more than two members of the Anglo-Indian Community to be nominated by the President, if, in his opinion, that community is not adequately represented in the House. The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is, so far as practicable, the same for all States.” Excerpt from the official website of Lok Sabha, <http://parliamentofindia.nic.in/ls/intro/introls.htm>

Apart from a small German-speaking population in the southeastern area, the whole country can be divided into two ethnic communities, namely Walloons (the French-speaking ethnic community living in four southwestern provinces) and Flemings (the Dutch-speaking ethnic community living in four northeastern provinces), whereas the Brabant province is a mixed region. Differences between the Flemings and the Walloons have existed for a long time. In order to reconcile differences and let all ethnic communities have a balanced participation, three official languages (French, Dutch and German), three linguistic regions and three Regions (Flanders, Wallonia and Brussels-Capital) have been established in Belgium after four constitutional revisions in 1970, 1980, 1989 and 1993. Parliamentary seats are primarily allocated to maintain a balance among the ethnic communities.

Apart from the three senators appointed by right from the royal family, there are 71 seats in the Senate of Belgium evenly allocated among the three Regions and three linguistic regions: (1) 40 directly elected members, of which 25 are elected by a Dutch-speaking electoral college (i.e. all registered voters in Flanders and those in Brussels-Capital who have registered for the ballot of Flanders) and 15 are elected by a French-speaking electoral college (i.e. all registered voters in Wallonia and those in Brussels-Capital who have registered to vote the French-speaking candidates); (2) 21 senators from linguistic regions, of which ten are designated by the Dutch-community Council and French-community Council respectively, and one is designated by the German-community Council; and (3) the remaining ten senators are selected by the above 61 senators, of which six are now from the Dutch-language region and four from the French-language region.

(4) Functional representation – Ireland

The Senate of Ireland has inherited and practised to date the European parliamentary tradition of functional representation. The Senate is composed of 60 members, of which 11 are appointed by the Prime Minister (Taoiseach), six are elected by graduates of the two leading universities in Ireland, and 43 are elected from five sectors, namely cultural, agricultural, labour, industrial and commercial, and administrative. The 43 members representing the five sectors are chosen from candidates nominated by 91 non-

profit-making vocational bodies and members of the Parliament, and are elected by members of the newly formed House of Representatives, the outgoing Senate and every council of a county or a county borough.

The presence of six members from the university constituencies is worth noting. The university seats are provided in the 1937 Constitution. Apart from reflecting the then British practice of having university constituencies, the arrangement has been maintained primarily on the account that Ireland is a Catholic country. The university constituencies can ensure that the Protestant minority have a voice in national affairs through the Senators of the University of Dublin.

(5) Party-list Proportional Representation – the Netherlands, South Africa, Japan and others

According to Professor Lijphart, the leading advocate of proportional representation, the allocation of parliamentary seats based on the total percentage of votes secured by each political party can prevent a single party from obtaining an overwhelming victory. No party can attain the absolute majority and minor parties or independent candidates will have the opportunity to get a seat. As compared with the majoritarian system, proportional representation is more conducive to the balanced participation of all political parties.⁶ In terms of delineation of constituencies, elections by proportional representation can be categorised into nationwide constituency elections and small constituency elections, while in terms of the number of votes an elector may cast, there are single ballot and dual ballot systems.

The Netherlands

For elections in the Netherlands, there is no delineation of constituencies. The whole country forms a single constituency. Political parties instead of individuals are elected. Proportional representation has been adopted in the Netherlands since 1917. The House of Representatives (Tweede Kamer) comprises 150

⁶ Lijphart, Arend, 1977.

members who are returned by direct elections with electors of the country voting for candidates representing different political parties. Before the elections, each political party will draw up a list of their members in descending order of priority. The seats are then allocated to the candidates on the basis of their positions on the list and the percentage of votes obtained by each party.⁷ As such, there are a huge number of minor parties in the Netherlands and for more than 100 years, Dutch governments are coalition governments.

South Africa

The country is delineated into a number of small regional constituencies and one large national constituency. Its National Assembly has 400 members directly elected by all electors of the country, of which 200 are returned from the regional party lists and the other 200 are allocated to the parties on the basis of the percentage of votes they receive at regional constituencies. This is known as “party-list proportional representation”. Each party prepares a list of candidates for national constituency. They are allocated four seats in the national constituency for each percent of votes won in the regional constituencies across the country.⁸

Japan — Single-seat Constituencies and Dual Ballots

The whole territory is divided into many small constituencies. Each voter can cast two votes: one for a candidate in a small constituency under the majoritarian system and one for a political

⁷ “This is why, in 1917, it was decided to introduce a system of proportional representation. That system still exists today, and entails that the number of members of the Tweede Kamer representing a certain party in the Kamer corresponds to the number of votes that have been cast for that party. In other words, if a party receives 10% of the votes, it is also awarded approximately 10% of the seats.” “Some months before the general elections, political parties draw up a list of their potential members.” See the official website of the Tweede Kamer, http://www.houseofrepresentatives.nl/meet_the_tweede_kamer/general_information/elections.jsp#0

⁸ “The Assembly currently has 400 members. The number of seats each party holds is, in general, proportional to the number of votes each won in the last election. Half of the members of the Assembly come from the national lists of the parties, and the other 200 from their regional lists. This does not affect the number of seats each party holds - rather it affects which individual candidates take up the seats on behalf of their parties.” See the official website of the Parliament of South Africa, http://www.parliament.gov.za/pls/portal/web_app.new_middle_column?p_page_name=PARLIAMENT_NA

party under the proportional representation system.⁹ The House of Representatives in Japan is returned by direct election. In 1996, it comprised a total of 500 elected members, of which 300 were returned from small constituencies and 200 through proportional representation in 11 blocs in the country. In 2000, the total number of elected members was reduced to 480. Proportional representation seats have been reduced to 180 while the number of small constituency seats remains unchanged. In each small constituency, the candidate with the highest votes gets a seat, whereas in the blocs, parties will be allocated seats according to the percentage of votes they receive. The two ballots are counted separately. Political parties gaining less than 2% of the total votes will not be assigned any seat in the House of Representatives.

(6) Adjustment-seat System—Norway, Sweden, Denmark and South Korea

The adjustment-seat system is designed to seek balanced participation of political parties. Apart from proportional representation, it is another mode to provide an opportunity for minor political parties to obtain their seats. Several European countries adopt this system.¹⁰

Norway

The Storting (the Parliament) of Norway has a total of 169 members. With 19 constituencies across the country, seats in the Storting are allocated among political parties on the basis of proportional representation. In addition, a seat is retained as an “adjustment seat” in each constituency. Political parties that obtain more than 4% of the national vote but fail to gain a seat will be awarded the adjustment seat in the constituency where they are nearest to win an ordinary seat. This special arrangement is designed to ensure that minor political parties are represented in the Storting.¹¹

⁹ Farrell, David M., *Electoral Systems: A Comparative Introduction*, New York: Palgrave, 2001.

¹⁰ Lijphart, Arend, *Electoral Systems and Party Systems: A study of Twenty-Seven Democracies, 1945-1990*, Oxford; Oxford University Press, 1994. p.32.

¹¹ “There are 169 seats or members of the Storting and general elections are held every four years.

Sweden

The Riksdag (the Swedish Parliament) consists of a single chamber with 349 members returned by proportional representation. The seats of the Riksdag are allocated to the parties in proportion to the votes they receive. Though proportional equality may not necessarily be achieved at each and every constituency, it can be achieved for the country as a whole. In addition to the 310 fixed constituency seats, there are 39 adjustment seats allocated to other candidates nominated by the parties to ensure the best possible proportional distribution of seats amongst the parties for the country as a whole.¹²

Denmark

The parliament of Denmark, the Folketing, has 40 adjustment seats among the 175 nationwide seats. The arrangement is similar to those of Sweden, Norway, Iceland, Germany, Estonia, post-1995 New Zealand and South Africa.¹³

The Norwegian electoral system is based on the principle of direct election and proportional representation, and voting is by secret ballot. The ballot is a vote for a list of representatives from a political party and the names on the party list are candidates representing that particular party. These candidates have been chosen on the nomination conventions of each party. There are 19 counties in Norway which constitute the constituencies. These are divided into polling districts where the voters come to take ballot. The 19 constituencies have different numbers of seats in the Storting according to their size and population. Each constituency has a seat reserved as an "additional seat". The additional seats are assigned to even out discrepancies between the number of votes received and the number of seats in the Storting. In order to compete for an additional seat, the parties must obtain more than 4% of the national vote. By comparing the actual distribution of seats with what would have been the case if the country was one big constituency, one can make out which parties are underrepresented. These parties are awarded additional seats in the constituencies where they were nearest to win an ordinary seat." For details, see the official website of the Storting, http://www.stortinget.no/english/general_elections.html

¹² "There are 349 Riksdag seats altogether, and of these 310 are fixed constituency seats, allotted to the constituencies in advance, according to the number of voters in each. After the election these seats are allocated to the parties on the basis of the result achieved in the respective constituency. The purpose of the 39 adjustment seats is to achieve the best possible proportional distribution of seats between the parties for the country as a whole. This means that the adjustment seats are first allocated according to party and then according to constituency." See the official website of the Riksdag, http://www.riksdagen.se/templates/R_Page_1065.aspx

¹³ Excerpt from the official website of the Folketing, <http://www.folketinget.dk/?/samling/20051/menu/00000005.htm>

South Korea

It is stipulated that in the local council elections of South Korea, if a political party has already secured two-thirds of the total number of seats, it cannot be allocated any more seats. The remaining one-third of the seats will be allocated to the other political parties according to the ratio of votes they obtain. This is also a kind of adjustment seats.¹⁴

Conclusion

5. The principles of the political structure of a country or region, and the electoral systems for its legislature, are premised on its experience and practice. They are not *a priori* and abstract. While respecting the dignity and freedom of choice of individuals, the design of the political structure and electoral systems of a country or region are determined by its own national conditions, history, tradition and culture, state of economy, ethnic characteristics and established values. While the systems may have been constructed, they are to a larger extent inherited and adapted. Only so can the systems meet the exact needs of the country or region, and resolve its problems and promote the well-being of its people.

6. Regarding the method for selecting the Chief Executive, Article 45 of the Basic Law stipulates that "... The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Regarding the method for forming the Legislative Council, Article 68 of the Basic Law stipulates that "... shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage." Implementing universal suffrage ultimately is a requirement under the Basic Law. When considering the model of

¹⁴ "In an election of proportional representative Si/Do council members, each party that has obtained 5/100 or more of the total valid votes has the right to be allocated seats. When there is a party that has been allotted by the ratio of obtained votes at least two thirds of the full number of seats, the remaining seats are allotted to the other parties by the ratio of obtained votes. This is to prevent a particular party from devouring too many seats and too many parties from obtaining seats." Excerpt from the official website of the National Election Commission of South Korea, http://www.nec.go.kr/english/election/representation/20041129/1_49.html

universal suffrage, we should examine the design principles of the political structure of the Hong Kong Special Administrative Region. Principles such as “an executive-led government”, “balanced participation”, “maintaining the part of the existing political structure proven to be effective” are enshrined in the Basic Law and the political structure of Hong Kong.¹⁵

7. In passing, as requested by some Members at the last meeting, we attach at **Annex** of the paper the relevant information on the composition of the upper chamber of the United Kingdom and Canada.

Secretariat, Commission on Strategic Development
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¹⁵ In submitting the Basic Law (Draft) and related documents at the Third Session of the Seventh National People’s Congress on 28 March 1990, Director JI Pengfei explained “The political structure of the Hong Kong Special Administrative Region should accord with the principle of ‘One Country, Two Systems’ and aim to maintain stability and prosperity in Hong Kong in line with its legal status and actual situation. To this end, consideration must be given to the interests of the different sectors of society and the structure must facilitate the development of the capitalist economy in the Region. While the part of the existing political structure proven to be effective will be maintained, a democratic system that suits Hong Kong’s reality should gradually be introduced.”

**The Composition of the Upper Chamber
of the United Kingdom and Canada**

United Kingdom

The House of Lords of the United Kingdom has a total of 733 members. They are drawn from two types of peers: (1) hereditary peers; and (2) new peers appointed by the Queen for their remarkable achievements in various sectors or outstanding public services. Archbishops and representatives from the Church of England also have their seats in the House of Lords. Although the House of Lords Act 1999 removed the rights of the hereditary peers to obtaining a seat in the House of Lords automatically, 92 hereditary peers still retain their seats after an election by the whole House or from amongst themselves. The number of seats for bishops and prominent members of the community remains unchanged.

2. The House of Lords of the United Kingdom is composed in accordance with its national spirit and traditions. The United Kingdom is a monarchy, including not only the monarch but also the peers. In this connection, the House of Lords has embodied, in the first place, the form of the state. Second, Christianity is the national religion of the United Kingdom. To have Anglican Archbishops and church representatives as ex-officio members of the House of Lords is to realise the traditional core values of the country. Third, the Queen appoints members of the community to the House of Lords to reflect the respect of the community towards them, and the expectation that they may bring along their expertise and cultivation into the political arena, and exert positive influence on public affairs. These prominent members of the community accept the appointments not for their own privileges nor the interests of their organizations, but for the fulfillment of their responsibilities to the country and their obligations to the people.

Canada

3. In Canada, members of the Senate are appointed by the Governor General in the name of the Queen of the United Kingdom upon the recommendation of the Prime Minister. Members appointed before 2 June 1965 hold their seats for life; whereas those appointed after that date may stay in office until the age of 75. The number of Senators is subject to a maximum of 112. Seats are allocated according to provincial and historical practices. There are currently 105 members in the Senate. In general, three kinds of people may be recommended by the Prime Minister: (1) people who have experience and contribution in the political field, such as retiring Cabinet ministers, Lieutenant Governors and Mayors; (2) eminent people; and (3) leading professionals. As Canada is closely connected with the United Kingdom, its Senate is similar to the House of Lords of the United Kingdom in

terms of composition and functions. However, peers and clergy are not found in the Senate of Canada as a result of historical development. Prominent members of the community hold a majority instead.