

the same pessimistic prognosis. But it did not happen that way. An aroused public opinion would not let the politicians shelve a royal commission report that recommended MMP.

While Canadians are hardly likely to look to New Zealand as an example, Britain is another matter. Though Tony Blair is skeptical about PR, key members of his cabinet are not. In July, Blair has put aside his personal skepticism about PR and authorized the introduction of a Bill to bring PR to British elections to the European Parliament in 1999, and to devolve power to PR-based parliaments in Scotland and Wales. In September, the Scots and Welsh voted to set up their parliaments, whose members will be elected through MMP in 1999. Meanwhile, by the time this article is published, Blair will have made good his promise to the Liberal Democrats to set up a commission to examine and propose alternative voting systems for Westminster itself.

If the “mother country” is prepared to seriously consider changing the electoral system we inherited from it, perhaps Canadians might follow. After all, of the 36 liberal democracies with at least two million people, only three remain — Canada, Jamaica and the US — that do not use a form of PR to elect an important representative body.

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by Thérèse Arseneau

THE REPRESENTATION OF WOMEN AND ABORIGINAL PEOPLES UNDER PR: LESSONS FROM NEW ZEALAND

L'auteure se demande si l'adoption d'un système de représentation proportionnelle aurait pour effet d'accroître la représentation des femmes et des Autochtones à la Chambre des communes. Elle examine le cas de la Nouvelle-Zélande, où une forme de représentation proportionnelle a récemment été adoptée.

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Since Confederation there has been much discussion of the struggle between two competing visions of representation: representation by population *versus* representation of the constituent units of the federation, be it the representation of regions or provinces, on an equal or equitable basis. There is, however, a third vision of representation now fighting for recognition — the representation of non-territorial groups. This version of representation is gaining strength and voice in Canada. We see it in the demands for Aboriginal self-government, in the recommendations of the Lortie Commission, in the Charlottetown Accord's suggestion of a proportional representation (PR) electoral system in a reformed Senate, in the peoples' demands to be admitted to the constitutional process, and in the demand for more women, visible minority and Aboriginal MPs. Yet women and Aboriginal peoples are consistently underrepresented in the House of Commons. This calls into question the legitimacy of this “representative” institution and the electoral system.

Choice of electoral system is crucial to this discussion. The focus here will be on PR's capacity to give voice to this third vision of representation as it regards women and Aboriginal peoples. The theory, based on

international experience, is that PR produces more representative legislatures. New Zealand's recent switch to PR will be studied as an interesting test case; a former British colony with a Westminster-style parliamentary system, New Zealand held its first PR election in 1996. Did it result in a more representative legislature? The New Zealand experience does provide some valuable insights on the relationship between PR and the representation of women and Aboriginal peoples.

Representation and PR

Studies have found that the type of electoral system is the single most important variable in explaining cross-national differences in the level of electoral representation of women and minorities. Countries with PR systems consistently elect more representative legislatures than do countries with single-member plurality, first-past-the-post (FPP) systems. Although this can be partly explained by country-specific differences (parties committed to more equity, successful parties on the left), the bottom line is that PR systems pose fewer barriers to achieving representative outcomes than do single-member systems. How? There are two major factors: better access to winnable candidacies; and the creation of larger constituencies. In Canada's FPP system, women and Aboriginal candidates are both too few in number and tend to be found in unwinnable seats. The Royal Commission on Electoral Reform and Party Financing concluded that the persistent underrepresentation of these groups is linked to "the practices of national political parties, particularly their local constituency associations, which function as gatekeepers of access to candidacy."

These practices would likely change if Canada were to adopt a PR-party-list system. Parties would place women and minority candidates high on their lists in an attempt to attract the support of these groups. It is important to be seen to be fair to women and minorities, especially when a party is presenting a national or regional list with many names on it. A relatively low number of women and minority candidates may go unnoted when there are 301 separate, single-member constituencies. But when a party presents a large list of candidates, it is a statement of how the party sees itself and who it represents; failure to present a "balanced ticket" is more highly visible. Thus there should be more women and minority candidates, and, being high on the party-list, these candidates would be in a winnable position. Creating a larger national or regional electorate would be particularly beneficial to Aboriginal candidates: instead of being thinly spread through a number of single-member constituencies, Aboriginal peoples could become a national or regional force of combined numbers in a party vote.

"Representation" in New Zealand under FPP

New Zealand's record of electing women MPs by FPP was slightly better than Canada's. It was still far from equitable though. Making the House more gender equi-

table was emphasized as one of the desirable consequences of a switch to MMP. Maori had also been underrepresented in the FPP-elected House of Representatives. But unlike women, under the FPP system Maori had guaranteed representation in the form of the four separate Maori seats. These seats were established in 1867. The motivation for their formation was mixed: as a means of guaranteeing Maori representation in the House, while at the same time keeping Maori from "swamping" the settlers in the remaining seats reserved for Europeans. The separate seats also prevented Maori males from being disenfranchised. There was a restriction at the time that men had to own property in order to vote. Since the Maori shared land in community, most Maori males would not have been allowed to vote. The separate seats provided a means around this property restriction.

Evaluations of this system of separate Maori representation have been mixed. On the one hand, the Maori seats are symbolically important as proof of Maori's special status as the indigenous people of New Zealand. They have also ensured that for 125 years there have been at least four Maoris in the House of Representatives. On the other hand, the MPs for the Maori seats, only four in number and overwhelmed by trying to represent geographically vast constituencies, found it difficult to get Maori concerns onto the political agenda. Hence the Maori seats guaranteed separate, formal representation but often denied Maori real influence.

Initially, there was talk that the Maori seats would not be necessary under MMP since Maori would be more effectively represented through new Maori parties, increased representation in existing parties, or both. Maori were, however, wary of losing the guarantee of representation on the expectation of better representation on the general roll through MMP. Maoridom successfully argued that the separate seats should be retained. The seats were also to be redistributed and potentially increased in number for the first time since 1867. Electoral reform thus held great promise of increased Maori representation. Not surprisingly, there was significant Maori support for MMP.

New Zealand's experience with MMP

In the early 1990s, through two referenda on the electoral system, New Zealanders revolted, tossing out FPP and replacing it with MMP. This gives New Zealanders two votes: the first is for a local constituency MP, and the second is for the party. The first vote elects 65 of New Zealand's 120 MPs by FPP. This includes the five Maori seats, up one as a result of the redistribution that took place prior to the 1996 election. The second vote determines the other 55 from the various parties' lists on a compensatory basis to rectify the inequalities that typically result from the election of the constituency MPs by FPP in single-member constituencies. In order to be eligible for the party list seats, a party must either pass a five percent threshold or win at least one constituency seat. Each party's total number of seats is

determined by the voters' second vote. The number of constituency MPs, plus the number of party list MPs, must be in proportion to the party vote.

New Zealand's first MMP election was held on October 12, 1996. While 21 parties contested the party-vote portion of the ballot, only six parties gained representation in the House: National (44 seats), Labour (37), New Zealand First (17), Alliance (13), ACT (8) and United (1). No one party won a majority of seats. New Zealand First leader Winston Peters was the undisputed king- or queen-maker: the party he chose to coalesce with would become government. Although initially it was widely speculated that he would join Labour, on December 10 Peters announced that his party would enter into a coalition with National. They signed a detailed coalition agreement which was to serve as the contract between the coalition parties.

A record number of Maori MPs (15) were elected, and in numbers roughly proportionate to Maoris' percentage of the population. Abandoning a 50 year history of Labour Party support, the Maori roll elected New Zealand First MPs in all five Maori seats. Combined with two other New Zealand First MPs who are Maori (one a constituency MP, the other a party-list MP) for a total of seven, New Zealand First emerged from the election as the major representative of the Maori people. Three of the 15 Maori MPs were appointed to cabinet.

There was also a record number of women MPs (35) elected, constituting 29 percent of the House. While still not close to the percentage of women in the population, it is more women MPs than ever before in New Zealand, and a higher percentage than has ever been elected to the Canadian House of Commons. As expected, most of these women MPs, 25 of the 35, were elected from party lists: seven from both Labour and Alliance, four from both National and New Zealand First, and three from ACT. There was a gender gap in the voting. Women voters rewarded the two left wing parties, Labour and Alliance, which had both more, and more prominently placed women candidates on their party lists than did National, New Zealand First or ACT. Moreover, Labour's leader, the Right Honourable Helen Clark, is both a woman and a feminist; the Alliance had a Maori woman deputy leader.

Yet even with a record number of women elected to the House, the number of women selected for cabinet actually declined. Out of 20 cabinet ministers, there is one lone woman — Jenny Shipley, Minister of Transportation and State Services. While women make up roughly 29 percent of the House and 20 percent of the coalition government's caucus, they are only five percent of the cabinet. Compare this to Canada with its FPP electoral system. In 1997, 62 women MPs were elected,

roughly 20.6 percent of the House of Commons. Out of 155 Liberal MPs, 38 are women, or 24 percent of the government caucus. In a cabinet of 28, five are women or 18 percent of cabinet. This begs the question: in which country are women better represented in Parliament? If being in cabinet represents real power, then the 1996 MMP election has led to a power reversal for New Zealand's women MPs. A further indicator of this was the downgrading of the Minister of Women's Affairs; for the first time since the department was formed in 1984, the initial minister appointed to the portfolio, Christine Fletcher, was outside cabinet. She has since resigned from the portfolio citing her inability to represent the department adequately outside cabinet and the poor working atmosphere for women MPs, as two of the reasons for her resignation. In terms of promoting women into positions of power, MMP has a mixed record.

Evaluating New Zealand's MMP experience

In 1996, using a PR system, New Zealanders elected a record number of women and Maori MPs. This would seem to confirm a direct and positive relationship between PR and more representative legislatures. But an evaluation of the 1996 outcome reveals that this relationship is far more complex. PR cannot take full credit

If we want a Parliament with more women and Aboriginal MPs, adoption of PR might help but PR alone may be insufficient.

for the record number of Maori MPs — five of the 15 were elected in the FPP Maori seats. Without this guaranteed Maori representation, MMP would have scored less impressively in terms of the election of Maori. As for the percentage of women

MPs in the House it must be recognized that even under FPP this was on a steady incline. In 1987 and 1990 women MPs made up 14.4 percent and 16.5 percent of the House respectively. This jumped to 21 percent in 1993. The leap to 29 percent made under MMP, while still significant, is slightly less impressive in light of the previous increase. This is especially true given that increased representation in the House did not lead to increased voice in the cabinet

This leads to an important observation concerning PR and the representation of women and Maori — it matters who wins. In 1996, MMP more successfully overcame the underrepresentation of ethnic minorities than it did the underrepresentation of women, in terms of percentage of MPs in both the House and cabinet. It must be noted, however, that in both cases, this may be peculiar to the particular election outcome: the fact that National outperformed Labour and New Zealand First outperformed the Alliance. In terms of cabinet composition, with a limited number of cabinet posts (20), and a coalition agreement that guarantees New Zealand First five of these posts, there was not much accommodation of women. It would have been quite different

under some form of a Labour/Alliance arrangement; together these parties have 41.6 percent of the seats in the House but 57 percent of the women MPs. More importantly, both are parties committed to more gender equity. PR therefore helped to boost the number of women in the House, but it could not guarantee that women were well represented in cabinet. This depends more on which parties become government, and on the competing claims on cabinet representation.

This raises important questions about how we evaluate representation. Is it just a matter of numbers in the House? Once there is a “critical mass” of women and Aboriginal MPs, is effective representation of these groups guaranteed? The New Zealand experience suggests caution. There is a danger in focussing exclusively on a procedural or descriptive definition of representation; effective representation is not just about number of women and Maori MPs. Also important is an examination of how these representatives fulfill their role, to link representation to actions. This involves a more sophisticated conceptualization of representation. While sheer numbers remain important, and PR does seem to boost these numbers, perhaps more important is the question of where the women and Aboriginal MPs are found — are they in Opposition, in the government backbenches or in cabinet? And are they allowed to represent the diverse interests of women and Aboriginal peoples? In New Zealand, party discipline may preclude such representation. For example, effective cross-party women and Maori caucuses have been very rare, and in terms of votes in the House, these have tended to follow party lines. Even the more established PR systems in Norway, Sweden and Denmark, all with significant representation of women, have had limited success in shifting the legislative agenda toward issues that are important to women's lives.

Conclusion

If Canadians want a Parliament with more women and Aboriginal MPs then the adoption of PR should be considered. But the experience of New Zealand and elsewhere suggests that selection of PR alone may be insufficient. Political parties, even under PR, have to be committed to recruiting women and Aboriginal candidates, to placing these candidates high on the party-list and, once elected, to giving these MPs access to cabinet posts. It would also require the freeing up of party discipline on certain issues to make space for the representation of the groups', rather than just partisan interests. This is not to say that all women and Aboriginal MPs will consistently speak collectively for their “group.” Rather, they should be expected to speak with a range of voices based on their diverse experiences. But it is this diversity that will make the Commons a more representative and legitimate legislature.

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par Vincent Lemieux

LE VOTE UNIQUE TRANSFÉRABLE

Three objectives should govern electoral reform in Canada. A new electoral system should provide more equitable treatment of the different political parties and regions within the country. It should be designed to suit Canada's unique geographic characteristics, and there should be some continuity with our current electoral system. The electoral system that best meets these criteria, according to the author, is the single transferable vote.

Au moins trois considérations doivent inspirer, selon nous, une éventuelle réforme du mode de scrutin au Canada. Premièrement, un nouveau mode de scrutin devrait permettre une représentation plus équitable des différents partis politiques à l'intérieur des provinces et dans l'ensemble du Canada. Deuxièmement, le nouveau mode de scrutin devrait être adapté aux caractéristiques géographiques du pays, où dans plusieurs régions la densité du peuplement est petite. Troisièmement, il serait désirable que le nouveau mode de scrutin ait une certaine continuité avec le mode de scrutin actuel, soit le scrutin majoritaire (ou plus exactement pluralitaire) uninominal à un tour.

Nous voudrions montrer dans cet article que le mode de scrutin dit du vote unique transférable (*single transferable vote*) remplit assez bien ces trois conditions. Il les remplit mieux que la plupart des autres modes de scrutin qui sont proposés pour remplacer le mode de scrutin actuel. Comparé à ce mode de scrutin, il nous semble avoir plus de qualités que de défauts.

Le vote unique transférable est relativement peu répandu. Il est utilisé dans la République d'Irlande, dans l'Île de Malte, dans l'État australien de la Tasmanie, ainsi que pour l'élection des sénateurs, au palier fédéral, en Australie. Deux fois, en 1959 et en 1968, les