



Promoting inclusive parliaments: The representation of minorities and indigenous peoples in parliament



Frequently Asked Questions on the representation of minorities and indigenous peoples in parliament

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1. What is the definition of 'minorities' and 'indigenous peoples'?

The term 'minority' as used in the United Nations human rights system refers to national or ethnic, religious and linguistic minorities as laid out in the United Nations Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (General Assembly resolution 47/135 of 18 December 1992) and in Article 27 of the International Covenant on Civil and Political Rights.

This Declaration also applies to indigenous peoples, in addition to the United Nations Declaration on the rights of indigenous peoples (General Assembly resolution A/61/L.67 of 13 September 2007) which articulates its provisions around specific characteristics that indigenous peoples share around the world:

- a special relationship to lands and the environment;
- distinct political and social institutions, including customary legal systems and laws, cultural traditions and customs, health practices;
- own understanding/perspective of development priorities, and traditional management of resources and other knowledge.

Neither of the Declarations defines who minorities or indigenous peoples are, as no single definition could encapsulate the realities of all the diverse groups and communities concerned. Instead the United Nations takes into account the principle of self-identification when working with indigenous peoples and minorities.

It is now commonly accepted that recognition of minority status should be based on:

- objective criteria (such as non-dominance in terms of numbers and/or political power and possessing distinct ethnic, cultural, religious or linguistic characteristics) as well as on
- subjective criteria of self-definition (i.e. a will on the part of the members of the group in question to preserve these distinct characteristics).

The same principle will be used for the purposes of this project.

2. Which other groups might be considered marginalized from appropriate representation?

There are a number of other groups in any given society which may exist in a political netherworld which marginalizes the group from significant representation and influence. Most obviously women are treated as a marginalized group despite the fact they make up a voting majority in many states. Other marginalized groups include: such as the young, the elderly, the impoverished and homeless, the disabled, and those of different sexual orientations. While the exclusion of all these groups is a significant problem in many places, the representation of such groups is not the focus of this ongoing research project. The IPU has a parallel project on the representation of women in parliament (<http://www.ipu.org/iss-e/women.htm>).

3. Why is it important for parliaments to be inclusive in general and why is the representation of minorities in parliaments particularly crucial?

With the rapid growth in the number of multi-party states and the diffusion of democratic norms and standards the ability of minorities to be included and represented in parliament and government has taken on increasing importance. The protection of minority rights is best achieved and articulated through a combination of majority sensitivity and minority inclusion. Minority voices are heard, and minority rights more respected when representatives of minority groups enjoy full access to participate in the political sphere, public life and the relevant areas of decision making.

The full participation of minorities in government does not equate to veto power, nor does it imply that elected minority representatives are the only politicians capable of protecting and advancing the dignity and political interests of marginalized communal groups. But it does imply that members of minority groups can run for office, have a fair shake at winning office, and then have a voice in national, regional and locally elected government structures. It is also true that having a representative of one's own group in parliament is not the end of adequate representation or political involvement, but it is the beginning. It is crucial that minorities are included not just as tokens but as full players in the decision making process. For example, the peace agreement in Nepal in 2007 called for marginalized minority communities such as the Madhesi people to be not only included in the legislature but also in the military and civil service, and the executive.

4. What about other levels of government?

While this project initially will focus on national parliaments, minority inclusion is often just as important at the executive level (the President's office, cabinet and deputy ministers of state), in regional government and local assemblies. Indeed, vibrant minority inclusion and leadership may begin, and be rooted in, local governments in minority areas. More often than not minorities are geographically clustered and this means that decentralizing power down to region, town or village area will automatically empower a community which may be a minority nationally but a majority locally.

5. What are the distinctive features of an inclusive parliament?

An inclusive parliament is one which demonstrates a social diversity which is appropriate to the nation and reassures minorities and indigenous peoples, women and other oppressed communities that they have a substantive role in decision making. It is a parliament which celebrates difference and sees the benefits of utilizing the talents of all the members and groups within its society. It is a legislative body which looks beyond mere quotas to draw minority communities into committees, leadership roles, and the secretariat of parliament. The minority members of an inclusive parliament may represent defined 'ethnic parties' or they may be members of multi-ethnic parties but in either regard they can be legitimate representatives of the minority community from which they are drawn. They draw their legitimacy from having significant popular support in such communities.

6. What is *descriptive representation*, its value and shortcomings?

What is the benefit of having ensuring parliament goes some way to reflecting the social diversity of a nation? The idea behind 'descriptive' representation is the mirror notion of politics which argues that the government should be a portrait in miniature of the society as a whole, reflecting divergent groups, opinions, and traits. Such descriptive representation should then enhance the substantive influence of minority groups. It is clear that some degree of descriptive representation is valuable, especially when minority groups have common interests, tend to vote as a block in elections and are broadly marginalized from decision making. This is not just a symptom of unhealthy majority-minority relations in new democracies in the developing world it is also a problem in most established democracies in the West.

While there are clearly important benefits coming from a degree of 'descriptive representation', there are problems with the notion. First, there is the question of what and who should be mirrored in the representative body as individuals/voters are bundles of different traits. Ethnic minorities and indigenous peoples are crucial parts of the mosaic of any state but are they the only pieces of the puzzle? What of

the other groups which have been traditionally under-represented: the poor, gays and lesbians, certain religious denominations, not to mention other 'ethnic' groups who might not be officially recognized? Second, the mirror notion of descriptive representation may be deemed dangerous if it *precludes* citizens from choosing representatives who do not look like them. One of the base tenets of democracy is freedom of choice at the ballot box and if one is corralled into having to vote for a candidate of your own ethnicity, then that intrinsic liberty is constrained.

Third, descriptive representation has the danger of ultimately becoming an end in itself. Our concerns about successful representation should not end once parliament has the appropriate number of blacks and whites, Hutus and Tutsis, Asians and Lebanese, Catholics and Protestants, indeed at this stage our concerns about adequate political representation should be just beginning. These members should be able to articulate minority concerns and have some influence on policy, However, if a parliament includes none, or very few, members of ethnic minorities that is probably a worrying sign that those minority interests are not being taken care of. Minority parliamentarians can reassure a group that they are being heard and articulate needs which the majority may empathize with but may not fully understand.

7. What is the current state of knowledge about minority representation in parliament?

To date the most extensive research done on minority representation in national parliaments covers fifty cases, representing approximately one-quarter of the world's countries (Reynolds, *State of the World's Minorities*, 2007 <http://www.minorityrights.org/1000/state-of-the-worlds-minorities/state-of-the-worlds-minorities-2007.html>). While the list is partial it does include data from democracies and non-democracies, developed and developing, and figures from parliaments on every continent.

8. What factors may determine the number of minority representatives?

Institutional factors (the rules of the political game) and socio-cultural factors (the attitude of society as a whole to their minority members) are the primary determinants of the number of minority parliamentarians elected to any given parliament. Minority representatives are also more likely to be present in parliaments produced by peace agreements in post conflict states.

When it comes to institutions a variety of factors come into play:

- a. how many minority candidates ran for office? We would expect candidature to be the first hurdle to minority electoral success and if it is difficult for minorities to be candidates then their numbers will be suppressed in parliament. Political parties act as gatekeepers in the process of choosing candidates and they also need to recognize the benefits of minority inclusion.
- b. Are minority parliamentarians elected from 'minority' parties or do they sit on the benches of majority and multi-ethnic parties? If political parties see electoral gain in making their lists of candidates diverse then minority representation will be advantaged.
- c. Which electoral systems best facilitate the election of minorities? Some systems will encourage multi ethnic parties while others may give majority parties the incentive to campaign on hostile notions of 'us and them.'
- d. Related to the electoral system is the fact that most minorities stand a better chance of being elected from large multi-member districts than small single member districts. If a minority makes up ten per cent of the population of a ten member multi-member PR district they can vote together and win one seat, but if that district is divided into ten single member seats then the minority is unlikely to win anything.
- e. To what extent are 'reserved seats' or 'special mechanisms' responsible for the election of minority parliamentarians? In many systems such seats are the primary way that minority parliamentarians are elected or appointed.

Socio-cultural-political factors will also have a significant impact on the level of minority representation, probably a greater impact than the simple level of democracy, or human development, in a given nation:

- a. to what extent does the majority culture value and promote ethnic diversity and minority inclusion?

- b. does the relative size of the group matter to their chances of electing parliamentarians from their community? i.e., do minority groups have to be of a certain size to guarantee election?
- c. does electoral success depend upon how geographically concentrated or dispersed the minority community is?
- d. are there regional or continental diffusion patterns of minority MP levels? i.e., do neighbouring countries tend to follow suit when minorities are included in the region?
- e. do levels of minority representation correlate with human and economic development? If minority communities are systematically poorer than the majority group, are they less likely to gain political representation? Conversely, if minorities are wealthy, are they less likely to seek political representation?
- f. does the length of democracy, the number of national elections and the strength of democracy impact minority success?

9. What can parliaments do to increase the representation of minorities?

Parliaments can make their institutions open to minorities (through electoral systems or other methods of choosing representatives) and by passing laws which allow marginalized groups to play a fuller role in government and politics. The chief and quickest way a parliament can increase the number of minorities is through the electoral system. The key variables are whether the system is proportional or majoritarian, how many members are elected from each district, whether there is an imposed threshold for representation, whether voters can choose between candidates as well as parties, and where minority voters live (are they clustered together or geographically dispersed). Special mechanisms such as reserved seats, quotas or mandated multi-ethnic or gender sensitive 'slates' will also determine who makes it into parliament. Parliaments can require minorities to be included on each party's slate of candidates (as in Singapore) or can allocate a certain number of seats to specific minority groups (as in Lebanon). Political parties also have a crucial role to play in determining minority inclusion as they set the tone in their candidate lists and campaigning style.

10. What are reserved seats?

When minorities fail to 'naturally' make it into legislatures through the regular electoral competition they can be guaranteed some representation through 'communally based' reserved seats. Reserved seats are those seats in parliament, either elected or appointed, which are set aside for designated communities. Such parliamentarians may be chosen by only the members of the represented group (based on a communal roll) or by the voters as a whole, among candidates from just the one group. By their very definition reserved seats usually rely upon a pre determined assessment of what constitutes a group and how large the group is. Reserved seats are a useful way of guaranteeing at least some minority voices will be in parliament. Today over thirty states reserve seats for communal or minority groups or have a special mechanism in place.

But there are problems with reserved seats. One conundrum is how to choose which groups are recognized as eligible for special treatment. Do minority groups have to be small and oppressed or can they be small and powerful, and what constitutes a clearly defined ethnic group to begin with? Fixed reserved seats are not open to the inevitable flux in numbers of majority and minorities in nation states. Rarely are there clauses in electoral legislation for the periodic review of the minority group size and its related number of reserved seats.

11. What are the similarities and differences between minority representation and women's representation?

There are similarities in how women and minorities gain representation in both the hurdles placed in front of them and the options to overcome those hurdles and promote their inclusion in parliament. Most election systems advantage the 'lowest common denominator' candidate which in almost all societies is a male from the dominant communal group. e.g., white men in the UK or Tswana males in Botswana. Both women and minorities can be helped by special mechanisms which encourage parties to make them candidates in winnable seats or reserve seats which guarantee that some proportion of

the parliament breaks free from the dominant male majority group norm. The difference between the two groups are that women are often not a numerical minority in society, are not geographically concentrated, and do not by and large vote as a block. Outside of some notable exceptions 'women's parties' are taken less seriously than parties designed to promote and protect the interests of a distinct ethnic minority. It may be more helpful to see minority representation as a separate, if not equally important, aspect of representation as a whole.

12. Is there something distinct in the representation of minority women?

In most societies minority exclusion exists alongside the exclusion of women and thus women from minority groups endure overlapping discrimination and marginalization from power, making their position in society even more precarious. Minority women bring distinctive experiences to legislatures and peace negotiations which are likely to be powerful contributions to the process of democratization and social rebuilding. In the new Afghan Wolesi Jirga for example there are women from Hazara, Uzbek, Pashtun and Tajik backgrounds. While women's rights have been more pronounced in the Hazara community, most of Afghanistan continues to be a patriarchal society where the opportunities for women the public sphere are highly constrained. Having ethnic minority women in the new Afghan parliament has placed a whole new series of important issues on the table for discussion.

13. Is there a 'best' way to represent minorities?

The best way to represent minorities and indigenous peoples is to ensure that the minority parliamentarians are legitimate and influential and present in large enough numbers to be able to function as minority representatives and general legislators. How you produce such parliamentarians is less clear and varies from nation to nation, society to society. In some countries reserved seats may be the best method while in others drawing multi-ethnic districts may produce more legitimate and diverse parliamentarians. Certain states may successfully encourage parties to run an ethnically mixed slate of candidates while others will give access to small parties which are defined by their ethnic minority interests.

14. Are 'minority parties' an effective vehicle for the representation of minorities?

In some states minorities choose to back parties which are very clearly defined as vehicles to promote and protect the interests of that minority. For example the People's National Congress dominated by Afro-Guyanese in Guyana, or the National Federation Party of Indians in Fiji. If minority groups freely choose to back such 'ethnically based' parties then the effectiveness of their strategy will only be shown by how well the party can influence government policy and encourage tolerance. However, if minority ethnic parties are either ignored by government or created by the rulers as empty distractions from real minority rights, then the 'minority party' will not be an effective voice for the minority group. Some democratic thinkers argue that minority interests are better served when minority politicians are integrated into all the mainstream, majority led, political parties. For example in Canada, Francophone Canadian parliamentarians are overwhelmingly found on the benches of the Bloc Quebecois, but other parliamentarians from minority communities are found in all the main political parties.

15. What is the relationship between minority representatives and their constituents?

Like any other member of parliament some minority parliamentarians may be more beholden to their party leadership for their position, while others may be more dependent on their popular support among the voters. A Tamil MP in northern Sri Lanka may have strong ties to the Tamils in her district and be expected to articulate Tamil interests, while an Afrikaans speaking MP from the African National Congress list in South Africa may feel far less onus to be a representative of the Afrikaner, and much more an MP representing a party and an ideology. The relationship between parliamentarians and their constituents depends on how they are chosen and how they are held accountable. If minority parliamentarians are elected they are more likely to have close bonds to their constituents than if they are appointed. If they come from a closed list in a proportional representation system they may be more detached from voters than if they were elected from an open list system.

16. How are minority representatives held accountable?

Minority parliamentarians should be held accountable in the same ways as those from the majority communities. If they become unpopular the voters should be able to oust them during regular free and fair elections, and if they transgress parliamentary law they should be held to the same standards. But in the case of minority parliamentarians it is particularly important that they are valid and legitimate representatives of that minority community – especially if they owe their seat to a special provision for minority representation. There is little more unrepresentative than a minority MP who is window dressing for the majority and is seen as an illegitimate representative of the minority community they notionally represent.

17. Do more minorities in parliament lead to more minorities in government?

Preliminary evidence suggests that there is a relationship between the levels of minority representation in parliament and minority inclusion in government. Having a larger number of minority parliamentarians may not guarantee that a ‘minority party’ will be in government but it does increase the likelihood that the ruling party or coalition will include minorities as cabinet ministers. Having minority voices in government is something that builds from the grassroots up. Local village or town councilors provide the pool from which many state/regional parliamentarians are chosen and that state level then feeds into the candidates who challenge for national office. Similarly, having higher numbers of minorities in the professions – doctors, lawyers, teachers, business executives, etc, -- will increase the pool of attractive minority candidates for political office.

18. Do more minorities in parliament or government lead to a better treatment of minorities?

What is the relationship between presence and influence, between minorities being included in institutions of governance and the protection and status of those minority groups? Clearly this is a much broader and more complex question than simply discovering how many minority parliamentarians are elected. But as a starting point one could posit the number of minority parliamentarians against measures of minority rights and the security climate within which minority groups live. It is fair to assume that if minorities are represented in parliament they are less likely to be discriminated against, and if they are mis-treated there is at least a mouthpiece to call attention to the mis-treatment. There is a relationship between the inclusion of minorities in government and a country’s adherence to international standards, norms and good practices on minority rights, but more often than not minority parliamentarians are the leading voices for minority protections and human rights norms.

19. How is minority representation handled in most peace settlements?

Minority inclusion is also an essential component of conflict management and multi-ethnic accommodation in those societies where disputes over communal difference have, or have the capacity to, turn into violent conflict. Most peace settlements pay particular focus on how representative bodies are elected and who shares in executive and legislative power. The inclusion of minorities in representative bodies is a necessary, if not sufficient, condition of conflict prevention and longer term conflict management. There is not a single case of peaceful and democratic conflict avoidance in which the minority community is excluded from legislative representation.