Tanja Karakamisheva-Jovanovska, Ph.D. Associate professor at the Faculty of Law "Iustinianus Primus"-Skopje

INTERNAL PARTY DEMOCRACY – PRECONDITION FOR INTRODUCING OPEN ELECTORAL LISTS

Abstract

The paper analyses very important aspects of the internal party democracy and its connections with the electoral system, or, more specifically, the influence of the internal party democratic processes on the way how electoral lists are determined in a given country. The paper first of all analyses the elements or the pillars on which the inner-party democracy is based, and then explains the level of its influence on the way of shaping the electoral lists. The reverse process is also analysed. The paper is set upon a very important thesis, according to which the will for increasing the influence of the personalisation in the electoral process must take place parallel with the need of supporting transparency and direct influence of the party members in the process of defining the party bodies. This thesis is also expanded to cover the support that the inner-party elections give to the overall party democratic processes. This relation generates success for the process of party stability and coherency, as some of the most important factors for providing efficient and sustainable democracy in every country.

Key words: democracy, transparency, stability, personalisation, internal party democracy, electoral lists.

1. What is internal party democracy?

Political parties are crucial actors in representative democracies mainly focused on articulation of the group aims, nurture political leadership, develop and promote policy alternatives, and present voters with coherent electoral alternatives.

Political parties are a collective platform for the expression of individuals' fundamental rights to association and expression and have been recognized by the European Court of Human Rights as integral players in the democratic process.¹

Further, they are the most widely utilized means for political participation and exercise of related rights. Parties are foundational to a pluralist political society and play an active role in ensuring an informed and participative electorate. Additionally, parties often serve as a bridge between the executive and legislative branches of government and can

- Abdulkadir Aydin and others v. Turkey (2005) (Application No. 53909/00),

Ahmed and Others v. The United Kingdom (1998) (Application No. 65/1997/849/1056).

- Associated Society of Locomotive Engineers and Firemen v. the United Kingdom (2007) (Application No. 11002/05),

- Church of Scientology Moscow v. Russia. (2007) (Application No. 18147/02),

- Cyprus v. Turkey (2001) (Application No. 25781/94),

Demir and the Democracy Party v. Turkey (2005) (Application Nos. 39210/98 and 39974/98.

- Democracy Party (DEP) v. Turkey (2002) (Application No. 25141/94),

- Emek Partisi and Şenol v. Turkey (2005) (Nş 39434/98),

Freedom and Democracy Party (Özdep) v. Turkey (1999) (Application No. 23885/94),

- Güneri and others v. Turkey (2005) (Application Nos. 42853/98, 43609/98 and 44291/98),

• *KPD v.* FRG (1957) (Application No.250/57),

- Loizidou v. Turkey (1995) (Application No. 15318/89),

Moscow Branch of the Salvation Army v. Russia (2006) (Application No. 72881/01),

- Ouranio Toxo and others v. Greece (2005) (Application No. 74989/01),

- Presidential Party of Mordovia v. Russia (2004) (Application No. 65659/01),

 Refah Partisi (The Welfare Party) and Others v. Turkey. (2003) (Application Nos. 41340/98, 41342/98 and 41344/98),

- Sidiropoulos and Others v. Greece. (1998) (Application No. 26695/95),

Socialist Party and Others v. Turkey (1998) (Application No. 26482/95),

STP [Socialist Party of Turkey] and others v. Turkey (2003) (Application No. 26482/95).

 United Communist Party of Turkey and Others v. Turkey. (1998) (Appliction No. 19392/92),

- *Vogt v. Germany* (1995) (Application No. 17851/91),

 Yazar, Karatas, Aksoy and the Peoples' Work Party [H.E.P.] v. Turkey (2002) (Application Nos. 22723/93, 22724/93 and 22725/93),

- Yumak and Sadak v. Turkey (2008) (Application No. 10226/03)

¹ Below is a selection of European Court of Human Rights Cases relevant to the discussion of political party formation and the right to free association.

serve to effectively prioritize the legislative agenda within a system of government.²

<u>Due</u> to the important role that parties play as actors in <u>a</u> <u>democracy</u>, some OSCE states have legislated requirements that <u>certain</u> internal party functions be democratic in nature. The basis and applicability of such legislation must be carefully considered. Regulation of internal party functions, where applied, must be narrowly constructed as to not unduly interfere with the right of parties as free associations to manage their own internal affairs.³

Internal democracy is a *conditio sine qua non* for each democratic political party. Parties are not only intermediaries, but rather incubators that nurture citizen's political competence. The essence of the inner-party democracy is lately an issue of enhanced interest of studies both by political analysts and by practitioners.

The internal party democracy is determined as something that has normative and practical base and which includes the necessary cumulus of organisational practice that the parties implement in order to satisfy the expectations of their voters and supporters, but also of the wider electoral body.

These practices are based on **three pillars**:

- **INCLUSIVITY,** which explain how wide the circle of party decision makers is. Usually, key decisions are controlled by a single leader or by a small group of leaders, and others have no binding role in the process. But, in the most inclusive parties, all party members, or even all party supporters, are given the opportunity to decide on important issues, such as the choice of party leader or the selection of party candidates for party bodies. More inclusive parties could offer more opportunities for open deliberation prior to the decision stage;
- TRANSPARENCY. Article 7(3) of the United Nations Convention against Corruption (UNCAC)⁴ obligates signatory states to make good faith efforts to improve transparency in election candidate and political party financing. Political finance disclosure is the main policy instrument for achieving such transparency. While other forms of regulation are available for controlling the role of money in the political process, such as spending limits, bans on certain forms of income, and the provision of public funding, effective disclosure is required for other regulations to be implemented effectively.⁵
- ACCOUNTABILITY. <u>Political parties may obtain certain legal privileges</u>, due to being registered as a political party, that are not available to other associations. This is particularly true in the area of

² See: <u>EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW</u> (VENICE COMMISSION), GUIDELINES ON POLITICAL PARTY REGULATION BY OSCE/ODIHR AND VENICE COMMISSION, Adopted by the Venice Commission at its 84th Plenary Session (Venice, 15-16 October 2010), Study no. 595/2010, CDL-AD(2010)024,p.8, http://www.venice.coe.int.
³ Ibid, p.25.

⁴ See: http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026 E.pdf.

⁵ Transparency in party and campaign finance, as noted above, is important to protect the rights of voters as well as prevent corruption. Transparency is also important because the public has the right to receive relevant information and to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable.

political finance and access to media resources during election campaigns. As a result of having privileges not granted to other associations, it is appropriate to place certain obligations on political parties due to their acquired legal status. This may take the form of imposing reporting requirements or transparency in financial arrangements. Legislation should provide specific details on the relevant rights and responsibilities that accompany the obtainment of legal status as a political party.

The internal party democracy is exceptionally useful for the parties, because its application helps the following:

- strengthens the party compactness;
- mobilises the party members and supporters to participate in the party activities which enables mechanisms for resolving of possible internal party disputes;
- improves the reputation of the party;
- strengthens the connection between the party structures and the electorate;
- broadens the public trust in the activities of the political parties and their representative functions;
- creates better connection between the party and its electoral representatives in the parliament and in other institutions;
- strengthens the transparency within the political process and the credibility of its results;
- strengthens the democratic political culture in the party elite and among the members;
- limits the effects of the "partocracy" and the party bureaucracy in all party activities and oligarchy tendencies in the democratic system etc. 7

In the political theory, the term *internal party democracy* is a very complex one, because it covers various methods and models for inclusion of party members in the process of party decision-making, as well as in the process of creating party politics.⁸

⁶ The ultimate partocracy is the <u>single-party state</u> while in a sense that is not a true party, for it does not perform the essential function to rival other parties. There it is often installed by law, while in multi-party states partocracy cannot be imposed or effectively prevented by law. In multi-party regimes, the degree of individual autonomy within each can vary according to the party rules and traditions, and depending on whether a party is in power, and if so alone (mostly in a de facto two party-system) or in a coalition. The mathematical need to form a coalition on the one hand prevents a single party from getting a potentially total grip, on the other hand provides the perfect excuse not to be accountable to the voter for not delivering the party program promises. See: http://en.wikipedia.org/wiki/Particracy.

⁷ See for more details: **Reshaping the Broken Image of Political Parties, Internal Party Democracy in South Eastern Europe, Georgi Karasimeonov, Bulgarian School of Politics, GorexPress, Sofia, 2007, (p. 9-10).**

⁸ In many countries there is a constitutional description of internal party democracy as a transparent process that should be in accordance with the general principle of national democracy. In that sense, in Germany, the internal party organisation "must be in accordance with the democratic principles." In Portugal, the parties "must be led by the principles of transparency, democratic organisation and managing, also with participation of all its members." In Finland and Spain there is a rule according to which the internal party structures and party activities must be democratic. In some systems, like in the case

According to some analyses, the internal party democracy represents a compilation of internal party democratic procedures and processes that are organised in order to provide the most capable leadership that will bring forward the best programme for election victory, and according to some other analyses, the internal party democracy, through the use of democratic processes in the passing of internal party decisions, has for its goal to strengthen the democratic culture, not only within the political parties, but on a national level as well.

As a very broad term, it describes a wide range of methods for including party members in intra-party deliberation and decision-making process. Parties using internally democratic procedures are likely to select more capable leaders, to have more responsive policies, and, as a result, to enjoy greater electoral success.

The idea for internal party democracy gained significance especially due to the recently adopted general opinion that its incorporation in the party system will significantly improve the quality and the influence of the citizens' opinion on the political processes, will strengthen the stability and legitimacy of the democracy within the country and that all of this will positively impact the quality of the political parties.

There are, however, some other opinions.

For example, according to Sartory, "the democracy within the parties is not a necessary precondition for democracy in the society." ¹⁰

And if we agree with Sartory about this opinion, we cannot avoid the conclusion that the internal party democracy is an important precondition for promoting the wider concept of democracy in the society. By maintaining the principle aspects of democracy in the innerparty life, we, in fact, strengthen the model of civic inclusion in the political processes in the country. This increases the capacity and possibilities for inclusion of citizens in the political life, and the parties gain significant education functions for transferring the civic power in the political system.

of the Republic of Macedonia, there is a requirement for the parties to be registered, which is most often supported by presenting a certain number of members as founders. Therefore, only the registered parties can participate in the election race and take certain political functions in the system. Therefore, in Sweden for example, only the registered parties that had won certain percentage of votes, can be elected as MPs in the Riksdag. Often, the party registration is closely connected with the use of funds from the state budget meant for the activities of the party.

⁹ See for more details: Susan Scarrow, Political Parties and Democracy in Theoretical and Practical Perspectives, Implementing Intra-Party Democracy, National Democratic Institute for International Affairs, 2005, http://www.ndi.org/files/1951 polpart scarrow 110105.pdf

¹⁰ See: **Slavisa Orlovich, Politichke partije i moc, Agora Beograd, 2002 (p. 329).** As Sartory says, it is known that "the political parties are rarely democratic in their internal structure." In this context, Robert Michaels says that "the party democracy is a narrow democracy. The broad democracy is not and cannot be a magnified narrow democracy, because the broad democracy is not a statistical list of organisations that exist within it, but on the contrary, it is a "dynamic product" from their interaction. In other words, as Sartory says, "instead of looking inside of every individual organisation, we ought to be looking at the relations that exist among the competitive organisations." See also quote (p.330).

Thus, the citizens are actively included in the creation of the party election agenda, and the parties are becoming more open for new ideas and new people. It is also becoming easier for them to get rid of the feeling of concentrated and non-transparent power.

But, on the other hand, too broad democracy in the parties can cause problems in their work. Too strong influence of the citizens over the parties can cause a problem within the party leadership when the issue of realisation of the tasks in the election programme is concerned.

Often, the realisation of the election promises demands wider control and accountability in front of the narrow party leadership, which might not be applicable if the party is too transparent and the party structure is too democratically decentralised. Therefore, the democratic emphasis in the party should be put on the need of inclusion of citizens in creating clear and realisable programmes, as well as on the liability if these are not realised.

The civil inclusion in the party decision-making processes is the first step towards enhancement of the internal party democracy. It is known that the key party decisions practically in all parties are created by the party leadership, i.e. the party leader.

In so-called inclusive political parties, all party members, and in some cases all party supporters, are given an equal possibility to be involved in the decision-making on the significant political and economic issues.

Having in mind the fact that the inclusivity is a matter of process and of formal rules that define it, the more inclusive parties offer number of possibilities for open process and participation in the decision-making than the less inclusive parties do.

There are three factors that are crucial for the internal party democracy:

- 1. The manner of recruitment and election of candidates for the party bodies, as well as the electoral political positions in the country,
 - 2. The manner by which the party leaders are elected, and
 - 3. The manner of defining the party-political positions.

In the second part of this paper we will review in more details the first factor of the internal party democracy, as well as the increasing effect that the voters need to have in the composing of the party bodies and its policy.

Recruiting and selecting candidates is a crucial task for parties, because parties profiles during elections, and while in office, are largely determined by which candidates are chosen and where their loyalties lie. Parties that want to include a wide circle of supporters in this process generally rely on one of two devices: either a direct ballot of eligible supporters, often called a "primary" election, or else nomination by some kind of party assembly.

Whichever procedure is used, parties must decide who is eligible to participate. Generally, parties limit participation to enrolled party members, though in some instances parties open the process to include any interested supporters. While a more open policy is more inclusive, openness creates the risk that the processes will be infiltrated by people who do not share the party's vision-or perhaps even by those who actively oppose it. Thus, parties generally consider it important to limit participation to members in good standing.

Parties that adopt some kind of primary system for candidate selection generally choose between a postal ballot and in-person ballot.

With respect to inclusive candidate selection procedures, the main alternative to the primary election is selection at a party meeting. It is also very important to see how the party select its party leader, too. The choice of party leader is so important for defining the party's course and image, such pre-selection mechanism may play and important role in leadership elections.

2. Types of electoral lists and their influence on the internal party democracy

There are several types of electoral lists:

- closed,
- relatively closed,
- semi-open,
- open,
- free, and
- combined lists.

Pros and cons of Party List PR

1 105 and cons of 1 art	Pros and cons of Party List PK		
The case for	The arguments against		
Party-list systems guarantee a high	Closed party lists are completely		
degree of party proportionality	impersonal, weakening any link		
	between the representative and a		
	regional area		
Every vote has equal value	Closed party lists offer very little in		
	the way of voter choice: all the		
	power, save that of choosing a party		
	for government, resides with the		
	party leaders		
It couldn't be simpler: voters have to	As candidates are selected by the		
make one choice out of a small	party leaders, they are likely to put		
selection	'safe' candidates near the top of the		
	list, at the expense of traditionally		
	under-represented groups		
List systems tend to involve large	Also with closed party lists parties		
multi-member constituencies, which	can stifle independent and minority		
give more opportunities for women	opinion within their ranks. As all the		
and minority groups to gain	power over who gets seats lies with		
representation	the party machine, so too does the		
	power to voice opinions		
Open lists offer voters more choice	Part lists discriminate against those		
and control over who is elected	not willing to be part of the party		
	structure, and it is impossible to		
	stand as an independent candidate		
Closed lists are more amenable to	Highly proportional systems with		
measures that can increase the	minimal thresholds can result in a		
representation of women, such as	fragmented parliament, and produce		
gender quotas	unstable, multi-party governments		

See:http://www.electoral-reform.org.uk/party-list/

With the **closed electoral lists**, only the party, i.e. the narrow party leadership, is entitled to determine the list of candidates that will be elected form the party list. With these lists, the voters have no possibility to express their affiliation to a certain candidate or to some of the candidates. It is believed that the majority of the countries that apply voting process with party lists apply the closed electoral lists. This means that the ranking of the candidates in the list is strictly determined and the voters have no possibility to influence on the list of candidates. Ballot structure is particularly important in the case of closed list system. Since the basis of the system is a vote for party, rather than for candidate, there has to be a means of determining the allocation of seats between the party candidates. In other words, once we have used the electoral formula to work out how many seats each party is to be allocated, we than need some mechanism for working out which seats are to go to which candidates. It is easy to see the advantages for the party elite of such a system. They can draw up their lists in such a way so as to maximize the chances for their preferred candidates to be elected. But, this could be a serious disadvantage too. The individual voters have absolutely no say over who represents them. The list is drawn up by the parties and all the voters can do is select one list for one party. The voter have no influence over the rank-order, apart from joining the party and trying to get involved in the internal selection process.11

The majority of List PR systems in the world are closed, meaning that the order of candidates elected by that list is fixed by the party itself, and voters are not able to express a preference for a particular candidate. The List PR system used in South Africa is a good example of a closed list. The ballot paper contains the party names and symbols, and a photograph of the party leader, but no names of individual candidates. Voters simply choose the party they prefer; the individual candidates elected as a result are predetermined by the parties themselves. This means that parties can include some candidates (perhaps members of minority ethnic and linguistic groups, or women) who might have difficulty getting elected otherwise. The negative aspect of closed lists is that voters have no say in determining who the representative of their party will be. Closed lists are also unresponsive to rapid changes in events. ¹²

Relatively closed lists are those lists where the candidates ought to fulfil certain quota (most often Hare or Droop quota) in order to get elected. The total number of seats won by the party minus the number of its candidates that succeeded in getting this quota would then successively be given to those unelected candidates from that party who had been ranked highest on the original list.

Semi-open electoral lists the quota that should be met by the candidates in order to be elected can be lower than the determined one, which gives a possibility for several candidates from one party list to win mandates despite the fact that the party did not earn so many mandates. With the semi-open lists one must know in advance how the mandates will be determined: whether by ranking of the candidates who won most

¹¹ See: David M. Farrell, Comparing Electoral Systems, Prentice Hall, Harvester Wheatsheaf, 1997, p. 72-73.

¹² See: http://aceproject.org/ace-en/topics.

votes, or by the won absolute majority of votes. For example, in Holland the voters can give their vote to any candidate from the party list, and those who win most votes will be considered elected, and who simultaneously met the determined quota. This type of voting is known as "preferential voting" and the vote as – "preferential vote". 13

Many of the List PR systems used in continental Europe use open lists, in which voters can indicate not just their favoured party, but their favoured candidate within that party. In most of these systems the vote for a candidate as well as a party is optional and, because most voters plump for parties rather than candidates, the candidate-choice option of the ballot paper often has little effect.¹⁴

But in some cases, this choice becomes highly important, because people must vote for candidates, and the order in which candidates are elected is determined by the number of individual votes they receive. While this gives voters much greater freedom over their choice of candidate, it also has some less desirable side effects. Because candidates from within the same party are effectively competing with each other for votes, this form of open list can lead to intra-party conflict and fragmentation.

It also means that the potential benefits to the party of having lists, which feature a diverse slate of candidates, can be overturned. Many systems that use the proportional model have **completely open lists of candidates**. The open lists can be divided on three major groups according to whether the voters have the right to choose one candidate from one party list (single vote option), whether they have the right to choose as many candidates as there are mandates in the given election district (multiple vote options), or they can choose the party, and then, within the party list, to choose one candidate.¹⁵

11

¹³ In Dutch elections (for example to the <u>House of the Representatives</u>) the voter can give his vote to any candidate of a list; the vote for the candidate in question is called a "preference vote" (*voorkeurstem* in Dutch). If a candidate has at least 25 % of the quota then he can precede other candidates who stand higher on the list but received fewer preference votes.

¹⁴ http://aceproject.org/main/english/es/esg03.htm.

¹⁵ With the open list mode where the voters have the right to chose only one candidate form a single party list there are two alternatives.

According to the first alternative, known as **limited open list of proportional representation**, the number of won votes of candidates is added to the number of votes won by the party, so the mandates go to the candidates that won most of the votes. This system is applied in Finland, Brazil, Holland, etc. The second alternative is known as an **individual intransitive vote** where the votes of the candidates are not added to the party, but those candidates who won most of the votes will be considered elected. This alternative is quite similar to the majority system which often leads to disproportional results. This alternative is applied in Jordan, Afghanistan, etc.

On another hand, same as in the multiple voting options, the voters elect as many candidates as there are mandates in the election district. This system of open lists also has two alternatives: the first one is the so-called block vote, where the voters vote for as many candidates as there are mandates in the election district, and there is also the so-called STV alternative where the voters put preferences to the candidates (first, second, third... preference.) Those candidates who reached the quota are considered elected, and the surplus of votes that goes beyond the quota is transferred to the other candidates depending on the indicated preference. The lowest ranked candidate is excluded form the election race and his votes are transferred to the other candidates according to the indicated preference. This is a very complex alternative, which, even though considered

We ought to mention that in most cases when the voting both for candidates and for parties is allowed, the voters can themselves choose on the manner how to vote. The experience of the countries that apply this model shows that most often the voters vote only for the parties, i.e. the possibility to vote for the candidates from the party lists gives very low effect.

However, there are exceptions from this rule.

For example, in Finland¹⁶, after the election reforms, the voters obligatory choose only one candidate from the party lists. The voter chooses the number of the candidate as determined in the ballot, circles it or marks it otherwise. It is believed that the elections in Finland are not only competition among the parties, but also competition among individual candidates from the party list. The order by which the candidates are considered elected is determined in accordance with the number of votes that each of them has won individually. ¹⁷

In Finland voters have no choice but to declare a preference because the vote consists of marking down the relevant code for a candidate. In Italy, it used to be the case that voters could either simply "list vote" for their preferred party, or they could write down the names or numbers of up to three or four preferred candidates under the party name. The seats were allocated to those candidates with the most personal votes. Unlike the Belgian case, in Italy "list voting" had no effect on candidate placement.

The enhanced connection between the voter and the candidate is considered as main advantage of the open lists, as well as the strong sense of responsibility among the members of the representation body. Although this system offers broad freedom to the voters to choose between the candidates, there are still some unwanted effects from its application. For example, one unwanted effect form this election model is the possible collision among the party members who are on the same party list.

The competition among them for winning more votes can seriously undermine the party unity and can divide the party members. Therefore, the main advantage of these open lists can become a true weakness in the party cohesion and stability, and it is the coherent and stable parties that are one of the main factors for improvement of efficient and sustainable democracy.

On another hand, the maximum voters' freedom to choose certain candidates from the party lists can have negative reflections on the stability of the representative body. Namely, the free lists can

-

fair and representative, is applied quite rarely. It can be met in Malta, Ireland, Estonia and Australia.

¹⁶ The Finish parliament has a total of 200 MPs elected in 15 election districts. Apart from the Aland islands, where only one MPs is elected, all other 4 election district elect several MPs. The size of the election districts is determined based on the population. Until 1954, the voters could vote only for the party lists, and every list had maximum of two candidates, but later, as a result of the changes in the electoral system, the voters were given the right to vote for only one candidate from the party lists. This modification transformed the Finish electoral system in one of the few systems with party lists where the voting for individual candidates is obligatory.

¹⁷ See for more details: Prirucnik za oblikovanje izbornog sistema, International IDEA Institut za demokraciju i pomoc pri izborima, Rabic, 1997, (p.90)

enhance the fragmentation of the parliamentary composition, which can seriously reflect on the realisation of the party election programmes.

It is a fact that the free election lists give most control mechanisms to the voters in the election process. For example, in Switzerland and Luxembourg the voters have as many votes as there are seats that should be filled in the representative body of the election district. The voters in these two countries have the right to vote as many times as there are candidates from the election district and in the other election alternatives they have the right all the votes to give to the candidates form the lists of several political parties. In the election theory this method is known as "panache method." Those two countries operate the most flexible ballot structures of all. In Luxembourg, the voter has as many votes as there are seats to be filled. The voter has three choices: 1) cast a "list vote" for the party, thereby giving one preference vote to each of the party's candidates; 2) cumulate two preferences votes on one candidate, or 3) give preferences to candidates on more than one party list.

The voters also have the right to give more than one vote to a certain candidate from the party list, and even to vote for one candidate they most trust. This method is known as "cumulative method." ¹⁸

Therefore, the main difference between the open and free lists is that in the first group the voters have the right to give only one vote to only one candidate from one party list, while in the free list the voters have as many votes as there are mandates that should be distributed in a specific election district. With the free lists, the voters can even decide to give all their votes to one candidate only from one party list, which is not the case with the open lists.

And finally, there are so-called combined lists of proportional representation which represent combination of closed and open lists. According to this model, the parties determine their candidates and their position on the list. The voters vote for the party, i.e. the party list and can simultaneously mark one candidate from the list if they want to change the position of the candidate on the list predetermined by the party leadership. The votes for the parties decide on the total distribution of mandates in the representation body, while the votes of the candidates decide on the position of every candidate and whether he will win a mandate. This model contains the positive elements of both the closed and the open lists.

Closed lists	Open lists	
South Africa	Austria	
Argentina	Belgium	
Bulgaria	Holland	
Spain	Brazil	
Turkey	Finland	
Poland	Chile	
Dominican Republic	Columbia	
Romania	Cyprus	

¹⁸ See also, quote (p.90)

Sierra Leone	Denmark
Portugal	Slovakia
Paraguay	Slovenia
Costa Rica	Estonia
El Salvador	Greece
Honduras	Ireland
Mozambique	Latvia
Nicaragua	Luxemburg
Honduras	Malta
Israel	Panama
Namibia	Peru
Indonesia	Czech Republic
Iceland	Sri Lanka
Bosnia and Herzegovina	Sweden
Burkina Faso	Switzerland
Guyana	Uruguay

3. Conclusion

It is a fact that the open electoral lists enhance much more the personalisation moment in the politics, hence the democratic attributes of the parties, unlike the closed lists. However, it is also a fact that the open electoral lists ought to be first tested on micro (internal party) level, and then to be applied on national level.

In this context, Pippa Norris says "In cases when the voters exercise the preferential vote (also known as open list voting) there are more possibilities for election of better candidates from the lists, or for their different order than the predetermined one." Unlike the open lists, Norris says, the closed lists in the multi-mandate election districts, where the voters can only vote for one party list and not for a candidate from that list, the voters are expected to encourage the politicians to offer good programme solutions and to enhance the cohesion and the discipline of the parliamentary parties. 19

The need of strengthening the inner-party competition for election of candidates for the electoral lists is a need that has been pointed out by a number of theoreticians. The followers of the innerparty democracy believe that the inclusivity of as many citizens as possible in the decision- making process of the parties is the key for more developed inner-party democracy.

On another hand, the party centralisation has for its goal to describe the level to which the party decisions are adopted by a small group of party members, or perhaps, by the party leader alone. In this context, in the highly centralised parties, the party executive committees often meet and have the power to independently make decisions that are later on adopted by the rest of the party bodies.

¹⁹ See for more details: Norris, Pippa, "Ballot, Structures & Legislative behaviour". Exporting congress on world legislatures, Miami, Florida International University, 2002,

In the decentralised parties, the national party committees do not meet that often and they focus much more on the party coordination and communication, rather than on determining definite party activities.

Somewhere in the middle of the centralised scale are the socalled "Stratarhic parties", where the decisions are centralised in sense that several persons from different geographic regions are involved in their preparation, but still, on different levels, they are closely coordinated by the party elite. ²⁰

This "stratarhic model" of party organising fits the best for the federation countries, where the regional party bodies have their own requirements, election priorities and party structures.

There are many of those who believe that not always the decentralised parties are highly democratic. In certain cases, the party leaders use the inner-party democracy in order to weaken the regional party leaders in the decentralised party.

It is believed that the parties that have high level of inner-party democracy are, generally speaking, highly institutional, because they need rules that will define who is capable to participate in the party processes. Still, the high party de-institutionalisation cannot be equalised with the inner democracy. In fact, the institutionalised parties that do not have inner democracy have difficulties to reform, unlike those with less institutionalised rules and practice.

Still, it is believed that the highly institutionalised parties are seen as a very favourable factor for the political stability of the country. On the other hand, the open electoral lists in combination with the preferential voting, often weaken the party power and cause deficit in the institutional realisation of the democracy, in correlation with reduced responsibility of the party for the realisation of the policy and higher political corruption.

However, one must not forget the advantage of the open electoral lists, seen through enhanced level of voters' turnout and increased voters' inclusion in the defining of the political institutions in the country. The open lists in the so-called "countries with mature democracy" show high level of political accountability of the institutions and low level of political corruption. Unlike them, the countries that still undergo the transition process and have young political parties do not have good experience with the open lists. They can additionally undermine the foundations of the party stability and cause fractions that will seriously damage the party.

Therefore, the conclusion would be that the process of implementation of open lists ought to start one step at the time, firstly in the inner-party elections, and then on national level.

References:

1. Eldersveld, Samuel, Political parties; A behavioural analysis, Chicago, Rand McNally, 1964,

-

 $^{^{20}}$ See for more details: Samuel Eldersveld, Political parties; A behavioural analysis, Chicago, Rand McNally, 1964.

- 2. **EUROPEAN COMMISSION FOR** THROUGH LAW (VENICE DEMOCRACY COMMISSION), **GUIDELINES** ON POLITICAL **PARTY** REGULATION BY OSCE/ODIHR AND VENICE COMMISSION, Adopted by the Venice Commission at its 84th Plenary Session (Venice, 15-16 October 2010), Study no. 595/2010, CDL-AD(2010)024,p.8, http://www.venice.coe.int,
- 3. Farrell M. David, Comparing Electoral Systems, Prentice Hall, London, 1997,
- 4. Karasimeonov, Georgi, Reshaping the Broken Image of Political Parties, Internal Party Democracy in South Eastern Europe, Bulgarian School of Politics, GorexPress, Sofia, 2007,
- 5. Orlovich, Slavisha, Politichke partije i moch, Agora Beograd, 2002
- 6. Pippa, Norris, "Ballot, Structures & Legislative behaviour". Exporting congress on world legislatures, Miami, Florida International University, 2002,
- 7. Scarrow, Susan, Political Parties and Democracy in Theoretical and Practical Perspectives, Implementing Intra-Party Democracy, National Democratic Institute for International Affairs, 2005,
- 8. Priruchnik za oblikovanje izbornog sistema, International IDEA Institut za demokraciju i pomoch pri izborima, Rabich, 1997
- 9. Selection of European Court of Human Rights Cases:
- *Abdulkadir Aydin and others v. Turkey* (2005) (Application No. 53909/00).
- Ahmed and Others v. The United Kingdom (1998) (Application No. 65/1997/849/1056),
- Associated Society of Locomotive Engineers and Firemen v. the United Kingdom (2007) (Application No. 11002/05),
- Church of Scientology Moscow v. Russia. (2007) (Application No. 18147/02),
- Cyprus v. Turkey (2001) (Application No. 25781/94),
- *Demir and the Democracy Party v. Turkey* (2005) (Application Nos. 39210/98 and 39974/98,
- *Democracy Party (DEP) v. Turkey* (2002) (Application No. 25141/94),
- Emek Partisi and Şenol v. Turkey (2005) (Nş 39434/98),
- Freedom and Democracy Party (Özdep) v. Turkey (1999) (Application No. 23885/94),
- *Güneri and others v. Turkey* (2005) (Application Nos. 42853/98, 43609/98 and 44291/98),
- KPD v. FRG (1957) (Application No.250/57),
- *Loizidou v.* Turkey (1995) (Application No. 15318/89),

- Moscow Branch of the Salvation Army v. Russia (2006) (Application No. 72881/01),
- *Ouranio Toxo and others v. Greece* (2005) (Application No. 74989/01),
- Presidential Party of Mordovia v. Russia (2004) (Application No. 65659/01),
- Refah Partisi (The Welfare Party) and Others v. Turkey. (2003) (Application Nos. 41340/98, 41342/98 and 41344/98),
- Sidiropoulos and Others v. Greece. (1998) (Application No. 26695/95),
- Socialist Party and Others v. Turkey (1998) (Application No. 26482/95),
- STP [Socialist Party of Turkey] and others v. Turkey (2003) (Application No. 26482/95),
- United Communist Party of Turkey and Others v. Turkey. (1998) (Appliction No. 19392/92),
- *Vogt v. Germany* (1995) (Application No. 17851/91),
- Yazar, Karatas, Aksoy and the Peoples' Work Party [H.E.P.] v. Turkey (2002) (Application Nos. 22723/93, 22724/93 and 22725/93),
- Yumak and Sadak v. Turkey (2008) (Application No. 10226/03)