



## **Regional Expert Network on Local Democracy**

**Summary of E-discussions**  
**September 1, 2006 – February 26, 2007**

April 2007

## Introduction and Background

The UNDP regional initiative *Local Democracy in Asia: Representation in Decentralized Governance* was initiated in 2005. The aim of this initiative is to assist countries in Asia in developing more inclusive and accountable sub-national councils and assemblies. As such, it supports policy-makers in the analysis of the frameworks for representation in elected local governments which are critical for facilitating citizens' participation in governance and decision-making, and shaping local democracy<sup>1</sup>.

The Regional Expert Network on Local Democracy<sup>2</sup> was established in September 2006 as part of the regional initiative. The purpose of the Network was to engage key central and local government professionals, CSOs, UNDP practitioners and other interested stakeholders in discussions related to the development of local democratic institutions, with a view to distilling and presenting new knowledge from within and between countries in the region. The Network also aimed to facilitate new contacts among the participants with a long term vision for continued exchange of information.

Five e-discussions took place during the period of September 2006 to February 2007 with a total of more than 55 contributions. This document provides a synthesis<sup>3</sup> of the contributions from the network members.<sup>4</sup>

The five e-discussions covered the following topics:

1. *More inclusive and accountable representation at the local level* (Sept 1-29, 2006);
2. *Women and the disadvantaged groups in local politics* (Oct 3-Nov 2, 2006);
3. *Electoral systems at the local level* (Nov. 3- Dec. 12, 2006);
4. *The role of political parties at the local level* (Dec 15 -10-Jan, 2007);
5. *Development of local elected bodies in conflict and post-conflict situations* (Jan 19 - Feb 26, 2007).

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<sup>1</sup> For more information see

<http://regionalcentrebangkok.undp.or.th/practices/governance/decentralization/Representation.html>

<sup>2</sup><http://regionalcentrebangkok.undp.or.th/practices/governance/documents/BriefonLocalDemocracyCommunityofPractice.pdf>

<sup>3</sup> This synthesis is not intended to be a comprehensive analysis of all issues involved, and it does not represent the views of UNDP. It is provided as support to the members of the Network and to complement the ongoing Regional Initiative.

<sup>4</sup> For further details see the consolidated responses to each of the five discussions:

<http://groups.undp.org/read/?forum=local-democracy-asia>.

## Representation and Accountability Mechanisms

A series of structural, institutional and individual factors shape the design of representation systems at the local level and the ability of citizens to influence the decision-making processes in matters relevant to their livelihoods. Structural factors affecting the capacity of citizens to participate or to be adequately represented in local governance are most strongly associated with gender, ethnic, cultural, religious and caste disparities present in Asia, which lead to marginalization of particular groups from the local political arena. Institutional factors are those linked to the actual capacities and performance of the local government systems. Across the Asia region, countries are facing similar challenges in reforming institutions in order to achieve more inclusive local representation systems. Individual factors are those that address the agency of individuals and social groups as citizens possessing rights and their actual ability to express this agency through their actions, both within local governments and upon local government from without. The absence of avenues to effectively express agency has led to a significant number of qualified citizens, and in particular women, abstaining from running for elections.

Improved representation impacts positively on the accountability of local government bodies to those traditionally denied influence. At the same time, increased accountability can facilitate and secure more citizens' influence over representatives. The presence of a set of different types of accountability mechanisms, designed to support the objective of securing more inclusive and representative local governance, is a necessary condition for more effective, responsive and equitable local governance.

Empowering the local governments through legally stipulated political, fiscal and administrative resources that are devolved from the central level will improve their accountability to the citizens. This effort should be supported by concrete measures that encourage civic scrutiny and sustained engagement of civil society such as information sharing, public hearings, as well as a code of conduct and recall mechanisms for elected representatives and independent monitoring and assessment mechanisms. For example, in the Indian system, the constitution endows the *panchayats* with designated powers and authority. To ensure accountability of the representatives, a *gram sabha* (a body consisting of all persons registered in the electoral rolls relating to a village) meets two or three times a year to approve the expenditure and accounts of the *panchayat* and to participate in the selection of beneficiaries for government schemes, such as housing or employment programmes.

However, it must be noted that accountability at the local government level in India continues to suffer on account of half-hearted devolution: the local civil servants continue to owe allegiance to their superiors in the line departments rather than to elected representatives. The local elected representatives, more often than not, only have powers to pass resolutions in the *panchayat*, whereas the technical and financial powers are still with the bureaucrats. This weakens the civil servants' accountability to the elected representatives, while the elected representatives continue to feel accountable to the people who elected them.

## **Women and Disadvantaged Groups in Local Politics**

Across the Asia region, groups at a disadvantage in gaining access to representation in local level politics are typically women, religious and ethnic minorities, indigenous peoples, the urban and rural poor, youth, people with disabilities and the informal labor sector. Generally, these groups often face multiple layers of discrimination linked to cultural or ethnic identity, lack of education, lack of access to economic resources, legal restrictions, and a weak political clout. Their exclusion from political activities stems from the entrenched social and political discourse, inappropriate political structures and institutions, and the socio-cultural and functional constraints that limit their individual and collective agency.

Examples of the limited ability of women in particular to penetrate local representative bodies are numerous despite the availability of special legal provisions designed to improve their numbers. In Afghanistan, although the constitution guarantees 27% representation of women in elected national and provincial bodies, their actual representation remains very weak. In Pakistan, where 40,000 women gained representation in the local councils following the reservation of 33% of seats introduced with the Local Government Ordinance (2001), fewer women than men are registered and this continues to be an issue that is largely neglected. In Vietnam, the number of local female representatives is under 20%, and those who are elected typically undertake functional tasks with little governing capacity. In Iran, although men and women are, from a legal point of view, equally able to participate in local politics, there is only one female governor out of 34 provinces. In India, where the Constitution provides reservation of 33% seats for women and weaker sections of the society, the cases of women *panchayat* leaders and leaders from the weaker sections have still been very few.

These experiences in the region suggest the need to look beyond quotas and consider other factors which frequently appear to have been underestimated or neglected in policy debates on improving local council arrangements for representation.

## **The Role of Political Parties**

Political parties play unique and critical roles in a democracy through enabling aggregation of interests, structuring the vote, integrating and mobilizing the mass public, fostering future political leaders, and providing a way to organize government and to influence or formulate public policy. The ways in which political parties function and establish their electoral lists at the local level greatly influences representation outcomes.

Evidence in the region shows that at the local level, political parties are vulnerable to corruption and ethnic or clan affiliation. As a result, political parties are often highly unrepresentative. Furthermore, as they are male dominated and guided by patriarchal values, women's party membership is often strongly discouraged.

For example, in Afghanistan, the perception of political parties which are typically organized on ethnic and regional basis is low due to their involvement in civil war, corruption, and other criminal activities as well as their link to foreign interference in the country. In the Philippines, political parties are personality-oriented and clan-based, meaning that units of these parties operate autonomously, centered on local political

dynasties linked to the central government through patronage-based relationships that are essentially centered on personal relationships between the central and local official.

It is therefore important to analyze how and to what extent political parties add value to local governance, or whether other forms of aggregating and expressing political interests – such as direct democracy or town hall style meetings – could serve small communities just as well, if not better.

In India, two diametrically opposite views dominate the debate: (1) political parties should refrain from fighting local elections on party basis to minimize conflicts which may affect the unity of the village; and (2) preventing party based elections at the local level deprives the polity of an entry stage for new recruits into politics and a nursery for grooming such entrants for higher responsibilities. In several multi-party democracies (i.e. Pakistan, Bangladesh) there have been explicit attempts to “depoliticise” local government by formally proscribing party candidacies at the local level. However, this has not always worked in practice. Also, when elections are not party based, there is a risk that they will assume a caste, religious or ethnic based focus, which will have a destabilizing effect on local governance by dividing the society into more harmful fragments. In one-party states such as Vietnam, although independent candidates can stand for local elections, they must be screened by a range of institutions closely linked to the Communist Party, thereby limiting the variety of political programmes of candidates.

If one accepts the premise that political parties do more than aggregate society's interests and seek and exercise power on people's behalf, then they presumably should also play a crucial role in the formation and running of local governments. Thus, the question becomes not whether to support party development but how to do so. In Papua New Guinea, a number of constitutional reforms are expected to make the party system stronger, such as the limited preferential voting to be used in the 2007 elections for both national and local government elections. This is expected to encourage the formation of stronger and broader based party systems. The party system has also been strengthened by laws making it difficult for MPs to “shop around” for support on the basis of future political rewards.

Alternative measures such as allowing independent candidates for office, forming special interest parties and anti-party movements, or focusing more on direct democracy by use of referenda, citizen initiatives and recall options are being pursued by some countries partly in response to the poor performance and perception of political parties and their failure in many countries to play a constructive role in democracy. In particular, some one-party or no-party states have pursued direct democracy or town hall style meetings, embodying the idea that contestability can take many forms. Alternative methods that are being used in the Philippines include the organized engagement of grassroots people with the local government through people's organizations and NGOs, participation in local assemblies, and developing issue-based coalitions and networks that are linked horizontally and vertically up to the national level.

## **Electoral Systems at the Local Level**

The design of electoral systems has important implications for the way in which local councils conduct their political affairs, and the roles and functions which they can perform. The choice of the electoral system – how votes are translated into seats - is traditionally seen as the most important tool to ensure better representation.

The two most popular electoral systems used for local level elections in the Asia region are first-past-the-post (FPTP), which is in the plurality-majority family and based on single-member constituencies, where the person with the most votes wins; and proportional representation (PR) list, where parties put forward lists of candidates that are then voted into office based on their “vote share”. It is generally assumed that proportional representation systems allow for more equitable representation, especially for women, because they seek to ensure representation of as many parties (or interest groups that they represent) as possible on the basis of larger constituencies. Plurality-majority systems are thought to enhance accountability because they give voters a representative with which to identify. However, the evidence for this is equivocal. Proportional systems can concentrate power in parties rather than voters’ hands, and having an identifiable representative in a plurality-majority system may not necessarily translate into greater accountability from this person to the electorate. Clearly, one of the most salient issues is the balance between representation and accountability.

Mostly associated with the FPTP processes are the ward-based systems, based on a small district system of electoral boundary delimitation, with a specific councilor or set of councilors representing the ward. This is a powerful way of ensuring clear lines of accountability to constituents as each ward has its representative(s) and voters know to whom they can turn. However, ward-based systems can be problematic when minorities or politically weak groups within ward boundaries are not fully represented. This in turn, depends largely on the definition of electoral districts. Where they correspond closely to geographical concentrations of otherwise minority or disadvantaged groups, the ward system does allow for their representation.

Examples in the region point to a variety in the design of electoral systems with their respective strengths and weaknesses. In India, the strength of its ward-based single constituency system is its better accountability. In view of the reservations made for the weaker sections of the society and women, the system of multi-member constituencies with at least one member from the general category was attempted in the past but abandoned in fear that it would dilute accountability of the representatives. Under the current system, some constituencies are reserved for women or weaker sections, and others elect general candidates. The weakness is that in the reserved constituencies, a candidate belonging to general category may not get an opportunity to represent the people despite his popularity. To compensate, a rotation of seats among different categories is used. Iran’s local electoral system is plurality-majoritarian, (formally) non-partisan and at-large (non-ward) system, grounded in the constitution. While this represents a way of having popular input into some aspects of government the ideological limitations of the Iranian system actually produce outcomes very similar to the case of one-party states. Finally, in Nepal, the current FPTP electoral system fails to include ethnic, religious and cultural minorities. A proportional representation system embraced by the draft constitution might contribute to changing the pattern of strong social exclusion - one of the root causes of a decade long conflict that continues to cause instability in the country.

### **The Choice of Direct or Indirect Election of Council Members**

Another issue impacting representation outcomes is the choice of direct or indirect elections at different levels of LG. Overall, the experiences at the higher tiers are mixed. Although generally accepted that direct election of higher officials leads to higher accountability, this is not always the case. On the other hand, a trend shows that indirect

elections seem inevitably to favor greater male and elite representation in the higher tiers of the local governance system.

Here, the size of the constituency plays an important factor. In the context of large constituencies such as in India, the direct election of the Council Chair/Mayor makes the election expensive for the candidates which may inhibit the successful involvement of poorer candidates. In addition, in instances where the political party affiliation of the Chair/Mayor is different from that of the elected council, direct election may lead to administrative deadlocks. Albeit, direct (as opposed to indirect) elections can increase the chances of non-elite representation. In Iran, in small constituencies where one representative institution is adequate, indirect elections of Mayor are sensible. In larger constituencies, the direct election can reduce the Mayor's dependence on the central government, whereby expanding the size of the city council would be necessary to offset over-concentration of power in the hands of mayors who have access to very large budgets and administrative structures and organizations, all of which can undermine the Mayor's accountability.

### **Affirmative Action**

In view of this complex picture, evidence suggests that affirmative action measures may be necessary and that they indeed lead to increased representation of women and other disadvantaged groups in local government and can work to change the underlying power relations and attitudes. However, worth noting is that there are considerable differences in representational outcomes depending on the form of affirmative action put in place. Evidence suggests that when representatives are directly elected for reserved seats, as in India, they tend to be more empowered and representative of 'their' constituencies than those appointed by the elected councils, local administrators or others. An indirect appointment as seen in many countries raises the issue of how and on what basis the representatives are selected – and how representative they really are.

### **Other measures**

A number of other country-context specific conditions need to be considered in the design of the local electoral systems. These include ensuring representation of the constituencies in government at every level down to the village level; discouraging one party-domination of the local elections and keeping political party orientation voluntary; ensuring an adequate campaigning period; ensuring sufficient linkages between different tiers of local government; fostering civic education on democracy; involving the civil society in the organization and monitoring of elections; establishing a strong system of checks and balances to complement electoral management bodies in order to counter election fraud; and where conditions permit, encouraging the independence and nonpartisanship of the electoral administration.

The above evidence suggests that in order to improve the inclusiveness of representation systems in the region, it is necessary to bridge the design of representational arrangements, and affirmative action measures, with capacity building interventions targeted at increasing the ability of women and disadvantaged groups to be effective participants in the governance processes. These strategies must address the problem of low levels of literacy and address the gender-biased customary practices and traditions which come in a way of inclusive participation in decision-making processes. There is an important role for civil society organizations in these processes, through

facilitating advocacy campaigns and capacity building activities for communities as well as legislators.

### **Development of Local Elected Bodies in Conflict and Post-Conflict Situations**

The design and development of local representative structures is a key element of peace-building efforts in conflict and post-conflict situations, based on the need for the existence of elected local representative bodies that can ensure the citizens' voice and feed into wider democratic processes. However, in the face of their very limited institutional and fiscal capacities exacerbated in the contexts of (post)-conflict, a number of serious challenges curtail the functioning and the legitimacy of local councils.

In Nepal for example, when the term of the elected village, district and municipal council ended in 2002 at a time of violent conflict, various arrangements were explored in order to establish interim bodies. This is also a prominent issue in the recent peace agreement. In the context of Nepal's multi-ethnic constituencies and serious problems of social exclusion, re-establishing local government bodies and village/municipal councils should be a priority in order to respond to the ongoing tensions between ethnic groups, as well as to resume the delivery of the needed services. Similarly, in Afghanistan, the year old elected provincial councils (and the planned district and village councils as envisaged by the constitution) are the starting point for inclusive and representational governance, and have already played a key role in dispute resolution and maintaining peace at the local level. However, the ambiguity in their role as advisory or supervisory body, weak legal and regulatory frameworks, lack of clarity of responsibilities, and limited capacities and resources available, prevent councils from playing a more active role in enhancing service delivery and democratic processes and undermines their accountability.

Providing capacity and resources needed for councils to be able to respond to the needs and concerns of their constituents will render them relevant and accountable. Another immediate challenge in post-conflict settings is to address the most salient political and ideological differences of the elected representatives (including dealing with former combatants) which can otherwise inhibit the council's work.