

***Equal Representation – a Challenge to Democracy and Democracy Promotion***

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***Local Democracy in Asia: Representation in Decentralized Governance***

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Last year, Barnett Rubin published an article in the International Herald Tribune<sup>2</sup> questioning the choice of the representational arrangement adopted at the *national* level in post-war Afghanistan and Iraq. He argued that ‘beyond a small group of specialists, few people appreciate how electoral systems – as much as or more than voter intentions – determine the outcome of elections’. The point of referring to this article is not to justify why we are all here, nor to discuss whether Professor Rubin was correct to argue that wrong systems have been chosen. Rather, the point I would like to make is that while we need more understanding of representation at the *national* level, representation in *local* governance has – in comparison – received virtually no attention. This pertains to the global context and particularly to Asia – and not only to the two countries just mentioned.

My presentation today will be on the UNDP regional initiative on *Local Democracy in Asia: Representation in Decentralized Governance* which aims specifically at shedding more light on how representation functions at the sub-national level. I will talk about the initiative itself as an example of how UNDP supports policy-making and policy change – taking us into discussion on what the conference organizers have called ‘democracy promotion’; and I will share with you some of the emerging issues in Asia on representation, specifically in local democracy.

The limited focus on representation in local governance has been true for UNDP’s work as well. Decentralization and local governance is one of UNDP’s largest service lines. We work in almost a 100 countries with national partners to help formulate sound policies on decentralized governance and support implementation. Most of UNDP interventions have traditionally focused on direct participation, for example the involvement of citizens and community-based organisations in planning and implementation, strengthening of civil society to participate in local government decision-making and assisting them in holding their local governments accountable, etc. In contrast, remarkably little attention has been paid to the functioning of various types or representational arrangements at the local level and the type of outcomes they lead to in terms of representation and accountability.

This is in spite of the fact that local representative institutions constitute for many citizens one of the most important avenues for participation in governance and for influencing

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<sup>2</sup> Rubin, Barnett (2005): Afghanistan: the wrong voting system; *International Herald Tribune*, Wednesday, March 16, 2005.

decision-making of direct relevance to their livelihoods. It is also known that whether political parties formally constitute the basis for local politics or not, local-level “democracy” is often an arena where political parties and powerful individuals have ample opportunities to use their money and influence to marginalize their competitors.

Local democracy and well-functioning political participation is an objective in itself. However, we should also acknowledge that it is a means; the different forms it can take have a direct bearing on the possibilities for countries to achieve the MDGs. All elements of the local governance systems would need to function better in order for services needed to be delivered in a responsive manner. The representative body is a crucial element.

So, if this is the rationale, what is it that the UNDP initiative proposes to achieve? The first step of the initiative (launched early 2005) was to analyze the various approaches applied in the countries in the Asia-Pacific region and develop an overview of the issues and the principles. A regional workshop held in June 2005 brought together for the first time UNDP staff from the region and key partners (for example Int. IDEA and the Danish Institute for International Studies) to start discussing these issues. The paper on issues and principles, containing also a study on 16 countries is now available<sup>3</sup>.

Building on the findings of this analysis, the current second phase of the initiative is driven by research focusing on the ways in which different systems of representation in local government affect accountability and how this impacts on attempts to create a more effective and equitable system of decentralized governance.

The following are a few highlights of the key emerging issues in five areas specifically related to the topic of this conference:

**First**, there are major variations in the make up of representative councils along different tiers of local government in a given country, so that for example the village and district level cannot be regarded using the same lens. The choice between direct and indirect election of members of councils at a higher level of local government plays a major part in deciding representational outcomes. As one goes ‘up’ the local governance system, indirect elections seem inevitably to favor greater male and elite representation. We see this in the countries where members of higher level councils are drawn from the ranks of lower tier councils, as it is the case in for example Bhutan, Nepal, and Pakistan. Worse, these higher levels are often where decentralization policies, as implemented so far, have assigned most resources and functions, and it is often where a major part of the local administration is located.

This is a serious concern, but only one of many concerns which go beyond just the numbers of who gets elected. We have to understand why countries adopt indirect

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<sup>3</sup><http://regionalcentrebangkok.undp.or.th/practices/governance/decentralization/Representation.html>

election: (i) most often, indirect systems are an extension of the traditional interface between village leaders and government at higher level (Bhutan, Nepal); (ii) indirect election is also likely to lead to less conflict between different levels of local governance; (iii) indirect elections are typically less complex and costly; (iv) however, there are clear indications that direct election make governments more accountable to their constituents for overseeing functions specific to that (higher) level. In countries with indirect elections, there is a tendency for members at a higher level for example split the budget in equal shares for each member's ward, rather than looking at needs and planning for services to be delivered beyond individual villages.

I have tried to explain this in some detail – to highlight that most often we are looking at a range of objectives in the design of the system and that it can involve a trade-off between equal (or more equal) representation and other objectives.

**Second**, the electoral system – how votes are translated into seats - is traditionally, or say intuitively, seen as the most important tool to ensure better representation. Two important points can be made: (i) the electoral system is probably less important in itself than for example, the choice between direct and indirect systems at the higher level just mentioned and other issues; (ii) PR is often held as more likely to produce representative local government. However, this depends on many other factors. In Indonesia under the old (pre-2004 electoral system), closed list PR did remarkably little to ensure more equitable representation of women in local governance. PR as an electoral system is thus no guarantee of adequate representation if political parties remain elite-dominated or patriarchal.

The **third** major cluster of issues emerging from the regional initiative relates to political parties. As just mentioned, political party dynamics seem to be the key to understanding why a PR system in itself did not lead to a significant representation of women in Indonesia. Similarly, we cannot really address why *Dalits* (untouchables) had virtually no representation in local councils in Nepal without understanding the role played by political parties in exclusion.

As mentioned previously, we can only understand the more narrow issue of equal representation through an appreciation of the wider issues. The following are a few issues, high on the agenda in Asia. Obviously, there are countries without political parties at any level such as Bhutan (though foreseen with the new constitution) and until recently the Maldives; and countries where one-party systems provide the framework for political competition. But, there are a number of countries which have political parties in national politics but have made attempts to 'depoliticise' local politics. This is the case in for example Pakistan, Philippines and Bangladesh. The experience suggests that this is rarely possible and by not recognizing political parties which are de facto playing a role, there is less opportunity to regulate their functioning. In Pakistan, in the local elections at the end of last year, most candidates were openly affiliated with political parties and presented as

such in the campaigns and debates. The election of district chairs, which as per the law are indirectly elected by the councilors, were de facto in many cases decided upon by the provincial level party leadership.

So, from what emerges, there is a need to acknowledge political parties when they exist and further develop the framework for how they operate. This would imply: (i) a deliberate choice of how powerful national parties should be vis-à-vis local parties, special interest groups and independent candidates. In Indonesia, parties standing for election locally have to be registered in at least half of all provinces. Hence, local politics is run by national political parties, and independent candidates are not allowed. On the contrary, in many other countries, independent candidates and lists of local candidates are allowed, which gives rise to not only local political parties but also 'special interest' parties (such as farmers or other occupational groups). Also, rather than proscribing political parties, many countries adjust their systems to increase or reduce the power of political parties. For example, moving towards an open list system in 2004 in Indonesia was seen as a victory for those trying to reduce the power of party executives. Similarly, in the current efforts to democratize the Island and Atoll Development Committees in the Maldives in a context where political parties have just been introduced, the Government essentially has to choose between maintaining the Block Vote system or moving towards a Party Based PR system, or exploring SNTV or STV systems. Each of these would imply different degrees of power to political parties and various elements could be adjusted for each of them.

Again, I have tried to illustrate so far that we have two key concerns – a) to what extent some degree of equal representation can be achieved in the councils on the one side, and b) the nature and extent of how the representatives actually 'represent' their interest groups and are accountable towards them on the other. And, as explained, there are in many cases trade-offs between the two.

The **fourth** major point is that quotas are widely used to increase representation – particularly of women – to help counteract the exclusion resulting from other design features of the representational arrangement. However, it could be argued that in many cases the affirmative action is too little, too late, and with an unclear understanding of the position of women and the marginalized groups, including ethnic and low-caste groups<sup>4</sup>. In other words, equality in representation is often not given enough prominence in the design and fine-tuning of the entire system and is all too often addressed *ex-post* by quotas.

Evidence suggests that a balanced approach between the design of the representational arrangements and affirmative action measures is needed if equity in political representation is to be achieved in local governance.

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<sup>4</sup> See e.g. Henrik Fredborg Larsen and Linda Maguire (2005); *Inclusive Local Governance: Representation and Affirmative Action*; UNDP Human Development Viewpoint; <http://regionalcentrebangkok.undp.or.th/practices/governance/documents/HDV066.pdf>

Furthermore, a non-elective/indirect appointment of women, low-caste and other members seen in many countries raises the issue of how and on what basis such representatives are selected – and how representative they really are. Unfortunately there are not many examples of requirements for women candidates but for reserved seats. The emerging evidence suggests that when women and representatives of disadvantaged groups are directly elected (as in for example India) they tend to be more empowered and representative of ‘their’ constituencies than those who are appointed by the elected councils, local administrators or others. However, even when reserved seats are filled by direct elections equitable representation may suffer if elections to higher tiers of local government are indirect.

Finally, in the context of measures to include various groups; I have mentioned so far women, Dalits and other disadvantaged groups. Youth as a group must not be forgotten. Many countries in Asia have a growing young population faced with opportunities which do not match their expectations and with limited influence in the political arena which shapes them. The Philippines has arguably the most outwardly “pro-youth” local representational system in the Asia region. There, the Local Government Code provides for the organisation of Youth Councils in every village and barangay, whose members are elected by those between 15 and 21 years old. At every level of the Philippines’ local government system, these Youth Councils and their federations are represented, thus ensuring that local decision-making is at least partly attuned to the needs of the younger part of the electorate

The **fifth** and final example of emerging issues relates to the leaders (the chairs or mayors) and how they are elected. The overall trends show that more countries are pursuing direct elections of local governments. What we see in Asia (and the same trend exists in Europe) is a shift towards ‘presidentialism’ in local governance. Thailand and Pakistan, for example, shifted towards direct election in 2004 and 2005. As decentralization moves ahead, citizens are keen to see more leadership. In indirect systems there are many examples of chairs being more accountable to their electoral college – the councils – than to citizens at large. However, not unlike their national equivalents, local ‘presidentialism’ is more dependent on the character of the individual leader than are indirectly elected heads, calling for an increased need for new accountability mechanisms and checks and balances at the local level.

What happens to women when shifting towards direct election? Indirect election definitely tends to produce a vast majority of male elite leaders. In Pakistan out of 6,400 council Chairs available, only 11 are occupied by women from a pool of 36,000 women in local government (previous terms – not following 2005 elections).

What can be achieved from the emerging knowledge on local representational arrangements in Asia? Contrary to the national electoral systems, which are actually changed quite often, the principles are less likely to be written into the constitution and

politicians probably find it easier to agree upon something which does not directly impact on their own seats. So, in brief, it must be ensured that all of these issues are made known to policy-makers and subject to broad-based national discussion. Following is one example of what has already been achieved and an illustration of where we want to go.

The Government of the Maldives has identified a need to reform the existing ADCs and IDCs, with the aim of making them more democratic, and to define a clearer role in local governance. There is a commitment to move away from committees which are chaired by the administrators, with roughly half of the members appointed at islands level and no elected representation at the Atoll level. Also, as mentioned, the arrangement needs to reflect the recent introduction of political parties. Through a joint Government-UNDP exercise, UNDP worked with the minister of atoll development, all other ministries, political parties, local governments, civil society and others actors to clarify the policy options. An entire framework which is more conducive to real citizens' influence has been developed. A consultation process has taken place in all 200 islands from December. A process has started – most likely with some initial reforms but these issues will surely be part of the Special Parliaments' (Majlis's) discussions on the constitution as it moves along.

The work so far has been done within a small internal network of around 25 UNDP practitioners with a few external partners. We now aim to create a broader community of practice for policy makers and other groups to tap into the regional knowledge network that will complement the ongoing UNDP advisory services. A team of 6 research institutions in Asia will conduct research over the next months and will be an integral part of the community of practice so that knowledge development will increasingly be institutionalized at the national level in Asia. The aim is to assist policy-makers in making experience-based decisions on the design, whether that be Cambodia which has adopted a policy of establishing elected representation at the two highest levels of local government, Nepal when deciding on the form in which to reestablish DDCs and VDCs in a post-conflict situation, Afghanistan where the elections law is currently being redrafted and Village and District Councils are still to be established – just to give a few examples. We will also analyse further how various arrangements function in areas with indigenous people, look at systems including traditional leaders, and in conflict affected areas.

**In sum**, we need to facilitate a process owned by national partners. There is a need to understand the wider issues related to the design of the representational arrangement and equality as resulting from the entire design. Affirmative action is in itself not a panacea for addressing under-representation. A number of countries have fairly inclusive systems, while others render a more exclusive design, usually featuring some sort of affirmative action system. However, in some countries, the combined impact is one of exclusion.