



# DESIGNING INCLUSIVE AND ACCOUNTABLE LOCAL DEMOCRATIC INSTITUTIONS

*A Practitioner's Guide*





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LOCAL DEMOCRATIC INSTITUTIONS**

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**United Nations Development Programme**  
**UNDP Regional Centre in Bangkok**  
**Democratic Governance Practice Team**

United Nations Service Building  
Rajdamnern Nok Avenue  
Bangkok 10200 Thailand  
<http://regionalcentrebangkok.undp.or.th>

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# Foreword

I am happy that the UNDP Regional Centre Bangkok has developed this *Practitioner's Guide to Designing Inclusive and Accountable Local Democratic Institutions*. Devolution of powers to local governments is the most sweeping reform in governance worldwide, particularly over the past two decades. Yet, compared to reforms in liberalization of markets and removal of trade barriers, it is rarely in the public eye.

Local government design presents a host of unique challenges to policy makers. The building blocks of good local governance are many, not least an effective approach to ensure that women and marginalized groups are true partners. These systems ought to go beyond merely providing an opportunity for the voices of poor and marginalized to be heard, but must pro-actively encourage them to do so.

Enabling large numbers of ordinary people to compete in elections ought to irreversibly strengthen the foundations of democracy and constitutes the best antidote to the increasing tendency to show disinterest in government. The design of an electoral system is the cornerstone of democracy, with many long-term consequences for democratic governance. Sensitive structuring of formal electoral processes at the local level can strengthen local democracy immeasurably, by enabling wider representation and strengthening accountability. Bad design of election and administrative systems could throw open the doors to elite capture, lack of accountability and inability of local body members to ensure that the body effectively assumes the responsibility for matters devolved upon it.

However, elections alone are not synonymous with democracy. Good system design must also ensure that local bodies, once elected, can effectively respond to a myriad of local governance challenges. While most efforts to strengthen participation in local governance focus on direct participation, for example, the involvement of citizens and community-based organizations in planning and implementation, considerably less attention is given to the design of fiscal devolution and fund transfer mechanisms, accounting processes, technical support provision, the periodic reporting of performance and monitoring and evaluation.

The urgency to examine and learn how to devise fair, inclusive and representative systems and administrative structures for ensuring the vigour of practice of democracy on a day-to-day basis is particularly relevant to Asia-Pacific because too many of the region's countries continue to be deeply divided along fundamental political cleavages of ethnicity, region, caste, class.

This Guide has been produced by UNDP's Regional Initiative on Local Democracy in Asia to address the need for more knowledge on the state of local representative systems in Asia-Pacific, and to explore what is necessary to improve them and ensure more inclusive involvement in decisions affecting peoples' lives. The Guide gives an overview of the institutional arrangements at the local level in 22 countries and contains a systematic accumulation of evidence and offers practical examples from across the region to illustrate its themes.

I do hope that this Guide will contribute to an understanding of the issues and add to the experience in designing inclusive and accountable local representative institutions, not only among those directly involved in government reform but also among those who contribute to broader national and regional debates on addressing these common challenges. In the process, I am sure that they will contribute to building stronger communities and accelerate human development, to which UNDP is ultimately committed.

New Delhi  
5 February 2008



(Mani Shankar Aiyar)  
Minister of Panchayati Raj, Youth Affairs & Sports  
and Development of the North-Eastern Region  
Government of India

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# How to use this Guide

This Guide has three basic objectives:

- To summarize findings about local government (LG) electoral processes and representation arrangements in a range of countries in Asia and the Pacific
- To highlight, on a thematic basis, key issues related to representation and electoral processes at the local level, in terms of tradeoffs, incentives and implications
- To put forward hypotheses on ways forward in further developing electoral representation at sub-national levels

To this end, the Guide comprises two parts. The first part provides an overview and analysis of the key concepts and issues related to representation and electoral processes at the local level, illustrated by a variety of practical cases. The second part includes a detailed review of the representational systems in nine countries in South and West Asia (Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Nepal, Pakistan and Sri Lanka), seven countries in Southeast Asia (Cambodia, Indonesia, Malaysia, Philippines, Timor-Leste, Thailand and Viet Nam), three countries in East Asia (China, Mongolia and Republic of Korea), and three Pacific countries (Fiji, Papua New Guinea [PNG] and Solomon Islands).

This Guide is to be used in conjunction with the study on *Local Democratic Institutions in Asia: Lessons Learned on Inclusiveness and Accountability* (UNDP 2008), which closely examines links between representation and accountability – both the ways that electoral modalities can improve representation, and the types of accountability mechanisms that can secure adequate representation. The study is based on comparative analysis of five Asian countries' mechanisms that can affect the degree of accountability in local governance, and with respect to local governments in particular, asking what works to secure better representation where, when and how.

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# Acronyms and abbreviations

ABC	Association of <i>Barangay</i> Captains
CEO	Chief Executive Officer
CHT	Chittagong Hill Tract
CP	Customary <i>Panchayat</i>
CPP	Cambodia People's Party
D&D	Deconcentration and Decentralization
DAG	Disadvantaged Group
DDC	District Development Committee
DPR	<i>Dewan Perwakilan Rakyat</i> (House of Representatives)
DPDR	<i>Dewan Pertimbangan Otonomi Daerah</i> (Regional House of Representatives)
DYT	<i>Dzongkhag Yargye Tshogdu</i>
FPTP	First Past the Post
GYT	<i>Gewog Yargye Tshogchung</i>
IC	Independent Candidate
KPUD	Regional General Election Commission
LG	Local Government
LGC	Local Government Code
LGED	Local Government Engineering Department
MDG	Millennium Development Goal
MoHA	Ministry of Home Affairs
MLA	Member of the Legislative Assembly
MLC	Member of the Legislative Council
MP	Member of Parliament
MPR	<i>Majelis Permusyawaratan Rakyat</i> (Consultative People's Assembly)
MSS	Minimum Service Standards
NEC	National Election Commission
NWFP	North West Frontier Province
OBC	Other Backward Caste
OEC	Omnibus Election Code
PESA	<i>Panchayats</i> (Extension to the Scheduled Area) Act 1996
PR	Proportional Representation
SC	Scheduled Caste
ST	Scheduled Tribe
STAE	Technical Support Secretariat for Electoral Administration
UC	Union Council
UDCC	<i>Upazila</i> District Coordination Committee
UNDP	United Nations Development Programme
UNO	<i>Upazila Nirbahi Officer</i>
UP	Union <i>Parishad</i>
VDC	Village Development Committee
ZP	<i>Zila Parishad</i> or <i>Zilla Panchayat</i>

# PART CONCEPTS AND ISSUES

- 1** Introduction
- 2** Representational arrangements and electoral systems
- 3** Role of political parties
- 4** Representation of women, youth, minorities and the most disadvantaged
- 5** Organizational structure and linkages to local administrations
- 6** Traditional systems of local governance and the process of change
- 7** Conclusions and next steps



# Introduction **1**

# 1 Introduction

In Asia and the Pacific, local representative institutions constitute for many citizens one of the most important avenues for participation in governance and influence over decision-making directly relevant to their livelihoods. However, the question of fair representation often has received insufficient attention. Whether political parties formally constitute the basis for local politics or not, local-level “democracy” is frequently an arena where political parties and powerful individuals have ample opportunities to use their money and influence to marginalize competitors. Across Asia and the Pacific, it has proven easy for the strong candidates in local politics to win, leaving behind candidates who represent minorities/ethnic groups or who have less muscle and money. In particular, in societies that are deeply divided along ethnic, religious, caste and class bases, it is essential to devise a system that is fair and representative, and that contributes to the future of a stable democracy. To date, the collective evidence from the design of systems for representation and elections in divided societies suggests that an appropriately crafted framework can help nurture the accountability and commitment of political parties, while an inappropriate system can severely harm the process of democratization.

The framework for representation is among the most important mechanisms that shape local democracy. Decisions on the modalities for representative participation<sup>1</sup> and the choice of electoral system – the rules and procedures through which votes cast in an election are translated into representation – determine the extent to which local decision-making bodies are genuinely democratic, inclusive and gender-sensitive. They can influence other aspects of the political system, including the development of political parties, and are important to issues such as linking citizens and their leaders for more political accountability, representation and responsiveness. In addition to the direct impact on empowerment, they influence the social and economic outcomes of decentralized governance. As such, electoral representation and the different forms it can take have a direct bearing on the Millennium Development Goals (MDGs) and their attainment. In themselves, local representational arrangements are of great importance in the overall governance agenda, but because they can strongly influence the nature of representation and accountability, they also affect wider public outcomes.

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<sup>1</sup> A distinction is made between three elements of participation: (1) representative (usually but not necessarily elective) government; (2) direct participation either at community or project level; and (3) the mobilizational form of participation (see, e.g., Richard Crook and Alan Sturla Sverrisson [2001]: Decentralisation and poverty-alleviation in developing countries: a comparative analysis or, is West Bengal unique?, IDS Working Paper).



*Village Development Committee meeting, Nepal*

This Guide is part of a wider UNDP regional initiative that focuses on a number of core issues related to local representative systems. The first step of the initiative, launched in 2004, was to analyze various approaches applied in countries in the region and develop an overview of the issues and principles. The first draft of this Guide was the end result, and provided the documentary basis for a two-day workshop<sup>2</sup> (22-23 June 2005) on Representation in Decentralized Local Governance held at Hua Hin, Thailand. At the workshop, the country evidence that laid the basis for the Guide was taken up and discussed in greater detail. The Guide has been revised and refined to reflect the workshop discussions, as well as expanded to cover additional countries and updated in light of numerous recent developments.

The Hua Hin workshop further pointed to the need for more systematic collection and appraisal of the evidence in order to study the links between representation and accountability – both the ways that electoral modalities can improve representation and the types of accountability mechanisms that can secure adequate representation. In line with these discussions, the second phase of the initiative focused on the important role that improved representation can have on the accountability of LG bodies to those traditionally denied influence, on the one hand, and on the ways that accountability might facilitate and secure improved influence over representatives, on the other. For example, the presence of a set of different types of accountability mechanisms, designed to support the objective of securing more inclusive and representative local governance, was seen to be necessary for more effective, responsive and equitable LG.

Building on the work undertaken for this Guide, the second phase of the initiative required studying the ways in which representation has been made more accountable through electoral reforms and affirmative action in different countries, as well as analyzing the types of accountability mechanisms in place and asking what works to secure better representation where, when and how.

<sup>2</sup> See [http://regionalcentrebangkok.undp.or.th/practices/governance/documents/Report\\_Decentralized\\_Gov\\_Regional\\_RetreatJune2005.pdf](http://regionalcentrebangkok.undp.or.th/practices/governance/documents/Report_Decentralized_Gov_Regional_RetreatJune2005.pdf)

Accordingly, the study *Local Democratic Institutions in Asia: Lessons Learned on Inclusiveness and Accountability* (UNDP 2008), based on the work carried out in the second phase of the initiative, includes an important research component. The objective of the research is to explore different types of mechanisms that can affect the degree of accountability in local governance, and with respect to LG in particular. Country studies in India, Iran, Pakistan, Philippines and Thailand provide the basis for a comparative analysis of the ways in which different systems of representation in LG affect its accountability, along with how accountability instruments might be used to achieve a more effective, equitable system of decentralized local governance. In addition to this Guide and the study on Local Democratic Institutions in Asia, a number of other UNDP knowledge products have been developed, including “Presidentialism in Decentralized Governance: More Local Leadership, But at What Cost?” and “Inclusive Local Governance: Representation and Affirmative Action.”<sup>3</sup>

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

# Representational arrangements and electoral systems **2**

# 2 Representational arrangements and electoral systems

The LG electoral systems summarily presented and described at the end of this Guide show how bewilderingly variable representational procedures can be. This section of the paper undertakes a cursory synthesis and analysis of representational arrangements by examining them in terms of:

- Whether they are direct or indirect
- Whether they include appointed positions
- Basic electoral procedures that underlie both direct and indirect methods of representation

In this section, reference is made both to the specific country case studies and to other sources of information.

## 2.1. Direct/indirect elections and appointments

Table 1 which follows summarizes the country case studies in terms of direct/indirect and appointed representation.

### Direct and indirect elections for councils

Members of councils beyond the lowest tier can be directly elected or indirectly elected from among the ranks of members at lower levels. Whether or not direct elections are held for all levels of LG varies from country to country. In South Asia, this is the case in India and Sri Lanka but not in the other four countries (Bangladesh, Bhutan, Nepal, Pakistan), where there are higher levels of local administration but with no directly elected bodies. In Bangladesh, this is simply because the constitutional provisions have not been implemented (aside from the brief *Upazila Parishad* experiment in the 1980s); for the other three countries, indirect elections take the form of either (i) lower-level leaders (usually directly elected by their constituencies) automatically becoming members of higher-level units, or (ii) a combination of (i) with an electoral college system, with lower-level council members constituting the electoral college, as in the cases of Pakistan and Nepal. Indirect systems are in many countries regarded as an extension of the traditional interface between village leaders and government at higher levels.

In Southeast Asia, upper-level LG councils are generally made up of directly elected members; this is the case for both Indonesia and Viet Nam. In Philippines, however, upper-level LG councils comprise both directly and indirectly elected members, the latter usually being the representatives of lower-level councils. In the cases of Cambodia and Timor-Leste, there are as yet no upper LG levels.



*Wolesi Jirga and Provincial Councils election day, Afghanistan 2005*

A number of issues arise here. Firstly, are directly elected officials more accountable to their constituents than indirectly elected officials? For example, in India, where all councillors at all levels are directly elected, can it be said that they are more accountable than their Nepali counterparts on District Councils, who are largely drawn from Village Councils? There is no hard and fast evidence on this – but common sense would tend to indicate that directly elected officials in upper-level LGs would be more accountable to their constituents for overseeing activities/functions specific to that level. Where councillors are indirectly elected from lower-level LGs, they clearly also owe some allegiance to their “base” constituency, rather than to the larger constituency.

However, direct elections for all levels of the LG system may have a down side in the greater likelihood of potential conflicts between different levels. Where upper-tier LG Councils are not drawn from members of lower-level LG Councils but are instead directly elected, political differences between levels may emerge. How far this can be problematic depends, of course, on what the organic linkages are between upper and lower tiers. In Indonesia, for example, each level of regional government is legally autonomous – thus, any political differences between the directly elected DPRD and regional heads of provinces and regencies/cities should not, in principle, be a problem given their functional autonomy and differing responsibilities. However, where there are organic links between different levels of LG, as in India (where upper levels of the *panchayat* system coordinate or monitor with regard to lower tiers), or in Sri Lanka, then political differences between directly elected bodies at different levels may be more of a problem. In addition, much depends on the nature of fiscal relations between LG levels, or on how far upper levels (rather than central Government) are responsible for transfers to lower levels – but this is clearly beyond the scope of this Guide.

On the other hand, in an LG system where elections to upper tiers are indirect, and most of the members of higher-level councils are drawn from the ranks of lower-tier councils, there may – for obvious reasons – be less potential for conflict. But this may be problematic in other ways, especially if upper tiers are expected to play a supervisory role with respect to lower-level LGs. In Nepal, for example, it is the district’s internal audit section that is expected to audit the accounts of constituent VDCs – but given that VDCs are represented at district level by their chairpersons and vice chairpersons, how effective can one expect such internal audits to be?

**Table 1: Direct/indirect and appointed methods of representation**

Afghanistan		
Lowest-level elected bodies		District Council Members – directly elected
Upper-level elected bodies	Direct elections	Provincial Council members – directly elected
	Indirect elections	N/A
LG heads	Direct elections	N/A
	Indirect elections	Direct and Provincial Councils indirectly elect their chairpersons
Appointments		N/A
Bangladesh		
Lowest-level elected bodies		Union <i>Parishads</i> , <i>Pourashavas</i> and City Corporations – directly elected
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	N/A
LG heads	Direct elections	UP chairperson, <i>Pourashava</i> chairperson and mayors – directly elected
	Indirect elections	N/A
Appointments		None
Bhutan		
Lowest-level elected bodies		GYTs – directly elected
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	DYTs composed of members from GYTs and municipalities
LG heads	Direct elections	GYT <i>gup</i> is directly elected
	Indirect elections	DYT chairperson is elected by DYT members
Appointments		DYT level – National Assembly members ( <i>ex officio</i> ) + Government staff (non-voting members)
Cambodia		
Lowest-level elected bodies		Commune and <i>Sangkhat</i> Council members – directly elected
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	N/A
LG heads	Direct elections	N/A
	Indirect elections	Commune/ <i>Sangkhat</i> chief is the top candidate of winning party; 1st and 2nd deputy chiefs are leaders of second and third parties
Appointments		None

**Table 1: Direct/indirect and appointed methods of representation** (continued)

<b>China</b>		
<b>Lowest-level elected bodies</b>		Village Committees, Village Representative Committee – directly elected
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	Urban Residents Committee – directly elected
	<b>Indirect elections</b>	N/A
<b>LG heads</b>	<b>Direct elections</b>	Village Committee comprising chairperson, vice chairperson and members – directly elected
	<b>Indirect elections</b>	N/A
<b>Appointments</b>		N/A
<b>Fiji</b>		
<b>Lowest-level elected bodies</b>		Town Council members – directly elected
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	City Council members – directly elected
	<b>Indirect elections</b>	N/A
<b>LG heads</b>	<b>Direct elections</b>	N/A
	<b>Indirect elections</b>	City and Town mayors indirectly elected by councils
<b>Appointments</b>		Advisers to City and Town Councils can be appointed by the Minister of LG
<b>India</b>		
<b>Lowest-level elected bodies</b>		<i>Gram</i> and <i>Nagar</i> (urban) <i>Panchayat</i> members – directly elected
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	(i) <i>Samiti</i> and <i>Zilla Panchayat</i> members – directly elected (ii) Municipal and Municipal Corporation Council members – directly elected
	<b>Indirect elections</b>	N/A
<b>LG heads</b>	<b>Direct elections</b>	(i) <i>Gram Panchayat</i> chairpersons are elected according to individual state legislatures – can be direct or indirect (ii) <i>Nagar Panchayat</i> , Municipal and Municipal Corporation chairpersons are elected according to individual state legislatures – can be direct or indirect
	<b>Indirect elections</b>	<i>Samiti</i> and <i>Zilla</i> chairpersons are elected by their respective <i>panchayats</i>
<b>Appointments</b>		The state legislature may, by law, provide for the representation of certain individuals in the different levels of the <i>panchayats</i> as well as in the different levels of municipal government

**Table 1: Direct/indirect and appointed methods of representation (continued)**

Indonesia		
<b>Lowest-level elected bodies</b>		Regency and <i>kota</i> DPRD members – directly elected from electoral districts
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	Provincial DPRD members – directly elected from electoral districts
	<b>Indirect elections</b>	N/A
<b>LG heads</b>	<b>Direct elections</b>	Heads and deputy heads of regencies, <i>kotas</i> and provinces are elected through direct and general elections and on the basis of a joint ticket
	<b>Indirect elections</b>	N/A
<b>Appointments</b>		Provincial, regency and <i>kota</i> secretariats: (i) regional secretaries appointed by the President on the recommendation of the regional head from amongst the civil servants (ii) the DPRD secretariat – headed by the DPRD secretary (appointed by the regional heads with the approval of the DPRD)
Iran		
<b>Lowest-level elected bodies</b>		Village and City Councils – directly elected
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	N/A
	<b>Indirect elections</b>	Provincial Councils, Rural District Council and Urban District Councils – indirect election by majority vote by urban, cities and rural district councillors respectively
<b>LG heads</b>	<b>Direct elections</b>	N/A
	<b>Indirect elections</b>	Mayors and village managers are indirectly elected
<b>Appointments</b>		Mayors of municipalities are appointed by the City Council, vetted by the Ministry of Interior
Malaysia		
<b>Lowest-level elected bodies</b>		District Councils, City Councils and Municipal Councils – members appointed by the state government from nominees recommended by ruling political parties. Presidents of District and Municipal Councils and mayor of City Council all appointed by the state government
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	
	<b>Indirect elections</b>	
<b>LG heads</b>	<b>Direct elections</b>	
	<b>Indirect elections</b>	
<b>Appointments</b>		

**Table 1: Direct/indirect and appointed methods of representation** (continued)

Maldives		
Lowest-level elected bodies		Island Development Committees – appointed and directly elected members
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	Atoll Development Committees – all members appointed
LG heads	Direct elections	N/A
	Indirect elections	N/A
Appointments		(i) Atoll chiefs appointed by President (ii) Island chiefs appointed by atoll chiefs
Mongolia		
Lowest-level elected bodies		Rural <i>aimags</i> - <i>Aimag</i> Citizens' Representative <i>Hurals</i> – directly elected
Upper-level elected bodies	Direct elections	<i>Soums</i> /districts, <i>Soum</i> Citizens' Representative <i>Hural</i> – directly elected; Capital cities Citizens' Representative <i>Hural</i> – directly elected
	Indirect elections	N/A
LG heads	Direct elections	N/A
	Indirect elections	<i>Aimag/soum</i> /capital chairpersons and presidiums – elected by Citizens Representative <i>Hural</i> members
Appointments		<i>Aimag/soum</i> /capital governor – nominated by CRH and appointed by Prime Minister
Nepal		
Lowest-level elected bodies		Village and Municipal Council members – directly elected
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	District Council members – indirectly elected by members of Village and Municipal Councils; leaders of lower-level LGs are members
LG heads	Direct elections	VDC and Municipal chairpersons and vice chairpersons are directly elected by their constituents
	Indirect elections	DDC chairpersons, vice chairpersons and area or <i>Ilaka</i> reps are indirectly elected by Village and Municipal Council members
Appointments		(i) District Council: Local members of National Assembly and House of Representatives ( <i>ex officio</i> members), and 6 members nominated by the District Council from the general public (including at least 1 woman and DAG representatives) (ii) DDC: local members of the National Assembly and the House of Representatives ( <i>ex officio</i> members), and 2 members nominated by DDC from District Council (including at least 1 woman)

**Table 1: Direct/indirect and appointed methods of representation (continued)**

Pakistan		
Lowest-level elected bodies		Union Council members – directly elected
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	(i) District/City District Councils – composed of UC <i>nazims</i> and others (district <i>nazim</i> and district <i>naib nazim</i> + others - women, peasant/worker, minority representatives) elected by all UC councillors in the district/city (ii) <i>Tehsil/Town</i> Councils – composed of UC <i>naib nazims</i> and other members ( <i>tehsil nazim</i> and <i>tehsil naib nazim</i> , and others – women, peasant/worker, minority representatives) elected by all UC councillors in the <i>tehsil/town</i>
LG heads	Direct elections	Union <i>nazim</i> and <i>naib nazim</i> are directly elected on a joint ticket
	Indirect elections	Elected union councillors are not permitted to stand for election as <i>nazim</i> of any <i>tehsil/town</i> or district/city. <i>Tehsil/district nazims</i> are elected by all the UC members in their respective jurisdictions. <i>Naib nazims</i> at <i>tehsil</i> and district levels are chosen by their respective councils from amongst their own membership
Appointments		None
Papua New Guinea		
Lowest-level elected bodies		LLG Council members – directly elected except for TUC, Employers' Federation and women representatives
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	Provincial Assembly members – indirectly elected (LLG representatives, MPs) except for woman representative and traditional chiefs
LG heads	Direct elections	LLG heads can be directly elected
	Indirect elections	LLG heads can be indirectly elected by their councils Provincial Assembly head is the provincial MP
Appointments		N/A
Philippines		
Lowest-level elected bodies		<i>Barangay</i> Council members – directly elected except for Youth Council representative
Upper-level elected bodies	Direct elections	(i) Municipal and City Councils comprising both directly elected members and president of the municipal/city chapter of <i>barangay</i> captains
	Indirect elections	(ii) Provincial Board composed of both directly elected members and indirectly elected members (president of the provincial chapter of <i>barangay</i> captains, etc.)
LG heads	Direct elections	<i>Barangay</i> captain – directly elected Municipal mayor and vice mayor – directly elected Provincial governor and vice governor – directly elected
	Indirect elections	N/A
Appointments		(i) <i>Barangay</i> Council: <i>Barangay</i> Youth Council chairperson is a member. Elected by 15- to 21-year-old <i>barangay</i> electorate (ii) Municipal and Provincial Councils – appoint sectional representatives (women, workers and disadvantaged groups) (iii) Municipal and Provincial Councils – constituent Youth Councils are represented

**Table 1: Direct/indirect and appointed methods of representation** (continued)

Republic of Korea		
Lowest-level elected bodies		<i>Gun/Gu/Si</i> Councils – directly elected
Upper-level elected bodies	Direct elections	<i>Si/Do</i> councils – directly elected
	Indirect elections	N/A
LG heads	Direct elections	N/A
	Indirect elections	Chairperson of councils – elected by local council representatives
Appointments		N/A
Solomon Islands		
Lowest-level elected bodies		Provincial, City and Town Council members – all directly elected
Upper-level elected bodies	Direct elections	N/A
	Indirect elections	N/A
LG heads	Direct elections	N/A
	Indirect elections	Provincial premiers and city/town mayors – indirectly elected by their respective councils
Appointments		N/A
Sri Lanka		
Lowest-level elected bodies		<i>Pradeshiya Sabha</i> , Urban and Municipal Council members – directly elected
Upper-level elected bodies	Direct elections	Provincial Council members directly elected from district constituencies
	Indirect elections	N/A
LG heads	Direct elections	N/A
	Indirect elections	(i) Provincial Council has a chairperson and a vice chairperson elected from amongst its members by majority vote (ii) <i>Pradeshiya Sabha</i> , Urban and Municipal Council led by a full-time chairperson, nominated by the majority party or group, who holds office for a four-year term
Appointments		Provincial Executive: governor appointed by the President responsible for executing the policies of the Provincial Council through a board of ministers headed by a chief minister and no more than four other ministers. The governor appoints the chief minister, and the other ministers on the advice of the chief minister

**Table 1: Direct/indirect and appointed methods of representation** (continued)

Thailand		
<b>Lowest-level elected bodies</b>		Tambon Administrative Organization (TAO) – directly elected
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	Provincial Administrative Organization (PAO) – members directly elected Municipality – members directly elected
	<b>Indirect elections</b>	N/A
<b>LG heads</b>	<b>Direct elections</b>	TAO executive – directly elected PAO head – directly elected Municipal mayors – directly elected
	<b>Indirect elections</b>	N/A
<b>Appointments</b>		None
Timor-Leste		
<b>Lowest-level elected bodies</b>		Suco Council members – directly elected
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	N/A
	<b>Indirect elections</b>	N/A
<b>LG heads</b>	<b>Direct elections</b>	Suco chief - directly elected
	<b>Indirect elections</b>	N/A
<b>Appointments</b>		None
Viet Nam		
<b>Lowest-level elected bodies</b>		Commune People’s Council members – directly elected (following screening process)
<b>Upper-level elected bodies</b>	<b>Direct elections</b>	District and Provincial People’s Council members – directly elected (following screening process)
	<b>Indirect elections</b>	N/A
<b>LG heads</b>	<b>Direct elections</b>	N/A
	<b>Indirect elections</b>	(i) Chairperson, vice chairperson and other members of the People’s Councils’ Standing Committees – indirectly elected by People’s Councils (ii) Chairpersons of all People’s Committees (Commune, District and Provincial) are elected by People’s Councils
<b>Appointments</b>		None

A final issue related to direct or indirect elections concerns costs. A potential virtue of indirect electoral systems for upper-tier councils may well be that they cost less than direct elections for all levels of LG, and that they may also be less complex (for voters). This is by no means unimportant given that many countries are fiscally strapped and may not be able to afford the luxury of direct elections for all levels of LG. Needless to say, however, the tradeoff for greater economy may well be weaker electoral accountability in higher-level LG councils.

## Direct and indirect elections for council chairpersons

How chairpersons/mayors and vice chairpersons/deputy mayors are elected also varies from country to country, as well as in many cases between the different levels of LG within each country. In the case of India, the mode of election of *panchayat* and municipal leaders can also vary from state to state, depending on state legislation.

In most (but not all) countries, the heads of the lowest level of LG are directly elected in one way or another. In the majority of cases, council heads are elected as such – a VDC chairperson in Nepal, for example, stands for that position in direct elections. In Sri Lanka and Cambodia, however, where elections are carried out on the basis of proportional representation/PR (see Section 2.2), councils are headed by the leaders of the parties with the most votes/seats – they are not, in that sense, directly chosen by the electorate. In the three Pacific countries (Fiji, PNG and Solomon Islands) lower-tier council heads are indirectly elected by their fellow councillors.

In Pakistan and Indonesia, the heads and deputy heads of lower-level LG Councils are directly elected, but on the basis of a joint ticket – in Pakistan (at UC level) on a non-party basis, and in Indonesia on a party basis.

At higher levels of LG, council heads often are elected by the members of that LG from amongst themselves or by members of subsidiary levels. In Bhutan, for example, the DYT chairperson is selected by DYT members from amongst themselves. In Nepal, on the other hand, DDC chairpersons and vice chairpersons are elected by the members of the Village and Municipal Councils that make up the district as a whole. Similarly, in Iran the mayors and village managers are indirectly elected.

Since 2005, Pakistan has been somewhat different, in that the *nazim* of any *tehsil*/town or district/city is elected indirectly by an electoral college consisting of all union councillors in their respective constituencies. They are thus indirectly elected by all union councillors (including the Union Council leaders – Union *nazims* and *naib nazims*) in their respective jurisdictions – but cannot themselves be union councillors. *Naib nazims* at the *tehsil*/district levels, however, are indirectly elected by their respective councils (from amongst themselves), and not by a wider electoral college. Pakistan is clearly a hybrid case of indirect elections for local council leadership.

In other cases (Indonesia, Philippines, Viet Nam), higher-level council heads are directly elected by ordinary voters. This appears to be the case only where upper-level councils are themselves directly elected by voters, not by electoral colleges; where upper-level councils are indirectly elected, council chairpersons are generally also indirectly elected.

### Indirectly elected district *nazims* in Pakistan – accountable to whom?

The indirect election of the district *nazim* in Pakistan complicates the accountability linkage with voters because the re-election of an incumbent *nazim* is not decided directly by voters, but rather, by a few hundred union councillors. Indirect elections such as these raise the potential for abuse. *Nazims* are very conscious of the need to keep their “electoral college” (i.e., the union councillors) on board. Thus, they have sometimes decided to use funds by parcelling out small sums to councils in order to try to secure support. However, as a result, union administrations may have sums that are inadequate to carry out the sorts of development projects that their constituents demand, particularly for rural water and sanitation. Conversely, where *nazims* have used other criteria to allocate development funds between Union Councils, those who have received no funds have accused the *nazim* of being partisan.

Source: Manning et al. 2003



*Chairman of a Pradeshya Sabha, Sri Lanka*

A range of issues can be linked to the ways in which council leaders are elected:

- A system whereby council chairpersons are indirectly elected by their councils does, in principle, offer the singular advantage of a more collegial and consensual form of local governance. Under such systems, mayors/chairpersons need to ensure regular support from their councils – and this may imply a tendency toward broad-based decision-making. Where councillors represent wards, this in turn implies that decision making may be more likely to take into account the interests of many constituents.
- However, indirectly elected mayors or council chairpersons – unless they can ensure the allegiance of their councils and councillors – may become “lame ducks” as they fall victim to party politics or to internal disputes within their councils.
- Increasingly, indirect elections for council leaders are seen as problematic in terms of accountability. Indirectly elected council chairpersons may see themselves as more accountable to their immediate constituency (i.e., the individual electoral college that has selected them) than to local citizens. The previous inset hints at some of the accountability issues, and their consequences, related to Pakistan’s indirect electoral system for *nazims*.
- Conversely, to an increasing extent direct elections of council leaders are seen as more appropriate than indirect elections. A number of advantages are cited in favour of direct elections for mayors or council leaders<sup>4</sup>, inter alia:

<sup>4</sup> See e.g. *Human Development Viewpoint: Presidentialism in Decentralized Governance: More Local Leadership, But at What Cost?* (Larsen and Maguire 2005).  
<http://regionalcentrebangkok.undp.or.th/practices/governance/decentralization/Representation.html>  
 Council of Europe Recommendation 151 (2004) on advantages and disadvantages of directly elected local executive in the light of the principles of the European Charter of Local Self-Government  
[http://www.coe.int/T/E/CLrae/\\_5\\_Texts/2\\_Adopted\\_texts/1\\_Recommendations\\_2004/REC\\_151\\_2004\\_E.asp#TopOfPage](http://www.coe.int/T/E/CLrae/_5_Texts/2_Adopted_texts/1_Recommendations_2004/REC_151_2004_E.asp#TopOfPage) and Chapter 4 of *To Serve and Preserve: Improving Public Administration in a Competitive World* (ADB).

- Greater legitimacy for LG as a whole. A mayor who is directly elected is more clearly the preferred individual choice of local citizens than one indirectly elected by a limited number of councillors. S/he more manifestly expresses local preferences, which in turn contributes to strengthening and legitimating local democratic practice.
  - Clearer separation of powers and functions between the executive and legislative branches at local level. This enables mayors or leaders to operate more independently of partisan interests of their councils and enables the latter to more clearly and unequivocally provide oversight of the directly elected mayor or council leader.
  - Greater accountability, in the sense that a directly elected council chairperson or mayor is more clearly seen as individually responsible for delivering public goods and services and honouring electoral commitments.
  - More effective LG, in that directly elected mayors can “get on with their jobs” more effectively than indirectly elected leaders. A “good” directly elected mayor is likely to be more effective than a “good” indirectly elected mayor, all other things being equal.
- That said, the direct election of council chairpersons or mayors, as with all such “presidential” figures, also may have its down side, inter alia:
    - Excessive power being wielded by the directly elected mayor, in that directly elected leaders may see themselves (and be seen) as much more than a *primus inter pares*. Council chairpersons who are directly elected may overshadow fellow Council members by virtue of their much stronger electoral mandate and may thus stifle democratic debate in Council. This is one of the initial lessons from Thailand and Pakistan (which shifted to direct election in 2004 and 2005 respectively) and from Bangladesh, where directly elected Union Parishad chairpersons exert a powerful influence over local affairs, leading to apathy amongst other members.
    - The risk of political stalemate. When a directly elected mayor and the council fall out politically, the resulting stalemate can have debilitating consequences for decision making and, thus, local service delivery. The inset below illustrates the kind of problem that can emerge.

## Appointments to councils

In some cases, provisions are made for the representation or appointment of non-elected members in LG. In the Asia-Pacific region, such appointed members are often deemed representatives of special-interest groups. Representatives (women, disadvantaged groups, and youth) are either appointed by their respective councils in Nepal and Philippines, or (in the unique case of the Youth Councils in Philippines) are automatically considered council members by virtue of being the elected representatives of their special-interest groups (Section 4 addresses systems for affirmative action in more detail). In PNG, councils include representatives nominated by the Trades Union Congress and the Employers’ Federation. In India, the government can provide for the representation of persons with special skills or knowledge relevant to LG, particularly in the case of municipal governments. The extent to which all such categories of non-elected council members enjoy full voting powers varies from country to country.

### Presidentialism in local governance: more leadership, but at what costs?

“... Not unlike their national equivalents, local ‘presidentialism’ is more dependent on the character of the individual leader than are indirectly elected heads. Overall, it seems, a ‘good’ directly elected chair is likely to be more effective than a ‘good’ indirectly elected chair, but a ‘bad’ directly elected chair is likely to be much ‘worse’ than their indirectly elected predecessors – implying that identifying and establishing appropriate new forms of accountability mechanisms and checks and balances will be even more crucial.”

*From Human Development Viewpoint: Presidentialism in Decentralized Governance: More Leadership, But at What Cost? (Larsen, 2005).*

### India – internal *panchayat* conflict

Indian states that have legislated for the combination of a directly elected GP *sarpanch* and indirectly elected vice president, along with the provision for no-confidence motions against the *sarpanch*, face a curious situation. The person elected as the vice president has the majority support in the Village *Panchayat*. The no-confidence motion makes the position of the *sarpanch* president vulnerable within the Village *Panchayat*. This, among others, is one factor that has encouraged the *sarpanches* to keep the Village *Panchayat* at abeyance, if for no other reason than at least to keep their positions secure. Interestingly, but perhaps not surprisingly, the no-confidence provision has, in most instances, been used against *sarpanches* who have been elected from reserved positions, i.e., women, or members of Scheduled Castes/Tribes.

Source: Adapted from Debrprasad Mishra (n.d.).

In some cases, members of national assemblies are *ex officio* members of the LGs of their constituencies (e.g., in District Councils and DDCs in Nepal, LSGA 1999, Article 172). This is most evident in PNG's Provincial Assemblies, which are led by provincial MPs and include all national parliamentarians from the province. In other cases, officials from the local administrations are also represented on councils, although they then often act as observers without voting rights. This is the case in Bhutan and Nepal, where the interim local bodies in place since 2002 have been chaired by the local development officer (the previous secretary to the District Development Committees appointed by the Ministry of Local Development). In addition, representatives of sectoral Ministries at the level of LG are in some cases represented.

Several issues concerning such appointments merit attention here:

- Non-elective appointment of interest group representatives. Although this is often for laudable reasons (such as affirmative action), it does raise the issue of how and on what basis such representatives are selected – and how representative they really are. In Nepal, where Village and District Councils (as well as their corresponding committees) are expected to choose representatives of women, the poor and other disadvantaged groups, it is frequently thought that they are elite members, selected for less than laudable reasons. The same comments apply to the pre-1997 LG representational arrangements in Bangladesh, under which women members of Union *Parishads* were selected by UP Chairpersons. How far such appointees “represent” their interest groups is moot.
- Who does the appointing? Where appointments to councils are or can be made by institutions or other local councils, the legitimacy of the appointment may be questioned. The power of state governments in India to appoint council members as “resource persons” is a case in point.
- Parliamentarians as *ex officio* members of local councils. Evidence shows that the *ex officio* involvement of national-level MPs in LG bodies almost always is a distorting influence, tending to cater much more to local elite/factional interests or national party concerns than do LG councillors. Moreover, they tend to overwhelm locally elected councillors.

The case of PNG's provincial assemblies is even more revealing of the problems associated with higher-level politicians being included in LG councils. The reformed political structures outlined in the 1995 Organic Law on Provincial Governments and Local-Level Governments of PNG were designed to ensure representation of members of Parliament in LLGs. It implies that members of Parliament who represent district electorates in a province are members of the Provincial Assembly. These members also serve as provincial governors and chairs of Provincial Executive councils. In addition, joint district planning and budget priorities committees are chaired by the members of Parliament representing each district electorate, and provincial administrators are nominated by members of Parliament in the Provincial Executive councils.

- Appointments not intended to be “representative” of a particular group. This is uniquely the case in India, where members of the municipal bodies may be appointed because they have special knowledge or experience of municipal management. State legislatures may appoint members in accordance with law (Indian Constitution, Article 243R). While the need to co-opt “resource persons” onto Municipal Councils is not disputed, questions need to be raised about the democratic legitimacy of such appointments.
- Council voting issues. One discussion surrounding appointed councillors is the extent to which they are voting or non-voting. In this respect, countries have opted for different solutions.

## 2.2 Underlying electoral systems

### Key contrasts

No electoral system is perfect; certain systems address better some policy goals, others better serve other goals. But clearly the electoral system has important implications for the way in which local councils will conduct their political affairs and the roles and functions that they can perform. This is particularly true for decisions with respect to plurality-majoritarian versus proportional representation/PR, which can produce very different outcomes with respect to representation. The type of electoral system design can have a significant impact on a range of issues.

One of the most important issues to consider is the balance between representation and accountability. Representation ensures that those who are elected reflect the choice of the electorate, in terms of who will speak for it and the extent to which they actually do so. Concerns for representation focus on proportionality – that is, ensuring that political, gender, minority, regional, population and other concentrations are equitably represented. Accountability, on the other hand, ensures that voters can call their representatives to account for decisions made in their name. In a democratic society, representation would normally be inclusive and accountability vertical and horizontal; however, the type of electoral system in place usually means some kind of tradeoff between these (and other) considerations. It is generally thought that PR electoral systems favour representation because they tend to produce electoral results more reflective of actual voting patterns, whereas plurality-majority systems are thought to enhance accountability because they give voters a representative with whom to identify. This may not always be true, however, as 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.

As shown in Table 2, there are three major “families” of electoral systems: Plurality-Majority; PR; and Mixed.

Plurality-Majority systems focus on the person or persons who win the most votes – if the margin of victory is 50 percent + 1, it is an absolute majority, and if the victory is simply based on the most votes but not a majority, it is a plurality (for example, if Candidate A wins 30 percent of the vote, Candidate B 30 percent and Candidate C 40 percent, Candidate C wins despite not securing an absolute majority of the votes). Plurality-majority systems tend to be candidate-focused and often geographically specific, which perhaps explains their apparent dominance in LG systems.

PR systems tend to be more party-focused and normally establish a threshold of some kind under which parties or candidates cannot be elected. They are designed to reflect in the composition of elected institutions, to the extent possible, the percentages in which the electorate voted.

Mixed systems are a combination of plurality-majority with PR, usually with the intention of correcting some of the disproportionality that can result from plurality-majority systems.

The two most popular electoral systems used for local level elections in the Asia-Pacific 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 (used in India and other countries – see Table 3); and Proportional Representation/PR-List, where parties put forward lists of candidates that are then voted into office based on their vote share.

Block Vote systems, part of the plurality-majoritarian family of electoral systems, are also used for local elections in the region, in the case of *barangays* in Philippines and IDCs in Maldives. Under the Block Vote system, electoral districts are multi-member and voters are given as many votes as there are open seats in a legislative chamber or local body; voters can cast the full number of votes or as few votes as they like; and the candidates with the most votes overall win.

It should be noted that different models of electoral representation can be used for different types of election in the same LG system. In Indonesia, for example, current electoral arrangements for LG use:

- A PR system as the basis for the election of provincial, regional and city DPRD (or councils)
- A two-round, or runoff, majoritarian system for the election of the heads of LGs. These types of election were provided for under laws enacted in 2004.

In Sri Lanka and Cambodia, on the other hand, where councils are also elected on a PR basis, council leaders are selected from parties that dominate local councils.

Table 3 summarizes the underlying principles in local electoral systems in the countries covered by this Guide.

## Ward-based plurality-majoritarian systems

People identify closely with the area in which they live and feel common interests with others sharing their part of the LG jurisdiction (village, neighbourhood and so forth.). For this reason, many local electoral systems feature a ward (small district), neighbourhood or sub-municipal system of electoral boundary delimitation, with a specific councillor or set of councillors representing the ward. For the most part, such ward-based systems are associated with majoritarian electoral processes, such as FPTP.

A number of issues, both positive and negative, need to be considered when looking at LG electoral systems formulated on ward-based, majoritarian principles.

The ward-based system is usually seen as a powerful way of ensuring clear lines of accountability to constituents. Each ward has its representative(s), and voters know to whom they can turn to on local governance issues. In the countries covered by this Guide, ward-based representation in LG is used in Bangladesh, Bhutan, Fiji, India, Nepal, Timor-Leste, PNG, Solomon Islands and Viet Nam. It is also used in Pakistan, but for relatively large wards (unions) that are multi-member jurisdictions.

Ward-based, plurality-majority systems such as FPTP, or single-member district races where the person with the most votes wins, also have the virtue of being relatively simple. They usually involve quite simple ballots and choices by voters and lend themselves to quick, easy tabulation of results. In that respect, such local electoral systems are relatively well-suited to countries where literacy amongst voters is limited and administrative resources for electoral management are scarce.

**Table 2: Electoral systems in local governance**

Majoritarian	Proportional Representation/ Semi-PR Systems	Mixed Systems
<p><b>Key features</b></p> <ul style="list-style-type: none"> <li>• Usually one candidate elected per constituency*</li> <li>• “Small” constituencies/wards</li> <li>• FPTP system, i.e., winner in each constituency/ward is the candidate with most votes</li> </ul> <p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• Identifies candidate with most support</li> <li>• Identifies candidate with geographical base (clear lines of accountability)</li> <li>• Easy to vote, easy to count</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• “Excludes all losers,” i.e., ignores all other parties/candidates, even with high number of votes</li> <li>• Disadvantages women (in some countries)</li> <li>• Needs clearly defined ward boundaries (technically complex in some countries)</li> <li>• Needs voters lists to fall exactly within ward boundaries (can be complex if ward follow after voter registration)</li> </ul> <p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>• Assists stronger parties</li> <li>• Assists parties with a base in one locality</li> <li>• Disadvantages medium parties</li> <li>• Excludes small parties</li> <li>• Enables popular independents to win</li> </ul> <p><b>Examples:</b> Bangladesh, Bhutan, Fiji, India, Nepal, Pakistan, Philippines, PNG, Solomon Islands, Timor-Leste, Viet Nam</p>	<p><b>Key features</b></p> <ul style="list-style-type: none"> <li>• Generally larger constituencies (province/district)</li> <li>• Many candidates elected according to formula deciding highest percentage vote</li> <li>• Usually based on party lists of candidates, but individuals can stand on list of one name</li> <li>• Usually name of party (not each candidate) on ballot paper</li> <li>• Parties receive seats in proportion to their share of the votes (but formula can give distortions)</li> <li>• Usually a minimum number of votes is needed to get a seat (quota formula related to the ratio of total votes cast to total seats), but the quota formula can be made smaller/larger to favour smaller/larger parties</li> </ul> <p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• Usually translates votes into seats, i.e., leads to fewer votes being “lost”</li> <li>• Improves election opportunities for women</li> <li>• Can be inclusive for minorities</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Does not identify any candidate with special local geographic base (accountability)</li> <li>• Re-enforces influence of party over candidates and councillors</li> </ul> <p><b>Examples:</b> Sri Lanka, Cambodia, Indonesia</p>	<p><b>Key features</b></p> <ul style="list-style-type: none"> <li>• Variants used to combine parts of Majoritarian and PR (e.g., 60 percent of seats allocated through PR system and 40 percent as majority ward seats)</li> </ul> <p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• Combines some advantages from both systems</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Relatively complex to implement and communicate</li> <li>• Can create two “classes” of elected councillors</li> </ul> <p><b>Examples:</b> Afghanistan</p>

\* Single-member constituencies are usually applied to local electoral systems (Pakistan and Viet Nam are exceptions).

Source: Adapted from Larsen, Roome and Shotton (2004) and Ellis (2004).

While ward-based electoral systems can be beneficial in terms of ensuring accountability and being relatively simple, they can also be problematic when minorities or politically weak groups within ward or sub-municipal boundaries are not fully represented. Clearly, the extent to which this is problematic depends largely on the definition of electoral districts; where they correspond closely to geographic concentrations of otherwise minority or disadvantaged groups, then the ward system allows for their representation. However, this is not always the case – and it is perhaps not surprising, then, that many ward-based systems (Bangladesh, India, Nepal, Pakistan, Timor-Leste and Viet Nam) also include some form of affirmative action policies to ensure representation of minorities or disadvantaged.

**Table 3: Summary of local electoral systems for councils in the Asia-Pacific region**

Country	Electoral system	
	Directly elected lower-tier LG Councils	Directly elected upper-tier LG Councils
Afghanistan	District Councils: Mixed – SNTV	Mixed – SNTV
Bangladesh	UPs: P-M, FPTP, single-member ward constituencies	N/A
Bhutan	GYTs: P-M, FPTP	N/A
Cambodia	Commune Councils: PR-List	N/A
China	Villagers’ Committees: P-M, elements of TRS and Block Vote	N/A
Fiji	All Municipal and City Councils: P-M, FPTP, multi-member ward constituencies	
India	All LG Councils (rural and urban, all tiers): P-M, FPTP, single-member ward constituencies	
Indonesia	All DPRD (provincial, regency and city): PR Open List	
Iran	Village Councils: P-M, multi-member ward constituency	N/A
Malaysia	No local elections	N/A
Maldives	IDCs: P-M, Block Vote	N/A
Mongolia	Citizens’ Representatives Hural (aimag and soum): P-M, FPTP in single-member districts	N/A
Nepal	Village Councils: P-M, FPTP, multi-member ward constituencies	N/A
Pakistan	UCs: P-M, FPTP, using the entire UC as a multi-member constituency	N/A
Papua New Guinea	LLG Councils: P-M, FPTP, single-member ward constituencies	N/A
Philippines	Barangay Councils: P-M, Block Vote	Municipal and City Councils, Provincial Boards: P-M, FPTP, single-member district constituencies
Republic of Korea	Lower-level Councils: P-M, FPTP	Upper-level Councils: 9 of 10 by P-M, FPTP; 10th by PR
Solomon Islands	All Councils (provincial, city, town): P-M, FPTP, single-member ward constituencies	
Sri Lanka	Pradeshi Sabhas, Urban and Municipal Councils: PR-List	N/A
Thailand	TAO: Multi-member ward constituency, P-M, FPTP	PAO: Single-member ward constituency, FPTP
Timor-Leste	Suco Councils: P-M, FPTP, single member aldeia (ward) constituencies for aldeia representatives and multi-member suco constituency for other members	N/A
Viet Nam	All People’s Councils (commune, district and province): P-M, FPTP using multi-member electoral units	

Notes:  
P-M = Plurality-Majoritarian; FPTP = First-Past-The-Post; TRS = Two-Round System; SNTV = Single Non-Transferable Vote;  
PR = Proportional Representation; BV = Block Vote

On the other hand, whereas the PR system is often held to promote representation of women, evidence exists that local elections based on ward representation may improve women's chances of being elected, given that women candidates are more likely to be known to voters in their local communities than in an at-large election across a much larger district. Wards can also enable more women to stand for election because campaigning costs are not as high as in a district or citywide election.

One of the main disadvantages of ward-based, plurality-majoritarian electoral systems is the likelihood of wasted votes. This is perhaps somewhat less marked in majoritarian systems, where winners must garner at least 50 percent of the vote – the maximum proportion of “wasted” votes is 50 percent or less under such systems. Indonesia's two-round electoral system for DPRD heads is a case in point, ensuring that elected heads have received a majority of the votes – but such majoritarian methods can be costly, time-consuming or create instability or uncertainty between rounds. However, where plurality dominates (as it tends to), the potential for wasted votes can be high – ward councillors can be elected who have garnered considerably less than half the vote. This has been especially marked in PNG, where councillors and MPs, through the FPTP system, have been elected with as little as 5 to 10 percent of the vote, thus encouraging them to cater uniquely to very small core constituencies. A high number of wasted votes matters not only because it means that elected representatives may actually represent very few voters, but also because it can discourage voters from feeling their vote counts and thus reducing popular participation and confidence in the local electoral process. This has obvious implications for the perceived legitimacy of the system.

Another key issue in ward-based systems is the definition of electoral jurisdictions. This can be a lengthy, complex and highly political process open to charges of “gerrymandering,” wherein electoral wards or districts are drawn to include, exclude or otherwise split the voting power of certain groups such as ethnic minorities.

Finally, plurality-majoritarian systems are often thought to favour fewer and larger political parties, which are able to deploy more resources to mobilize votes for their candidates. Whether this is a “good” or a “bad” outcome depends on one's perspective. At the same time, because P-M systems (especially FPTP) tend to be candidate-focused, they are also thought to favour independent or non-partisan candidates; again, how far this is desirable depends on circumstances and somewhat ideological considerations.

## PR systems

PR systems, in contrast, offer the chance of greater plurality in representation, by assigning council seats to parties on the basis of the proportion of the vote they obtain. In many respects, PR systems seem intrinsically more “democratic.” They are also better able to handle the issue of minority and politically weaker groups than are FPTP systems; women and other disadvantaged groups can, however modestly, usually ensure some representation through PR. Not surprisingly, then, PR systems (such as Indonesia, Cambodia and Sri Lanka) tend toward few or weak affirmative action provisions intended to safeguard the interests of such groups.

PR systems, significantly, lead to many fewer wasted votes. Beyond a certain threshold, all parties that contest an election will end up being represented on local councils. This – in theory – means that almost every vote really does “count” and thus increases the likelihood of popular participation and confidence in the local electoral process.

## Closed vs. open PR lists

### Closed lists

- Order of candidates elected is fixed by the party
- Voters are not able to express a preference for a particular candidate
- Voters vote only for the party
- Voters have no choice between candidates, and therefore no say in who will represent their party
- Easy to count

### Open lists

- Voters can indicate not just their party, but their favoured candidate within that party
- The number of candidates elected from a party is determined by the total vote for the party
- The order in which candidates are elected depends on their individual vote total
- Voters have more influence over who will represent them
- Candidates can build a following outside their party identification
- More difficult to count

Source: Adapted from Ellis (2004)

However, PR-type systems (such as those used in Sri Lanka, Cambodia and Indonesia) tend to have several drawbacks:

- A limitation on the ability of councillors to represent the specific interests and needs of their constituent geographic communities to government at higher levels, and to communicate planning outcomes and other information to the community level, in a balanced and consistent fashion
- A somewhat diluted accountability on the part of individual councillors, since each councillor will not represent a specific village or cluster of villages, and since individual citizens do not and cannot know who “their” representative is
- The need for PR constituencies to be relatively large (in order for proportionality to have any meaning), which further reduces the links between those who are elected and their constituents
- In party list systems, individual councillors may feel greater loyalty to their central or local party organization, to whom they are beholden for their place on the list, than to the locality they supposedly represent
- A tendency not to accommodate independent candidates, given the need to submit electoral lists rather than stand as individual candidates
- A potential for gridlock in decision making, especially when large numbers of parties are able to ensure only limited representation

These drawbacks of PR-based systems can be partly remedied in a number of ways:

- It can be stipulated that all listed candidates must be longstanding local residents and be locally vetted, and that council members be replaced or sanctioned if there are citizen complaints regarding failure to fulfil their representational duties, etc.
- Lists can be made open (as in Indonesia), thus allowing local voters to express particular preference for specific candidates on party lists. The inset above summarizes the key differences between closed and open lists in PR systems

As can be seen from the inset (facing page), Open List PR electoral systems make the relationship between voters and candidates considerably more direct than is the case under Closed List systems – and allow voters to indicate much more clearly who are their preferred candidates. The principal drawback of Open List PR systems, however, is their relative complexity, both for voters and for vote-counting purposes.

- “Compensating arrangements” can be introduced whereby councils are obliged by law or regulations to undertake a wider set of consultative activities and interact with area committees, community groups, NGOs, traditional community leaders, village representatives and others as part of normal business, in order to ensure more effective representation of local views and interests. This is illustrated for Cambodia in the inset below.

### **Taking into account the local dimension in Cambodia**

One feature of the commune-level governance system in Cambodia is the emergence of complementary forms of “territorial representation” and their articulation with the formal political/party-based, representation system embodied by the Commune Councils. Each commune consists of a number of villages, but the local electoral system does not ensure that every village in a commune will have a representative in the Commune Council. This highlights the risk that the attention and resources of the Council may be biased in favour of only those villages where elected councillors live, or from which they originate.

Village-based representative structures, playing both an extension and advisory role vis-à-vis the formal Councils, are essential to address the above risk and improve local governance overall. One such structure, whose establishment is mandated by the commune planning regulations, is the Commune Planning and Budgeting Committee (PBC). This advisory body has a critical function in local public expenditures management; each village is represented by two persons (one man and one woman). These representatives may be able to voice the concerns of their villages, learn about and assess higher-order, commune-level priorities as well as influence commune-level resource allocations and impart political education back in their own communities.

Overall, however, the articulation of village-based structures with elected Commune Councils remains a critical and controversial point in the effort to foster community representation and participation in local-level governance. Such articulation should be clarified and strengthened, once the selection – hopefully, the election – of village chiefs and village chief assistants has been regulated by the Ministry of Interior. This is one of the important outstanding regulations of the Law on Commune/*Sangkhat* Administrative Management (the “Commune Law”).

Source: Romeo and Spycykerelle (2003).



# Role of political parties **3**

# 3 Role of political parties

Political parties are among the main actors in governance, influencing the nature of democratic polity in a country. The coherence of their programmes, ideologies and leadership has a major impact on local democratic development. Political parties play an important role in enabling and limiting representation at the local level and have important implications for centre-local relations. This section of the Guide will synthesize what little is known about the dynamics of political parties at the local level.

## 3.1 The logic of political parties

The growth in political parties over the last century has coincided with the increase in elections. The prevailing theory is that with elections there arise a number of needs beyond what traditional executive and legislature structures can provide and which must be met to make elective democracy work. The functions that political parties typically serve in a democratic system, albeit to varying degrees at the national versus local level, are:

- **The aggregation of interests:** A fundamental goal of political parties is to win power, and to do so, they must persuade voters to support them on a variety of issues. This is one way in which political parties differ from both civil society organizations, which do not compete for power, and lobbying groups, which represent a single issue.
- **Structuring the vote:** This entails giving coherence to voter choices beyond the selection of individual candidates *per se*.
- **Integration and mobilization of the mass public:** This includes the organization of election campaigns but also spills over into fostering non-election-related civic engagement and participation.
- **Fostering future political leaders:** Political parties serve as a training ground for future political leaders, both within the party and in future governments.
- **Organization of government:** This refers to when a party wins executive power and its expectation that the party representatives in the legislature will support its policies.
- **Influence or formation of public policy:** Akin to civil society organizations, parties can serve as a significant source of new policy ideas that then become or influence government policy.

As noted above, political parties in a democratic system typically serve these functions. The roles and functions of a political party in a non-democratic system (or of a group acting like a political party in a non-party or one-party system) might touch on some of the above functions, but will not cover all. The fundamental distinction of parties in a non-democratic system is that these groups do not compete for power in free and fair elections – and they are far closer to the State in terms of their policies, messages and dependence. At a local level, parties are far more likely to aggregate interests, foster future political leaders, mobilize voters and public opinion, and influence the formation of local policy, than they are to affect the national agenda or influence formation of a government.

## 3.2 Where there are no parties

Political parties also raise distinct issues at the local level vis-à-vis the national level. First is the question of whether political parties are needed or add value to local governance, or whether other forms of aggregating and expressing political interests – direct democracy or town hall-style meetings – would serve small communities just as well, if not better. This issue has emerged in one-party or no-party states where local governance is perhaps more dynamic than at the national level (e.g., Viet Nam). This embodies the idea that contestability can take many forms (e.g., local contestability in China or Viet Nam can exist without national contestability). At the same time, if one accepts the premise outlined above that political parties do more than aggregate society's interests and also seek and exercise power on the people's behalf, then they should also play a crucial role in the formation and running of LGs.

In one-party States, such as Viet Nam, local elections do indeed take place – and do provide a framework for political competition. However, they do so in mitigated ways, and thus provide the local electorate with a necessarily limited choice. As can be seen from the Viet Nam case study, independent, non-party candidates can stand for local (and national) elections. But all candidates (whether party or non-party) must initially be screened by a range of institutions, such as the Fatherland Front, closely linked to the Communist Party of Viet Nam. This effectively ensures that all candidates speak more or less the same “political language” (that of the Party) and thus implies limited variations in the political programmes of candidates.

## 3.3 Party politics and local elections – tensions?

At the same time, in several multi-party democracies there have been attempts to “de-politicize” LG by formally proscribing party candidacies at the local level. This is the case in Philippines, Pakistan, Afghanistan and Bangladesh. Table 4 provides baseline information on whether political parties are allowed to contest local elections, for each country covered in this Guide. The experience suggests that this formal exclusion of partisan candidacies in reality does not “disconnect” local politics from national political parties – and it is also debatable whether such disconnection is healthy anyway.

In some countries, understandable concern exists that parties can override local accountabilities and thus break the link between citizens and their representatives at the local level, although this is much more pronounced in countries with electoral systems based on PR principles. This was apparently one reason for recent changes in the Indonesian electoral system at both national and local levels – from a Closed to an Open List form of PR, providing voters with the opportunity to make their preferences for individual candidates clearer. Moving toward an Open List PR system in Indonesia was about trying to reduce the power of party executives to select candidates and providing local citizens with more say in which individuals (as opposed to which parties) represent them in DPRDs at national, provincial, regency and city levels.

**Table 4: Provisions for political parties**

Country	Political parties allowed/ not allowed	When political parties are allowed – independent candidates allowed/not allowed	Special provisions
Afghanistan	Political parties are allowed	Independent candidates may stand for election	
Bangladesh	Political parties are not allowed	N/A	
Bhutan	Political parties are not allowed	N/A	
Cambodia	Political parties are allowed	Candidates must be included on the electoral list of a political party in order to stand for election	
China	Political parties are allowed	Independent candidates may stand for election	
Fiji	Political parties are allowed	Independent candidates may stand for election	
India	Regulations on political parties provided under state legislation	Regulations on political parties provided under state legislation	
Indonesia	Political parties are allowed	Independent candidates are not allowed	Parties standing for election are required to be established in at least half of the provinces
Iran	Political parties are allowed	Independent candidates may stand for election	
Malaysia	No local election	N/A	
Maldives	Political parties are allowed	Independent candidates may stand for election	

**Table 4: Provisions for political parties** (continued)

Country	Political parties allowed/ not allowed	When political parties are allowed – independent candidates allowed/not allowed	Special provisions
Mongolia	Political parties are allowed	Independent candidates may stand for election	Independent candidates who collect more than 151 citizens' signatures for <i>aimag</i> /capital <i>hural</i> and more than 75 for <i>soum</i> /district <i>hural</i> can be nominated for election
Nepal	Political parties are allowed	Independent candidates may stand for election	
Pakistan	Political parties are not allowed	N/A	
Papua New Guinea	Political parties are allowed	Independent candidates may stand for election	
Philippines	Political parties are not allowed in <i>barangay</i> elections but are allowed at all other levels of LG	Independent candidates may stand for election	
Republic of Korea	Political parties are allowed	Independent candidates may stand for election	
Solomon Islands	Political parties are allowed	Independent candidates may stand for election	
Sri Lanka	Political parties are allowed	Independent groups may stand for election provided that they submit a list of candidates	
Thailand	Political parties are allowed	Independent candidates may stand for election	
Timor-Leste	Political parties are allowed	Legislation does not specify whether or not independent candidates may stand for election	
Viet Nam	Candidates for political organizations may stand for election	Independent candidates may stand for election	Candidates are in effect subject to a selection/election process prior to the actual election



*Zilla Panchayat meeting, Bangladesh*

In other cases, it can be argued that de-politicizing LG elections reduces the potential for tensions between different LG tiers. However, in the case of upper-tier LG Councils being largely elected indirectly by lower-tier Councils (e.g., Pakistan, partly in Philippines), this should not be as much of an issue as when upper tiers are directly elected (e.g., Indonesia).

In countries where national political contests are open to parties, the de-politicization of LG elections can be particularly controversial. In Pakistan, for example, the Local Government Ordinance does not allow political parties to contest local elections – even though political parties are a vibrant component of national political life. In practice, however, local elections in Pakistan have clearly been contested by the parties. In the 2005 local elections, for example, the Commonwealth Expert Team noted that although the local bodies' elections were, by law, held on a non-party basis, in reality political parties were at the heart of the process – candidates were openly supported by political parties, and the media reported extensive party involvement. The issue in Pakistan, moreover, is one of the extent to which certain parties (i.e., those dominant at the national level) are able to exploit this situation, by tacitly providing substantial support to “their” candidates, through the machinery of government, while also decrying any involvement/support by other parties. This does not amount to a level playing field – and certainly does little to foster independent candidacies. In the case of Pakistan, reasonable grounds exist for recommending (as did the Commonwealth Expert Team) that the law be amended to permit the involvement of political parties in local elections, while taking measures to ensure full protection of the rights of independent candidates to stand unhindered (see Commonwealth Expert Team 2005).

In general, the evidence from Asia seems to be that in countries where there are political parties, they should be allowed to contest local elections. Excluding them from LG loses more than it gains and is usually unrealistic anyway. In particular, the possibilities of regulating the processes for political party engagement are lost. Perhaps more important, then, is the need to ensure political space for independent local candidates, thus avoiding excessive party influence in the local electoral process.

### 3.4 National, regional, local and “special-interest” parties?

In countries with long local democratic traditions, such as India, some parties may be particularly strong at regional and local levels but may not be represented well – or at all – at national level. This situation is more likely to prevail in a highly decentralized state where local governance is well rooted. The spectrum of regionally significant but not nationally represented (or weakly represented) parties can be much richer in these contexts, and this will affect the range of policies and ideologies brought to bear in local governance.

In some countries, however, the legislative framework more or less proscribes the emergence of regional or local parties. This is, for example, the case in Indonesia, where political parties must be registered in at least half the country’s provinces. This legal provision, clearly motivated by the perceived need to counter regionalism, effectively means that local parties cannot develop in Indonesia.

By the same token, in countries where the legal framework does not allow for official party involvement in local elections (see above), the emergence of local parties is effectively forestalled.

On the other hand, the legal framework in other countries offers few obstacles to the development of local or regional parties. This is the case in India and in Sri Lanka; it is also *de facto* the case in those countries that allow independent candidates to stand in local elections on the same basis as parties.

A final issue worth noting concerns the ability of special-interest groups (such as farmers or other occupational groups) to contest local elections. In theory, this is not precluded by any electoral system. In practice, however, there appears to be little evidence of this kind of “party” contesting local elections in most of the country case studies included in Part II of this Guide.

### 3.5 Strong national parties

On the flip side of the above, parties that are very dominant at the national level – particularly those in new democracies where the party in power benefits from State resources and machinery – also typically have strong local cells. It is not uncommon in such contexts to see, for example, that the one or two big national parties have local offices in the regions, while the other “national” parties, even if represented in the national legislature, are unable to do the same – either because of genuine lack of support or familiarity among potential constituents, or because of lack of resources. This phenomenon can result in a replication, in miniature, of national policies and ideologies at the local level. This would certainly appear to be the case in Cambodia, where the three major national parties thoroughly dominated the 2002 commune elections – with the party in power, the Cambodia People’s Party (CPP), winning 61.2 percent of votes and 68.4 percent of all Commune Council seats, thus extending its dominance in national politics to local level as well.

The second question that arises is what expression political parties take at the local level – their dynamism, their variation, their ability to perform their role – and how this affects local governance. Given that an increase in elections can help catalyze the development of political parties, local party structures of national parties or parties with local appeal might not have benefited from opportunities provided by LG elections to solidify their bases, develop their ideologies and learn how to govern. Local elections are typically the last priority of transitioning countries, and this is particularly true in post-conflict societies, where local elections took place many years after general elections (e.g., Cambodia) or have still not taken place (e.g., Timor-Leste and village- and district-level elections in Afghanistan).

## 3.6 Electoral systems and political parties at the local level

The extent to which party machines can translate their dominance at national level into hegemony at local levels seems, however, to be influenced by the type of electoral system. In PR systems, political parties appear to exercise greater local influence than majoritarian systems; the latter, in principle, provide greater opportunities for smaller, more local parties to successfully contest elections, especially where multi-party political systems have recently emerged.

Assuming there are competitive, multi-partisan elections, the type of electoral system used will directly affect the relative importance afforded to the party. For example, in FPTP systems regulations tend to involve individual candidates for office rather than political parties per se. This is because elections take the form of a set of contests in single-member electoral districts. FPTP systems thus tend to attach greater importance to the candidate, his/her interaction with and responsibility to constituents, and his/her competition with the other candidates.

Nonetheless, FPTP does influence the nature of contesting political parties, which usually need fairly wide appeal in order to get elected. In general, then, FPTP favours fewer parties and often gives rise to a limited number of strong parties, rather than a larger number of small parties.

Under PR, on the other hand, elections are primarily a contest between parties. Hence, parties need to be registered, and their central and regional organizations have greater influence over the selection of candidates (see discussion above on Open vs. Closed Lists).

PR is generally thought to be the prototypical electoral system for encouraging the formation of political parties. In its List variety, PR encourages parties to think through their ideology and strategy in contesting elections, given that it is the party on which the voter is passing judgment (unless the lists are entirely open). At the same time, PR can minimize the party “penalty” for poor performance, in that poorly performing parties can be returned to office time and again because they achieve the threshold of representation. PR can therefore artificially sustain poorly performing or otherwise fringe parties that would disappear under a more ruthless electoral system, and lead to a plethora of small parties. To try and ensure that parties are “national,” some countries have minimum requirements to contest elections; for example, Indonesian parties must have offices in at least nine provinces to contest local and national elections.

Beyond FPTP and PR, other models of representation include collective committee-based systems and systems where LGs or their leaders are selected by a higher level of government rather than directly elected at local level.

Finally, there has been a rise in the popularity of alternative measures that can also spill over to the local level. This is partly a response to the poor performance and perception of political parties and their failure in many countries to play a constructive role in democracy. Such measures include 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.

**Representation of women,  
youth, minorities and  
the most disadvantaged**

**4**

# 4 Representation of women, youth, minorities and the most disadvantaged

Underlying the main types of representational system discussed in previous sections of this Guide is the fundamental democratic principle of ensuring fair and adequate representation for all social groups. Different systems try to do this in different ways. How far they succeed in providing for fair representation for all categories of citizens varies, however, depending on a range of circumstances.

The two most common methods for ensuring the representation of various groups are (i) through putting in place electoral and political party systems that ensure better representation or (ii) through the introduction of quota systems and reserved seats. These options will be analyzed in this section.

## 4.1 Adaptation of systems to improve representation

Firstly, the election system plays an important role in structuring representation. Majoritarian systems generally try to ensure representation on the basis of relatively small, ward-based constituencies, while PR systems, on the basis of larger constituencies, seek to ensure representation of as many parties (or the interest groups that they represent) as possible. It is generally assumed that PR (as opposed to majoritarian) systems yield outcomes that allow for more equitable representation, especially for women. However, evidence for this is equivocal – and a great deal depends on political parties and how they establish their electoral lists, as well as on the ways in which society at large views women. In Indonesia, under the pre-2004 electoral system, Closed List PR did remarkably little to ensure adequate or equitable representation for women, as the inset below shows.

Clearly, PR as an electoral system is no guarantee of adequate representation for minorities, or women in societies where their position is such that political parties remain elite-dominated and/or patriarchal.

### Pre-2004 Indonesia, PR and women's representation

Although Indonesia had a PR-based electoral system, the percentage of women members of the then-DPR (*Dewan Perwakilan Rakyat*, House of Representatives), MPR (*Majelis Permusyawaratan Rakyat*, Consultative People's Assembly) or Regional Councils (DPRDs) was extremely low. About 9 percent of members of the DPR were women, with an even lower percentage in the DPRD I (province) and DPRD II (district or regency). In several provinces, there were no women members in some DPRD II. No woman held the position of provincial governor, and only 1.5 percent of regents/mayors, or six individuals, were women.

Source: IDEA International (2002).

Second, direct and indirect electoral systems for LG councils also strive, in different ways, to ensure adequate representation for all. While indirect systems may provide for better geographic representation, direct systems are probably better equipped to ensure a more equitable socio-political representation. As one goes “up” the LG system, indirect elections seem to inevitably favour greater elite representation. This is clearly brought out in Pakistan’s LG system (based, as has been seen, on indirect elections), where “[e]stablished families dominate a greater proportion of elected offices as one moves up the tiers of local government” (Manning et al. 2003:27). The tendency becomes yet more marked with regard to indirectly elected *nazims* at *tehsil* and district levels, where “[t]he majority of *nazims* are experienced politicians from established political families. According to one media survey, 30 percent of district *nazims* in Punjab were former MNAs or MPs, and approximately 90 percent belonged to established political families” (*Ibid.*).

Direct elections for higher-level councils, meanwhile – whether based on majoritarian or PR principles – are probably more likely to yield somewhat less elite-biased results. At the same time, the inevitably higher costs of political campaigning in larger constituencies probably inhibit the successful involvement of poorer candidates. However, direct elections unequivocally increase the chances of non-elite representation.

In sum, although elections to LG are intended to lead to a fair representation of constituents, this may not be the case. Minorities, indigenous peoples and disadvantaged groups often do not receive adequate representation or are unable to translate their demographic “voice” into electoral representation. Local elites can project their power and resources into disproportionate levels of political representation. In order to address this issue, countries may introduce specific mechanisms to ensure the representation of these groups in various LG bodies.

Third, many countries of the region have reviewed electoral systems and related provisions from the point of view of facilitating representation and influence of indigenous peoples and minorities. The United Nations Declaration on Indigenous Peoples (September 2007<sup>5</sup>) emphasizes the political participation of indigenous peoples:

*Indigenous peoples have the right to participate in decision making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions (Article 18).*

Where minorities are territorially concentrated, single-member electoral districts can increase the chances that those minorities will be represented. This requires careful “districting” which, in itself, assumes a sound knowledge about where minorities are concentrated. This is likely to be a successful strategy only if socio-political inequalities translate into parallel spatial differences, which is often – but not inevitably – the case for ethnic minorities or poorer urban classes. However, it may not be the situation for other disenfranchised or marginal groups, such as some low-caste groups in multi-caste villages in India and Nepal.

PR systems can increase representation if minorities or disadvantaged groups are able to vote for “their” parties. However, in this case political parties must either be specifically minority-based or clearly committed to upholding minority interests.

Preference voting, where voters can express preferences with regard to individuals on party lists, also may enable minority or disadvantaged voters to select candidates who they deem representative. Two drawbacks to this system are that it generally requires voter literacy (to be able to distinguish between the names of candidates) and is a relatively costly (especially if photos of candidates are used instead of names). In Asia-Pacific countries, minority or disadvantaged groups may be disproportionately illiterate, thus making preferential voting problematic for them; in addition, the costs may be too high for poorer countries, particularly for local elections.

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<sup>5</sup> <http://www.un.org/apps/news/story.asp?NewsID=23794>

In addition, lower numerical thresholds for representation in the elected body may not necessarily advantage minorities or disadvantaged groups. Again, this depends on the existence of parties that uphold minority interests or are clearly identified with them.

Despite these caveats, these measures nonetheless increase the likelihood of minorities, indigenous peoples or disadvantaged groups being represented.

## 4.2 Affirmative action through quotas and other mechanisms

Of the countries covered in this Guide, most have adopted some provision for affirmative action of one kind or another. However, such provisions may vary between the different tiers and types of LG in a country. The exceptions to affirmative action measures are Bhutan, Cambodia, Indonesia, Fiji, Thailand and Solomon Islands. In countries where provisions have been made for the inclusion of minorities, indigenous peoples and disadvantaged groups, quotas and reserved seats appear preferred.

In general, the systems for filling reserved seats fall into a number of categories – direct or indirect elections of different types (with quotas or reservations in one form or another), appointments and so forth. Some systems focus on candidates, others on seats. The following sections explore some of the ways of handling direct affirmative action in local electoral systems.

Table 5 summarizes the affirmative action measures in various LG representational arrangements in the countries covered by this Guide.



*Women in a Village Development Committee meeting, Nepal*

**Table 5: Provisions for affirmative action\***

Afghanistan		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	The Electoral Law includes a provision for the allocation of seats to the two most voted women candidates in the District and Provincial Councils (Articles 31 and 36)
	Indirectly elected/ appointed	N/A
Bangladesh		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	For the Union <i>Parishad</i> 3 seats are reserved for women
	Indirectly elected/ appointed	N/A
Bhutan		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	N/A
	Indirectly elected/ appointed	N/A
Cambodia		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	N/A
	Indirectly elected/ appointed	N/A

\* Terminology used is that of respective countries' legislation.

**Table 5: Provisions for affirmative action\*** (continued)

China		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	There are no provisions to ensure representation of women in the Organic Law, but some provinces have passed a law that all village committees have to include at least 1 woman  The Organic Law makes provisions for the representation of minorities whereby 1 member of the minority should be included in the Village Committee/Urban Residents Committee
	Indirectly elected/appointed	N/A
Fiji		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	N/A
	Indirectly elected/appointed	N/A
India		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	Scheduled Castes (SC) and Scheduled Tribes (ST) have reserved seats in the same proportion as the population of SC and ST bears to the total population. Not less than one-third (including seats reserved for SC and ST women) of seats and chairs reserved for women  Seats are allotted by rotation to the different constituencies in a <i>panchayat</i>
	Indirectly elected/appointed	N/A
Indonesia		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	N/A
	Indirectly elected/appointed	N/A

\* Terminology used is that of respective countries' legislation.

**Table 5: Provisions for affirmative action\*** (continued)

<b>Iran</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	N/A
	<b>Indirectly elected/ appointed</b>	N/A
<b>Malaysia</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	N/A
	<b>Indirectly elected/ appointed</b>	N/A
<b>Maldives</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	N/A
	<b>Indirectly elected/ appointed</b>	For Island Development Committees (IDCs), the president of the local Women’s Development Committee is to be a member. For Atoll Development Committees, 25 percent of the members are expected to be women
<b>Mongolia</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	N/A
	<b>Indirectly elected/ appointed</b>	N/A

\* Terminology used is that of respective countries’ legislation.

**Table 5: Provisions for affirmative action\*** (continued)

<b>Nepal</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	N/A
	<b>Indirectly elected/appointed</b>	<p>For the Village Council (VC) and District Council (DC), 6 persons, including 1 woman, are nominated by the VC and the DC respectively from amongst workers, socially and economically backward tribes and ethnic communities, downtrodden and indigenous people belonging to the class who are not represented in the VC and DC respectively</p> <p>For the Village Development Committee (VDC) and District Development Committee (DDC) 2 persons, including 1 woman, are nominated by the VDC and DDC respectively from amongst the nominated members of the VC and DC respectively</p> <p>For the Municipal Council (MC) no less than 6 and no more than 20 persons, including women from the same groups as above, are nominated by the MC. For the municipality, the municipality nominates 2 persons, including 1 woman, from amongst the nominated members of the MC</p>
<b>Pakistan</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	<p>For Village/Neighbourhood Councils 1 seat is reserved for women and 1 for peasants and workers</p> <p>For the Union Councils 4 seats are reserved for Muslim women; 6 seats (of which 2 are for women) for workers and peasants; and 1 seat for minority communities</p>
	<b>Indirectly elected/appointed</b>	<p>For the <i>Zilla, Tehsil</i> and Town Councils, such number of women to represent 33 percent; peasants and workers to represent 5 percent; and minorities to represent 5 percent from minority communities of the unions in the respective LGU. The Electoral college for filling these seats comprises the members of the Union Councils in each LGU</p>

\* Terminology used is that of respective countries' legislation.

**Table 5: Provisions for affirmative action\*** (continued)

Papua New Guinea		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	N/A
	Indirectly elected/appointed	2 women are appointed to be members of LLG Councils in rural areas, and 1 woman is appointed to be a member of LLG Councils in urban areas 1 woman representative is appointed to be a member of each Provincial Assembly
Philippines		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	For each LGU there are 3 sectoral representatives, i.e., 1 woman, 1 agricultural or industrial worker; and 1 representative for the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the <i>Sanggunian</i> concerned. The Commission on Elections promulgate the rules and regulations for effectively providing for the election of such sectoral representatives. Presidents of the Youth Councils also are <i>ex officio</i> members
	Indirectly elected/appointed	
Republic of Korea		
Measures focusing on candidates (party list quotas)		Political parties have to submit a list of candidates to the electoral commission, with more than half of the candidates being female and every second candidate female in order of the ranking of candidates on the list. No affirmative action exists for specific ethnic or occupational groups
Measures focusing on institutions (i.e., reserved seats)	Directly elected	N/A
	Indirectly elected/appointed	N/A
Solomon Islands		
Measures focusing on candidates (party list quotas)		N/A
Measures focusing on institutions (i.e., reserved seats)	Directly elected	N/A
	Indirectly elected/appointed	N/A

\* Terminology used is that of respective countries' legislation.

**Table 5: Provisions for affirmative action\*** (continued)

<b>Sri Lanka</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	Although no direct measures are made for affirmative action, the Sri Lankan Constitution states that provisions are to be made for the representation of women, persons younger than 35 and major communities ordinarily resident within the respective LGU
	<b>Indirectly elected/appointed</b>	N/A
<b>Thailand</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	N/A
	<b>Indirectly elected/appointed</b>	N/A
<b>Timor-Leste</b>		
<b>Measures focusing on candidates (party list quotas)</b>		N/A
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	For the <i>Suco</i> Council, 2 seats are reserved for women; 2 seats, of which 1 is to be filled by a woman, for persons aged 17 to 35; and 1 elder, i.e. a person older than 50
	<b>Indirectly elected/appointed</b>	N/A

\* Terminology used is that of respective countries' legislation.

**Table 5: Provisions for affirmative action\*** (continued)

Viet Nam		
<b>Measures focusing on candidates (party list quotas)</b>		The standing bodies of provincial- and district-level People’s Councils (PC), after consulting with the Standing Board of the Viet Nam Fatherland Front Central Committee and the People’s Committees of the same level, propose the proportion, number and composition of PC deputies to be elected – ensuring that an appropriate number of women and, in localities with many ethnic minority groups, ethnic minorities are elected to the PC  The same applies for commune-level PC, but no consultations with the Viet Nam Fatherland Front or People’s Committees are required
<b>Measures focusing on institutions (i.e., reserved seats)</b>	<b>Directly elected</b>	N/A
	<b>Indirectly elected/appointed</b>	N/A

\* Terminology used is that of respective countries’ legislation.

## Party list quotas

A type of quota most frequently associated with PR systems is to legally insist that political parties ensure that a given percentage of their candidates are representative of minority or disadvantaged groups. The Republic of Korea provides one example; although not a clear-cut case, legislation on local elections in Viet Nam also provides that candidate selection should ensure that an appropriate number of women and, in localities with many ethnic minority groups, ethnic minorities are elected to People’s Councils. In addition, Indonesian women have for some time been lobbying for party-based quotas at all levels of government. Outside the region, this kind of quota operates at the local level in several instances, most notably Namibia (see inset on the following page).

Another example from outside the region comes from France, where a law passed in 2000 requires that each party have at least 50 percent women candidates on its list in certain races, like municipal elections, or they will not be registered. In other cases, incentives rather than regulations are applied: Also in France, in the case of parliamentary elections the law does not enforce non-registration for failing to comply, but instead reduces State subsidies to parties with fewer than 50 percent women candidates. Some parties prefer to “take the penalty” rather than meet the 50 percent threshold in these elections.

## Reserved seats – elected representatives

Several countries have used reserved seats as the basis for quotas in LG elections. India is one where far-reaching provisions for affirmative action have been made and are enshrined in the Constitution. Seats in LG bodies at all levels are reserved for Scheduled Castes and Tribes according to their proportion of the population, and at least one-third of seats are reserved for women. Similar quotas apply to local council leadership positions.

### Party-based quotas for women in Namibian local government elections

On the basis of constitutional provisions, Namibia's parliament adopted an affirmative action provision in the Local Authorities Act of 1992, which stipulated that the first local authority elections were to be conducted using a party list system and that party lists had to include at least two women for local authority councils with 10 or fewer members, and at least three women for councils with 11 or more members. This contributed to the fact that 37 percent of the local councillors elected in 1992 were women.

In 1997 the Local Authorities Act was amended to allow for a second round of local authority elections to take place in 1998, using the party list system instead of changing to a ward-based system as stipulated by the Act. At this time the affirmative action measures were further strengthened, specifying that party lists had to include a minimum of three women on councils with 10 or fewer members, and at least five women on larger councils. This resulted in an increase of women's representation in LG up to 41 percent. More women have since entered office through by-elections, such that Namibia currently has 45 percent women at the local authority level, while 40 percent of mayors are women. The current president of the Association of Local Authorities in Namibia is a woman; two other female presidents preceded her.

Source: IDEA International (2004).

In some countries the number or composition of reserved seats is not predetermined. In Philippines a decision has to be made before the elections on which segments of society are to fill the three reserved seats at each level, one of which is always reserved for a woman.

A further example is Timor-Leste where two women, two young people of each gender and one elder are to be directly elected to the *Suco* Council. Sri Lanka also makes provisions for seats to be reserved for the young, in addition to rather vague and weak constitutional provisions for promoting women's representation.

Nepal, meanwhile, is an example where varying systems are applied at different levels of LG. At the lowest level, the ward, one out of five directly elected seats is reserved for women.

A similar system is in place in Pakistan, although the number of reserved seats is considerably higher, in particular with regard to women. In contrast to the Nepali case, however, in Pakistan women are either directly elected (to Union Councils) or indirectly elected by the entire electoral college of the upper-level LG unit in question (*tehsil*, town, district). Pakistan's local electoral system also ensures that minority religious groups are represented. Before 2005, this was done by having a separate electoral roll for such groups, who then elected their representatives. Since 2005, however, minority and majority electoral rolls have been unified, even as reserved seats have been maintained.

Viet Nam also presents an interesting case, in that no provisions are made for reservation of seats. However, when establishing the composition of the People's Councils and the list of candidates to stand for election, consideration is given to ensuring that women are represented, and that ethnic minorities are represented when part of the population is made up of ethnic minorities. In some cases, special provisions are made for the representation of peasants and workers in local representative bodies. In Pakistan, reserved seats ensure the inclusion of peasants (in rural areas), workers (in urban areas) and minorities at all levels of LG. Interestingly, however, no criterion in the Pakistan Local Government Ordinance 2001 specifies who qualifies as a candidate for the peasant/worker seats.

Finally, the Hill Tract *Parishads* in Bangladesh are designed specifically to ensure the representation of indigenous peoples. Seats are reserved for the Hill Tribes in relation to their proportion of the population in the Hill Tracts. Non-indigenous people are, however, also elected to the *Parishads*.

## Reserved seats – appointed representatives

Another way of ensuring some degree of representation on the part of minorities or socially disadvantaged groups is through appointment, rather than election. Several examples of this can be cited.

In Nepal, at village, municipal and district levels, seats are reserved for the poor, tribes, ethnic communities and indigenous peoples, of which a certain number must be women. These seats, however, are not filled by direct election. Instead, the ordinary members of the respective LG body (most of whom are indirectly elected by lower-level electoral colleges) elect representatives to fill these reserved seats.

In PNG, women representatives are appointed to both the provincial assemblies and Local-Level Government (LLG) Councils. Interestingly, two women are appointed to rural LLG Councils, but only one to urban LLG Councils. This would appear to be in recognition of the reduced likelihood of women being directly elected to Councils in rural areas.

In Philippines, steps have been taken beyond merely reserving seats for the young in that a separate LG body (the Youth Council) has been established; only those older than 15 but younger than 21 may stand for election as well as vote. A member of these bodies also serves in the other LG units. In addition, municipal and provincial councils in Philippines are required to appoint three “sectoral” members, representing women, workers and other disadvantaged groups as necessary.



*Zilla Panchayat members, Bangladesh*

While such appointments do ensure some kind of representation for marginalized or socially disadvantaged groups, they are probably less satisfactory than direct elections with quotas. The legitimacy of appointees is likely to be considerably less than that enjoyed by elected members. In addition, the representativity of appointees may also be an issue, as well as the manner of their appointment.

## Outcomes of affirmative action

How far do such affirmative action procedures lead to intended outcomes? In this section, this issue is briefly looked at, first with regard to women's representation (for which there is considerable documentation) and then with regard to other marginalized groups (for which there is less documented evidence).

### *Women and affirmative action*

A number of countries provide striking examples of representational outcomes in the absence of strong affirmative action measures. In China, according to Article 8 of the Organic Law on Villagers' Elections, the Village Committees should include "an appropriate number of women," but apart from laws in some provinces to include at least one woman, the provisions in the Organic Law have not been operationalized. Statistics show that Village Committees on average have 16 percent women members but only 1 percent of Village Committee chairpersons are women – and in many places the number of women is declining.

In Sri Lanka, a very small percentage of seats are occupied by women, in marked contrast to other South Asian countries (especially given the relatively high rates of schooling enjoyed by women in Sri Lanka). This low level of women's representation appears to be a direct function of the electoral system and of there being no reserved seats for women. In addition, the electoral system for LG in Sri Lanka is not ward-based but at-large. It is interesting to note that while quotas for women have so far been rejected in the country, wards have been recommended instead – to help more women get elected (Drage 2001).

The same can be said of Cambodia, where no formal provisions exist for ensuring women's representation in Commune Councils. Cambodian women clearly are under-represented in relation to their electoral or demographic importance. Similarly, in Thailand the representation of women in the majority of councils can be measured in single-digit figures, with leadership roles far less frequent.

Where affirmative action measures are in place, the outcomes are generally much better. In Nepal, where legal provisions ensure women's representation, some 24 percent of all elected members were women in the previously elected local bodies. In Bangladesh and Pakistan, roughly a third of all seats in LG are occupied by women, though some seats are not filled (see further below).

The case of India is perhaps most striking in terms of the absolute outcomes of affirmative action in favour of women's representation in LG (33.3 percent), with more than 1 million women serving as councillors in LG.

However, such aggregate outcomes should not be allowed to disguise the limits to affirmative action. To begin with, reserved seats for women may not actually be filled, through a lack of candidates or voter antipathy to affirmative action. Local elections in Pakistan's North West Frontier Province offer an example of this.

In addition, provisions for the representation of women in councils do not necessarily translate into adequate representation in upper levels of the LG system (see previous chapter) or into executive or leadership positions. In Nepal in 1997, for example, more than 100,000 women participated in VDC elections and 36,000 were elected. However, in other branches of LG women were only marginally represented. For example, only 289 women were elected ward chairpersons out of about 36,000 wards. Of the 26 women who ran for membership in the District Development Committees, only eight were elected, and only one woman was elected vice chairperson. The same pattern emerges in Pakistan. As a result of the reservation system, a large number of women are now members of LG institutions (Union, Tehsil and District Councils). However, such relatively high levels of women's representation on LG councils are not replicated in an examination of locally elected leadership.

Thus, while affirmative action procedures in local electoral systems go a long way toward ensuring representation, still more needs to be done to ensure representation at high levels – and to translate representation into influence and political voice.

Finally, it is also worth looking at how affirmative action procedures can have unhelpful consequences. Special electoral arrangements often needed to ensure women's representation may create particular problems for women, as is made clear from Bangladesh. In Union *Parishads* (made up of nine wards), the 1997 legislation provided for affirmative action for women representatives. Under these affirmative action arrangements, three wards are reserved for one female member, but each is also the constituency of the general ward member (almost inevitably male). This means that elected women have three elected, usually male counterparts. This situation has created a problem on the Councils, as the men often do not want to recognize the women as legitimate representatives of their wards. Women's much larger constituencies than their male counterparts also pose problems – for example, the difficulty of meeting the expectations of such a large group. It is also harder for women to visit their wards and to meet transportation costs for such visits. These constraints compound all the other difficulties women face in a predominantly male preserve. Yet even so, elected women members have much greater legitimacy and acceptance than the pre-1997 nominated women members, beholden to the chairperson for his patronage. Moreover, there are signs that these women members are being given more specific responsibilities as chairpersons of specific *parishad* standing committees. In addition, with training, they are gradually assuming a greater role in UP affairs in general.

Another case in point is in India, where Article 243D of the Constitution clearly directs that the reserved seats, for women as well as SC and ST, should be allotted by rotation to different constituencies in a *panchayat*. This has generally been interpreted to mean that such rotation should take place every five years. However, in that case no woman, SC or ST member is likely to occupy a seat for a second term, because it is improbable that these persons would be allowed to contest from the same constituency when the reservation is removed. Given that most women members in the *panchayats* have no prior experience and will therefore find it initially difficult to occupy positions of power, some find it unfair that a second term is prohibited. Because the provision of rotation applies to the SC/ST/woman chairpersons as well, local bureaucrats may obtain an upper hand in some places, given that they can be fairly certain that the chairperson has no chance of re-election.

Finally, affirmative action in the form of reserved seats may have perverse consequences for minority or socially disadvantaged candidates for non-reserved seats. The 2005 elections for Bougainville's Autonomous Government (a more autonomous form of the usual Papuan Provincial Assembly) are a case in point. In Bougainville, while three of the 39 seats in the Assembly were reserved for women and were contested by 25 women candidates, there were apparently no women candidates for the 33 regular constituency seats – for which they were also entitled to stand. Commonwealth observers of the Bougainville elections had the impression that because of the reserved seats for women, many women felt that they were not “supposed” to contest the regular seats. Reserved seats, then, may actually discourage minority or socially disadvantaged candidates from contesting open seats. Maldives represents a similar example, where the existence of Women Development Committees at island level has led to regular Island Development Committees being considered as “men’s committees.”

### *Disadvantaged groups*

Under the Indian Constitution, seats and the offices of chairpersons in all the three tiers of *panchayats* are reserved for SC and ST members in proportion to their population. In addition, provisions are in place for state legislatures to make reservations for people of other backward castes (OBC). In accordance with this provision, at least 10 states have made reservation provisions for OBCs.

However, despite statutory and administrative efforts to provide political space to such communities, *panchayats* have not been able to take effective measures to compensate for economic and social deprivation of marginalized people. In places where the grip of the dominant caste over the social system is very strong, many elected officials from weaker communities feel powerless, and the position of women belonging to SC/ST communities is even worse. In Nepal, none of the members in the previously elected District Development Committees were dalits. Evidence indicates that while reserved seats may translate into impressive quantitative outcomes, they cannot be a “quick fix” to the problem of deeply engrained hierarchy in much of Indian society.

Notwithstanding such examples, reservation provisions have clearly contributed toward the inclusion of marginalized communities in the power structure of LG institutions. However, before perceptible changes can occur in such communities’ effective involvement in local decision-making, much needs to be done.

### *Youth*

Ensuring representation of youth – an often neglected group of the potentially disempowered – is also a feature of some electoral systems in the Asia-Pacific region. A key concern here is the prescribed minimum age of both voters and candidates; where the age of candidates is relatively high, youth are unlikely to be represented. In Afghanistan, the relatively high minimum age for councillors (who should be 35 or older) effectively eliminates the likelihood of the youth being represented.

Philippines has arguably the most outwardly “pro-youth” local representational system in the world. There, the Local Government Code provides for the organization of Youth Councils in every village and *barangay*, whose members are elected by those aged 15 to 21. At every level of Philippines’ LG system, these Youth Councils and their federations are represented, thus ensuring that LG decision making is at least partly attuned to the needs of the younger part of the electorate.

## 4.3 Special electoral and representational arrangements

In a number of Asia-Pacific countries, special arrangements have been made to deal with highly specific local issues – e.g., demands for greater autonomy (often linked to conflict or post-conflict situations), or problems of social and cultural identity for indigenous peoples. Such arrangements are generally an exception to the wider representational systems in which they have been developed, and have usually combined enhanced devolution (more widespread powers at local level) with special arrangements for political representation. Here, a few examples will be explored.

These examples illustrate the principle that one size does not necessarily fit all, and that LG systems and their accompanying representational arrangements do not have to be uniform. They can be, so to speak, “asymmetric” and thus able to sensitively deal with very particular circumstances.

### Tribal *panchayats* in India

In addition to quotas for Scheduled Tribes in proportion to their population in all tiers of regular *panchayat* institutions, special provisions were considered necessary for the *panchayats* of certain tribal enclaves within nine states, in addition to the northeastern states of India. These are known as the Schedule V areas. The 73rd Amendment to the Indian Constitution specifically stated that its provisions will not be directly applicable to these areas.

The *panchayats* in tribal areas of these nine states have been given a special legal dispensation, called the *Panchayats (Extension to the Scheduled Area) Act 1996* (commonly referred to as the PESA Act). The PESA Act recognizes the specific rights of tribal communities over natural resources, respects their traditional institutions and gives them substantial powers of self-governance. The PESA Act is also the first law to empower people to redefine their own administrative boundaries. The powers vested in the Village Assembly – the *Gram Sabha* – authorize it to approve all development plans; control all functionaries and institutions in social sectors; manage water bodies and other natural resources; have ownership of minor forest produce; prevent alienation of land; manage village markets; and resolve disputes. The Village Assembly and *panchayat* are required to be consulted before any move to acquire land or grant mineral concessions.

In electoral terms, the PESA Act provides that at least 50 percent of members in these Schedule V *Panchayats* are tribals and that the chairperson is always a tribal. As such, PESA gives STs the necessary level of political representation to ensure that any and all decisions taken in the *panchayats* take into account their traditions and customs.

The PESA Act should be seen as an important legislative measure that tries to introduce local self-government in the tribally dominated Schedule V areas. However, because the Act requires further legislation on the part of the nine states involved, its implementation has not always been consistent.

### The Chittagong Hill Tracts in Bangladesh

The Chittagong Hill Tracts (CHT), a 13,295 km<sup>2</sup> area of southeastern Bangladesh bordering India and Myanmar, is the traditional homeland of 11 indigenous peoples of Sino-Tibetan origin, collectively known as the Jumma peoples. The Jumma are different from Bangladesh’s Bengali majority with respect to language, religion, social system and economic practices. Starting in the 1950s and 1960s, the CHT became increasingly tense as Bengali migrants arrived; communal violence rose dramatically. By the 1990s, the Jumma were a minority in the CHT; armed conflict escalated.

A December 1997 settlement sought to accommodate local Jumma grievances and to bring an end to armed conflict. Key provisions included:

- Granting self-government to the CHT through the establishment of District and Regional Councils
- Recognition of the socio-cultural identity of the indigenous peoples and their laws and customs

The centrepiece of the accord was the establishment of the Chittagong Hill Tracts Regional Council (the only one of its kind in Bangladesh) as an apex body. It has 22 elected members with a tenure of five years. The chairperson is to be an indigenous person with the status of a state Minister. Fourteen other members are to be tribal, including two women, thus ensuring Jumma control over a range of local public affairs. The objective of having such a Regional Council is to make the CHT a single political and administrative unit. It has powers of supervision and coordination on law and order, general administration, development, traditional laws and social justice.

However, although the Regional Council Act has been enacted, delays have occurred in the formulation of its rules and regulations and the holding of elections. Currently an interim appointed Regional Council is in place.

## **Special autonomy for Aceh in Indonesia**

Aceh, located on the northern tip of the island of Sumatra, has been demanding greater autonomy from Indonesia since the 1950s. These demands are founded on Aceh's strong Islamic traditions (in a constitutionally secular Indonesia) and on a sense of being discriminated against in terms of its share of natural resource revenues. Violent conflict and unrest have been the norm in Aceh for almost five decades.

In an effort to bring an end to the conflict, Aceh was granted special autonomy and the Law on Governing Aceh (2006) assigns powers to the province on a much broader level than those enjoyed by other Indonesian provinces. This includes the retention of a greater share of royalties from the exploitation of its natural resources. Under the law Central Government retains authority over Aceh's foreign political relations, external defence and monetary affairs, while all other responsibilities fall within the sphere of the provincial government. The special autonomy agreement also provides Aceh with more freedom to run its internal affairs and to redesign LG in line with local traditions. This includes possibilities for local electoral reforms, for example a provision for independent candidates to register for local elections whereas only candidates of national political parties can stand for election in accordance with national laws in Indonesia (see section on political parties in Part 1 and overview of the representational arrangement in Indonesia in Part 2 for more details).

## **Special autonomy for Bougainville in Papua New Guinea**

From 1988 until 1997-98, the island and province of Bougainville in PNG experienced serious armed conflict between separatists and Government forces, during which an estimated 20,000 people died. At the heart of the conflict were issues linked to traditional land tenure arrangements, the environment and control over the use of natural resources, most notably, the Panguna mine.

A cease-fire between the PNG Government and the rebels was signed in April 1998, and a full peace agreement in August 2001. Under the eyes of a regional peace monitoring force and a United Nations observer mission, the Government and provincial leaders established an interim administration and made significant progress toward complete surrender/destruction of weapons. The agreement provided for greater legal autonomy for Bougainville (as an autonomous region within PNG), with a locally elected administration having the power to establish a police force, judiciary, taxation system, commercial bank and courts. Port Moresby retains control over defense and foreign affairs, although the PNG military will be largely excluded from the island. A referendum on full independence is due to be held within 10 to 15 years.

A Constitution was drafted in 2004, and provincial government elections were held in May 2005. The elections were deemed free and fair by international observers, and Joseph Kabui was elected to serve as the first president of the Autonomous Government of Bougainville.

Direct FPTP elections were held for the president of the Autonomous Government and the 39 members of the House of Representatives in May 2005. The Bougainville House of Representatives consists of 39 elected members:

- 33 of whom are elected from individual constituencies
- Three of whom are women representatives, elected from three regional constituencies
- Three of whom are ex-combatants, elected from the same three regional constituencies as the women representatives

Bougainville is the only province of PNG for which direct elections are held for the House of Representatives (the equivalent of the 19 other Provincial Assemblies).



# **Organizational structure and linkages to local administrations**

# 5

# 5 Organizational structure and linkages to local administrations

This section briefly explores a range of issues linked to the organizational structure and the administrative context within which LGs in the Asia-Pacific region operate. It touches upon them insofar as they have implications for representational and accountability issues.

## 5.1 Population, representation and related issues

The size of LG units in the Asia-Pacific region varies enormously. When considered in conjunction with electoral arrangements (direct/indirect elections, majoritarian/PR systems, etc.) and the size of representational bodies, the size of a jurisdiction's population may have considerable implications in terms of "proximity" and accountability.

Tier 1 LG units vary considerably in size from country to country, with those in Bhutan, Maldives, Nepal and Timor-Leste generally being the smallest (average populations of 2,500-3,500). By far the largest Tier 1 LGs are those in Sri Lanka, although if one classifies Indonesian regencies as being Tier 1, then they are considerably larger. Tier 1 LGs in India, Cambodia and Viet Nam occupy the middle ground, while Bangladeshi UPs, Pakistani Unions and PNG's Local-Level Governments tend to be relatively large.

Tier 2 LG units are also highly variable in size – the largest (on average) being Indonesian regencies and Afghan provinces, and the smallest (on average) being Bhutanese *dzongkhags*. Nepali districts, although relatively small on average, vary greatly amongst themselves in terms of population. Vietnamese districts, with an average population of 125,000, occupy the middle ground.

Tier 3 LG units also vary greatly in demographic size. Indonesian provinces are, on average, bigger than some Asian countries (e.g., Bhutan, Timor-Leste). The smallest Tier 3 LGs are, somewhat surprisingly, Indian *Zilla Panchayats*. Once again, Viet Nam's provinces occupy the middle ground.

Of the three countries that operate PR systems for local elections, Cambodia is exceptional in that its LG units are relatively small. In Sri Lanka and especially Indonesia, jurisdictions/constituencies tend to be large. In contrast, where majoritarian systems are in place (i.e., in most countries), the size of commensurate LG units tends to be smaller.

Levels of representation vary from country to country. Among Tier 1 LGs, Nepali Village Councils appear to be the most highly representative in this respect; on average, each member of the Village Council represents 70 people (and even fewer voters). In contrast, UP members in Bangladesh and Union councillors in Pakistan on average represent some 2,000 people.

Not surprisingly, and as can also be seen from Table 6, levels of representation decline as one goes up the tiers; in India, by far the easiest case to interpret, there are about 1,000 people for every councillor at the *Gram Panchayat* (Tier 1) level, but roughly 25,000 people per councillor at the *Zilla Panchayat* (Tier 3) level. The pattern is repeated for all countries with multi-tier systems, but to different degrees. In that sense, then, the “higher” up the LG, the less its council is “representative” of its citizens. This reflects the inevitable tradeoff between representation and efficiency; a *Zilla Panchayat* that had, for example, one councillor for every 1,000 people in the district would, in most cases, constitute an entirely unwieldy and oversized body.

It is worth noting that in order for LGs to be significant and efficient providers of services, they generally need to be of a certain size. The range of services that can realistically be provided by small, Tier 1 LGs is necessarily limited. And yet it is precisely at these levels that “representational density” tends to be highest – and that upper tiers (which can provide a wider range of services) tend to be rather less “representative.”

Electoral mandates for councillors are relatively uniform across the region, varying from three years (in Bhutan) to five years (in most cases).

## 5.2 Remuneration and frequency of meetings

In most countries, council members tend to be elected and seen as voluntary representatives of the public. As such, they are usually not paid regular salaries. Nonetheless, being a council member is not without its costs: Council members must dedicate time, travel to meetings, arrange meetings with their constituents and the like.

The following examples shows how some countries help meet these costs:

- In many cases (e.g., Nepal), council members are provided with sitting fees for the days that they are in council
- In Philippines, *Barangay* Council members receive allowances (defined by ordinance) as well as a number of other benefits, such as insurance, free medical care and exemptions from tuition fees. Members of Municipal Councils and Provincial Boards are provided monthly allowances
- For the more “executive” arms of councils, special provisions are often made for members’ remuneration. Thus, in Viet Nam, members of the People’s Councils’ Standing Committees are considered to have full-time jobs and remunerated accordingly. In Timor-Leste, *suco* chiefs are paid a regular monthly allowance by central Government, intended to cover transport and other costs.

The payment of sitting fees and the like has implications for representation. Where no remuneration is provided, poorer citizens may either be deterred from standing for election (in the knowledge that they will be ill-placed to participate in council deliberations) or, in the event that they are elected, may find it difficult to afford the costs of being a representative. Wealthier citizens do not face the same constraints under such circumstances.

The frequency of council meetings varies both between countries and between tiers. Lower-tier councils can “afford” to meet on a relatively frequent basis, whilst upper-tier councils meet less frequently, largely because of the higher organizational and transaction costs involved in bringing together members from a larger political catchment.



*Municipal council meeting in Qum, Iran*

This again evokes the frequent tradeoff between representation and service delivery functions. Village Councils can “afford” to meet more regularly than District Councils, although the latter exercise oversight authority over a much wider range of services and considerably bigger budgets.

However, in all cases, committees need to meet more regularly in order to oversee implementation of the policies and budgets endorsed and approved by their respective councils. In Nepal, this is clearly recognized in legal provisions. Given that such committees do meet more frequently and effectively manage day-to-day LG business, it is important to carefully craft the ways in which they are constituted (membership) and the extent to which their members are remunerated.

## 5.3 Councils and local administrations

### **Election and appointment of administrative executives as members of local councils**

An important issue that merits attention is related to the occupational backgrounds of the councillors. Whether permanent government staff is allowed to stand for election varies from country to country in Asia-Pacific. In some countries, the majority of elected representatives are from the ranks of the government staff, which influences both representation and accountability. For example, in Mongolia up to 70 to 90 percent of *Aimag* and *Soum Hural* members are government officials. The key concern with this trend is the limited representation available for the ordinary citizens and herders/peasants in the local hurals. A 2007 amendment to the law imposes some restrictions: Whereas civil servants can still stand for election, they must resign from their post in the administration if elected.

In other countries restrictions have been imposed on civil servants engaging in political activity in order to ensure accountability and checks and balances mechanisms, as well as to ensure public confidence in the political impartiality of the civil service. For example, in both Pakistan and Thailand, legislation rules out civil servants from seeking a nomination or standing for election.

In somewhat extreme cases, appointed executives can be heads or members of the councils. Thus, in Maldives, the Island Development Committees and Atoll Development Committees are chaired by centrally appointed island/atoll chiefs. In Nepal during the Maoist conflict, although admittedly under rather specific circumstances, VDCs and DDCs are chaired by officials appointed by central Government – respectively, the VDC secretary and the local development officer.

In some cases, LGs include appointed executives, with varying degrees of power with regard to elected councils. Sri Lankan provinces, for example, have governors who are appointed by the President; they are responsible for executing the policies of their respective Provincial Councils through a Board of Ministers headed by a chief minister and no more than four other ministers. The governor appoints the chief minister, and the other ministers on the advice of the chief minister. In India, the chief executives of upper-tier LGs are usually senior civil servants of their respective states (see also the previous section on appointment in local councils).

In such cases, where local executives are appointed by institutions other than the LG they are expected to serve, the issue is almost always one of accountability and the relative power of elected representatives. The inset below provides some insight into the overall problem in Indian rural LG.

The practice of central or state governments appointing the chief executives for LGs often creates divided loyalties among LG personnel and potentially dilutes local political control. In many formerly colonized countries, the practice appears to have been inherited from the deep-rooted colonial mistrust of local native administrations and the resulting wish to install a colonial functionary to guard against possible misuse of power and wasteful expenditure. Accordingly, most locally elected officials in Asia-Pacific countries see the practice as undermining the principle of local democracy and empowered local bodies.

In Indonesia, on the other hand, LG executive branches are nominated locally; the regional secretary is nominated by the (elected) regional head (at provincial, regency or city levels) and appointed by the President, while the regional secretariat is appointed by the regional head with approval from the DPRD (or Regional Council). The Indonesian model, although it clearly runs risks of “political” appointments, does allow for a much greater degree of control over executives by locally elected representatives.

### **India – are local bureaucrats accountable to elected representatives?**

The Government of Madhya Pradesh characterized the relationship between the *Zilla Panchayat* (ZP) CEO (Chief Executive Officer, appointed by the state government) and the elected ZP president as similar to the relationship between the chief minister and the chief secretary of the state. However, this was not the relationship observed in the field. The ZP CEO is accountable to the collector, not to the ZP chairperson. The situation was similar in Andhra Pradesh, Uttar Pradesh, Rajasthan, Maharashtra and Karnataka. Only in Kerala was the situation different. There, due to specific legislation, the ZP president was fully in charge – but, as a result, the government of Kerala had a great deal of difficulty keeping the slots filled with Indian Administrative Service (IAS) officers.

Source: Adapted from World Bank (2000).

## Local councils and staffing of local administrations

LG councils usually have some kind of “dedicated” local administration to manage the day-to-day affairs of their jurisdictions, even when elected mayors or council leaders assume more executive powers. The issue of LG council control over staffing is often a thorny one – and, in many countries, mirrors many of the tensions inherent in systems where central Government appoints local executives. Three basic options exist for LG staffing arrangements:

- Separate, meaning that each LG body appoints and controls its own staff. This is, in theory, the case for a large proportion of civil servants in Indonesia since reforms beginning in 2000. Immediately after January 2001, it is estimated that some 2.3 million Indonesian civil servants were administratively transferred to the regions. In practice, given the recentness of reforms, regional authority over civil service management remains somewhat blurred.
- Unified, in the sense that the senior management posts are filled from a central cadre of service for local authorities. This has historically been the case in Nepal, where VDC and DDC secretaries are appointed by the Ministry of Local Development, working alongside more junior, locally recruited and locally paid village/district employees. In addition, line agency staff in Nepal continue to be largely accountable to their parent Ministries, rather than to local bodies. This is also the case in India.
- Integrated, meaning that the staff of central and LG agencies form a common cadre, and are exchanged freely between levels of government and localities according to central posting policies. This would appear to be the case in Bangladesh, where virtually all service delivery staff at local levels are directly employed by central Government Ministries.

How far local councils are effectively the employers of locally posted staff is an important determinant of their ability to shape service delivery – and thus, of their ability to translate popular representation into accountable LG.

## Supervision of councils

While local councils enjoy varying degrees of autonomy, they are generally subject to some kind of upward accountability – to higher-tier councils/LGs or to central Government. The degree to which LG councils are subject to supervision is important in two fundamental respects. First, too much external control or supervision effectively disenfranchises locally elected bodies, turning their “representative” role into one that can be denuded of accountability – simply because they have little authority to make binding decisions. Second, too little external control/supervision means that locally elected bodies are not held upwardly accountable for a range of public sector responsibilities (such as service delivery standards or the management of financial resources transferred from central or upper-tier LGs). Finding the right balance is challenging.

In Asia-Pacific, the situation varies from country to country. In Viet Nam, where lower tiers of LG are generally subordinate to substantial *ex-ante* and *ex-post* controls by upper tiers, supervision over lower levels is very much the norm. The decisions and actions of Commune People’s Councils and Committees are thus closely supervised by District People’s Councils/Committees, while the latter are in turn beholden to the authority of Provincial People’s Councils/Committees. Similarly, with the Amendment of the Constitution in 1987, monitoring and supervision of the elected local governments was devolved to the Provincial Councils.

In Indonesia, by contrast, regional governments by law enjoy considerable autonomy from upper tiers; indeed, elected regency and city authorities have argued that they are in no way subject to provincial authorities. However, they (as well as the provinces) are subject to national supervision, in two ways:

- “Repressive” supervision, which amounts to supervision over regional regulations and decrees, promulgated by DPRD. This is the responsibility of the Ministry of Home Affairs (MoHA). MoHA has the responsibility to review regional regulations and declare void those that are contrary to “public interest, higher regulations, and/or other regulations.” The Minister of Home Affairs has formed several teams to review regional regulations, including financial regulations, organizational regulations, and regulations related to election of heads of region. The national government review teams have found numerous irregularities in the regulations examined, generally concerned with regional finances or organization. As a result, the Government has refused to confirm the election of several heads of region, or postponed confirmation, and has issued many written requests to the regions to amend regulations on taxation, charges and organizational structure to comply with national legislation.
- “Functional” supervision, which according to Government Regulation 20/2001 is carried out by line Ministries and by BPKP (the financial comptroller). However, detailed regulation of functional supervision awaits the development of minimum service standards (MSS) for each of the 11 obligatory service sectors that are managed by regional governments. In theory, the national Government is responsible for preparing guidelines for the standards; provincial governments set the actual standards to be applied in each locality; and the national Government then supervises the district governments’ performance.



**Traditional systems of  
local governance and  
the process of change**

**6**

# 6 Traditional systems of local governance and the process of change

## 6.1 Traditional governance

It is probably self-evident that LG systems of formally elected representatives did not emerge in a vacuum, and that in many countries such systems continue to function alongside – and have even emerged from – “traditional” local governance arrangements. How do the two systems interact? What do we know about how their interaction shapes representational issues?

### Building on traditional structures

Many LG systems in South and Southeast Asia have been built quite explicitly on the basis of traditional governance structures, usually at their lowest levels.

In Philippines, for example, the smallest unit of LG is the *barangay*, which has its origins in the pre-colonial era; the term actually traces its origins to *balangay*, a type of Malay boat used by seafaring settlers. The *barangay*, then, refers to a historical community, to which local citizens are attached and with which they identify. The legitimacy of the *barangay* as a traditional community structure thus serves to complement the more “modern” legitimacy of electoral representation.

In Timor-Leste, it seems clear that any LG system will be based on the foundation provided by the *suco*. The *suco*, a traditional community, is the only institution that has remained more or less intact during the history of the territory. The *suco* and its legitimacy provide an opportunity for a base unit of local governance and representation that reflects local identity. It also constitutes the only level of “local power” as provided for in the Constitution. Recent laws have clearly signalled a “modernization” of the *suco*, through the holding of direct elections for the position of *suco* chief and for the members of the *Suco* Council, as well as through legal provisions ensuring that women, youth and elders are represented. However, the *suco* remains a recognizably traditional structure, upon which have been grafted more modern democratic principles.

Building on traditional structures therefore can provide the basis for units of local representation with which citizens readily identify themselves. This implies that modern LG systems are not based on entirely imagined political communities.

### Returning to traditional structures

Indonesia provides one interesting, if unique, example of reconstructing a system of LG that is based on traditional structures, of bringing “modern” administrative units into line with more “traditional” ones, and thus perhaps contributing to a more legitimate basis for representation (in the eyes of local citizens).

In the province of West Sumatra, the process of decentralization has been particularly dynamic and idiosyncratic. Along with the general decentralization of central political authority and economic resources to the regencies, a fundamental restructuring of local village government has been initiated. The policy of regional autonomy has been taken up “to return to the *nagari*,” the traditional, pre-colonial political units of *Minangkabau* political organization. Despite all changes and transformations during the colonial period and since independence, the *nagari* and *nagari* government have remained firmly associated with *Minangkabau* political identity. This changed rather dramatically when the Law on Local Government of 1979 introduced the uniform model of the *desa* as the lowest level of LG. The former *nagari* were split into several *desa*, administered by *desa* heads embedded in the strictly hierarchical administrative system.

When decentralization became a major issue in Indonesia under the *orde reformasi*, this was taken up in West Sumatra to abolish the *desa* system and “go back to the *nagari*.” Draft legislation has been prepared to re-establish the *nagari* as the lowest level of LG, with *nagari* councils made up of *desa* representatives as well as representatives of traditional *Minangkabau* institutions (the elders of matrilineages, clerics, and the like).

### Cohabitation, co-option or competition?

In many countries, both developed and developing, traditional governance institutions manage to coexist alongside their more “modern” counterparts. At the national level, the remaining monarchies in Europe are good examples of this.

At the local level, some of the most poignant examples of cohabitation between traditional and modern systems of governance are to be found in sub-Saharan Africa. There, traditional chiefs (and sometimes monarchs) retain considerable powers over, for example, customary land tenure regimes and often continue to play an important role in dispute resolution as well as in the organization of ritual activities. For that reason, they have often needed to be brought into local governance, as the institutions that “represent” important functions at the local level.

Several examples of this type of cohabitation between tradition and modernity can be briefly cited:

- In post-apartheid South Africa, customary chiefs have continued to play an important role in a variety of areas, most importantly in dispute settlement. In recognition of the importance of traditional chiefs, the Government of South Africa passed a piece of landmark legislation in 2003 – the Traditional Leadership and Governance Framework Bill (Ministry of Provincial and Local Government, Pretoria) – recognizing and codifying the functions of traditional chiefs, “modernizing” them (women can now become chiefs), and formally defining their relations with LGs through traditional councils that the LG must consult on a range of issues.
- During the late 1990s, as Mali undertook major decentralization reforms, it was early on recognised that new communes would need to take into account traditional village and “fraction” (nomadic) chiefs. Such chiefs not only exercised considerable political authority over their communities, but were also key players in land tenure arrangements. As a result, the Local Government Code that was eventually enacted stipulated that Commune Councils had to consult all traditional village chiefs before voting on development plans, annual budgets and other LG actions.
- In Ghana, traditional chiefs enjoy considerable political and juridical authority and play a vital role in the management of customary land tenure arrangements. Ever since the colonial period, traditional Ghanaian chiefs have been organised into regional and national Houses of Chiefs. These institutions are necessarily consulted by Ghanaian LGs about a range of issues.



*Village council elders, Afghanistan*

In such African cases, traditional chiefs “represent” custom – and custom is considered to be of importance, hence the need for elected LGs to cohabit with them in a constructive way.

In the Pacific, a clear degree of cohabitation between traditional chiefs and LG systems occurs. As in the African cases, this reflects the continued socio-political significance of traditional leadership. This cohabitation takes several forms:

- In PNG, the Organic Law on Provincial Governments and Local-Level Governments makes explicit provision for customary chiefs to be represented in Provincial Assemblies. According to the law (Section 10), Provincial Assemblies include “where the chieftaincy system is in existence and is accepted in a province, paramount chiefs from the province not exceeding three in number or their duly appointed nominees, who shall be appointed by the Minister responsible for provincial government and local-level government matters on the recommendation of the Provincial Executive Council.” Chiefly representatives in PNG’s Provincial Assemblies enjoy full voting rights.
- In Fiji, customary institutions continue to play a significant role in local administration. Outside of the municipal system of government, most rural areas are administered through a combination of modern and traditional arrangements. Rotuma Island, which enjoys a special constitutional status in Fiji, is administered by its own council, made up of 14 voting members – seven of whom are the traditional chiefs of the island’s seven districts, chosen according to customary principles.

For South and Southeast Asia, there are fewer cases of this kind of officially and legally sanctioned cohabitation between traditional authorities and modern LGs. There are, however, a few examples (although they are not necessarily “local”):

- In Bhutan, of the 150 members of the National Assembly, 10 are representatives of the monastic body, nominated by the Central Monastic Body in Thimphu and the eight district monastic bodies. This representation of the Buddhist clergy reflects the importance of religion in Bhutan.

- In Malaysia, 9 of the 13 constituent states of the federation are headed by hereditary monarchs or sultans – one of whom, on a rotating five-year basis, acts as head of the federation. Although these are clearly constitutional monarchies, they do demonstrate how the traditional and modern can cohabit.

Customary *Panchayats* (CPs) continue to thrive in many parts of rural India. CPs have a number of important local functions, *inter alia*:

- To maintain law and order in the villages and to act as custodians of traditional norms and rules defining the social order
- To arbitrate disputes in the village, perhaps the most important CP function
- To act as support structures in specific situations
- To play a significant role in informal resource mobilization, which may be used for village development activities

CPs are village-based, male-dominated, and usually led by the leaders of the different castes that make up the village. The CP is an extension of caste, albeit one of the more inclusive forms.

CPs are not recognized in any legislation on LG and are thus entirely informal – despite their obvious importance in local governance. Moreover, recent research in Karnataka<sup>6</sup> indicates that CPs exert a powerful influence over *Gram Panchayats*, formal LG institutions. This influence manifests itself in a number of ways:

- Deciding the choice of candidates. CPs decide on who should contest elections or influence the type of members that are represented in the *Gram Panchayat*.
- Unanimous elections. At times CPs may exercise influence to the extent of ensuring that the candidates of their choice are elected unopposed – in other words, cause “unanimous” elections.
- Overlap of leadership. Often CP leaders and/or members themselves contest GP elections. This leads to an overlap of leadership between the customary and statutory institutions.

There is thus a high degree to which a traditional structure of governance, dominated by very customary” interests, interfaces with its modern, “democratic” counterpart – and clearly exerts a powerful influence over the latter. In such circumstance, “representation” must be qualified, given that CPs have such a large role in determining who are to be the representatives.

## 6.2 Evolutions

In many new or emerging countries, particularly those that have experienced serious conflict (e.g., Cambodia, Timor-Leste, Afghanistan), LG and local elections may well be low on the list of national political priorities. But if and when those countries do begin to establish locally elected councils and LG systems, can we see any pattern to that process? How far do newly implanted systems of local electoral representation build on tradition, if at all?

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<sup>6</sup> See “Interfaces in Local Governance – A Study in Karnataka,” Kripa AnanthPur, May 2004, Working Paper No. 187, Madras Institute of Development Studies, Chennai.

## Top or bottom?

In Cambodia and Timor-Leste, elected representation has begun at the lowest level in the LG system – communes in Cambodia (in 2002) and *sucos* in Timor-Leste (ongoing). In both cases, there are plans to gradually establish higher-level LG bodies, although Cambodia is probably further ahead than Timor-Leste in this respect.

In Timor-Leste's case, as has been seen, it seems clear that the process will be anchored in the *sucos* as traditional institutions, but themselves “modernized” through the introduction of competitive elections for *suco* chiefs and council members. In the case of Cambodia, on the other hand, it would seem that the communes have been created *ex nihilo*, although it may well be that they do have antecedents in colonial administrative constructs.

In Afghanistan, however, there would appear to be a preference for beginning with the establishment of elected councils in the 32 provinces (at the apex of the LG hierarchy), and then moving on to district- and village-level elections.

## Big bangs or incremental reforms?

Two of the countries covered by this Guide – Indonesia and Pakistan – have recently undertaken major overhauls of their LG systems. In both cases, reforms have included major changes to electoral processes and representational arrangements, as well as a significant devolution of powers and responsibilities to LGs (especially in the case of Indonesia). These have been bold reforms, but it is still too early to know how far their “representational” ambitions have succeeded.

Other countries, notably Bangladesh, appear to have taken a much more incremental approach to reforms. The lowest tier, the Union *Parishad*, is still the only level at which elected bodies operate, although it is conceivable, depending on political considerations, that the system will “grow” upward to encompass *Upazilas*.

Nepal, for its part, has taken significant steps backward as a result of military conflict and political crisis. In 2002, elected local bodies were dissolved and have yet to be replaced through elections.

# Conclusions and next steps **7**

# 7 Conclusions and next steps

This Guide makes no pretence at being exhaustive. In addition, it cannot encompass all of the latest permutation of the rapidly evolving arrangements for electoral representation at local level in the Asia-Pacific region.

That said, it is hoped that this Guide does provide practitioners in the local governance field with food for thought by:

- Bringing into the foreground (in Section 2) some of the basic electoral principles that underlie the diversity of electoral systems and how they may affect representational outcomes. The Guide has also tried to look at the fundamental options available, and to hint at some of the tradeoffs inherent to each. No electoral system is perfect, and each has its advantages and disadvantages – but it is important to try to understand how they “work” and to then “match” them to specific socio-political realities. What may “work” in one context may not yield the same outcomes in another context
- Looking (in Section 3) at some of the issues that arise in the context of political parties and at some of the implications of political parties for local electoral systems
- Exploring (in Section 4) some of the ways that countries have tried to tackle the difficult issue of safeguarding and promoting local-level representation for those citizens (women, socially disadvantaged groups, indigenous peoples and minorities) whose political “voice” often goes unheard. In addition, the Guide briefly looks at some of the ways that different countries have tried to deal with sensitive socio-cultural situations and sub-national strife by making special local arrangements
- Putting (in Section 5), albeit briefly, local representational systems into their broader demographic and administrative context and seeking to point to how these non-electoral issues impinge upon representational outcomes
- Examining (in Section 6) some of the ways that traditional modes of local governance interact and articulate with their modern counterparts
- Describing (Part II) the considerable diversity in current local electoral and representational arrangements that have been put into place in a variety of Asian and Pacific countries

Food for thought, however, does not put a meal on the table. A great deal about local representational systems in the Asia-Pacific region remains undocumented, uncharted and not well understood. In particular, a number of issues require more empirical research and an improved conceptual understanding, *inter alia*:

- The concrete outcomes of different electoral systems, in terms of who gets elected and how, how different systems are subject to manipulation, how they affect the machinery of day-to-day LG, and so on



*Primary round mock elections, Bhutan*

- The ways in which political parties interface with local electoral systems, and what the representational outcomes of that encounter are
- The options available in the context of different electoral and representational systems for implementing measures that genuinely result in the weak being able to wield power that is proportionate to their numbers. Perhaps most importantly here is to find ways of mainstreaming affirmative action such that it becomes less contentious
- The wider bottlenecks and constraints that limit the extent to which local representation translates into local actions of benefit to voters
- The ways in which the legitimacy conferred by local custom and tradition can be harnessed to improve and strengthen local representational arrangements without diluting fundamental democratic principles and rights

A more complete knowledge and better analysis of such issues will help improve our understanding of the “plumbing” of electoral and representational arrangements – and would help us become better “plumbers.” However, and perhaps more importantly, much more work needs to be done to understand how electoral and representational arrangements at the local level pan out in terms of livelihood outcomes – what emerges from the system.

The study on *Local Democratic Institutions in Asia: Lessons Learned on Inclusiveness and Accountability* provides some further analysis of these issues. However, more understanding of the functioning of representative local democracy is needed, and future work and thinking could focus on a number of issues:

- The kinds of representational systems that enable the poor and other politically weak groups to translate their local political power into appropriate policies and services
- The limits to local electoral representation as a way of tackling important, poverty-related and social inclusion issues and the other changes that need to be made in order for this to happen
- The circumstances under which genuinely representative LGs are able to deliver pro-poor services needed to achieve the Millennium Development Goals



# PART COUNTRY CASE STUDIES



## 8

Systems of local council representation  
in Asia and the Pacific



**Systems of local council  
representation in Asia  
and the Pacific**

**8**

# 8 Systems of local council representation in Asia and the Pacific



## AFGHANISTAN

**Table 6: Summary structure and features of LG system in Afghanistan**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
34 provinces Avg. pop.: 630,000	9-29 directly elected councillors Chairperson selected by council	Municipalities	New draft election law foresees elected councils with at least 9 members and a directly elected mayor No elected municipalities so far
364 districts Avg. pop.: 60,000	5-15 directly elected councillors		
Villages <i>Demarcation not completed</i>	No elected councillors		

Currently no full-fledged system of LG exists in Afghanistan, but Provincial Councils were elected in 2005. The 2004 Constitution does provide for the establishment of Provincial, District and Village Councils, as well as municipal bodies, although the roles of such representative bodies appear largely consultative rather than deliberative. The 2004 Law on Provincial Councils (PC) clearly assigns an advisory role to the Provincial Councils; as yet, no specific legislation has been enacted defining the precise roles of District and Village Councils. In March 2007, the law on Provincial Councils was changed to give an increased monitoring role to PC members.

### Provinces

Provincial Councils comprise members directly elected through secret ballot for four years. Councillors elect a chairperson from amongst themselves. Each Provincial Council elects one member as a member of the Afghanistan Senate (*Meshrano Jirga*, or House of Elders) for four years as well.

## Districts

District Councils also are to be comprised entirely of directly elected members, elected for three years through secret ballot. So far, however, there are no elected councils at district level. District Councils in each province also are to elect one member to sit in the Afghanistan Senate (*Meshrano Jirga*) for three years. In the absence of District Councils, this portion of the Senate remains selected from Provincial Councils.

## Villages

Village Councils likewise are to be made up of members directly elected by secret ballot for three years. As with District Councils, however, so far no Village Councils have been elected. In some districts a Community Development Council has been elected, but these do not have the same mandate as the envisioned Village Councils.

## Municipalities

The mayor and members of Municipal Councils are to be directly elected by secret ballot. It is worth noting that mayors are the only local council leaders in Afghanistan to be directly elected. However, none have been elected so far, and the short-term prospects for this to happen are low. A civil registry is needed first to identify citizens in constituencies.

The draft law on municipal elections provides for Municipal Councils made up of at least nine members:

- At least seven of whom must be representatives of *nahias* (wards), where *nahias* are officially recognized, with *nahia* representatives to be elected on the basis of FPTP. In municipalities with fewer than seven, or no, officially recognized *nahias*, non-*nahia* councillors are to be elected from a single municipal constituency (which will not include any *nahias*), with candidates receiving the most votes elected to the Municipal Council
- Two reserved seats for women councillors, to be elected by a municipal constituency, with candidates receiving the most votes selected

According to the same draft law, mayors are to be directly elected by municipal constituencies on the basis of receiving either more than half the votes in the first electoral round, or the majority of votes in a runoff between the two candidates with the most votes in the first round.

## Organization of elections

The Electoral Law 2004 sets out a Single Non-Transferable Vote (SNTV) system for elections of all local councils in Afghanistan. No ward system was foreseen, and elections are direct. The electoral system at national level also is classified as SNTV.

The Electoral Law includes a provision for the allocation of seats to the two women candidates with the highest number of votes in the District and Provincial Councils (Articles 31 and 36). However, the law is not specific with respect to the procedures/requirements for nominating women, and contains no additional elements aimed at ensuring gender balance in the councils. The minimum age for candidates to be appointed to the *Meshrano Jirga* is 35.

Political parties are allowed to contest local elections, although the SNTV electoral system – as compared to PR-List, for example - appears to dilute their importance and influence.


**Table 7: Summary structure and features of LG system in Bangladesh**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
64 districts or <i>zilas</i> Avg. pop.: 1.9 million (includes 3 special Hill Districts)	No direct political representation <i>Zila Parishad</i> consists of a ZP secretary, accountant and, in some districts, an LGED engineer District Development Coordination Committee consists of DC and line department heads	6 City Corporations	Direct political representation Directly elected mayor and commissioners
469 sub-districts or <i>upazilas</i> Avg. pop.: 250,000	No direct political representation <i>Upazila</i> District Coordination Committee (UDCC) comprising: UP chairpersons, UNO (secretary), MP (special adviser), line department officers (non-voting)		
4,500 Union <i>Parishads</i> (UPs) Avg. pop.: 27,000	13 elected members (1 chairperson and 1 member for each of 9 villages/wards, plus 3 women members, each representing 3 villages/wards).	278 <i>Pourashavas</i> or municipalities	Direct political representation Directly elected chairperson and commissioners

Notes: DC = Deputy Commissioner (appointed); UNO = *Upazila Nirbahi Officer* (appointed)

The electoral system at both national and local levels is on a five-year term basis. Any person older than 18 is eligible to vote, and any person aged 25 or older is eligible to contest for chairperson, member, commissioner or MP.

Theoretically, no political party can nominate any candidate for local-level elections, but in practice all candidates – commissioner/mayor/chairperson – are individually supported by political parties.

Chapter III, Article 59 (1) of the Constitution states that LG in every administrative unit will be entrusted to local bodies comprising persons elected in accordance with the law. A variety of local bodies are provided for:

- Union *Parishads* (Union Councils)
- *Upazila Parishads*
- City Corporations
- *Pourashavas* (Municipal Committees)
- Hill District Councils

In reality, elected local bodies at different levels may deviate considerably from statutory provisions.

### **Villages**

There is no directly elected representative body at the village/ward level in rural areas. The Government enacted legislation in July 2003 for establishment of *Gram Sarkar* at ward level, but this was annulled after a contest in the courts. It should be noted that establishment of these bodies was very controversial, with some seeing it as undermining the Union Parishads themselves.

### **Union Parishads**

Since the passage of the Local Government (Union *Parishad*) Ordinance in 1983 and subsequent changes (the most recent being 1997 Act Number 20) each Union *Parishad* (UP) comprises 13 elected representatives, including a chairperson, nine members (one from each ward) and three women elected to reserved seats based on one female representative for every three wards. Standing committees undertake and execute the various functions of each Union *Parishad*; there are 13 committees in all. Women are to head one-third of them and are further mandated to head the committee on women's and children's welfare, culture and sports.

### **Upazila (sub-district) Parishads**

Since 1991, after a short-lived experiment in the 1980s, there has been no directly elected representation at the *upazila* level. This is despite pledges by both parties in their election manifestos to reinstate these councils, and despite widespread calls by civil society for elected councils to hold the substantial *upazila* administrations to better account. The representation of Government departments and agencies at this level continues, but their officers remain under the full authority of central Government and operate with upward accountability. It is recognized that planning and coordination of development activity is required at the *upazila* level, which is provided by both the *Upazila Nirbahi Officer* (UNO, the central Government-appointed officer with responsibilities for administrative coordination) and by the *Upazila Development Coordination Committee* (UDCC). The UDCC comprises the chairpersons of the respective UPs within the *upazila* and is chaired itself on a rotating basis by a Union chairperson. The Members of Parliament act as special advisors to the UDCCs, while the UNOs serve as member secretaries. *Upazila*-level officers of Government line agencies are non-voting members. The UDCC is not a corporate but an administrative body that aims to coordinate, monitor and contribute to the planning of development activities in the *upazila*.

The current Government has indicated that it is interested to restore elected *upazila* bodies.

### **Zila (district) Parishads**

According to constitutional provisions there should be a council for each *zila* (district). A *Zila Parishad* should consist of a chairperson, 15 general members and five members of reserved seats for women. The chairperson and the members are supposed to be elected by an electoral college. However, elections to this level have never been held, both because of legal complications as well as the fact that many Bangladeshis believe this is not an appropriate level for such bodies.

### **Chittagong Hill Tracts (CHT) District parishads**

In addition to LG levels mentioned above, three CHT District *Parishads* are provided for under separate acts for each Hill District. The Hill District *Parishads* have been established to give representation to tribes in the Hill District Areas. Each has a designated number of tribal members as well as a chairperson and non-tribal members. Tribal seats are further divided according to the number and proportion of tribes in the Hill District. Members are elected by the general population of the Hill Districts, while the chairperson is elected from amongst tribal members. Electoral procedures for the Hill District *Parishads* are determined by the Government.

### **Urban local government**

Urban local government consists of *Pourashavas* for smaller municipalities and City Corporations for the six largest cities. The heads of City Corporations are mayors and of *Pourashavas* are chairpersons; members are commissioners. Mayors and chairpersons are directly elected every five years, as are commissioners (representing their respective urban wards). Specific numbers of seats are reserved for women, who also are elected directly.

### **Organization of elections**

Existing laws and rules empower the Bangladesh Election Commission, established under Chapter VII, Article 118 of the Constitution, to conduct local-level elections.



**Table 8: Summary structure and features of LG system in Bhutan**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
20 DYT ( <i>Dzongkhag Yargye Tshogdu</i> , District Development Committees) Avg. pop.: 30,000	Committee composed of: <ul style="list-style-type: none"> <li>● chairperson (elected by DYT members)</li> <li>● <i>gups</i> and <i>mangmis</i> (elected heads and deputy heads of constituent GYTs)</li> <li>● one representative of <i>Dzongkhag Thromde</i> (<i>dzongkhag</i> municipalities)</li> <li>● one representative each from <i>yenla throm</i> (satellite towns)</li> </ul>	<i>Gyelyong Thromde Tshogdu</i> (divided into constituencies) – national city or municipality. Population of 10,000 or more, with not less than population density of 1,000 persons per sq. km.  <i>Dzongkhag Thromde</i> – district town. Population 5,000 to 9,999	Municipal Committee composed of: <i>Thrompon</i> as chairperson (mayor) elected by the people of <i>Gyelyong Thromde</i>  7-10 total <i>Thromde Thuemis</i> (members) from each constituency  <i>Thrompon</i> as chairperson (mayor) elected by the people of the <i>Dzongkhag Thromde</i>  <i>Thromde Thuemis</i> (members)
205 GYT ( <i>Gewog Yargye Tshogchung</i> , Block Development Committees) Avg. Pop.: 3,000	Committee composed of: <ul style="list-style-type: none"> <li>● <i>gup</i> (head, elected)</li> <li>● <i>mangmi</i> (deputy head, elected)</li> <li>● <i>tshogpas</i> (village representatives, elected)</li> </ul>	<i>Yenla thromde</i> – satellite town or <i>gewog throm</i> . Population of 1,500 – 4,999	<i>Yenka Throm</i> – administered by the respective <i>dzongkhag</i> or <i>gewog</i> administration

The highest level of LG in Bhutan is the *Dzongkhag Yargye Tshogdu* (DYT, or District Development Committee), regulated by the *Dzongkhag Yargye Tshogdu Chathrim* 2002. At the block level, the *Gewog Yargye Tshogchung* (GYT, or Block Development Committee) is the highest decision-making body, regulated by the *Gewog Yargye Tshogchung Chathrim* 2002. Two Municipal Corporations (for Thimphu and Phuentsholing), constituted under the Bhutan Municipal Act 1999, will become known as *Gyelyong Thromde*.<sup>7</sup>

In the absence of political parties in Bhutan until 2008, LG elections have effectively been conducted on a non-partisan basis. Current discussions suggest to continuously limit the role of political parties in the DYT and GYT level elections.

<sup>7</sup> This section outlines the system in Bhutan in accordance with the above-mentioned laws. However, it should be noted that changes are under way to reflect the new Constitution adopted in 2008.

## **Dzongkhags**

Article 3 of the DYT *Chathrim* prescribes that the DYT consist of a chairperson; local *chimis* (people's representatives to the National Assembly); *gups* (elected heads of constituent GYTs) and *mangmis* (deputy heads of the constituent GYTs) as *ex officio* voting members, as well as one representative of any municipalities as a voting member. A number of other members act as observers, without voting rights. The chairperson is elected through secret ballot by the voting members of the DYT. The election of *ex officio* members is governed by relevant *Chathrim*s, i.e., the GYT *Chathrim* for *gups* and *mangmis* and the *Chathrim* for Election of National Assembly Members for *chimis*. Representatives from the municipalities and towns are elected through secret ballot amongst all eligible voters of municipalities and towns in the district.

## **Gewogs**

Under Article 3 of the GYT *Chathrim*, the GYT is made up of the *gup*, *mangmi* and *tshogpas* (representatives of villages or clusters of villages). *Chimis*, *gewog* clerks and representatives of sectors within the *gewogs* attend as observers. The *gup* may invite representatives of various sectors and any other observers as needed. GYT members are to be elected in accordance with an Election Act that has yet to be adopted. Elections are currently regulated by the GYT *Chathrim*, which states that all members are to be elected by secret ballot. In the event that more than one candidate stands for election, the candidate securing the highest number of votes that is elected. If there is only one candidate, votes of "yes" and "no" are cast. Only if the candidate receives more than 50 percent "yes" votes out of the total ballots cast can s/he be elected; otherwise, the *gewog* must nominate another candidate. For the election of the *gup*, a minimum of two officers appointed by the *dzongkhag* oversee the election (Article 5).

## **Municipalities**

Following National Assembly endorsement of the *Thromde* Act on 26 June 2007, which repealed the Municipal Act 1999, the Government can establish a certain geographic or economic areas as *thromde* or *throm* (town). There can be three types: *gyelyong thromde* (national city or municipality), *dzongkhag thromde* (district town), and *yenlag throm* (satellite town) or *gewog throm* (gewog town). Establishment of the *thromde* is to be based on the population, area, revenue generated for maintenance of services, percentage of employment in non-primary activities and agricultural activities, and trade and commercial significance.

*Gyelyong thromde* and *dzongkhag thromde* governance structures will consist of a *Thromde Tshogdu* (council) and a *Thromde Dagchong* (administration). The *Thromde Tshodgu* will be the highest decision-making body, consisting of a *thrompon* (mayor) – the executive head of the Municipal Corporation – elected by the people of that *throm*; a total of seven to 10 *Thromde Thuemis* elected from the constituencies; and the executive secretary of the *thromde*, a civil servant appointed by the Government. The *Thromde Tshogdu* have the powers to formulate policies and develop priorities for functions of the *thromde*. They also will frame and adopt rules and guidelines to enable the *thromde* to carry out its functions, and review and approve the annual budget. The *Thromde Tshogdu* also will approve land use and development plans, provide infrastructure, services and public amenities, and preserve and promote cultural, architectural and aesthetic aspects of the *thromde*.

The executive secretary will be responsible for conducting municipal elections, which will be held through voting by secret ballot.



Table 9: Summary structure and features of LG system in Cambodia

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
20 provinces + 4 municipalities Avg. pop.: 583,000	None (but foreseen by national D&D strategy)	4 municipalities	None (but foreseen by national D&D strategy)
185 rural districts ( <i>srok</i> ) Avg. pop.: 75,675	None (but foreseen by national D&D strategy)	14 urban districts ( <i>khans</i> )	None (but foreseen by national D&D strategy)
1,621 rural communes ( <i>khum</i> ) Avg. pop.: 8,630	Commune Councils have 5, 7, 9 or 11 members, depending on the population of the commune. Commune chief is the top candidate of winning party; 1st and 2nd deputy chiefs are leaders of second and third parties	111 <i>sangkhat</i> s	<i>Sangkhat</i> Councils have 5, 7, 9 or 11 members, depending on the population of the commune. <i>Sangkhat</i> chief is the top candidate of winning party; 1st and 2nd deputy chiefs are leaders of second and third parties

According to the 1993 Constitution, Cambodia is a unitary state administratively divided into provinces and municipalities, districts and *khans*, and communes and *sangkhat*s.

The sub-national governance system is thus organized at three levels. At the level of commune/*sangkhat*, democratically elected local authorities have been established. At the *srok/khan* and province/municipality levels, de-concentrated units of the central administration, coordinated by the representative of the central Government in the territory (provincial or district governor), are operating.

Chapter XIII, Article 146, of the Constitution stipulates that “provinces, municipalities, districts, *khan*, *khum* and *sangkhat* shall be governed in accordance with an Organic Law.” An Organic Law that reflects the national strategy for decentralization and de-concentration adopted in 2005, is being prepared. While the national strategy has not yet been officially adopted, its first draft (made public by the Government in April 2005) calls for the creation of two additional levels of elected authorities at district and provincial levels.

However, direct elections would continue to apply only to the commune/*sangkhat* level. Districts and provinces would be established as second- and third-tier local authorities, with Councils most likely elected from amongst members of lower-level Councils. The composition of the District and Provincial Councils would then reproduce the overall balance of seats obtained by different parties in the commune/*sangkhat* elections of the district or province.

### Communes

The number of members of each Commune Council is determined by sub-decree within months before the election date (Article 6, Law No. ChS/0301/04) and depends on the population of the jurisdiction.

The electoral system for allocating seats in the Commune Councils is the same as at the national level, i.e., List-PR.

In accordance with Article 19 of Law No. ChS/R-Krm/0301/04, only those who are registered for the Commune Council elections are eligible to vote. In order to register, they must be citizens, at least 18 years old and resident in the commune where s/he intends to register. Those who are convicts or are “insane or under guardianship” may not register (Article 20, Law No. ChS/R-Krm/0301/04).

Article 45 of Law No. Chs/R-Krm/0301/04 provides that in order to be eligible to stand for election, a candidate must be a citizen by birth, able to read and write Khmer, have a document to prove identity during polling, be a registered voter in the commune where s/he intends to stand for election, and be at least age 25. Article 46 further provides that the holding of various offices or positions – being a member of an Election Commission, a civil servant or monk or priest – prohibit an individual from standing for election. The holder of several of the positions listed in Article 95 may, however, apply for permission to stand for election, and should s/he be successful, must submit an application to the body concerned requesting leave of absence to take up office (Article 47).

A person who intends to stand as a candidate for election should have his/her name included in the list of candidates of a political party (Article 49, Law No. ChS/R-Krm/0301/04). A candidate may only have his name on the list of one party (Article 50, Law No. ChS/R-Krm/0301/04). In order to participate in the election for the Commune Council, each political party is required to file an application for registration of the list of candidates with the Commune Election Commission (CEC) 90 days before the election (Article 51, Law No. ChS/R-Krm/0301/04). Each party list must contain at least twice as many candidates as there are seats in the Commune Council (Article 52, Law No. ChS/R-Krm/0301/04).

Seats are allocated to the various party lists in accordance with the proportion of votes they receive, as outlined in Article 23 of Law No. ChS/R-Krm/0301/04. Candidates are selected in accordance with their numerical placement on the party list until all seats in the Commune Council have been filled (Article 24). In cases where there is only one party list contending in a commune, elections can still be held; in this case, seats also are allocated to candidates in accordance with their numerical placement on the party list (Article 25).

According to electoral rules, the commune chief position goes automatically to the top candidate of the winning party, and the positions of first and second deputy commune chief are given to the top candidates of the party lists that obtained the second- and third-highest number of vote in the commune.<sup>8</sup> The intention of such rules was to promote sharing of responsibilities and cooperative behaviour between opposing political parties. While in practice this is not without its problems, anecdotal evidence suggests that in most communes differences in political affiliation have not precluded effective collaboration between councillors.

### **Organization of elections**

Elections at the commune level are administered and supervised by the National Election Committee (NEC) which is responsible for establishing and maintaining the list of voters (Article 7 and Chapter X, Law No. ChS/R-Krm/0301/04). The NEC also is responsible for establishing Provincial Election Commissions (PEC) and Commune Election Commissions (CEC) (Article 7, Law No. ChS/R-Krm/0301/04).

In accordance with Article 5 of the 2003 Law on Elections, the electoral system at the national level is PR-List, also its international classification.

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<sup>8</sup> If only two parties obtain votes in a commune, then the winning party obtains the commune chief and first deputy commune chief positions and the second party fills the second deputy commune chief position.



## CHINA

**Table 10: Summary structure and features of LG system in China**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
Village Committees (Avg. pop.: 500-4,000)	Village Committee/Village Representative Assembly Direct election through anonymous ballots (3-7 members including the chairman, vice chairman and members)	Urban Residents Committees (Average household: 100-700 households)	Residents Committees; direct election by residents or representatives of households (5-9 members, including the chairman, vice chairman and members)

China consists of 34 province-level divisions (*shengji*); 23 provinces (*sheng*), including the disputed province of Taiwan; five autonomous regions (*zizhiqu*); four centrally administered municipalities (Beijing, Tianjin, Shanghai and Chongqing); and two special administrative regions (Hong Kong and Macau). Below the province level, there are three functional levels of LG, although great regional variations exist: prefecture level (*diqu*), county level (*xian*), and township level (*xiang*).

The village level (*cun*) is not formally part of the government structure; rather, self-governance is envisaged at this level. Representative bodies exist in the form of Village Committees (*cunmin weiyuanhui*) in rural areas and Urban Residents Committees (*chengshi jumin weiyuanhui*) in cities.

### Village Committees

The National People's Congress (NPC) passed the experimental Organic Law on Village Committees in November 1987, with effect from June 1988. In November 1998, after a decade of nationwide experimentation, the NPC passed the law to make the committee system permanent and competitive and direct elections of village chairpersons and village committees mandatory for all villages. All villagers aged 18 or older, except those deprived of their political rights by law, are eligible to participate.

According to the law, the Village Committee, consisting of either all adult members of the village or of one representative per family, is the supreme decision-making body at village level, voting on all major village affairs. However, because villages range from 500 to 4,000 people, these bodies are often replaced by Village Representative Committees. Enormous variation exists as to who makes up the Village Representative Committee. Although in theory members are elected by everyone in the village, they are often chosen/selected, and include senior male figures or younger, more entrepreneurial ones, as well as members of the Village Committee and delegates from other organizations (local Women's Federation and the Youth League).<sup>9</sup> The Village Representative Committee essentially functions as the forum for most major decisions, while the Village Committee is responsible for executing the decisions of the representative body.<sup>10</sup>

<sup>9</sup> Gadsden, Amy Epstein, and Thurston, Anne F.: *Village Elections in China: Progress, Problems and Prospects*, International Republican Institute, 2001.

<sup>10</sup> Howell, Jude: *Women's Political Participation in China: In Whose Interest Elections?* Journal of Contemporary China (2006).

For election of the Village Committee, the law stipulates the use of secret ballots, open counting, publicly announced election results, and more candidates for election than the number of positions available. A Village Committee comprises three to seven members, including the chairperson, vice chairperson(s), and members.

All elections are direct; however, as noted above, there is variation as to whether voters include all eligible adults or one representative per family. Elections take place every three years, and candidates can stand for re-election. Candidates stand as individuals and are not part of a party or group list.

The Village Committee has many important functions: implementation of Communist Party directives relating to grain procurement, taxation and family planning; development of the village economy; maintenance of social order; mediation of disputes; women's work; infrastructure development; and public health.

By 2000, most villages had held at least one round of elections for Village Committee posts; some provinces in the east were already into their third or fourth rounds.<sup>11</sup>

Although there are a variety of candidate nomination procedures, one method that has become popular is "sea-election" (*haixuan*), which functions similar to an open primary system. Voters write down their choice of candidates, and the candidates who receive the most nominations compete for the positions of committee chairperson.

### **Urban Residents Committees**

Urban Residents Committees are in many ways the urban counterparts of the Village Committees. They too are not considered a part of formal government, but rather as urban dwellers' self-government. Committees are generally established on the basis of 100 to 700 households. They comprise five to nine members, including the chairperson, vice chairperson(s), and members. As with Village Committees, they are directly elected by all residents with the right to vote or by a representative from every household. Elections take place every three years, and candidates can stand for re-election. Candidates stand as individuals and are not part of a party or group list.

However, for both historical and practical reasons, Urban Residents Committees remain less relevant to residents' lives. Traditionally, urban dwellers belonged to a work unit (*danwei*) that looked after almost all aspects of life. Furthermore – and of more relevance today as the work unit system is increasingly dismantled – the lowest level of urban government, the urban district, has branches at lower levels (*jietao banshi chu*), making Urban Residents Committees less powerful because they do not control the local budgets.

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<sup>11</sup> Ibid.

## **Representation of women and minorities**

Women are numerically underrepresented both in national and local politics in China. According to Article 8 of the Organic Law on Villager Elections, the Village Committees should include “an appropriate number of women.” However, statistics show that Village Committees on average have 16 percent women members, and only 1 percent of Village Committee chairpersons are women. In many places, the number of women representatives is declining. In addition, women are often assigned portfolios associated with their gender, such as family planning and health, as opposed to tasks like economic and infrastructure development. No provisions exist in the Organic Law to ensure fixed representation of women, but some provinces have passed a law that all Village Committees have to include at least one woman. The problem is that this in effect acts as a “bamboo ceiling,” since it tends to be taken as “only” one woman – and this woman is then more often than not put in charge of family planning matters.<sup>12</sup>

Both the Organic Law on Village Elections and the Organic Law on Urban Residents Committees make provisions for the representation of minorities. In villages/urban areas where more than one ethnic group lives, Village Committees/Urban Resident Committees are to include a member or members from the minority group. In such an area, Village Committees/Urban Residents Committees also are tasked to promote mutual assistance, respect and unity between ethnic groups.

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<sup>12</sup> Ibid.



**Table 11: Summary structure and features of the municipal structure in Fiji**

Levels	Representative bodies
2 cities Suva, pop.: 77,000 Lautoka, pop.: 36,000	City Council – made up of 16 to 20 councillors, elected on FPTP basis from multi-member wards (3-5 councillors per ward)
10 towns Largest (Nasinu): 80,000 Smallest (Levuka): 1,100	Town Council – made up of 8 to 21 councillors, elected on FPTP basis from multi-member wards (3-5 councillors per ward)

Fiji has a highly individual system of LG and administration: First, an orthodox urban LG system comprises 12 Municipal Councils in two cities and 10 towns. The system of representation for municipal government is described in more detail below.

Second, four divisions (central, northern, eastern and western) are each headed by a centrally appointed commissioner and made up of 14 provinces (comprising villages and districts) and are responsible for indigenous Fijian affairs. The Fijian Affairs Board, constituted under the Fijian Affairs Act (Cap. 120) governs all matters concerning the administration of native Fijian affairs. The Board refers certain matters to the Great Council of Chiefs, constituted by the President under the same Act. The 14 provinces are each governed by a Provincial Council with an executive head (*roko tui*). The functions of the Provincial Councils are “to promote the health, welfare and good government of Fijians resident in the province and to carry out such other duties and functions which the Minister or the Fijian Affairs Board may see fit to delegate to such Council.” The Councils have similar powers as are vested in Municipal Councils, including making of bylaws, levying of rates and controlling building construction in Fijian villages. The Fijian Affairs Board approves the appointment of these executive heads and approves all rates and bylaws applied by the Provincial Councils. The basic unit in the system of Fijian administration is the village (*koro*), headed by a *turaga-ni-koro* elected or appointed by the villagers. Several *koros* form an administrative sub-unit of a province (*tikina*). A province consists of a number of *tikinas*.

Third, the Council of Rotuma Island enjoys a special dependency status within Fiji. Because of the unique status of Rotuma, the powers of this Council are greater than those of other municipal bodies in Fiji, and in some ways it approximates a legislative body. The Council consists of 14 full members and three advisory members. Each of Rotuma’s seven districts elects one representative to the Council; the traditional chief of each district is also a Council member *ex officio*. The advisory members, who have speaking but not voting rights, are the district officer, the most senior medical officer, and the most senior agricultural officer, all of whom serve *ex officio*. The seven chiefs are chosen according to custom. The election is usually for life, although the Fijian cabinet minister responsible for Rotuma may, at his/her discretion, dismiss a chief and order the election of a new one. The seven elected representatives are elected for three-year terms by resident Rotuman Islanders aged 21 and over. Candidacy is restricted to persons who are eligible to vote. The full members of the Council elect a chairperson from amongst themselves.

### Municipalities

The Local Government Act 1985 (Cap 125), amended in 1997, is the principal statute governing municipalities in Fiji. The Minister for Local Government is responsible for its administration.

Municipal Councils are single-tier authorities in urban areas. Councils may be designated as City or Town Councils. All have the same responsibilities. There are currently two City and 10 Town Councils.

Local elections are conducted under the system of FPTP. Unlike national elections, voting is not compulsory. Councillors serve a term of four years and are eligible for re-election.

The system is based on wards, with between three and five councillors per ward. The Electoral Commission determines the number of councillors that constitute a Council, and the number of councillors per ward. The national Electoral Commission divides each city and town into wards such that each ward has the same number of adult inhabitants, but this criterion may be varied to take into account geographic features, means of communication, and density and mobility of the population. The Electoral Commission also conducts municipal elections.

Every citizen aged 21 or older and who is the occupier or owner of land or a house within the municipality is eligible to be enrolled as a voter. Voters are eligible to stand for election as councillors on condition that they are literate in one or more of Fiji's official languages (Fijian, English, Hindi). A number of legal clauses bar certain voters from being able to stand in municipal elections (e.g., those of "unsound mind," those who occupy public office).

A part-time mayor, who is the leader of the Council, is elected annually by the councillors and may be re-elected for further one-year terms. The Council recommends a mayoral allowance, which must be approved by the Minister. The mayor's primary functions are to chair meetings of the Council and to represent the Council at civic functions. In meetings of the Council, the mayor does not have veto power but can vote. S/he is not involved in the day-to-day administration of the Council's operations, which are the responsibility of the clerk appointed by the Council.

The one-year term of the mayor is not considered a drawback since the Council's overall policy and development programme are formulated by all members. In addition to the elected councillors, the Minister may nominate advisers to assist the Municipal Council. Such advisers are entitled to attend meetings of the Council but they do not have a right to vote.


**Table 11: Summary structure and features of LG system in India**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
459 Zilla Panchayats Largest: 800,000 Smallest: 100,000	Council/Panchayat	Municipal Corporations Avg. pop.: 1,000,000 Largest: 14,000,000 Smallest: 200,000	Council
5,930 Panchayat Samitis Largest: 330,000 Smallest: 3,000	Council/Panchayat	Municipal Councils Avg. pop.: 350,000 Largest: 500,000 Smallest: 50,000	Council
240,000 Gram Panchayats Largest: 20,000 Smallest: 670	Council/Panchayat	Nagar Panchayats Avg. pop.: 25,000 Largest: 50,000 Smallest: 5,000	Council

Section 243B of the Constitution provides for *Panchayats* in every state, at the village, intermediate and district levels. It is the responsibility of a state legislature, not the federal Government, to make legal provisions for the composition of *Panchayats*, provided that the ratio between the population of the territorial area of a *Panchayat* and the number of seats in the Panchayat to be filled by election are the same throughout the state, as far as possible.

Each of India's 28 states thus has its own LG legislation, although laws are very similar in each state. Amendments are infrequent, and the legislative environment is currently stable. In principle and practice, the involvement of political parties in LG elections varies from state to state.

### **Panchayats**

The *Panchayats* are situated in the rural areas of India. In 22 states there are three tiers in the *Panchayati* system, in one (Goa) there are two tiers, and in five (Jammu and Kashmir, Manipur, Meghalaya, Mizoram and Nagaland) there is one. States with populations of less than 2 million are not required to adopt the three-tiered system. They are not strictly hierarchically organized; rather, duties are divided between them. There is a limited coordination role for higher levels of *Panchayati* authorities. Rural councillors are elected for five-year terms. The elections for council leader can be direct or indirect, depending on state law.

All councillors are directly elected by an FPTP system. All seats in a *Panchayat* are to be filled by persons chosen by direct election from territorial constituencies in the *Panchayat* area. For this purpose, each *Panchayat* area is divided into territorial constituencies such that the ratio between the population of each constituency and the number of seats allotted to it is, as noted above, the same throughout the *Panchayat* area. The state legislature may, by law, provide for the representation of certain individuals to different levels of *Panchayats*. All members of a *Panchayat*, whether chosen through elections or not, have the right to vote in Panchayat meetings. The chairperson of a *Panchayat* at village level is to be elected in the way prescribed by each state legislature, whereas a chairperson at the intermediate or district level is elected by, and from amongst, the elected members of the *Panchayat* (Article 243C). One-third of all seats are reserved for women. There also are reserved places for Scheduled Castes and Scheduled Tribes, determined by their proportion of the local population. One-third of the places reserved for Scheduled Castes and Tribes must be allocated to women. Provisions also are made for the offices of the chairperson to be reserved for these groups (Article 243D).

In both rural and urban areas, women members elected under the reserved places represent a ward like any other member. Six months before local elections, one-third of the wards are earmarked for women representatives. In the following election these wards lose their women-only status, and a further third of the municipality's or *Panchayat*'s wards are designated for women candidates only.

Direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the *Panchayats* are the responsibility of the State Election Commissions. Subject to the provisions of the federal Constitution, a state legislature may by law make provision for all matters relating to elections to the *Panchayats* (Article 243K).

## **Municipalities**

Article 243Q of the Constitution provides for the establishment of municipalities in every state. Municipal governance structures include: (i) a *Nagar Panchayat* (by whatever name it is called locally) for an area in transition from rural to urban; (ii) a Municipal Council for a smaller urban area; and (iii) a Municipal Corporation for a larger urban area.

All seats in a municipality are filled by persons directly elected from territorial constituencies, with the exception of such members as the state legislature may provide for representation by law, such as persons having special knowledge or experience of municipal administration. It is the state legislature that decides how the chairperson of the municipality is to be elected (Article 243R). Within the territorial area of a municipality with a population of 300,000 or more, Ward Committees, consisting of one or more wards, are constituted. The state legislature also by law makes provisions for the composition and territorial area of a Ward Committee and the manner in which the seats are to be filled. The person who represents the ward in the municipality acts as chairperson (Article 243S). Article 243T lays down the same principle for the reservation of seats in the municipalities as in the *Panchayats*.

In two states, West Bengal and Madhya Pradesh, a mayor-in-council system has been introduced in urban areas. These mayors are directly elected for five years with executive powers. In other municipal bodies, mayors are elected for one year; in some they are elected for two years – half the full term of the council. Where there is a mayor-in-council system, a cabinet-style executive committee is appointed by the mayor.

As in the case of the *Panchayats*, the responsibility for municipal elections rests with the State Election Commission, and (subject to the provisions of the federal Constitution) the state legislature by law makes provision with respect to all matters relating to municipal elections (Article 243ZA).

The electoral system at the national level in India is classified as FPTP.



**Table 12: Summary structure and features of LG system in Indonesia**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
		33 provinces Avg. pop.: 7,000,000 Largest = 35,000,000 Smallest = < 1,000,000 + 1 capital city district (Jakarta)	DPRD – council of 35-100 elected members LG headed by governor and vice governor, both of whom are directly elected
340 districts or regencies ( <i>kabupaten</i> ) Avg. pop.: 500,000 Largest = > 4,000,000 Smallest = 20,000	DPRD – councils of 20-45 elected members LG headed by regent ( <i>bupati</i> ) and vice regent, both of whom are directly elected	100 cities ( <i>kota</i> )	DPRD – councils of elected members. LG headed by mayor ( <i>walikota</i> ) and vice mayor, both of whom are directly elected
5,000 sub-districts ( <i>kecamatan</i> )	None Headed by <i>camat</i> , appointed by regency head		
70,000 villages ( <i>desa</i> )	Elected Village Boards and heads of village		

Law No. 32/2004 provides for the system of LG in Indonesia. Article 19(2) of Law No. 32/2004 provides that it is the regional administration, together with the Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah*, or DPRD), which are responsible for governing the regions.

The LG units are provinces, which in turn are made up of districts (or regencies) and cities. Each of these units has a legislative body, the DPRD), and an executive body in the form of a regional government (Article 3[1], Law No. 32/2004). In addition, the districts and cities are further divided into sub-districts, which in turn are made up of village units (Article 120, Law No. 32/2004).

Regional elections are held at these cascading levels, providing a chance for local citizens to elect their representatives directly. All Indonesians citizens who are at least 17 years old or married have the right to vote. They must, however, register to vote, be “mentally and spiritually healthy” and may not have had their voting rights annulled by a court decision with permanent legal effect (Articles 68 and 69, Law No. 32/2004).

## DPRDs – provincial, district (regency) and city levels

In accordance with Article 46 of Law No. 32/2004, the DPRD is to consist of a speaker, commissions and committees. The law does not, however, provide for how the members of the DPRD are elected. This is prescribed in the DPRD Regulations (Article 46[2], Law No. 32/2004).

DPRD members at the provincial, regency and city levels are elected through a form of PR-Open List. PR-Open List systems give voters control over both the number of seats each party wins in the representative body and the candidates from those parties who will represent voters by filling these seats. However, details of the system as adopted in Indonesia have placed relatively strong restrictions on how much influence the voters have on which candidates from the party of their choice will be elected. For provinces, regencies and cities, there are regional elections (*pilkada*), while the village head is directly elected on residents' initiative. In contrast, sub-district heads are appointed by the regent or mayor.

The heads of the regional governments, or regional heads, are each supported by a deputy regional head. For the provinces these are the governor and deputy governor; for the districts, the district head (*bupati*) and deputy district head (*wakil bupati*); and for the cities, the mayor (*walikota*) and deputy mayor (*wakil walikota*) (Article 24, Law No. 32/2004).

Heads and deputy heads are elected through direct and general elections (Article 56[1], Law No. 32/2004). Before the enactment of Law No. 32/2004, regional heads were appointed by the DPRD (Part Four, Law No. 22/1999). Heads and deputy heads are nominated and elected as a pair. They are nominated by the political parties or a coalition of parties that have received at least 15 percent of seats in the DPRD or 15 percent of total votes in the election to DPRD. Each political party or coalition of parties may nominate only one pair of candidates (Article 59, Law No. 32/2004). Article 58 of Law No. 32/2004 provides for the prerequisites for standing for election as head or deputy head. These include that the candidate must at least have graduated from senior high school (or equivalent); be at least 30 years old; submit a declaration of wealth and agree to make this declaration public; and believe in God. The elections of heads and deputy heads are administered by the Regional General Election Commission (KPUD) (Article 57[1], Law No. 32/2004).

In accordance with Article 107 of Law No. 32/2004, the pair of candidates that receive more than 50 percent of votes are declared winners. However, should no candidates receive more than 50 percent, the pair that have the most votes – if more than 25 percent of the total votes cast – are declared the winners. Should no pair receive more than 25 percent of votes, a second-round election is called, with the first and second pair of candidates standing for election; the winners are the pair who receive the highest number of votes. The system used is thus a Majority Runoff Two-Round System (TRS).

In addition to the head and deputy head, the government structure in the regions is to consist of the Regional Secretariat, headed by the regional secretary (appointed from amongst the civil servants and terminated by the President on the recommendation of the governor [Article 122, Law No. 32/2004]); the DPRD Secretariat, headed by the DPRD secretary (appointed and terminated by the regional heads with the approval of the DPRD [Article 123, Law No. 32/2004]); the regional services or executing agencies, each of which is headed by the head of services (appointed by the regional heads upon the recommendation of the regional secretary [Article 124, Law No. 32/2004]); and the technical institutions, the heads of which are appointed from amongst the civil servants by the regional heads upon the recommendation of the regional secretary (Article 125, Law No. 32/2004).

### **Sub-districts and villages**

In the districts and cities it also is provided that there should be sub-districts and village units (Article 120, Law No. 32/2004). The sub-districts are led by the sub-district head, appointed by the district head or mayor upon the recommendation of the regional secretary of the respective district or city. The sub-district head is to be appointed from amongst existing civil servants based on technical knowledge of government affairs as well as meeting requirements as prescribed by law (Article 126, Law No. 32/2004). Village units are headed by village chiefs elected among the population of the respective villages.

At the village level, an administration may be established consisting of the village administration and the Village Consultative Council (Article 200, Law No. 32/2004). The village administration is headed by the village unit chief, who is directly elected. Eligible voters are Indonesian citizens residing in the village. The village unit chief who receives the highest number of votes wins (Article 203, Law No. 32/2004). The system for electing village unit chiefs is FPTP. The members of the Village Consultative Council are to be selected in accordance with the relevant regional regulations. The chairperson of the Council is to be elected from amongst its members (Article 210, Law No. 32/2004).

### **Papua and Aceh**

Separate arrangements are made for LG as well as regional elections in the Special Autonomy Regions of Papua and Aceh. Regional elections in Aceh are run by an independent body, the Electoral Independent Commission, known as KIP (*Komisi Independen Pemilihan*). Not only party-nominated candidate but also independent candidates are allowed to be elected. In a province with a special status, there are significant variations with regard to decentralization and election issues.

### **Organization of elections**

The General Elections Commission (KPU), with its structure cascading from the Centre to the district level, is responsible for conducting national, provincial and regency/city elections. Village elections are run by residents on their own risk and responsibility. Each participant or political party presents a list of candidates for an electoral district, voters vote for a party, and parties receive seats in proportion to their overall share of the vote (*Electoral System Design – An Overview of the New International IDEA Handbook, 2005-2006*).



**Table 13: Summary structure and features of LG system in Iran**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
Rural District Councils: 824 <sup>13</sup>	Indirect election; i.e., majority votes of elected councillors from village and legal urban residential complexes (at least 5 councillors)	High Provincial Council (1)	In the second term of local councils in Iran, each Provincial Council selected one member by majority vote. Thus, the number of councillors who served in the Supreme Provinces' Council was 28. Legislation in 2003 changed this to 2 councillors for provinces with populations up to 2 million, 3 for populations up to 3 million and 4 for Tehran province, totalling 30 provinces
New Towns: 23 <sup>14</sup>	Direct election through secret balloting (5 councillors)	Provincial Council (30)	From each city, one councillor elected by majority vote
Village Councils: 35,000	Direct election through secret balloting (3 councillors for population less than 1,500; 5 for population above 1,500). Total number of village councillors = 108,000	Urban District Council (312)	Indirect election by cities and rural districts' councillors; majority vote. From each rural district and each city, 1 councillor based on majority vote
		City Council (1,015)	Direct election through secret balloting. Cities with population below 50,000: 5 members and 2 standbys. Cities 50,000 up to 200,000: 7 members and 3 standbys. Cities 200,000 to 1,000,000: 9 members and 4 standbys. Cities more than 1,000,000: 11 members and 5 standbys. Tehran: 15 members and 6 standbys. Total city councillors in the third local election: 5,400

<sup>13</sup> For various reasons such as population growth of villages, the number of cities, rural districts and urban districts changes constantly.

<sup>14</sup> In the third term of local council elections, unlike previous elections, legal residential complexes were regarded as cities. At the same time, council elections in new towns where construction is not finalized – and thus they are still managed by the Ministry of Housing and Urban Planning – constituted another locality apart from villages and cities.

Article 7 and Articles 100 to 106 of the Constitution provide for the LG system in Iran. This system consists of six levels of local councils, two of which are formed by direct election for a four-year mandate.

Each of Iran's provinces has an appointed governor-general and is divided into urban districts. Each urban district in turn is divided into a number of cities and rural districts. Again, each rural district is divided into a number of villages, independent farms and, in a few provinces, nomads.

The latest modification of Local Councils Legislation, approved by Parliament in 2003, altered the number of village and city councillors but otherwise kept 1996 council legislation intact. It remains unclear, however, whether the number of councillors for rural, urban or provincial districts and the Supreme Council of Provinces will be likewise changed. Overall, the Local Councils Legislation attempts to prevent overrepresentation by any one locality in all tiers of local councils. In other words, attempts have been made to create a well-balanced organization without discriminating against small cities, towns and villages.

Village and city councils are the most important – and in a sense, the only – institutions of local government in Iran directly elected by the people. According to Article 17 of the Local Councils Legislation, Village and City Council elections are direct, universal and by secret ballot.

If the numbers of votes for two candidates are equal, one who has served in the Iraq-Iran war or has disabilities from participating in the Islamic Revolution is given priority. If neither is a war veteran nor has a disability caused by war or revolution, the one with a higher education is preferred and thereby elected. If the characteristics of those with equal votes are the same, the issue will be resolved through a draw.

### **Rural District Councils**

As stipulated in the Local Councils Legislation, Rural District Councils are to be established by representatives of elected councillors from villages and legal residential complexes. Rural District Councils should have at least five councillors, with the maximum determined by the number of villages in the rural district.

### **Urban District Councils**

The same method applies to the election of councillors for the Urban District Councils, Provincial Councils and Supreme Council of Provinces. Councils of urban districts, and those of the provinces, should have at least five councillors, with the maximum determined by the number of rural districts and cities in an urban district, or the number of urban districts in a province, or the number of Provincial Councils as well as the population of each province.

According to the same legislation, the election of councillors for the higher tiers of the local council system first requires an absolute majority vote; otherwise, those who receive a relative majority are elected.

Article 2 of the Local Councils Legislation states that if there are fewer than five urban districts in a province, preventing five councillors from serving in the Provincial Council, the remaining members should be elected from the councillors of larger cities in the province. In any case, however, no city can have more than two councillors present in the Provincial Councils.

## **Municipality**

According to legislation, municipalities are regarded as public institutions or NGOs based on Government mandates; thus, the people's role in their formation and management has so far been negligible. Mayors are appointed by the City Councils, and decisions made by the municipalities must be reviewed and approved by the councils. This includes each municipality programme, plan of action and financial transaction. In the same manner, the Ministry of Interior must approve mayors after they are chosen.

## **Organization of elections**

Chapter 2 Section B of the Local Councils Legislation stipulates the conditions for holding elections or being elected. Article 25 states that all citizens aged 15 years and older can vote in local council elections. In addition to the requirements of age and citizenship, a one-year residency also is necessary for those living in cities with populations of less than 100,000. All who work outside the locality where they wish to vote must prove that their dependents have been residing in that locality for at least one year.

Article 26 stipulates conditions for those who wish to run as candidates for councillor. Individuals should register and announce their candidacy, and political parties endorse candidates only after the list of candidates is made public by the Ministry of Interior, which is responsible for administrative affairs of elections. No affiliation to political parties is required. Candidates should be at least 25 years old, residents of the locality where they desire to run and practicing Muslims or members of one of the other religions recognized by the Constitution. Candidates running for Village Councils should be literate and those for City Council (cities of up to 1 million) should have a high school diploma. For cities of more than 1 million, candidates should have at least two years of university education.

City Council elections are monitored by an Urban District Election Executive Board consisting of *Farmandar* (city governor), head of the Office of *Sabte Ahval* (personal documentation office) head of the Department of Education, and eight members of the general public. Village Council elections are monitored by a Rural District Election Executive Board consisting of *Bakhshdar* (governor of rural district), head of the Office of *Sabte Ahval*, head of rural district Office of Education, head or deputy of the Office of *Jihad* of Agriculture, and seven citizens.


**Table 14: Summary structure and features of LG system in Malaysia<sup>15</sup>:**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
101 District Councils (pop.: <100,000)	<p>President appointed by the state government Between 8 and 24 councillors appointed by the state government</p> <p>Other employees of the Council are employed directly by the local authority concerned</p>	<p>9 City Councils (pop. 100,000 and above; rapid development)</p> <p>34 Municipal Councils (pop. 100,000 and above)</p>	<p>Mayor appointed by the state government Between 8 and 24 councillors appointed by the state government</p> <p>President appointed by the state government Between 8 and 24 councillors appointed by the state government</p> <p>Municipalities can be upgraded to cities through an application to the federal Government</p>
		Special Forms	
		Examples of Special Authorities: Kuala Lumpur, Kota Kinabalu and Kuching North, the capital of the state of Sarawak and the new administrative enclave Putrajaya	No councillors

Three levels of government exist in Malaysia, namely, federal, state and local. Except for the few authorities created under special enactments by the Parliament, local councils in Peninsular Malaysia derive their power from the Local Government Act of 1976. The East Malaysian states of Sabah and Sarawak have their own legislation. Almost all are created by the state governments, with consent of the federal Government.

There are 144 local authorities in Malaysia, made up of nine City Councils, 34 Municipal Councils and 101 District Councils. A total of eight Special Authorities have been created to administer selected areas such as Kuala Lumpur, Kota Kinabalu in the state of Sabah, and Kuching North, covering the northern parts of Kuching, capital of Sarawak state, and the new administrative enclave Putrajaya. An example of a Special Authority is the Putrajaya Corporation, established under the Putrajaya Corporation Act 536, 1995. It was founded to develop, administer and manage Putrajaya and is entrusted with the functions of a local authority and local planning authority by various orders and notifications under the Local Government Act.

<sup>15</sup> It should be noted that the table depicts a general description of the local governance structure in Malaysia. The dichotomy into rural and urban areas is not entirely appropriate for the country because almost all District Councils (except those of Sarawak and Sabah) incorporate urban areas and towns. Moreover, the jurisdiction of the Municipal Councils may also include large tracts of rural areas. For instance, the entire state of Perlis is under the Kangar Municipal Council and the entire Seberang Perai (Wellesley Province) is under the Seberang Perai Municipal Council.

## **Councils**

Malaysian local councils cover very large areas, with many having jurisdiction over more than 500 sq. km. They invariably incorporate several towns and large rural areas.

Generally, Municipal Councils administer the bigger towns and more urbanized areas than District Councils. Elevation from Municipal Councils to City Councils requires the consent of the King with support of the federal Government and fulfilment of certain conditions, although this has not been strictly followed.

## **Representation**

The main decision-making body of the councils is the Full Council, which consists of the president or mayor as chairperson and 24 councillors. All major decisions, including annual budgets, bylaws and permits to undertake land development, must be approved by the Full Council. The Special Authorities do not have councillors. For instance, Kuala Lumpur City Hall has only advisors, whose advice need not be followed. As such, its mayor is very powerful vis-à-vis his counterparts in most other councils.

No local government elections are held in Malaysia; they were suspended in 1965 and subsequently abolished in 1976. The president or mayor and councillors are appointed by the respective state governments. The current practice is to appoint presidents or mayors from the ranks of the civil service. Councillors are appointed from nominees recommended by the ruling political parties of the state governments. Some senior state government officers are usually appointed as councillors. Opposition parties in the state governments do not have representation in the local councils.

The tenure of appointment is from one to three years, but the law allows for reappointment. Some councilors have served for 20 years or more. Since presidents or mayors are full-time jobs, their salaries and benefits are the same as those of senior government officers. Councillors are given monthly allowances ranging from RM600 to RM 1,200.

Opposition parties and civic groups have particularly called for bringing back LG elections.

## **Women and marginalized groups**

As a whole, women are underrepresented in LG. Although some political parties have said that they would have 30 percent female councillors, this is usually not implemented. All major ethnic groups are represented in most local councils. However, almost all local councils in Peninsular Malaysia have a Malay majority.


**Table 15: Summary structure and features of LG system in Maldives**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
20 Atolls (Avg. pop.: 10,000)	Atoll Development Committee  10-20 members appointed by MoAD, including from among Island Chiefs; no elected representatives  25 percent women members, but provision rarely complied with		
196 Islands (Avg. pop.: 1,000)	Island Development Committee (established with Government regulation)  5-10 elected members (2-5 appointed)  Direct election through secret ballot  President is the Island Chief and chairperson the Atoll Chief; indirect election of the vice chair from among the members  No provision to ensure representation of women or marginalized groups	Male' Municipality (pop.: 103,693)	No elected Municipal Council

No constitutional provision exists for local representative institutions in Maldives, nor are Atoll Development Committees (ADCs) and Island Development Committees (IDCs) described in law; their status has been termed quasi-legal, and their functions and composition are regulated only by the 1999 Rules and Regulations issued by the Ministry of Atoll Development.<sup>16</sup> ADCs are “formed under the Ministry of Atolls Development to work in collaboration with the Atoll Offices.” IDCs “will work under the Island Office and in consultation with the Atoll Office.” There is no elected representation at municipal level (in the capital, Male’).

The 1997 Constitution refers only to local governance administrative structures, and current proposals for constitutional revision suggest no amendments in this area. The introduction of elected Island and Atoll Councils is being discussed, and a law has been drafted.

<sup>16</sup> Regulation on Atoll Development Committees, 11 September 1999, Ministry of Atolls Development, and Rules and Regulations for Island Development Committees, 8 April 1999, Ministry of Atolls Development. No official translation exists; this report is based on the unofficial translation.

## Island Development Committees

IDCs are comprised of appointed/*ex officio* and elected members and have 5-10 members depending on the size of the island population. They encompass the island leaders, i.e., the assistant island chief(s) as well as the island chief in cases where the head of the local administration is a senior island chief. A direct reporting line is established to the atoll level by making the atoll chief (or officer-in-charge) the chairperson. The president of the IDC is the person in charge of the island office, or the island chief; therefore, s/he is the appointed head of public administration on the island, while the members elect the deputy president from amongst themselves.

The number of members in an IDC varies according to the population of the island, namely:

<b>Population</b>	<b>Elected members</b>	<b>Appointed by Atoll Chief</b>
Below 1,000	5	2
1,000 - 3,000	6	3
Above 3,000	10	5

However, in practice, appointed members of the IDC are often the majority, since actual composition of IDCs often differs from that stipulated in the guidelines. No requirement exists to ensure representation of women amongst elected members of the IDC.

Elections for elected members of the IDC are to be conducted through a secret ballot that presents a list of candidates. The voter (all persons registered on the island who are 18 or older) can mark his/her preferences, but has only as many choices as there are seats to be filled (using a Block Voting electoral system). Candidates with the most votes win. The administration of elections at island level is by an Election Committee appointed by the atoll chief in consultation with the Island Office. It comprises "senior local government officials and persons other than those competing for membership," as per the IDC regulations. In cases where the number of candidates does not meet the required number of posts, all candidates who applied are granted membership and additional posts are filled by persons appointed by the atoll chief, in consultation with the Island Office. If a member of the committee resigns or is removed, a new member can be admitted to the IDC without an election.

In practice, however, elections for the elected members to the IDC have been fairly inconsistent. In some islands, the island chief and atoll chief hand-picked representatives to the committee, while other islands run elections for the spots. However, these elections may include only the exact number of candidates as seats to be filled, and/or an Election Committee partially composed of candidates or individuals appointed as Council members. No explicit guidance is available on how candidates can compete for seats in the IDCs as members of political parties or groups.

## Atoll Development Committees

The regulation governing ADCs stipulates that an ADC will include 10 to 20 appointed members (the exact number is determined on the basis of atoll population), who are named by the Ministry of Atolls Development on the advice of the atoll chief. There also exists a requirement that women be at least one-quarter of the members of every ADC, although this seems rarely followed. In most cases, the majority of the members are selected from among the IDC presidents (i.e., the island chiefs). The committee is chaired by the atoll chief (or officer-in-charge) and is a consultative body for the atoll chief.

Interestingly, there was a brief experiment with directly electing ADCs and atoll chiefs during the late 1960s and 1970s. This was done through the same Block Vote electoral system, using the atoll as the unit of measure. Every eligible voter in the atoll was given the same list of candidates from which to select the required number of members; the atoll chief was the person winning the most votes.

### **Women Development Committees**

In 1992 the National Women Committee established Island Women Development Committees (WDC) for each inhabited island. WDCs are expected to undertake a wide range of relevant activities considered of specific relevance to women. In reality, the WDCs tend mainly to provide cleaning services, prepare for receiving guests to the islands, and run training courses in tailoring and similar activities. The president of the WDC is represented in the IDC.



**Table 16: Summary structure and features of LG system in Mongolia**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
21 <i>aimags</i> Avg. pop.: 50,000	<p><i>Aimag</i> Citizens' Representative <i>Hural</i> (25-35 seats)</p> <ul style="list-style-type: none"> <li>● <i>Hural</i> members directly elected by citizens</li> <li>● Chairperson and presidiums elected by CRH members</li> </ul> <p><i>Aimag</i> governor – state representation and local executive body</p> <ul style="list-style-type: none"> <li>● Nominated by <i>aimag</i> CRH and appointed by Prime Minister</li> </ul>	The capital city	<p>The Capital Citizens' Representative <i>Hural</i> (40 seats)</p> <ul style="list-style-type: none"> <li>● <i>Hural</i> members directly elected by citizens</li> <li>● Chairperson and presidiums elected by CRH members</li> </ul> <p>The capital governor – state representation and local executive body</p> <ul style="list-style-type: none"> <li>● Nominated by the capital CRH and appointed by Prime Minister</li> </ul>
340 <i>soums</i> Avg. pop.: 3,000	<p><i>Soum</i> Citizens' Representative <i>Hural</i> (15-20 seats)</p> <ul style="list-style-type: none"> <li>● <i>Hural</i> members directly elected by citizens</li> <li>● Chairperson and presidiums elected by CRH members</li> </ul> <p><i>Soum</i> governor – state representation and local executive body</p> <ul style="list-style-type: none"> <li>● Nominated by <i>soum</i> CRH and appointed by <i>aimag</i> governor</li> </ul>	9 districts	<p>District Citizens' Representative <i>Hural</i> (15-20 seats)</p> <ul style="list-style-type: none"> <li>● <i>Hural</i> members directly elected by citizens</li> <li>● Chairperson and presidiums elected by CRH members</li> </ul> <p>The capital governor – state representation and local executive body</p> <ul style="list-style-type: none"> <li>● Nominated by the district CRH and appointed by the capital governor</li> </ul>
1,500 <i>bags</i> Avg. pop.: 800	<p><i>Bag</i> Citizens' Common <i>Hural</i></p> <ul style="list-style-type: none"> <li>● Not elected</li> <li>● Citizens' direct participation</li> </ul> <p><i>Bag</i> governor – state representation and local executive body</p> <ul style="list-style-type: none"> <li>● Nominated by citizens' common <i>hural</i> and appointed by <i>soum</i> governor</li> </ul>	121 <i>horoos</i>	<p><i>Horoos</i> Citizens' Common <i>Hural</i></p> <ul style="list-style-type: none"> <li>● Not elected</li> <li>● Citizens' direct participation</li> </ul> <p><i>Khoroo</i> governor – state representation and local executive body</p> <ul style="list-style-type: none"> <li>● Nominated by citizens' common <i>hural</i> and appointed by district governor</li> </ul>

Mongolia is divided administratively into rural *aimags* and a capital city. *Aimags* in turn are divided into *soums*, *soums* into *bags*, the capital city into districts, and districts into *horoos*. There are three tiers of local governments. Each level consists of both the local self-governing body and the central Government representation According to the 1992 Constitution, "governance of administrative and territorial units of Mongolia shall be organized on the basis of combination of the principles of both self-government and central Government" (Article 59, Provision 1).

Citizens of Mongolia residing in the administrative territorial units who are aged 18 and older have the right to vote. The exceptions are "persons who have been proved insane by the medical expertise and/or court decisions," and those who are incarcerated.

### **Hurals**

Residents of each administrative and territorial unit form the local self-governing organizations that represent them, Citizens' Representative *Hurals* (CRH), a form of democratic representation at *aimag*, capital city, *soum* and district levels; and Citizens' Common *Hurals* (CCH), a form of direct democracy at *bag* and *horoo* levels. During the intermission of these *hurals*, presidiums operate. *Hurals* have no executive powers; they formally discuss and approve the local budget, and governors implement it. Governors at all levels, except at *bag* and *horoo* level, have a relatively bigger office than *hurals*, operating daily. Several central Government agencies operate at *aimag* level. Almost all ministries, such as the Ministry of Health and the Ministry of Education, have their own representative office in local governments.

State administration responsibilities are to be implemented by the governors. Local self-governance functions are implemented through the CRHs. Each administrative and territorial unit has a governor nominated by the *hural* and appointed by a higher-level governor. *Aimag*/capital city governors are nominated by *aimag*/ capital city CRH and appointed by the Prime Minister as the head of central government. *Aimag* and *soum* governors appoint a lower-level governor by the same procedure as above.

Most large national political parties and coalitions have their own sub-committees at *aimag* and *soum* levels. No independent local political party is registered. All parties define policies at both national and local level. For instance, the MPRP (Mongolian People's Revolutionary Party) and Democratic Party have sub-committees in *aimags* and *soums*. About 70-100 committee members are at the *aimag* level. In practice, local governors head their own local party committees. If the party wins the local election, a chairperson of the committee could be appointed as governor. The main interest of political parties in elections is to get a governor's position, and local governments' executive power. In order to achieve this, they must be a majority in CRHs.

Local committees elaborate their own local election campaign programme within the framework of the national policy programme defined by the parties' headquarters. All candidates for CRH develop their own programmes and suggest them to voters. It can be argued that the local election programmes closely resemble the central party's policies.

LG officials were not restricted from becoming members of CRH up to 2007. According to the 2007 amendment of the local election law, LG officials in the future must choose between being a candidate or keeping their LG positions. This regulation will begin to be implemented from the next local election in 2008.

In practice, 70 to 90 percent of *aimags* and *soums* *hural* members have been government officials such as governors, deputy governors, heads of the main departments at a governor's office, chairpersons of the central Government agencies, or school/hospital directors. Representation of ordinary citizens and herders in local *hurals* is limited. *Hural* decisions are usually influenced by the governor and his office, which can lead to difficulties. For instance, public officials in *hurals* make decisions and implement them on their own, which leads to a lack of accountability and control mechanisms between the *hural* and the governor.

## Organization of elections

The Law of Local Election was adopted in 1993 and amended in 2000 and 2007. Local election is based on free, direct, secret principles. Election sub-committees at *aimag*/capital and *soum*/district levels are responsible for all organizational issues. The election sub-committee's members, chairperson and secretary are appointed by their *aimag* or *soum* *hural*.

*Aimag*/capital and *soum*/district *hural* elections are conducted on the same date. Article 5.1 of the Local Election Law declares that a single mandate should be allocated for one election constituency. A constituency should depend on population size. *Aimag*, capital city, *soum* and district CRHs decide the set-up of constituencies in their respective territories. For example, if an *aimag* CRH has 35 seats, the *aimag* territory is divided into 35 constituencies.

Each mandate can nominate candidates from political parties; coalitions are officially registered at the Prime Court of Mongolia. Nomination is also open for independent candidates who collect more than 200 citizens' signatures for *aimag*/capital *hurals* and more than 75 for *soum*/district *hurals*.

Elections are conducted by Election Commissions at national, *aimag*/capital and *soum*/district levels.

Candidates are nominated by a sub-organization of the national political parties and coalitions working at LG levels. Registration of candidates is decided by local election sub-committee within three days after completing the official submission. A person nominates his/her candidacy in one constituency, or the nomination is recognized only in one constituency.

Candidates have the right to refuse a nomination. Parties and coalitions also have the right to withdraw their candidates and replace them with others. The candidates, parties and coalitions should immediately inform the Election Commission of these decisions, and the Election Commission announces the polling day, hours and places 10 days before Election Day.

Two ballot papers are printed out separately for *aimag* and *soum* polling. Precedence of the parties and coalitions is determined by the order in which they were registered with the Supreme Court.



**Table 17: Summary structure and features of LG system in Nepal**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
75 districts Avg. pop.: 340,000	<ul style="list-style-type: none"> <li>● District Council – varying number of members (chairpersons and vice chairpersons of all constituent VDCs, mayors and vice mayors of all municipalities, DDC members, local members of National Assembly and House of Representatives [<i>ex officio</i> members], and 6 members nominated by the District Council from the general public [including at least 1 woman and DAG representatives]);</li> <li>● District Development Committee (DDC) – varying number of members (chairperson and vice chairperson [both of whom are elected by and from constituent Village and Municipal Councils], <i>Ilaka/</i> area members [elected by and from constituent Village and Municipal Councils]), local members of the National Assembly and the House of Representatives [<i>ex officio</i> members], and 2 members nominated by DDC from District Council [including at least 1 woman])</li> </ul>		

**Table 17: Summary structure and features of LG system in Nepal** (continued)

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
6,000 villages Avg. pop.: 6,500	<ul style="list-style-type: none"> <li>● Villages made up of 9 wards, represented by Ward Committees (5 members = chairperson, 1 woman, 3 others, all directly elected for 5 years by ward population)</li> <li>● Village Council, made up of 53 members (VDC chairperson and vice chairperson [directly elected for 5 years by village population], all Ward Committee members, and 6 persons nominated by Village Council [including at least 1 woman and representatives of DAGs])</li> <li>● Village Development Committee (VDC) – 13 members (chairperson, vice chairperson, 9 ward chairpersons, 2 village members [selected by Village Council and including at least 1 woman])</li> </ul>	Municipal areas	<ul style="list-style-type: none"> <li>● Municipalities made up of at least 9 wards, represented by Ward Committees (5 members = chairperson, 1 woman, 3 others, all directly elected for 5 years by ward population)</li> <li>● Municipal Council – made up of mayor and deputy mayor (directly elected), Ward Committee members, and 6-20 persons nominated by the Council from women and DAGs</li> <li>● Municipality – varying number of members (mayor, deputy mayor, ward chairpersons, 2 other members [selected by Municipal Council and including at least 1 woman])</li> </ul>

In 2002 elections for local bodies could not be held, and interim committees and councils have since replaced the elected bodies. The following section outlines the arrangement as intended under the Local Self-Governance Act (LSGA) 1999.

## **Districts**

The highest level of LG is the District Council which, in accordance with Section 172 of the LSGA, consists of the chairperson and vice chairperson of each Village Development Committee in the district; the mayor and deputy mayor of each municipality in the district; the members of the District Development Committee; the district members of the House of Representatives and the National Assembly as *ex officio* members; and six persons, including one woman, nominated by the District Council from amongst the poor and tribes, ethnic communities and indigenous peoples (Section 8).<sup>17</sup> The District Development Committee is an executive body of the District Council and in accordance with Section 176 is made up of members elected by the elected members of the Village Council and Municipal Council in each area, at the rate of one member from each area; a president and vice president elected by the elected members of each Village Council and Municipal Council in the district from amongst themselves; district members of the House of Representatives and National Assembly as *ex officio* members; and two members, including one woman, nominated by the District Development Committee on the same principles as in the case of the District Council.

## **Municipalities**

Section 72 of the LSGA provides that any area with a population of at least 20,000 and with electricity, roads, drinking water and communications facilities may be designated as a municipal area. Each municipal area should be further divided into no fewer than nine wards (Section 73). Each ward is to have a Ward Committee constituting one ward chairperson, one woman ward member, and three ward members elected by eligible voters in each district (Section 75). Each municipal area is to have a Municipal Council consisting of the mayor and deputy mayor of the municipality; the ward chairperson, woman ward member and ward members of each Ward Committee; and six to 20 persons, including women, nominated by the Municipal Council from amongst the poor and tribes, ethnic communities and indigenous peoples. At least 40 percent of those selected in this way must be women (Section 76). Section 80 provides that a municipality is to be constituted as an executive of the Municipal Council in a municipal area.

## **Villages**

Each Ward Committee is to consist of one ward chairperson, one woman ward member and three ward members elected by eligible voters in the ward (Section 7). The Village Council, constituted in each village development area, consists of the Village Development Committee chairperson and vice chairperson, the members of the Ward Committees within the village development area, and six persons, including one woman, nominated by the Village Council from amongst the poor and tribes, ethnic communities and indigenous peoples. The Village Development Committee acts as an executive of the Village Council. The Committee is headed by a chairperson and vice chairperson directly elected by eligible voters in the village development area; the chairpersons of the Ward Committees; and two members, including one woman, nominated by the Village Development Committee, on the same principles as in the case of the Village Council (Section 12).

## **Organization of elections**

The Constitution empowers the Election Commission to conduct, supervise, direct and control elections to local bodies at the village, town and district levels. The electoral rolls of voters for the above purposes also are to be prepared by the Election Commission. At the local level, both independent candidates and political parties can contest elections.

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<sup>17</sup> This is the terminology used in the legislation.



Table 18: Summary structure and features of LG system in Pakistan

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
102 districts	District Councils – composed of UC <i>nazims</i> and others (district <i>nazim</i> and district <i>naib nazim</i> + others) elected by all U councillors in the district	8 city districts Largest = > 9,000,000 Smallest = 565,000	City District Councils – composed of UC <i>nazims</i> and others (district <i>nazim</i> and district <i>naib nazim</i> + others) elected by all UC councillors in the city district
332 <i>tehsils</i>	<i>Tehsil</i> Councils – composed of UC <i>naib nazims</i> and other members ( <i>tehsil nazim</i> and <i>tehsil naib nazim</i> , and others) elected by all UC councillors in the <i>tehsil</i>	62 city towns	City Town Councils – composed of UC <i>naib nazims</i> and other members ( <i>tehsil nazim</i> and <i>tehsil naib nazim</i> , and others) elected by all UC councillors in the city town
6,125 unions Avg. pop.: 25,000	Union Councils – 13 elected members, headed by <i>nazim</i> and <i>naib nazim</i>	Unions	Union Councils – 13 elected members, headed by <i>nazim</i> and <i>naib nazim</i>

The LG of Pakistan is divided into several levels with district/city district as the highest level, together with *tehsil* and town administration. Below this level come the Union, Village and Neighbourhood Councils.

LG elections are held on a non-party basis. The electorate for the Union Councils is made up of all registered voters who are citizens aged 18 and older.

### Union Councils

The foundation of the electoral structure for the three tiers of LG is the Union Council. The union is a multi-member ward for the election of members of the Union Council (each constituency is on average 25,000 people, which is large). Each Union Council comprises 13 directly elected members;<sup>18</sup> before a 2005 amendment of the Local Government Ordinance (LGO), there were 21 directly elected members. The *nazim* and *naib nazim* (mayor and deputy mayor) are elected on a joint ticket. The remaining 11 seats on the Union Council are allocated as follows:

- Six Muslim members elected to general seats (including two reserved for women)
- Four members elected from peasant and worker classes (including one seat reserved for women)
- One member elected to a seat reserved for minority communities<sup>19</sup>

<sup>18</sup> Councillors must be at least age 25, a citizen residing in the relevant ward, of “good Muslim character” (except for non-Muslims), and must not have been convicted of various crimes, nor be an employee of federal, provincial or LGs. *Nazims* and *naib nazims* must have a matriculation or secondary school certificate.

<sup>19</sup> Where minorities exceed 10 percent of the union’s population, there is provision for the number of minority community seats to be increased by reallocating Muslim general or peasant/worker seats.

## The arithmetic of local government elections

Assume a district with 60 Union Councils (UCs), grouped in three *tehsils* of the same size (20 UCs per *tehsil*)

### Direct elections:

#### Union Councils

- There are direct elections for all 13 UC councillors. Eleven are elected individually, but the UC *nazim* and *naib nazim* are elected on a joint ticket. In this example, there are therefore 780 UC councillors overall.

### Indirect elections:

#### Tehsil Councils

- Each UC *naib nazim* is automatically a member of the *Tehsil* Council
- In addition to the 20 UC *naib nazim*, each of the three *Tehsil* Councils has a *tehsil nazim* and *naib nazim*, plus nine additional members: seven women councillors, one peasant/worker councillor and one minority councillor
- The *tehsil nazim* and the additional nine councillors are elected by the 260 UC councillors (20 UCs in the *tehsil* x 13 UC councillors per UC)
- The *tehsil naib nazim* is elected from amongst themselves by *Tehsil* Council members at their first meeting

### District Councils

- Each UC *nazim* is automatically a member of the District Council
- In addition to the 60 UC *nazim*, the District Council has a district *nazim* and *naib nazim*, and 26 additional members: 20 women councillors, three peasants/workers and three minority councillors
- The district *nazim* and the additional 26 councillors are elected by the 780 UC councillors
- The district *naib nazim* is elected from amongst themselves by District Council members at their first meeting

## Tehsil and District Councils

The *nazim* of the Union Council then becomes *ex officio* a member of the District Council. The *naib nazim* of the Union Council becomes *ex officio* a member of the *Tehsil* Council

The union councillors constitute the electoral college for the district/*tehsil* councillors at large and for the district and *tehsil nazim* (who cannot be a union councillor).

District Councils include all the Union Council *nazims*, and *Tehsil* Councils include all Union Council *naib nazims*. Elected union councillors are not permitted to stand for election as *nazim* of any *tehsil* or district. *Tehsil/district nazims* are elected by all union councillors in their respective jurisdictions. They stand as a joint ticket once all union councillors in their district have been elected. *Naib nazims* of *tehsils* and districts, on the other hand, are indirectly elected by *tehsil/district* councillors from amongst themselves – and thus do not share the same Electoral college as the *nazim*.

Each tier of LG has a term of office of four years,<sup>20</sup> with a two-term limit for nazims and naib nazims at all levels.

<sup>20</sup> The term of office was changed from three years through an amendment in 2002.

The number of reserved seats in either District or *Tehsil* Councils is calculated as a percentage of the number of UCs in the district/*tehsil*. One-third of seats are reserved for women – directly elected at UC level and elected by the electoral college of union councillors at *tehsil* and district levels. This emphasis on women's participation in politics is a dramatic break from the past. In addition, 5 percent of district and *tehsil* seats have been reserved for peasants (in rural constituencies) or workers (in urban areas), and 5 percent for minorities. Thus, overall District Councils and *Tehsil* Councils are made up of about two-thirds directly elected members and one-third indirectly elected, including the *nazim* and *naib nazim*.

The inset on the facing page illustrates how the electoral system operates.

### **Municipal arrangements**

As provided by Section 93 the *tehsil* municipal administration or town municipal administration respectively may provide for the creation of a Neighbourhood or Village Council consisting of five to 11 members each, provided that for each Council one seat is reserved for women and one seat for peasants and workers. A Council is headed by a chairperson who shall be the person securing the highest number of votes in the election of the Council. Section 9 provides that the *tehsil* municipal administration and town municipal administration conduct the elections of Councils.

### **Organization of elections**

In accordance with the Local Government Elections Order 2000, LG elections are conducted by the chief election commissioner (Section 150). It is also the chief election commissioner who prepares the electoral rolls for local elections (Subsection 157[2]). As prescribed by Section 153, LG elections are to be held on non-party basis.



**Table 19: Summary structure and features of LG system in PNG**

Provincial Government			
Rural areas		Urban areas	
19 provinces + 1 national capital district (Port Moresby) Avg. pop.: 270,000 from that province		Provincial Assembly made up of: <ul style="list-style-type: none"> <li>● Members of the (National) House of Assembly</li> <li>● Heads of rural LGs</li> <li>● A representative of the urban LGs</li> <li>● 1 woman representative</li> <li>● 3 chieftaincy representatives (in those provinces where it is appropriate)</li> <li>● Up to 3 further nominees</li> </ul>	
Local-level Government			
Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
273 LLGs Avg. pop.: 16,000	Local Councils made up of elected (single-member) ward representatives and up to 3 additional members appointed to represent various interest groups: <ul style="list-style-type: none"> <li>● 1 nominated by the PNG Trade Union Congress</li> <li>● 1 nominated by the Employers’ Federation</li> <li>● 1 to represent women’s organizations. In the rural sector, two women are nominated</li> </ul>	26 LLGs Avg. pop.: 16,000	Local Councils made up of elected (single-member) ward representatives and up to 3 additional members appointed to represent various interest groups: <ul style="list-style-type: none"> <li>● 1 nominated by the PNG Trade Union Congress</li> <li>● 1 nominated by the Employers’ Federation</li> <li>● 1 to represent women’s organizations. In the rural sector, two women are nominated</li> </ul>

Three levels of government exist in PNG – national provincial and local. The sub-provincial level of government is referred to as Local-Level Government (LLG). The main legislation relating to LG in PNG is:

- The Organic Law on Provincial Governments and Local-Level Governments 1995; this was intended to lead to fundamental reforms in PNG’s LG system, with a significant emphasis on LLGs as the basic units of LG
- The Local-Level Governments Administration Act 1997

Minor amendments were made to the Organic Law in 1995 to improve implementation, but the Local-Level Governments Administration Act has remained unchanged.

## Provincial Assemblies

The Organic Law provides for Provincial Assemblies comprising the following membership:

- All members of the National Parliament from the province
- Heads of rural local-level governments
- One representative of the heads of urban authorities and urban councils
- Up to three paramount chiefs or their appointed nominees, representing local areas where the chieftaincy system exists and is accepted
- One nominated woman representative
- Up to three other members appointed from time to time by the Provincial Assembly

Provincial Assemblies are thus made up of members who are either indirectly elected or appointed/nominated – in no case are they directly elected. All members, including nominated members, have voting powers.

The chairperson of the Provincial Assembly and head of the provincial government, known as the provincial governor, is normally the member of the national Parliament representing the provincial electorate. A total of 20 members of PNG's Parliament are elected from the 19 provinces and the national capital district of Port Moresby. These regional (at-large) Members of Parliament become provincial governors while retaining their national seats in Parliament. The provincial governor may be dismissed, however, by a two-thirds majority of the Provincial Assembly, in which case another person must be elected from amongst the other national MPs in the Provincial Assembly. The governor may not be in an executive position in government, or speaker or deputy speaker of the house, or leader or deputy leader of the opposition. If the provincial MP accepts such a position (which thus disqualifies him/her from being provincial governor), or is otherwise removed, s/he is to be replaced by another MP from the province. The governor is constitutionally responsible to the Minister for Provincial and Local-Level Governments. The deputy governor, meanwhile, is elected from amongst and by the representatives of the local-level governments.

The Provincial Executive Council comprises the governor and deputy governor, as well as the chairpersons of the permanent committees (not exceeding one-third of the membership of the Assembly). Because the governor appoints the committee chairpersons, this provision gives the governor considerable authority.

## LLG Councils

LLG councillors are directly elected by the FPTP system.<sup>21</sup> For LLG Councils PNG has a ward system, each electing a single member to the Council. Each LLG has four to 40 wards, each represented by an elected councillor.

Each Council may also have up to three additional members appointed to represent various interest groups:

- One nominated by the PNG Trade Union Congress
- One nominated by the Employers' Federation
- One to represent women's organizations. In rural areas, two women are nominated. This has ensured the inclusion of at least one woman appointed councillor in each of the 299 LLGs. Ten percent of all councillors are women.

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<sup>21</sup> Five provinces (Manus, Madang, Morobe, East New Britain and Eastern Highlands Province) use the newly introduced LPV (Limited Preferential Voting) system, which is also used for national elections. All other provinces use FPTP. Bougainville and the national capital district are excluded because they have separate laws.

All council members, whether elected or appointed, have voting powers.

Council elections are held at the same time as national elections. In 2002 these elected 6,003 councillors. A further 424 members were appointed to represent women, workers' unions and employees' federations. Political parties are fully entitled to contest local elections in PNG.

Candidates for LLG elections must be able to demonstrate strong local affiliations (birth, residence, descent, local-language fluency). Conditions for ineligibility include insanity, insolvency and a prior criminal record; in addition, LLG employees are not allowed to stand for election.

Local councils operate a leader-in-council system. The whole council represents the executive body as well as the legislative body in LG. The leader of the authority may be elected by the councillors or, if there is a proclamation by the head of State, directly elected by the electorate. The term of office is five years. All leaders are full-time and are paid monthly determined by the Salaries Remuneration Commission.

The Organic Law provides for participative structures, including a committee system that involves reporting from community meetings to ward development committees to the local council assemblies.

Each ward committee comprises the elected member for the ward (who is the chairperson) and a maximum of five community representatives (of whom two must be women) as associate members. The function of the ward committee is to serve as a consultative and advisory committee to the LG council.



## PHILIPPINES

**Table 21: Summary structure and features of LG system in Philippines**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
79 provinces Largest: 3,300,000 Smallest: 16,000	Provincial governor Provincial Board ( <i>Sangguniang Panlalawigan</i> ) – 9-13 elected members (including the vice governor) and a range of <i>ex officio</i> members largely drawn from provincial-level associations of constituent LG units, and 3 sectional representatives		
1,495 municipalities	Elected municipal mayor as executive <i>Sangguniang Bayan</i> or Municipal Council – composed of municipal vice mayor, 8 elected members, <i>ex officio</i> members drawn from municipal-level associations of constituent LG units, and 3 sectional representatives	117 cities (including 67 chartered cities – not included in the provinces) Largest: > 2,000,000	Elected city mayor as executive <i>Sangguniang Panlungsod</i> (City Council) – composed of vice mayor, elected members and <i>ex officio</i> members largely drawn from city-level associations of constituent LG units, and 3 sectional representatives
41,943 <i>barangays</i>	<i>Sangguniang Barangay</i> ( <i>Barangay Council</i> ), headed by <i>barangay</i> captain and comprising 7 elected members and Youth Council chairperson	<i>Barangays</i>	<i>Sangguniang Barangay</i> ( <i>Barangay Council</i> ), headed by <i>barangay</i> captain and comprising 7 elected members and Youth Council chairperson

Article X of the Constitution provides for the territorial and political subdivisions of the Philippines (Section 1). The Constitution further provides that the Congress is to enact an LG code providing for, amongst other things, the qualification, election, appointment and removal, term, salaries, powers, and functions and duties of local officials (Section 3). Congress has duly enacted the *Local Government Code 1991* (LGC).

As provided by Book III of the LGC, the Local Government Units (LGU) of the Philippines are:

- *Barangay* (the basic political unit)
- Municipalities
- Cities
- Provinces

Cities can be either Component or Highly Urbanized, with the distinction being that Highly Urbanized Cities do not belong to a province (and consequently, those entitled to vote in elections for the government of the Highly Urbanized Cities may not vote in provincial elections [Omnibus Election Code (OEC), Article IV, Section 30]).

### **Barangay**

The chief executive of the *barangay* government is the *punong barangay* or *barangay* captain (LGC, Section 389). The *barangay* captain is elected by all qualified voters in the *barangay*, voting as one constituency (LGC, Section 41[a]) and applying the FPTP system.

The legislative body of the *barangay* is the *Sangguniang Barangay* or *Barangay Council*. The *Barangay Council* comprises:

- *Barangay* captain
- Seven regular members. The same principle is applied when electing the regular members of the *Barangay Council* as when electing the *barangay* captain (LGC, Section 41[b]), with the difference that each voter casts the same number of votes as there are seats to be filled; i.e., a candidate-centred Block Vote system
- *Sangguniang Kabataan* (Youth Council) chairperson (LGC, Section 390).

In addition to the elected members of the *Barangay Council*, there also exists a *barangay* secretary and a *barangay* treasurer, both of whom are appointed by the *barangay* captain with the concurrence of all *Sangguniang Barangay* members (LGC, Sections 394 and 395).

In accordance with Section 393 of the LGC, members of the *Barangay Council* (including the secretary and treasurer) receive honoraria and allowances in accordance with the relevant law or local ordinance (the LGC provides for a minimum level of monthly remuneration), as well as a number of other benefits such as insurance and free medical care.

As provided for in Article VI, Section 38, of the OEC, *barangay* elections should be non-partisan, meaning that:

*“No person who files a certificate of candidacy shall represent or allow himself to be represented as a candidate of any political party or any other organization; and no political party, political group, political committee, civic, religious, professional or other organization or organized group of whatever nature shall intervene in his nomination or in the filing of his certificate of candidacy or give aid or support, directly or indirectly, material or otherwise favourable to or against his campaign for election [...]”*

In practice, however, candidates are typically affiliated with – as well as supported and funded by – political parties.

In addition to the *Barangay Council* there is also a *Sangguniang Kabataan* or Youth Council in each *barangay* comprising chairperson, seven members, a secretary and a treasurer. The chairperson and the members are elected by the members of the *Katipunanng Kabataan*, which consists of all citizens residing in the *barangay* for at least six months and who are aged 15 to 21 (LGC, Sections 41[a] and 424). The secretary and treasurer are appointed by the chairperson from amongst, and with the concurrence of, the members (LGC, Section 430[d]). As noted above, the chairperson of the Youth Council also acts as an *ex officio* member of the *Barangay Council* and as such also enjoys the same privileges as other members of the *Barangay Council*. All members of the *Barangay Council* are exempt from payment of tuition fees (LGC, Section 434). Candidates for the Youth Council must be aged 15 to 21 (LGC, Section 39[f]).

## Municipalities

The chief executive of the municipal government is the municipal mayor (LGC, Section, 446[a]), assisted by a municipal vice mayor (LGC, Section 445). Both are elected by all qualified voters in the municipality, voting as one constituency (LGC, Section 41[a]) and applying the FPTP system.

The legislative body in the municipalities is the *Sangguniang Bayan*, or Municipal Council. The Municipal Council comprises:

- The municipal vice mayor as the presiding officer
- Eight regular members or councillors, elected by district as may be provided for by law (LGC, Section 41[b])
- The president of the municipal chapter of the *liga ng mga barangay*, the Association of *Barangay* Captains (ABC), elected from amongst and by the *barangay* captains in the municipality
- The president of the *pambayang pederasyon ng mga Sangguniang Kabataan*, or Municipal Youth Council, elected from amongst and by the chairpersons of the Youth Councils in the municipality
- The sectoral representatives (LGC, Section 446[a]). There are three sectoral representatives – one woman, one from the agricultural or industrial workers and one from the other sectors, including the urban poor, indigenous cultural communities or persons with disabilities (LGC, Section 446[b]).

The municipal mayor is mandated to appoint all officials and employees whose salaries and wages are wholly or mainly paid out of municipal funds and whose appointments are not otherwise provided for in the LGC (LGC, Section 444[1v]). Members of the Municipal Council are provided with a monthly compensation (LGC, Section 447[b]).

## Provinces

The provincial governor is the chief executive of the provincial government (LGC, Section 465), assisted by a provincial vice governor (LGC, Section 466). Both are elected by all qualified voters in the province, voting as one constituency (LGC, Section 41[a]) and applying the FPTP system.

The legislative body in the provinces is the *Sangguniang Panlalawigan*, or Provincial Board. The vice governor (*bise-gobernador*) presides over the Provincial Board, which comprises:

- Board members from each district in the province. Depending on the income class of the province, it may either have eight or 10 board members. First- and second-class provinces have 10 board members, while third- and fourth- class provinces have eight. Negros Occidental and Cebu are exceptions, having 12 board members each. The regular members of the *Sangguniang Panlalawigan* are elected by district as may be provided for by law (LGC, Section 41[b]).
- As ex officio members:
  - The president of the provincial chapter of the Association of *Barangay* Captains (ABC), or *liga ng mga barangay*, elected from amongst and by the presidents of the municipal and city chapters of the ABCs in the province
  - The president of the Provincial Federation of Youth Councils, or *panlalawigang pederasyon ng mga Sangguniang Kabataan* (elected from amongst and by the presidents of the municipal and city federations of Youth Councils in the province)
  - The president of the provincial federation of *Sangguniang* members of municipalities and component cities and the sectoral representatives of municipalities and component cities (LGC, Section 467[a])
  - Three sectoral representatives representing the same groups as is the case for the municipalities.

The provincial governor is mandated to appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in the LGC (LGC, Section 465[1v]). Members of the Provincial Board are provided with a monthly compensation (LGC, Section 467[b]).

## **Cities**

The city mayor is the chief executive of the city government (LGC, 455[1]), assisted by a city vice mayor (LGC, Section 456). Both are elected by all qualified voters in the city, voting as one constituency (LGC, Section 41[a]) and applying the FPTP system.

The legislative body in the cities is the *Sangguniang Panlungsod*, or City Council. The City Council comprises:

- The city vice mayor as presiding officer
- The regular members (number not specified). The regular members of the City Council are elected by district as may be provided for by law (LGC, Section 41[b])
- The president of the city chapter of the ABC (elected on the same basis as for the municipalities)
- The president of the city federation of Youth Councils (*panlungsod na pederasyon ng mga Sangguniang Kabataan*), elected on the same basis as for the municipalities
- The sectoral representatives (LGC, Section 457[a]. There are three sectoral representatives for the same groups as in municipalities and provinces. The city mayor is mandated to appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in the LGC (LGC, Section 455[1v])

Members of the City Council are provided with a monthly compensation (LGC, Section 458[b]).

## **Sectional representation and appointments**

As provided by Article X, Section 9, of the Constitution, legislative bodies of LGs should include sectoral representation as may be prescribed by law. Provisions relating to various LGUs are given above under each heading. It is the responsibility of the Commission of Elections to promulgate the rules and regulations to effectively provide for the election of the sectoral representatives.

Title Five of the LGC covers appointive (both obligatory and optional) local officials common to all municipalities, cities and provinces. As is the case with *Barangay* Councils, all the higher-level Councils have secretaries and treasurers. The secretaries are appointed by the chief executive within the respective LGU, whereas the treasurer is appointed by the secretary of finance. The remaining appointive local officials hold various specialized positions such as engineer or health officer. Most are appointed by the chief executive of the respective LGUs.

## **Eligibility of candidates**

In order stand for election, a candidate must be a registered voter in the LGU where s/he intends to stand. Candidates for the provincial, city or municipal legislatures must have been a resident for at least one year in the district. Varying age requirements apply for the different legislatures, ranging from 18 at *barangay* level (except in the case of the Youth Council representatives; see above) up to 23 at provincial level (LGC, Section 39). Section 40 provides for which individuals are disqualified from standing for election. This includes those who have been sentenced for an offence involving moral turpitude or for an offence punishable by one year or more of imprisonment (the individual may stand for election two years after the sentence has been served); those removed from office as a result of an administrative case; those with dual citizenship; and the "insane and feeble-minded."

### **Organization of elections**

Elections at the *barangay* level are conducted by the Board of Election Tellers, which is constituted by the Commission on Elections no later than 10 days before the election (OEC, Article VI, Section 40). The Commission on Elections has field offices in the provinces, headed by the provincial election supervisor, as well as in the cities and municipalities, headed by the city and municipal registrar respectively (OUC, Article VII, Section 53).



Table 22: Summary structure and features of LG system in Republic of Korea<sup>22</sup>

Provincial / Metropolitan (City)/Special Metropolitan (City) Administrative and Electoral Organizations (P/M/SM AEOs)			
Levels		Representative bodies	
16 P/M/SM AEOs (9 PAEOs, 6 MAEOs, 1 SAEO) <ul style="list-style-type: none"> <li>• Avg. pop.: 2,940,090</li> <li>• Pop. of <b>Seoul</b> SM (9,762,546) is the largest among P/M/SMs</li> <li>• Area of Seoul SM: 605.52 km<sup>2</sup></li> <li>• Avg. area of Ms: 784.59 km<sup>2</sup></li> <li>• Avg. area of Ps: 10,900.00 km<sup>2</sup></li> </ul>		16 <i>Si/Do</i> Councils (7 <i>Si</i> Councils, 9 <i>Do</i> Councils): <ul style="list-style-type: none"> <li>• 16-96 elected members per council</li> <li>• Total 733 members (655 local constituency, 78 proportional)</li> <li>• Single-member plurality system</li> <li>• Chairperson of a council is elected by local council representatives; a majority party takes it</li> </ul>	
Ward (Autonomous)/City/County Administrative and Electoral Organizations (W/C/CO AEOs)			
Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
86 COAEOs <ul style="list-style-type: none"> <li>• Avg. pop.: 98,906</li> <li>• Avg. area: 664.13 km<sup>2</sup></li> </ul>	86 <i>Gun</i> Councils <ul style="list-style-type: none"> <li>• 7 members for the <b>Ulleung</b> COAEO (smallest no. among all W/C/CO AEOs)</li> <li>• Multi-member plurality system</li> </ul>	69 WAEOs (area: 48.74 km <sup>2</sup> ) 75 CAEOs (area: 495.01 km <sup>2</sup> ) Avg. pop.: 262,587	144 <i>Gu/Si</i> Councils (69 <i>Gu</i> Councils, 75 <i>Si</i> Councils) <ul style="list-style-type: none"> <li>• 41 members for the <b>Seongnam</b> CAEO (largest no. among W/C/CO AEOs)</li> <li>• Multi-member plurality system</li> </ul>
Total 2,888 <i>Gu, Si/Gun</i> Council members (local constituency + proportional) Chairperson of a council is elected by local council representatives; a majority party takes it			
223 TAOs, 1,248 SCOAOs	No electoral, but only administrative bodies exist	44 WAOs, 2153 VAOs	No electoral, but only administrative bodies exist

Legislative measures such as the Decentralization Special Act of 2003, and adjustments in the tax system and national subsidies, have facilitated local governance in the Republic of Korea. In 2006 LGs comprised 16 *Si/Do* (special metropolitan city/province), 230 *Gu* (ward)/*Si* (city)/*Gun* (county).

### Si/Do Councils

The number of *Si/Do* Council constituency members varies according to two factors. The first factor is the number of *Gu, Si/Gun* within that *Si/Do*. The second is the number of local constituencies for the National Assembly for that *Si/Do*. Thus, the number varies from 16 (*Gwangju-si, Daejeon-si, and Ulsan-si*) to 96 (Seoul Special Metropolitan-*si*). The number of proportional council representatives is one-tenth of the full number of members, with a minimum of three. There are 733 *Si/Do* council members nationwide, 655 being for local constituency members and 78 for proportional ones.

<sup>22</sup> List of translated terms:  
 Upper-tier: *Si* ↔ Special Metropolitan City or Metropolitan City; *Do* ↔ Province. Lower-tier: *Si* ↔ City; *Gu* ↔ Ward; *Gun* ↔ County. Administrative Organization; *Dong* ↔ Village; *Eup* ↔ Town; *Myeon* ↔ Sub-county / Township.

The system of representation established for *Si/Do* councils has been designed to promote PR. Regardless of occupational background, ethnicity and/or gender, candidates for local council representatives can be registered either by political party or independent nomination. If a political party is to take part in elections for PR *Si/Do* Council members, it has to submit a list of candidates to the Electoral Commission. To encourage women's political participation, each party must allocate women's seats in its PR council members; more than half of the candidates endorsed should be female, and every second candidate should be a female in order of the ranking of candidates in the list. If a political party does not observe the rule, its candidate registration is invalid. At the same time, neither affirmative nor discriminative action measures for specific ethnic or occupational groups have been adopted. Chairperson of the *Si/Do* Council must be elected by local council representatives, and a majority party takes the post.

### **The Autonomous *Gu, Si/Gun* Council**

Autonomous *Gu, Si/Gun* Council members are elected on the basis of *dong/eup, myeon*, which are administrative – not local autonomy – districts; they total 2,888. A candidate of the *Gu, Si/Gun* Council can be endorsed by political parties. Thus, there is a proportional member from the election of *Gu, Si/Gun* Council members just as with the *Si/Do* Council; independent candidates are also encouraged to register. A majority party takes the chair of the Autonomous *Gu, Si/Gun* Council, and should be elected by the council representatives. There also exists affirmative action to encourage women's political participation, which stipulates that each party must allocate women's seats in its PR council members. There is no affirmative/discriminative action measure in line with a candidate's ethnicity and/or other background.

A *myeon* with fewer than 1,000 people or a *dong* with fewer than 6,000 is combined with a *dong/eup, myeon* adjacent to a district that elects only one local council member. A *eup* with a population of more than 30,000 or a *dong* with a population of more than 50,000 has one more local council member. If the number of council members calculated is fewer than seven, the full number will be seven. Thus, some *dong/eup, myeon* elect two or more members. In 2003, *Seongnam-si* has the largest number, at 41, and numerous *Si/Guns*, such as *Ulleung-gun*, have the smallest number, seven members.

### **Organization of elections**

The elections of *Si/Do* Councils adopt single-member plurality system, while *Gu, Si/Gun* Councils adopt a multi-member plurality system. The delimitation of electoral districts in the Republic of Korea is with the full consideration of administrative districts, population, living districts, transportation, geographical features, and various other political, economic, geographic and social elements.

The election district for a *Si/Do* Council member is delimited by dividing the Autonomous *Gu, Si/Gun* in consideration of various social, economic, political and geographic conditions. If an Autonomous *Gu, Si/Gun* consists of two or more election districts for National Assembly members, its borders are determined by the election district for the National Assembly member.

The election district for an Autonomous *Gu, Si/Gun* Council member is delimited in the *dong/eup, myeon* as a unit. A *myeon* with a population of fewer than 1,000 or a *dong* with a population of fewer than 6,000 is unified with the adjacent *dong/eup, myeon* into one election district. A *eup* with a population of more than 30,000 or *dong* with more than 50,000 is divided into two election districts.



**Table 23: Summary structure and features of LG system in the Solomon Islands**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
9 provinces Avg. pop.: 51,000 Smallest: 5,250 Largest: 157,000	Provincial Councils made up of 9 to 30 Councillors elected for 4 years from wards on FPTP basis	Honiara City Pop.: 70,000	City Council made up of councillors elected for 4 years from wards on FPTP basis
		Noro Town Pop.: 5,000	Town Council made up of councillors elected for 4 years from wards on FPTP basis

The system of LG is made up of nine provinces, the city of Honiara (the capital) and the town of Noro. The main legislation governing LG is:

- Provincial Government Act
- Honiara City Council Act, currently under review

Provincial governments are envisaged in the Solomon Islands Constitution and were established in law through the 1981 Provincial Government Act, re-enacted in 1997 legislation. This Act created a Provincial Assembly for each province, with elected councillors empowered to pass ordinances not in conflict with national policy or legislation. Councillors are elected through a ward system using the FPTP system for a term of four years. The size of each Provincial Assembly varies according to the number of wards, typically between nine and 30 members.

Under the Provincial Government Act, each Provincial Assembly is headed by an Provincial Executive body, comprising not more than half the Assembly. The Provincial Executive is led by the Premier, who is elected (for a four-year term) by an absolute majority of Provincial Assembly members. The Provincial Premier is a full-time position. Once elected, the Premier appoints a Deputy Premier and Ministers with portfolio responsibilities, even where the sectoral responsibilities of the province for services delivery are minimal. The provincial secretary is accountable to the Premier and the Executive, in the same way as national permanent secretaries are accountable to their Ministers.

Urban mayors also are elected by their councillors for four years. Unlike Provincial Premiers, mayors are part-time. Their remuneration is set by the Minister.

Very few women hold elected office, and the one leader who is a woman is the chairperson of the appointed authority currently administering Honiara City Council.

The Constitution allows for traditional leadership to be incorporated formally into provincial structures, although this has never been achieved. Traditional leaders or chiefs are widely seen as a credible source of village governance; however, integration into the formal political system has never been successfully completed. The role of traditional leaders is most commonly associated with questions of land use, and the legal system allows for Local Courts to adjudicate land disputes to avoid bringing cases to court. Great variation of customary leadership roles exists within Solomon Islands and such roles are not always seen as relevant to administrative functions, but some Provinces, notably Isabel, are considering more formal systems to facilitate advisory roles for traditional leaders at both province and village level. The question of how to integrate traditional leadership into formal governance structures has been a focus of discussions of how to reform provincial government since the 1970s and remains a priority for Solomon Islanders.

### **Organization of elections**

The Department of Provincial Government and Rural Development is responsible for overseeing provincial and other local elections. Current election arrangements date to May 2003, when LPV supplanted FPTP; the first general election to use LPV was scheduled to be held in 2007.

At the national level, the FPTP system was used during national general elections of April 2006, with a single ballot box for casting votes. At the provincial level, elections conducted in late 2006 and early 2007 have used the FPTP system and multiple ballot boxes.



**Table 24: Summary structure and features of LG system in Sri Lanka**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
9 provinces (only 7 are functional as LGs) Avg. pop.: 2,000,000	<p>Provincial Councils: number of members determined by the President. Members elected on PR basis from district constituencies. Each Provincial Council has a chief minister elected from amongst its members by majority vote</p> <p>Provincial executive: a governor appointed by the President for a five-year term, responsible for executing the policies of the Council through a board of ministers headed by a chief minister and no more than four other ministers. The governor also appoints the chief minister, and the other ministers on the advice of the chief minister</p>		
25 districts Avg. pop.: 760,000	None		
306 <i>Pradeshiya Sabhas</i> Largest: 265,000 Smallest: 14,000	<p>Councils:</p> <ul style="list-style-type: none"> <li>● number of members decided by Government</li> <li>● election on basis of PR lists</li> <li>● led by a full-time chairperson, nominated by the majority party or group, who holds office for a four-year term</li> </ul>	18 Municipal Councils: Largest: 640,000 Smallest: 25,000	<p>Councils:</p> <ul style="list-style-type: none"> <li>● number of members decided by Government</li> <li>● election on basis of PR lists</li> <li>● led by a full-time chairperson, nominated by the majority party or group, who holds office for a four-year term</li> </ul>
		37 Urban Councils: Largest: 180,000 Smallest: 1,200	<p>Councils:</p> <ul style="list-style-type: none"> <li>● number of members decided by Government</li> <li>● election on basis of PR lists</li> <li>● led by a full-time chairperson, nominated by the majority party or group, who holds office for a four-year term</li> </ul>

Section 226 of the Constitution provides that there is to be a system of LG consisting of regularly elected local authorities. The political subdivisions below the central Government are Provincial Councils and local bodies that include Municipal Councils, Urban Councils and *Pradeshya Sabhas* (Division/Rural Councils). The Provincial Councils supervise the local councils.

Subsection 226 (4) of the Constitution provides that every statute enacted by a Provincial Council relating to elections of local authorities in that province should provide for the adequate representation of women, persons younger than 35 and the major communities ordinarily resident in the local area.

The present electoral system is regulated by the Local Authorities Election Act of 1989 and successive amendments. The Act changed dramatically the pre-existing arrangements by abolishing the ward system and establishing the local authority area as a single electorate, so that each elected councillor represents the entire population of the local authority, not a specific ward.

Political parties and Independent Candidates (IC) Groups (a provision that restricts the rights of individuals wishing to run without affiliation) submit lists of candidates, each including as many candidates as the total number of councillors to be elected, plus three more. Nomination lists are submitted under the signature of the political parties' secretaries or the IC Groups' leaders. Such lists must include 40 percent of candidates younger than age 35, in compliance with the constitutional mandate to promote the youth. Since the local elections of 1997, each voter has been able to give all three preference votes to the same candidate.

The number of councillors elected from each party or IC Group is determined by the proportion of votes received by that party or Group. The party or IC Group that gets the highest share of votes also gets a "bonus" of two additional seats. Any party or IC Group that gets less than one-eighth of the total votes will not be represented in the Council.

The parties and IC Groups that receive the highest number of votes nominate Council members elected in their lists for mayor/deputy mayor or chairperson/vice chairperson. These are then appointed by the National Commissioner of Elections, who also ratifies the election results and number of seats accruing to each political party or IC Group.

The term of office is four years. The Minister in charge has the power to extend this term for an additional year.

### **Municipalities**

As provided for by Part I of the Municipal Councils Ordinance, areas may be declared as municipalities by the Minister. For each municipality a Municipal Council is constituted, consisting of a mayor and deputy mayor as well as the number of councillors prescribed by order of the Minister. As provided for by Sections 8 and 14, councillors and the mayor and deputy mayor, who also are councillors, are to be elected in general elections in accordance with the Local Authorities Elections Ordinance.

Under Part I of the Urban Councils Ordinance, in urban areas the Minister may define the jurisdiction for which an Urban Council is constituted. This consists of a chairperson and vice chairperson as well as the number of members prescribed by order of the Minister. All members of the Urban Councils are to be elected by general election (Section 7).

### ***Pradeshiya Sabhas***

Part I of the *Pradeshiya Sabhas Act*, No. 15 of 1987, states that the Minister may provide for the delimitation and establishment of a *Pradeshiya Sabha* consisting of a chairperson and vice chairperson as well as the number of members as prescribed by order of the Minister, to be elected by general election.

### **Organization of elections**

Elections are organized under the overall responsibility of the National Commission of Elections. District secretaries, the central Government agents in the districts, act as election officers and are responsible for voter registration and the conduct of the polls.



**Table 25: Summary structure and features of LG system in Thailand**

Provincial Administrative Organization			
Levels		Representative bodies	
75 Provincial Administrative Organizations (PAO) Avg. pop.: Large: 2,500,000 Small: 186,000		PAO Council (24-48 elected members)/ a single-member ward Directly elected head of PAO	
Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
6,620 <i>Tambon</i> Administrative Organizations (TAO) Avg. pop.: Large: 25,000 Small: 2,000	Council (numbers depend on numbers of village/ two elected members per village) Directed elected TAO executive	Municipality Pop.: 12,379,635	Council (12 members for town/ 18 for city and 24 for metropolitan municipalities)/ A six-member ward Directly elected mayor
		Special Forms	
		Bangkok Metropolitan Administration (BMA)- Pop.: 5,705,855 (registered numbers)	BMA Council (100,000 residents a councillor/ around 60 elected members) and District Council (6-7 elected members per district)/ a single-member ward Directly elected BMA governor
		Pattaya City-Specific Form Pop.: 101,465	Council (24 elected members)/ a six-member ward Directly elected mayor

In Thailand exist 7,855 units of local authorities, which are classified into five forms, including three general and two specific. The three general forms, located in every province but Bangkok, are Provincial Administrative Organization (PAO, 75 units), municipality (1,158 units), and sub-district (*Tambon* Administrative Organization (TAO, 6,620 units). The three forms of local authorities also are classified into two tiers, provincial (PAO) and communal levels (municipalities and TAOs). The other two special forms of local authorities are self-governing bodies of special areas, including Bangkok Metropolitan Administration (BMA) and Pattaya City. Each local entity is governed by a local council and local chief executive, both of which are directly elected from local residents for four-year terms. Local elections apply the FPTP rule. The electorate for local elections is made up of voters who are Thai citizens aged 18 or older.

## **Provincial Administrative Organizations (PAO)**

As provided by the Provincial Administrative Organization Act of 1997, a PAO is established in every province but Bangkok. Each PAO is legally regarded as a “supra-local authority,” as its territory covers the whole province, under which municipalities and sub-district administrative organizations are located. The council and head of the PAO are directly elected by people for a four-year term; a province is considered as one constituency. The council comprises 24-48 elected members, depending on the numbers of citizens in the province. A single-member ward constituency and FPTP rule are applied for the election of the PAO council. A candidate for head of PAO must be at least 30 years old and hold at least a bachelor’s degree or equivalent. The head of PAOs has a two-term limit.

## **Municipalities**

According to the Municipal Government Act of 1953, amended in 2003, municipalities can be classified into three categories: metropolitan (*tessaban na-korn*), city (*tessaban muang*), and town (*tessaban tambon*). The classification principally reflects community sizes. In principle, municipal territories occupy urban areas. However, municipal sizes are relatively small and do not cover all urbanized areas.

Similar to PAOs, both municipal mayors and councillors are directly elected by the people for a four-year term. The number of councillors varies according to municipal category, 12 for town, 18 for city and 24 for metropolitan. The election of councils is an FPTP system and a multi-member ward constituency; each ward has six members. The municipal mayor is elected at large, considering a municipal area as one constituency. Candidates for mayor must be at least 30 years old and hold at least a bachelor’s degree. The two-term limit is also applied.

## **Sub-District/Tambon Administrative Organizations (TAO)**

TAOs were established under the *Tambon* Administrative Organization Act of 1994 when the Government aimed at decentralizing national administration to rural areas. TAOs can be classified into three categories (small, medium, large) according to their local incomes. Most TAOs are small, rural, and less developed communities. Both the TAO council and the executive are directly elected by the people under the FPTP system. The election of TAO councils is a two-member ward constituency, regarding a village as a ward. The TAO executive is elected at large, regarding a sub-district as a constituency. A candidate must be 30 years old and hold at least a secondary school certificate.

## **Bangkok Metropolitan Administration (BMA)**

Bangkok Metropolitan Administration (BMA), a special form of local authority, governs Bangkok, the capital of Thailand. Under the Bangkok Metropolitan Administration Act of 1985, the BMA governor and the council are directly elected by BMA residents for a four-year term. The BMA council comprises around 60 members and functions as the legislative body. The election of the BMA council is a single-member ward (one member per 100,000 residents), and FPTP is applied. The BMA governor is elected at large, regarding Bangkok as one constituency. Candidates for BMA governor must be at least 25 years old but have no educational requirement.

BMA also has 50 territorial administrations, the so-called “districts.” Each district has a District Council, the members of which are elected by local residents. The election is a multi-member ward, and each ward has six or seven members. The district chief executives are appointed by the governor. The District Council is not a legislative but a consultative body of district administration.

## **Pattaya City**

Pattaya City, founded by the Pattaya City Act of 1978, is another special form of local authority. Residents directly elect both the mayor and council of Pattaya City. The council, the legislative body, comprises 24 members. Similar to the case in municipalities, the election of council is a six-member ward, while the city mayor is elected at large. FPTP is applied, and the term in office is four years. The mayor is under the two-term limit.

### **Organization of elections**

According to the Election of Members of a Local Assembly and Local Administrators Act of 2002, local elections are organized and supervised by the Election Commission. In general, political parties play almost no role in local elections. Candidates standing for local elections are not legally required to be members of political parties. Some candidates contest in local elections under the name of local political groups; however, these groups are loosely organized just for the purpose of elections. The role of the national political party is clearly seen in BMA politics, since candidates standing for BMA elections generally belong to political parties. The current BMA governor and the majority of BMA councillors are members of the Democrat Party. In Thai local elections, there are no reserved seats for women, youth or marginalized groups. These groups normally participate directly. A proposal to have a system of reserved seats for women at TAO councils lacked sufficient political support for change.



**Table 26: Summary structure and features of LG system in Timor-Leste**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
Districts	None		
Sub-districts	None		
443 <i>sucos</i> Avg. pop.: 2,500	<i>Suco</i> Council – composed of a varying number of elected members ( <i>suco</i> chief, <i>aldeia</i> [hamlet] chiefs, 2 women, 2 youth and 1 elder)		

Section 5 of the Constitution provides that the territorial organization of the country will be based on the principle of decentralization of the public administration. Section 65 of the Constitution further prescribes that LG shall be chosen through election. No permanent system for administrative divisions and LG has yet been established in Timor-Leste. Pending a final decision, Timor-Leste has adopted legislation – Law 2/2004 and Decree-Law 5/2004 – in order to recognize existing organizations at the *suco* (village) level and to allow for their legitimization through the holding of local elections. *Suco* councils are, however, seen more as formalized community bodies than LGs per se, and the purpose of electing councils to re-establish the legitimacy of the *suco* leadership had been eroded in many areas. A draft policy has been formulated to create elected local councils at district level.

Timor-Leste is divided into districts, sub-districts, *sucos* and *aldeias* (sub-villages/hamlets). No elections are held for the two higher levels. The national Government has appointed district coordinators and district offices of the main Ministries, and sub-district coordinators at the sub-district level, which is the lowest level of government administration.

**Sucos**

At the *suco* level there is a *Suco* Council, comprising the *suco* chief, who heads the Council; the chiefs of the *aldeias* that make up the *suco*; two women; two young persons of each gender; and one village elder. A young person is aged 17 to 35, and an elder is older than age 50 (Article 3, Law 2/2004).

In accordance with Article 2 of Law 2/2004, the *suco* chief, as well as the other members of the *Suco* Council, is to be elected by direct ballot. Timorese citizens are eligible to vote in local elections if they are at least 17, have resided in the *suco* during the previous six months and are registered in the *suco*'s electoral roll. To be eligible to vote for the village heads, a voter also must reside in the respective village (Article 7, Law 2/2004). A person is disqualified from voting if s/he is barred by an irrevocable sentence or "clearly and publicly known to be insane" (Article 8, Law 2/2004).

All eligible to vote are also eligible to stand for election, provided that the candidate has resided in the *suco* in which the candidate intends to stand for at least one year before the polling day (Article 9, Law 2/2004). Article 10 of Law 2/2004 provides for different groups that are prohibited from standing for election, including Members of Parliament as well as public servants, with the exception health workers and teachers.

Candidates may submit their candidature on their own behalf or may be nominated by a political party or a coalition of political parties. Nominations are presented during a village meeting determined by STAE (the Technical Support Secretariat for Electoral Administration). Should it be deemed that too many candidates have been nominated, only those who obtain support from more than 10 percent of voters present will be accepted (Article 12, Law 2/2004).

The *suco* chief candidate, as well as the *aldeia* chief candidates who receive the highest number of votes in their respective communities, are elected by FPTP system. For the young persons, the winning candidate is the one who receives the highest number of votes in each gender group. (Article 25, Law 2/2004).<sup>23</sup>

### **Organization of elections**

The National Electoral Commission supervises the elections (Article 14[2], Law 2/2004). The elections are administered by STAE, within the Ministry of State Administration.

In accordance with Section 65 of the Constitution, the electoral system at the national level in Timor-Leste is PR; it is internationally classified as Parallel.

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<sup>23</sup> Law 2/2004 does not explicitly prescribe how women and village elders are elected to the *Suco* Council.


**Table 27: Summary structure and features of LG system in Viet Nam**

Rural areas		Urban areas	
Levels	Representative bodies	Levels	Representative bodies
64 provinces Avg. pop.: 1,250,000	Provincial People's Council	Cities are identical to provinces and are made up of similar types of constituent LG units	
611 districts Avg. pop.: 125,000	District People's Council		
10,602 communes Avg. pop.: 8,000	Commune People's Council		

In accordance with Article 118 of the 1992 Constitution there exist three levels of LG units in Viet Nam, namely, province, district and commune. At the provincial level the administrative units are provinces and cities under direct central rule. Provinces are further divided into districts, provincial cities and towns, and cities under direct central rule are divided into urban districts, rural districts and towns. Districts and provincial cities are further subdivided into wards, towns into townships, and districts and rural districts into communes.

In each administrative unit is a People's Council, a supervisory body for which deputies are elected by "universal suffrage, equality, directness and secret ballot" (Article 1, Order No. 22/2003/L-CTN), and a People's Committee – the LG executive body – elected by the People's Council (Article 123 of the Constitution). At the provincial level the People's Committees have nine to 11 members, except in the cases of Hanoi and Ho Chi Minh City, where they have 13 members; at the district level seven to nine members; and at the commune level three to five members. The People's Committees are headed by a chairperson who is nominated by the corresponding People's Council.

A Commune People's Council has a Standing Committee consisting of the chairperson and vice chairperson. At provincial and district levels the Standing Committee also has several additional permanent members. Members of the Standing Committees are elected by and from the deputies of the respective People's Council. Usually they are heads of commissions, e.g., for economics and budget; legal; culture-social; or ethnic minority issues.

### People's Councils

The number of deputies in the People's Councils depends on the number of inhabitants of the respective administrative units. At the commune level, the People's Councils are to consist of 25 to 35 deputies – the exception being mountainous and island communes and townships with populations of 1,000 to 2,000, for which there are 19 deputies. Those with fewer than 1,000 inhabitants have 15 deputies. At the district level, the People's Councils consist of 30 to 40 deputies, the exception being People's Councils in districts that have more than 30 dependent administrative units, for which there are more than 40 deputies as decided by the Standing Committee of the National Assembly. At the provincial level, the People's Councils consist of 50 to 85 deputies. The exceptions here are the capital of Hanoi and cities under central direct rule with more than 3 million inhabitants, which have up to 95 deputies (Article 9, Order No. 22/2003/L-CTN).

## **Relationship Between People's Councils (PCs) and People's Committees (PCom)**

Formally, PCs are supposed to be the most powerful and the only decision-making authority at a respective level of the administrative system. As such, PCs direct the work of the PComs. The latter are formally considered as executive arms of the PCs; thus, PComs are expected to prepare and submit major plans, projects and decisions relating to socioeconomic development for review and approval by PCs. Once decisions are made in the form of PC resolutions, PComs are responsible for their implementation. PCs then monitor and oversee to ensure that their resolutions are realized in practice.

In reality, the situation looks quite different – and more complicated. Under normal circumstances, the Communist Party has a decisive and overwhelming influence in all decision-making processes. Usually, PComs first present key draft documents for the Party Committee's information and review. PC representatives are invited to attend, but not to chair, this round (in many cases, the Party chief occupies the post of PC head). Major changes are adopted, mainly to incorporate the Party's views. Second, in the majority of cases, PComs submit the finalized documents to PComs of the higher level and just send a copy to PCs at the same level for information only. In a very few cases, where the Party Chief respects PCs, PComs seek consensus or agreement of PCs before official submission to the higher level.

The above situation partly results from the extremely weak capacity of the PCs. Thus, ensuring effective checks and balances is a time-consuming and very challenging process, which requires substantial development in terms of legal, institutional and personal capacities.

### **Organization of elections**

All citizens aged 18 and older are eligible to vote (Article 2, Order No. 22/2003/L-CTN). A voter must be registered in the voter list. Those who are deprived of their voting right under legally effective judgments or decisions of courts, serve prison terms, are temporarily detained or have lost their civil act capacity may not be included in the voter list (Article 25[1], Order No. 22/2003/L-CTN).

In order to stand for election, a person must be at least 21 years old as well as be loyal to the "socialist Vietnamese fatherland;" possess "good moral qualities"; be qualified for and capable of performing the tasks of a People's Council deputy; be close to and interact with the voters; and have the ability to participate in the work of the People's Councils (Article 3, Order No. 22/2003/L-CTN). Candidates must reside and work in the administrative unit in which they intend to stand for election (Article 30, Order No. 22/2003/L-CTN). Article 31 further provides that those who may not be registered as voters, as well as those who have criminal records or are serving decisions on administrative handling (e.g., in medical establishments), may not stand for election. Candidates may stand for election and be elected to People's Councils at two levels, except deputies of the National Assembly, who may stand for election at only one level (Article 4, Order No. 22/2003/L-CTN).

Nominated and independent candidates must submit their application for candidacy with the Election Council (Article 29, Order No. 22/2003/L-CTN). The decision on which candidates will be allowed to stand for election goes through a series of consultations. Initially, the standing board of the Viet Nam Fatherland Front, in consultation with representatives of the Election Council, standing body of the People's Council and the People's Committee at each administrative level meets to decide on the proportion, composition and number of independent candidates and nominees of political, social or economic organizations, the armed forces, and state agencies in the same level. At the province and district levels, nominees from the lower administrative units also are considered. At the commune level, candidates nominated by village and population groups are also considered (Article 32, Order No. 22/2003/L-CTN). Based on agreed-upon proportions, organizations and units nominate candidates after first seeking the comments of voters' conferences held for each organization or unit.

A second consultation, with the same participants as in the first, is then held to make a preliminary list of nominees to stand for election (Article 35, Order No. 22/2003/L-CTN). For nominated candidates, comments are sought from voters' conferences in the various organizations and units on their suitability (Article 36, Order No. 22/2003/L-CTN). The exception is at the commune level, where conferences of voters are to be held. At these conferences, voters cast secret ballots or use a show of hands to express their confidence in nominated as well as independent candidates (Article 37, Order No. 22/2003/L-CTN).

Based on the result of these consultations, a third consultative conference is held with the same composition as the previous, in order to select the candidates and subsequently complete the official list of candidates (Article 40, Order No. 22/2003/L-CTN). Each list must contain at least two more candidates than the total number of deputies to be elected (Article 41, Order No. 22/2003/L-CTN).<sup>24</sup> It should be noted that this three-stage process of consultations over the selection of candidates effectively amounts to a pre-election or selection before any direct elections.

It should be noted that when considering the proportion, composition and number of candidates, in consultation with People's Councils, the Standing Board of the Viet Nam Fatherland Front and the People's Committees at all levels must recommend an "appropriate" number of deputies to be women, as well as an "appropriate" number of ethnic minorities in administrative units with many ethnic groups. (Article 14, Order No. 22/2003/L-CTN).

Deputies are elected in election units. For each election unit, no more than five deputies may be elected (Article 10, Order No. 22/2003/L-CTN). In accordance with Article 7 of Decree No. 19/2004/ND-CP, election units are typically the immediate lower-level administrative units. At the commune level, the election units are made up of villages or population groups.

As provided by Article 61 of Order No. 22/2003/L-CTN, those candidates who win more than half of the valid votes or win more votes than the other candidates are elected as deputies. Should candidates have an equal number of votes, those who are older shall be elected.

The election of deputies to the People's Councils is supervised by the Standing Committee of the National Assembly. The Government directs the People's Committees at all levels to perform the election work according to the provision of laws (Article 6, Order No. 22/2003/L-CTN). Direct responsibility for managing the election of deputies to the People's Councils rests with the Election Commissions, which are to be established at all levels by the People's Committees after consulting with numerous other bodies, as outlined in Article 16 of Order No. 22/2003/L-CTN).

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<sup>24</sup> Exceptions are made in cases of inadequacy of candidates due to *force majeure* reasons, under the guidance of the Government.

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**United Nations Development Programme**  
**UNDP Regional Centre in Bangkok**  
**Democratic Governance Practice Team**  
United Nations Service Building  
Rajdamnern Nok Avenue  
Bangkok 10200 Thailand  
<http://regionalcentrebangkok.undp.or.th>