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Breaking the Countercyclical Pattern of Local Democracy in Pakistan

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The history of Pakistan shows a paradoxically countercyclical pattern for local democracy. Three times in the history of Pakistan, elected institutions of local democracy have been created by military regimes, and each time the subsequent civilian governments have either failed to revive elected local governments or replaced them with unelected administrators. In the latest round, elected local governments were created by General Pervez Musharraf's military regime, but now the recently revived civilian provincial governments have placed local governments under the authority of unelected administrators. Thus, although mainstream political parties have promised local democracy in their election manifestos, the future existence of democratic local government in Pakistan is seriously in doubt.

Supporters of democracy in Pakistan must understand this countercyclical pattern of local democracy to seek ways of escaping from it. Successful democracy depends on a vital relationship between democratic politics at the local and national levels. A commitment by civilian democratic regimes to functional elected local governments would strengthen the foundations of federal democracy in Pakistan. The democratic parties' disconnection from local government has created local political vacuums that have been repeatedly exploited by nondemocratic forces to undermine the national system of civilian governance.

This detachment from local politics has had particularly disastrous consequences in the Tribal Areas, where local democracy has never been introduced and where colonial modes of governance have continued till now. The long neglect of democratic and legal rights in the Tribal Areas set the stage for militant insurgency, with profound regional consequences. Recent military gains against insurgents in Tribal Areas can be consolidated only by building responsible local government in these areas, but it is hard to see how this can happen when local democracy is being suspended in the rest of the country.

In this paper, we consider how this disconnection between political parties and local democracy evolved, and how the foundations of democracy in Pakistan could be strengthened by healing this rift.

Non-representative regimes have championed local government reforms

In 1959, General Ayub Khan's Basic Democracies Ordinance established local councils that included both elected members and members appointed by the government, with administrative supervision by an appointed civil servant. Zulfikar Ali Bhutto's civilian government did not establish elected local governments during its tenure from 1971 to 1977. Elected local

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governments were revived in 1979, under General Zia ul-Haq's military regime, and this time all council members were locally elected. After the restoration of civilian constitutional government in 1988, however, tensions between elected provincial and local tiers over who controls and dominates local patronage resulted in the suspension of elected local bodies and their replacement for the most part with unelected administrators.

Elected local governments were again established in 2001 by the Local Government Ordinances of General Pervez Musharraf's military regime. Under General Musharraf's reforms, local administrators reported to the locally elected government, instead of supervising it. However, since the revival of democratic governments at the federal and provincial levels, true to the countercyclical pattern, the mainstream political parties have announced plans to dissolve the existing system of elected local governments in Pakistan, and each of the four civilian provincial governments have recently replaced elected local bodies with unelected administrators. Provincial governments are studying proposals for new forms of local administration, but the future of local democracy is uncertain in Pakistan today.

To date, the only example of local government reforms enacted under a civilian regime in Pakistan is the 1975 People's Local Government Act, which was promulgated though never implemented during Zulfikar Ali Bhutto's Pakistan People's Party government.

Why has local democracy been associated only with military regimes?

Elected local governments have helped military regimes to legitimize and strengthen their control over the state. To counter the popular support of democratic political parties, military regimes built an alternative base of political support by patronizing a class of new locally elected politicians. Elected local officials could offer the non-representative central government a vital political connection to local constituencies throughout the nation (Cheema et. al. 2006). Local officials could communicate local concerns to the center as they helped the non-representative center to extend its influence in local politics. As later military rulers confronted a more developed system of party politics at higher levels of government, elected local officials were given progressively greater authority over local administration under the later rounds of military-sponsored local-government reforms.

In all these local-government reforms, however, political parties have been consistently excluded from any role in sponsoring candidates for local elections. Rules against partisan politics could be selectively applied by the military regime to restrict its opponents without limiting its own favored candidates. As a result of this rule, mainstream political parties have seen non-partisan local governments as an instrument of military regimes for creating a class of collaborative politicians to displace the parties' representatives at the local level.

In a democratic regime, it is very difficult to pass a new local-government act when the political parties' representatives in the national and provincial assemblies see elected officials of nonpartisan local government as competitors for power and patronage. Party manifestos might promise to reform local democracy, but the assemblies would find it more convenient to keep studying plans for local government without implementing any. Thus, it is not surprising that institutions of elected local democracy have withered when civilian democratic governments

were restored at the provincial and federal levels.

The disconnection from local democracy has weakened national democracy

A simple count of the number of elected officials can illustrate the potential importance of local government in strengthening the national democratic system. General Musharraf's 2001 reform increased the number of popularly elected representatives by almost 80,000 members at the lowest tier of elected governments, the union councils. It also resulted in a significant increase in the number of elected positions reserved for peasants and women, with a total one-third reserved seats, as compared to 5 and 10 percent in district councils previously. These elected local councilors represent a large pool of potential political talent, compared with about 1100 elected members of the national and provincial assemblies who form the basis of constitutional government today.

These local political leaders should be contributing to the strength of the whole democratic system, but their contribution is lost when political parties are disconnected from local government. In a strong democratic system, outstanding achievements in local government should open a path for local leaders to advance to higher political offices, but such paths are closed when mainstream parties are separated from local government. When local government is nonpartisan, political parties cannot enhance their reputations by sponsoring better local governance. Thus, democratic competition to improve local government is weakened, and barriers to entry are raised in provincial and federal politics.

The structure of political parties has been affected by their disjunction from democratic local government. Political parties in Pakistan are highly centralized, and their national and provincial leadership retains considerable control with regard to the nominations of legislative candidates and strategic decision making. Their organizational structure does not reach broadly down to the local grass-roots level. According to Duke University's recent cross-country Democratic Accountability Survey, in comparative terms, Pakistani parties exhibit fairly high levels of organizational centralization combined with average levels of organizational extensiveness (Kitschelt and Palmer 2009). Interestingly, the survey data found that experts' assessments of these measures had little variation across the different Pakistani parties.

The lack of a strong competitive presence of mainstream parties in local politics has been exploited three times already by military rulers to consolidate their regime after a coup. It would be much more difficult for a future military ruler to displace the democratic political parties if their base of support extended into local politics.

The weakness of local democracy has been particularly problematic in the Federally Administered Tribal Areas (FATA). Under Article 247 of the constitution, the regular court system does not function in FATA, arbitrary colonial era laws remain in force, and until recently political parties were not allowed to operate there. Local government laws have never been applied in these areas. Denying legal and democratic rights in Tribal Areas fostered a narrow tribal leadership that was vulnerable to Taliban insurgency. This local political vacuum has thus served the interests of militants and has worked against moderate political parties, which have been barred from organizing political activities in these areas.

To restore government authority in these areas, military operations against insurgents can only be a first step, and they must be followed by a political process of building effective local government. The legitimacy and durability of governance in Tribal Areas would be strengthened by the involvement of a broadly representative group of elected local leaders, who would become stakeholders in the political system. The introduction of local democracy in the Tribal Areas could be a vital step toward restoring government authority there in a form that can win greater support from the local population. But the extension of local democracy to Tribal Areas seems unlikely when local democracy is being suspended in other parts of the nation.

When we recognize the vital importance of local democracy, we can begin to ask what forms of local democracy can contribute most to the strength of the national democratic system. This question requires us to consider the structures of local government in some detail, as seemingly minor details in the rules of the political game can sometimes have major consequences for the nature of political competition.

Local government reforms have been designed to fit the purposes of military regimes

The 2001 reforms reduced the significance of union councils by giving executive authority to mayors (nazims) who were elected separately, instead of allowing the local councils to elect their leaders and hold them responsible as in a parliamentary system. The union council is the lowest tier and it is the only tier where the councilors and mayors were directly elected by the people. By elevating the mayor above the union council, the reforms narrowed the effective base of local democratic leadership in the tier of government closest to the citizenry (Cheema and Mohmand 2004).

General Musharraf's local government system required the deputy mayors and mayors of all union administrations located within the jurisdiction of the relevant tehsil and district to serve as the councilors of the two higher tiers of local government, the tehsil and district respectively. This system of constituting district governments from union governments may have advantages for encouraging cooperation between the different levels of local governments. However, the cooperative connection between different tiers was weakened by the fact that union mayors and deputy mayors were made higher tier councilors in their personal capacity and not as representatives elected by their union councils.

Under the 2001 system, the district and tehsil mayors were not subject to direct popular election but were indirectly elected by a large electoral college that included all members of the union councils in the district and tehsil, respectively. Once elected, however, the district mayors were responsible only to a smaller council of local union mayors. Having members of the union councils elect district mayors and tehsil mayors over whom they had no subsequent power encouraged corrupt manipulation and vote-selling excesses, beyond the forms of coalition-building that are normal in parliamentary systems where the executive is responsible to the same group that elects it.

An important feature of this system is that local union councils were popularly elected by a voting rule called single non-transferable vote or SNTV (Keefer et. al. 2006; and Cheema et. al.

2006). SNTV is a kind of multi-seat proportional representation system but without any party lists. In SNTV, each voter must cast a ballot that endorses just one individual candidate among the many candidates who are competing to fill many available seats. In the local elections of 2001, a voter could cast one vote for a candidate to fill the 8 general unreserved seats on the council, plus separate votes for several other categories of reserved seats for women, minorities, and disadvantaged groups.

Historically, SNTV was introduced in Japan in 1900 by oligarchic rulers who had an interest in keeping democracy weak (Ramseyer and Rosenbluth, 1998). When SNTV was used in Afghanistan's 2005 parliamentary election without political parties to coordinate voting blocs, the result was that losing candidates split large majorities of the votes in each province. In the long run, because of such coordination problems, SNTV tends to favor factions that have supporters who will obey their leaders' coordinating directives about how to vote⁴. Thus, SNTV tends to reinforce the power of corporate or tribal leaders who exercise authority in patron-client relationships.⁵

The exclusion of parties from local elections, the concentration of power in separately or indirectly elected mayors, and the use of SNTV in council elections may have made sense if the goal was to reduce the non-representative central government's costs of managing the local political system. However, these provisions seem less well designed for the goals of strengthening broad democratic representation and accountability in government.

Well-designed local government reforms can strengthen Pakistan's federal democracy

A reformed local-government system that strengthens Pakistan's federal democracy must engage the mainstream political parties and give them a stake in supporting local democracy. Most importantly, by engaging the provincial and national parties, local democratic institutions should help the parties to develop a broader political base of active local supporters, whose energies should strengthen their party at all levels. The strength of a democratic political party must ultimately depend on the quality of its candidates. Well-designed local governments should serve as a primary source of candidates who can advance democratically to higher offices after first proving their ability to earn popular approval at the local level.

We offer examples of how local institutions could be designed better to meet these criteria.

A vital role for parties in local elections can be assured by electing local councils according to a list system of proportional representation, in which voters choose among competing party lists. Any party that has at least some minimal representation in the provincial or national assembly should be able to nominate a list of candidates for local elections throughout the province. Local council seats would then be allocated to each party list in proportion to the number of local

⁴ Cheema and Mohmand (2008) provide evidence that under Pakistan's 2001 local government system traditional rural elites were much more successful at coordinating electoral voting factions than the leadership of low income, poor and marginalized households.

⁵ The coordination problems under SNTV become more severe when the number of seats being allocated is larger. So the problems of SNTV may have contributed to the decision in 2005 to decrease the size of the local union councils from 21 to 13. (See Myerson, 2009.)

voters who choose this party on their ballots.

But if voters only choose among party lists that were formed by party leaders, then local elections will do nothing to promote the political advancement of individual candidates who achieve greater popular approval. In a well-designed local government, local elections should help each party to measure the popular support that its local candidates have helped it to earn in each community. To achieve this function, voters' ballots in local elections should also include some indications of approval or disapproval for individual candidates. Such votes for individual candidates can be incorporated into a party-list system of proportional representation by using what is called an "open list."

For example, each voter who supports a party could be asked on the ballot to indicate an approval rating for each candidate in the party's list. Then the seats that the party wins on the local council would be awarded to its candidates who get positive approval ratings from the largest numbers of the party's supporters in the election. Such an approval-voting open-list proportional-representation system would give each party a clear indication of who among its candidates has earned the broadest support from local voters.

Letting local councils at each level elect their own executive mayor or nazim would give effective responsibility for local government to a broadly representative group of local leaders, which would be consistent with the systems of parliamentary responsibility that are already constitutionally mandated in government at the provincial and national levels in Pakistan. This reform should be initiated at the level of the lowest tier, the union council, and followed through the higher tiers.

The past system of including local union mayors in the councils of larger districts may be a good way of encouraging higher levels of local government to cooperate effectively with lower levels. Enacting parliamentary democracy at the union council level will ensure that union mayors and deputy mayors become higher tier councilors in their capacity as representatives of their respective union councils, and so will strengthen the links of cooperation between different tiers of government. But to provide a way of identifying popular local leaders in larger districts, a district council should also include some representatives who are elected at large by the voters of the entire district, using the approval-voting open-list system, as suggested above. It would be natural to suggest that the district mayor should be chosen by the council from among these at-large representatives. Then the position of at-large district representative could become an important step in the ladder of democratic advancement (between local union councils and provincial assemblies) for politicians who earn the trust of voters in the district.

Established leaders in the national and provincial governments might naturally have concerns about elected local officials becoming future competitors for power. Any reform that enhances democratic competition is bound to raise such concerns. But these concerns should be substantially assuaged when candidates for local elections are nominated by the parties that have representation in the national and provincial assemblies. Giving district councils the power to replace their mayors should also help to reduce concerns about local political dominance by a too-powerful district mayor. Under open-list proportional representation, at-large district councilors would get votes from only a fraction of their party's supporters, but assembly

representatives are elected in single-member districts and so would regularly get votes from all their party's supporters. So an assembly representative could generally expect to get more votes in his electoral district than any councilor of local government. If there are concerns that connections between local and provincial governments should be strengthened, the provincial government might also be allowed to appoint some representatives to the larger district councils.

Credible commitment to effective local democracy will require protection for local governments against selective politically-motivated interference in their domain by higher tiers of government. There is always a risk that provincial and national politicians may be tempted to use the power of the higher tiers of government to undermine local leaders who are seen as potential political rivals. So it may be important to provide some constitutional protection for local governments or independent judicial review of such actions against them.

Local government reforms have vital importance for Pakistan and the world

People value democracy because the welfare of any community depends on how its leaders are chosen. We have focused here on the detailed rules of local government because the way that local leaders are chosen can have fundamental consequences for the successful development of democracy at all levels of government. Successful democracy requires a flexible system of strong political parties and a plentiful supply of candidates who have good reputations for responsible public service. Local democracy greatly increases this supply of political talent and thus provides the broadest foundation for building a strong successful democracy.

Democracy in Pakistan faces formidable challenges. Intervals of military rule, which retarded the development of connections between mainstream political parties and local democracy, have ended at last with a recognition that effective stable government must be based on civilian political organizations that are widely trusted by the voters. Now several areas of Pakistan are threatened by violent guerrilla forces, and such insurgencies can be defeated only by effective cooperation between national military forces and local political leaders who are trusted by their communities. To overcome these challenges, Pakistan's mainstream political parties need to develop broader networks of local leaders who have earned the trust of voters throughout the nation.

In particular, Pakistan's military and political forces should be working together now to build popularly supported local government in the Tribal Areas, where the long neglect of local democratic rights has had such disastrous consequences. Involvement of elected local leaders from these areas in political, economic, and administrative decision-making would provide greater legitimacy to counter-insurgency efforts and would provide a broad representative base of stakeholders for a stronger system of local government.

At this critical time, the dissolution of all local democratic institutions should be seen a serious step in the wrong direction, unless these local institutions can be swiftly reconstructed and reformed to better support Pakistan's democratic system. Current decisions about whether to reform and re-establish democratic local government in Pakistan should be recognized as having vital importance for the people of Pakistan, and for all those throughout the world who care about the prospects for Pakistan's constitutional democracy.

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