

LOCAL ELECTIONS IN THE SADC COUNTRIES

A Comparative Analysis of Local Electoral Institutions

By
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ABSTRACT

With the recent wave of democratisation in Sub-Saharan Africa a new interest has emerged in elected local councils. The importance of elected local governments in promoting democracy is now emphasised by both national actors and the international community. It is also increasingly underlined by research, both from the field of development theory/politics and from comparative research on democratisation processes. These broader arguments are narrowed down by concentrating on local electoral rules. This contribution presents data for all Southern African countries on the types of elected bodies at sub-national level of government, the composition of local councils, the regularity and simultaneity of local and national elections, the electoral systems and the rules governing candidature at the local level. Electoral rules are just one set of institutions that matter in local politics, and there is no doubt that other variables (such as local administration, resource allocation or capacity-building) are equally important. But the assumption is that local electoral institutions are relevant for the democratisation of both local and national politics, and thus merit closer scrutiny. The comparative study of different countries offers additional insights into similarities or specific constraints and problems that countries face in organising local elections, as well as into the institutional solutions that they eventually opt for. The paper also explores some likely consequences and impacts of these (differing) rules on the respective political processes of these countries, and subsequently highlights several issues that may be of relevance to broader arguments about the viability and consolidation of democratic politics in the region, at both local and national level.

INTRODUCTION¹

Although local councils have existed in most African countries since colonial times, they have enjoyed a brief and fragile life as institutions of democratic representative government. African leaders – and political scientists – challenged their very existence, and councils were abolished, or, where they remained in existence, transformed soon after independence into bodies with very limited powers and autonomy. Local and regional councils were perceived as a political threat to national governments or as a barrier to the realisation of national development plans.² Many African central governments also intervened in the affairs of sub-national councils in response to allegations of corruption and inefficiency.

With the more recent wave of democratisation in Sub-Saharan Africa a new interest in elected local councils has emerged. Again, only when developments in the capital cities began to lose their relevance to the understanding of the politics of any particular country did social scientists begin to take an interest in sub-national problems and institutions. In recent years the importance of local governments in promoting democracy has been emphasised both by national actors and by the international community. It is also increasingly underlined by research, both from the field of development theory / politics and from comparative research on democratisation processes.

From the perspective of *development theory*, a democratic local political process is considered to be important for effective local governance (cf Wunsch and Olowu 1990; Mawhood 1993; Manor 1995; Rothchild 1996; Smith 1996; Olowu 1999). Substantial decentralisation efforts may be sustainable only if political mechanisms hold local officials accountable for their performance. The local political process provides an arena for political actors to explain and market their activities, to build support and raise additional resources (Wunsch 1998). When they fail in the eyes of the local community, the electoral process is the mechanism that replaces them. Within the literature on decentralisation one main difference between deconcentration and devolution (in the terminology first introduced by Cheema and Rondinelli 1984) is the political management of sub-national institutions by locally elected politicians instead of appointed administrators. Usually, a democratic local political process includes an active civil society, some general political

1 This paper builds on empirical research made possible by a research grant from the German Research Association (DFG). The author visited South Africa, Zambia, Namibia, Malawi, and Mauritius. Previous versions of the paper were presented at a Workshop on Local Government held in Lilongwe, Malawi, in April 2002, and at the Annual Conference of the African Studies Association in Washington, in December 2002. My sincere thanks to all discussants and my colleagues at the Institute of Development Research and Development Policy in Bochum for helpful comments on these previous versions, to the Resource Centre of EISA for their help in the collection of additional data and to a reviewer of this Journal.

2 During the 1970s and 1980s various theoretical approaches similarly suggested a national framework for analysis in which sub-national councils would be viewed not by themselves but always in the context of their place within the larger and changing political systems or within the developmental setting of a specific region.

organisations, a legislative arena constituted in elections, and mechanisms to gather and spread information.

Comparative empirical research on democratisation processes has enormously expanded our knowledge of the role of democratic institutions in shaping political outcomes (cf Harris and Reilly 1998; Bunce 2000; Reynolds 2001). Much of this literature is based on the assumption that democratic governance and the conscious design of political institutions are key factors affecting the likelihood of democratic consolidation, political stability and sustainable settlement of violent conflicts.

In stark contrast to the euphoria over institutional engineering in Eastern and Central Europe and East Asia and the long-standing belief of Latin American elites that institutional reforms might indeed improve democratic performance and prospects of consolidation, the discourses on democracy in Africa tended to concentrate more on the quality of leadership and political elites (ie, actors) and on economic macro-structural conditions. Only recently did constitution makers and scholars start to think about reforms of the institutional arrangements put in place at independence or with democratisation (see Barkan 1996 and Reynolds 1999). Still, this body of literature focused exclusively on national institutions such as the presidency or the parliamentary electoral system (cf Nohlen, Krennerich and Thibaut 1999; Cowen and Laakso 2002).

Local politics and local democratisation have, by contrast, rarely been discussed in terms of specific institutional settings and designs. Decentralisation of political power and administrative competencies is certainly an established field of research, but analysis is concerned more often with administration than with politics, or, to put it differently, more interested in structures that can provide an effective 'output' (ie, delivering benefits to local populations) rather than a representative 'input' (guaranteeing effective political participation). The analysis of links between local and national politics is generally lacking in accounts both of democratisation and of decentralisation processes.³

The analysis of elected local and regional councils thus offers a focal point for the study of broader questions of political participation, representation and democratic consolidation (see also Atkinson 1997). In this paper these broader argument will be narrowed down in two ways: the concentration is on local electoral rules, and the geographical focus is on the countries of Southern Africa. Electoral rules are just one set of institutions that matter in local politics, and there is no doubt that other variables (such as local administration, resource allocation, capacity-building or local civil society) are equally important. But the assumption is that local electoral institutions matter for the democratisation of both local *and* national politics, and thus merit closer scrutiny. The comparative study of different

3 One notable exception is Mamdani (1996), whose 'bifurcated' state captures the distinct trajectory of the urban 'citizen' state and the rural 'subject' state. Mamdani's interest is, however, in stressing the common legacy of African states. Consequently he downplays the institutional distinctions between different countries.

countries offers additional insights with regard to similarities or specific constraints and problems that countries face in organising local elections and the institutional solutions that they eventually opt for.

The next section presents data for all Southern African countries⁴ on a) the types of elected bodies at sub-national level of government; b) the composition of local councils; c) the regularity and simultaneity of local and national elections; d) the electoral systems; and e) the rules governing candidature at the local level.⁵ The collection of systematic and comprehensive up-to-date information on local electoral rules proved to be very difficult. Data presented are based on Sharma (1999) for Botswana; Wallis (1999) for Lesotho; Kaunda (1999) for Malawi; Weimer and Fandrych (1999) and Fandrych (2001) for Mozambique; Dukhira (1999) for Mauritius; Toetemeyer (1999) and Keulder (2002) for Namibia; Atkinson (1998); and de Visser et al (2000) for South Africa; Mukandala (1995); Mushi (1995) and Liviga and Mfunda (1999) for Tanzania; Maipose (1999) for Zambia; and Makumbe (1999) for Zimbabwe. These secondary sources were updated and cross checked with data provided by experts in SADC countries; new electoral and local government laws; the EISA Resource Centre in Johannesburg and the Internet. In five countries (South Africa, Namibia, Malawi, Mauritius and Zambia) interviews with councillors, mayors, administrators, the relevant ministries, and electoral commissions were used to further verify information. Factual errors and recent modifications of rules can however not be excluded.

In the remaining part of the paper some likely consequences and impacts of these (differing) rules on the political processes of these countries will be explored and several issues highlighted that might be of relevance for broader arguments about the viability and consolidation of democratic politics in the region at both local and national level.

TYPES AND TIERS OF SUB-NATIONAL GOVERNMENT

Southern African states vary widely in their institutional arrangements at the sub-national level. Local and regional authorities differ substantially in population and area, resources and the extent of discretionary authority. They also differ – and this is the main focus of this paper – in the role given to elected institutions in sub-national government.

4. Southern Africa is defined here according to membership of the Southern Africa Development Community (SADC). Not included are Angola, Democratic Republic of Congo, Seychelles and Swaziland, where no local elections are held.

5. Additional electoral rules concerning the organisational aspects of elections at the local level and provisions for suffrage are not included. Suffrage is normally not an issue in debates about local elections. In many European countries local elections are used to experiment with a more liberal regulation of suffrage, ie, offering migrants who do not hold citizenship the right to vote, or extending the vote to people who have not reached the age of 18, but 16. For aspects of electoral organisation see Pottie (2001).

In the SADC countries the role of elected councils varies in two ways: the number of elected sub-national tiers of government and the uniformity of electoral rules across the rural-urban divide.

Number of elected sub-national tiers

Most Southern African states have a single tier of elected sub-national authorities. The provincial and regional level may be important in terms of development planning and administrative deconcentration but it lacks separate representative institutions.⁶ Only two Southern African states, Namibia and South Africa, have popular elections for representatives at both the local *and* the regional level: In South Africa, municipalities with elected councils exist side by side with the provinces, which have a quasi-federal status with their own legislatures and executives. Namibia created in the wake of independence new multi-ethnic regions bridging the former homelands and former exclusively white-controlled commercial areas. The Namibian population thus votes both for local councils (municipalities, towns and villages) and regional councils.

Territorial scope of elections

The socio-economic and demographic disparities among urban areas and scattered rural settlements lead to differences in service needs as well as in availability of resources. Cities and urban settlements have thus historically been provided with special arrangements for their governance. Thus all SADC countries (with the exception of South Africa) have two or more classes of local authority, with urban authorities granted more power and responsibility than rural ones. Botswana, Lesotho, Malawi, Mauritius, Mozambique, Tanzania, Zambia and Zimbabwe follow this model, with the rural authorities called *districts*, and the urban ones *cities* and *towns* (and in some cases *townships*). There are important differences in the electoral constitution of these authorities. In Botswana, Malawi, Tanzania, Zambia and Zimbabwe, district (rural) and urban councils are both directly elected. Citizens living under the jurisdiction of cities and towns elect their urban councillors; people living in the rural areas elect their district councillors. The same electoral rules apply to both types of authorities and – with the exception of Zimbabwe – all district and urban councils (covering the entire national territory) are elected on the same day and in terms of the same electoral provisions.⁷ In Mozambique and Lesotho only urban areas have elected councils, and so far elections have been held only in selected municipalities (Maseru in Lesotho and 33 of 544 municipalities in Mozambique). In both countries the population of rural settlements that do not meet the legal

⁶ In some SADC states additional village or ward committees may be elected.

⁷ In Mauritius the rural population elects village councils that, in turn, elect indirectly the district councils and chairmen. This system is currently under review and will probably be modified in line with local government systems in the other countries, ie, bigger districts with councillors directly elected by the population.

requirements (with regard to infrastructure, economic activity, population density, and so on) is thus deprived of any democratic representation at sub-national level.

Table 1 summarises the differences. It accounts for the distinction along the vertical axis (whether there are elected councils only at the local level or at both local and regional levels) and for the distinction along the horizontal axis (whether within the same tier there is a uniform approach to elected local government or whether elections are held only in urban areas).

We see that South Africa and Namibia have different elected institutions at the sub-national level. South Africa, since the transformation of local government in the late 1990s, has applied a relatively uniform classification of municipalities.⁸ Apart from the seven metropolitan cities and some sparsely populated District Management Areas (DMAs) there is just one type of municipality governed by a single legal document.⁹ Namibia, on the other hand, holds local elections only in municipalities, towns and villages. In Namibian terminology municipalities are urban areas that existed before independence in 1989 while towns were created in the former communal areas after independence.¹⁰ The rural population is

Table 1
Sub-National Government Systems and Elected Councils^a

		Geographical Scope (Horizontal Dimension)	
		Uniform Approach ^b	Urban Approach ^b
Intensity (Vertical Dimension)	2 sub-national tiers elected	South Africa	Namibia
	1 sub-national tier elected	Botswana, Malawi, Mauritius, Tanzania, Zambia, Zimbabwe	Lesotho, Mozambique

a Local councils are not formally elected in Angola, DR Congo and Swaziland.

b Uniform Approach means that the national territory is divided in local governments all of which have elected councils governed by the same legal instrument. Urban Approach means that elected local governments exist only in urban areas while rural areas may have no local government at all or administrative sub-units without elected representatives.

8 For a summary of the process of local government transformation in South Africa see Atkinson (1998) and Götz (1996).

9 In local elections all citizens living in the metropolitan cities and municipalities elect their local councillors while the populations of DMAs vote their representatives to district councils which are then filled up by representatives of the municipalities within the particular district.

represented exclusively at the regional level (by the regional councillor for their constituency). These regional councils, in contrast to the district councils of the other SADC countries, are, however, not the exclusive representative institution of rural populations but a separate tier of government that represents both the rural and urban populations living in that region.

ELECTED AND NON-ELECTED MEMBERS AND INSTITUTIONS

This section deals with two different aspects: which offices are filled in local elections and whether there are any non-elected members in otherwise elected institutions?

Direct elections of mayors

In most SADC countries the traditional British form of local government prevails: local elections are held in order to constitute a local council or representative organ, which, in its first session (or at regular intervals), elects a mayor or chairman from among the councillors. The mayor or chairman is the political head of local government while the direction of the local administration is left to a professional manager (called a town clerk or chief executive officer (CEO)). Political power and control reside with the council not the mayor or chairman.¹¹

The direct election of mayors is therefore rare in Southern Africa, but was introduced in Mozambique (from 1998) and Zimbabwe (from 1995). Direct election of mayors is limited to the bigger cities (municipalities and cities in the Zimbabwean terminology, urban municipalities in Mozambique). In all other states there is an 'integrated' system of indirect election of mayors from among councillors. The direct election of mayors was a substantial issue, especially in the South African debate, but the proponents of indirect election (and political party control) prevailed and even in metropolitan cities such as Johannesburg or Cape Town the mayor is elected from among the councillors.

The importance of direct elections is closely linked to the type of electoral system applied, and to the effective power of the mayor, which – as outlined above – may vary considerably. In Malawi, both the direct election of the mayor by the population (and the merging of administrative and political functions within a unified executive) and the appointment of mayors by central government from among councillors was discussed, but was eventually discarded in favour of the present 'indirect election' model.¹²

10 The 'old towns' (municipalities) thus have established traditions of self-government and more administrative staff. In the 15 years since independence some of the new towns (for instance Rundu or Oshakati) have grown much bigger (in terms of population and financial resources) than most of the municipalities, but the Namibian government hasn't regrouped the urban areas yet (cf Simon 1996; Toetemeyer 1999; Piermay and Sohn 1999).

11 For an introduction to different local government systems see Olowu (1988) and Humes (1991). A brief overview of the different types of local government in Germany is given by Wolff (1995).

Non-elected councillors

Most countries in the region have some elected councils at the local level. Indeed, any major reform of local politics that neglects popularly elected councils is hardly conceivable. But in a number of states, for instance Botswana or Zimbabwe, the central government may still nominate and appoint additional members to local councils, or specific social interests are represented in councils *ex officio*¹³. This practice may often be aimed at incorporating constituency MPs (elected to national parliament) or traditional ethnic community leaders into municipal councils, but sometimes party-political interests are dominant. In Botswana, the National Assembly empowered the President to appoint an unspecified number of additional councillors, thereby enabling the ruling Botswana Democratic Party to have majority control of any district councils captured by regionally-based opposition groups. Other considerations prevail in Tanzania where the national Parliament, in the light of the poor electoral success of women, introduced a provision in the law requiring the appointment of female candidates whose total number has to exceed 25 per cent of the total seats to be distributed in that local council. These women's seats are given to political parties in proportion to their share of seats in the respective local council.

Table 2
Non-Elected Members of Local Councils

	Traditional Leaders	National MPs from Local Constituency	Women or Youth or Special Interest Groups
Botswana	x		
Lesotho	x		
Malawi	x	x	x
Mauritius	No additional members in local councils		
Mozambique	No additional members in local councils		
Namibia	No additional members in local councils		
South Africa	x ^a		
Tanzania		x	x
Zambia		x	

^a Only in provinces that include former 'homelands'

12 I am indebted to my colleague Augustine Magolowondo for providing me with this information.

13 In most cases special interest groups and *ex officio* members have no voting rights.

SIMULTANEITY AND REGULARITY OF LOCAL ELECTIONS

Most African countries organise separate elections to determine the composition of sub-national councils. Among the SADC countries only Botswana and Tanzania hold 'tripartite' elections, that is, the voters elect the President, the National Assembly and local councils on the same day, although there are separate ballot papers for national and local office holders. Other countries planned to do so, but in the case of Malawi logistical and administrative obstacles hindered the government from pushing through the idea both in 1999 (when national elections were held, but local elections were postponed to 2000) and in 2004, when it was decided not to go for tripartite elections but to postpone the local elections again to 2005. In Zambia local councils and the national Parliament have different terms of office (three and five years, respectively), but whenever the ends of the terms coincide, elections are held simultaneously. This happened in December 2001. All other SADC countries that hold sub-national elections have separate electoral processes. This is the case in Mozambique and South Africa. Namibia holds separate elections for regional and local councillors which, in 1998-1999, meant that the electoral commission had to organise three different ballots within less than two years.

Zimbabwe and Mauritius hold separate elections for the different types of local councils that exist in the country, that is, village/district councils and urban councils. As a rule, local elections are held throughout the country on a single day, and any deviation from this rule has to be justified by exceptional circumstances.

We also see from Table 3 that the electoral terms of local councils are much less regular than those of national parliaments and offices. There is hardly any African state where, for various reasons (eg, lack of legal regulations, lack of resources), local elections have not been postponed at some time. Reasons may be found in the lack of political interest of the ruling party, or lack of financial means or constitutional guarantees.

Most recently local elections have been postponed in Malawi (to 2005), Mauritius (to 2006), and Namibia (from February 2003 to February 2004 and then again to May 2004 – they were held on 18 May). The extension of terms often presents major challenges to the management of local development programmes, the budgeting processes, the availability and commitment of local councillors and the overall legitimacy of local democracy.

ELECTORAL SYSTEMS AT THE LOCAL LEVEL

There is a huge variety of electoral systems at the local level and these are often more complex than those at the national level because local authorities are usually more heterogeneous in terms of number of inhabitants, size, structures, responsibilities, and functions.

International experience suggests that greater voter participation in the selection of political personnel is often more important at local than at national level, mainly

for two reasons. The first is that the reduced territory in which elections are held implies that the voter is more familiar with the political problems of, and possible solutions to, public affairs. Secondly, the characteristics of the candidate may be better known to voters and therefore influence their electoral behaviour more than they would in national elections.

Table 3
Simultaneity and Regularity of Local and Regional Elections

	Angola	Botswana	Lesotho	Malawi	Mauritius	Mozambique
1990						
1991					Pa 15/9 L 27/10 ^a	
1992	Pr 29-30/9 Pa 29-30/9			Pa 26/6	L 30/8 ^b	
1993			Pa 27/3			
1994		Pa 15/10 L 15/10		Pr 17/5 Pa 17/5		Pr 27-29/10 Pr 27-29/10
1995			L 10-11/8		Pa 20/11	
1996					L 27/10 ^a	
1997					L 31/8 ^b	
1998			Pa 23/5			L 30/06
1999		Pa 22/10 L 22/10		Pr 15/6 Pr 15/6		Pr 3-4/12 Pa 3-4/12
2000				L 21/11	Pa 11/9	
2001					L 7/10 ^a	
2002			Pa 25/5			
2003						L 19/11
Next L	Unknown	October 2004	Unknown	Nov 2005	2006	2008

Pr = Presidential Elections

Pa = Parliamentary Elections

L = Local Elections

^a Elections for Urban Councils

^b Elections for Village Councils (and District Councils)

	Namibia	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
1990				Pr 28/10 Pa 28/10		Pa 28-30/3 Pr 28-30/3
1991					Pr 31/10 Pa 31/10	L 23-24/8 ^a
1992	L/R 30/11-2/12				L 30/11	
1993			Pa 12/10			L 26-28/9 ^b

	Namibia	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
1994	Pa 7-8/12 Pr 7-8/12	Pa 26-29/4 R 26-29/4		L 30/10		
1995		L 1-2/11		Pr 29/10 Pa 29/10		Pa 8-9/4 L 28-29/10^a
1996		L 6/5+29/5			Pr 18/11 Pa 18/11	Pr 16-17/3
1997						
1998	L 16/02 R 30/11		Pa 14-28/10		L 30/12	L 26-28/9^b
1999	Pa 30/11 Pr 30/11	Pa 2/6 R 2/6				
2000		L 2/12		Pr 29/10 Pa 29/10 L 29/10		
2001					Pr 29/12 Pa 29/12 L 29/12	Pa 17/4
2002						Pr 9-10/3 L 28-29/9^b
2003			Pa 20-21/9			L 30-31/8^a
Next L	May 2004	Nov 2005	Unknown	Nov 2005	Dec 2004	Unknown

Pr = Presidential Elections

Pa = Parliamentary Elections

R = Regional Council Elections/Provincial Legislature

L = Local Elections

^a Elections for Urban Councils. Elections for the City Council of Harare had been held on 9-10 March 2002

^b Elections for Rural District Councils

In many Southern Africa countries the need to operate transparent and simple electoral systems at the local level has led to the introduction of the plurality (or first-past-the-post) system for wards, where the candidate who gets the most votes is elected. This system is normally applied within single-member constituencies.¹⁴ In most cases the plurality system is also used for elections to the national parliament. It is thus no surprise that in Mauritius the plurality system in three-member constituencies used at the national level is also applied at the local level,

¹⁴ 'Traditional' forms of voting (such as line voting, where voters gather in a public place and queue behind their candidate) are still used in the traditional Tinkhundla system of Swaziland.

Table 4
Features of the Local Government Electoral System in Southern Africa^a

	Term of Office	Electoral System for Councillors	Same Electoral System Applied in National Elections?
Botswana	5	Plurality in SMC	Yes
Lesotho	5	Plurality in SMC	No (MMP)
Malawi	5	Plurality in SMC	Yes
Mauritius	5	Plurality in MMC	Yes
Mozambique	5	PR	Yes
Namibia	5	PR/Plurality in SMC ^b	Yes/No (PR) ^b
South Africa	5	MMP ^c	No (PR)
Tanzania	5	Plurality in SMC	Yes
Zambia	3	Plurality in SMC	Yes
Zimbabwe	4	Plurality in SMC	Yes

MMC = Multi-Member Constituency

MMP = Mixed Member Proportional System

PR = Proportional Representation

SMC = Single-Member Constituency

- a In Angola, DR Congo, and Swaziland no local elections have been held thus far
- b For local elections a PR system is applied (Hare quota with largest remainder), for the regional elections a plurality system is applied in single-member constituencies. Thus Namibia has the same electoral system for national Parliament and local councils, but a different system for regional council elections.
- c Mixed Member Proportional System. Voters have two votes, one for ward candidates (50% of seats) and one for party lists (50% of seats). The total seat distribution is according to proportional representation. The constituency winners are then subtracted from the seat total of each party. Remaining seats are filled from the party lists. In local councils with fewer than seven councillors no ward candidates are elected, and voters have a single vote for a party list (PR). Within the PR calculation, Hare quota with largest remainder is applied.

although in constituencies of variable size and without the unique best-loser system that is employed for the national elections.¹⁵ Mozambique uses the same variant of the PR system at both the national and the local level. This system provides for party lists in constituencies of different sizes, with voters voting for lists rather than for candidates. Seats are distributed to political parties according to the share of votes the party receives in a given constituency.¹⁶

Some countries have opted, at least temporarily, for a mix of electoral systems. In Namibia in the period following independence different electoral formulas were applied for regional and local elections. While the government for many years advocated the general introduction of majoritarian electoral systems at sub-national level, the status quo has been maintained at least for the elections to come: the plurality system for the regional councils; proportional representation for both the national elections to Parliament and for the local council elections. It has to be stressed, however, that the two PR systems are very different. At national level PR is applied, creating one national constituency with 72 MPs (and without any thresholds), whereas almost all Namibian local councils consist of seven councillors, thus strongly reducing the proportional effect of the PR.¹⁷

The 'majority-prime' system that is applied in some Francophone African countries – the party that wins most of the votes is automatically granted a majority of council seats and the remaining seats are distributed among other parties on the basis of proportional representation – is unknown in Southern Africa.

In post-apartheid South Africa a combined system of plurality in former 'township' areas and proportional representation in former white areas was initially applied in the 1995 local elections. The transformation of local government before the second local elections in 2000 also brought with it a change in the electoral

15 The best-loser system is a device to guarantee the representation of ethnic minorities in Parliament. Should the percentage of seats won by the different ethnic groups differ from the overall population share of this ethnic group the Electoral Commission will attribute up to 4 additional seats to those representatives of underrepresented minorities who won the highest percentage of votes in all constituencies without having been elected to Parliament (therefore: best losers). For more details see Mathur (1997). The Mauritian Parliament is currently considering a major reform of the electoral system. There is general consensus that the recommendations of an international expert commission (headed by South African Constitutional Court Judge Albie Sachs) to complement the current plurality system and additional best-loser seats (62+8 seats) with 30 seats elected from national party lists (with a threshold of 10%) should be accepted. Details are still being discussed in Parliament, and the local elections (originally scheduled for 2004) might have to be postponed to 2006 because of uncertainty about the electoral rules to be applied (ie, the extension of the new system also to the local level).

16 There are many different types of PR system: sub-types are distinguished according to the size of the constituency, the specific mathematical formula applied (divisor or quota systems), and the existence of artificial thresholds that exclude parties from seat allocation if they have not reached a specified percentage of the overall vote in the constituency. For a good introduction to the PR system see Nohlen (1996) and Farrell (2001). In Mozambique the d'Hondt electoral formula is applied to both the national and local elections.

17 Because constituencies are so small the seat share of parties might not reflect their share of votes, especially in the case of minority parties. For a more detailed discussion of the distorting effects of PR in small constituencies, with examples from Namibia, see the excellent contribution of Keulder (2002).

system. A so-called Mixed Member Proportional System was introduced whereby 50 per cent of the seats are elected in single-member constituencies by the plurality system and the remaining 50 per cent are filled from party-lists.¹⁸ The overall logic of the system is proportional representation, as the party seats compensate for disproportionalities caused by the plurality system (see note c under Table 4 and the detailed analysis of the South African local electoral system given by de Visser, Steytler and Mettler 2000).¹⁹ The seat calculation starts from the total share of votes received by political parties and their candidates in both the plurality and the PR elections, and is thus different from the additional party lists applied in some African countries such as Senegal and Tanzania.²⁰

REPRESENTATION AT THE LOCAL LEVEL

Who may run in local elections? Candidature provisions are often of decisive importance as they define who is admitted to participate in the local political competition. Generally some incompatibility rules apply, for example, rules preventing a person from holding several public offices simultaneously. Here it is of particular interest whether national *and* local offices must be compatible, and if there are any obligations with regard to residence in the municipality or district. Of major importance in some countries are formal educational requirements that are necessary to allow councillors to participate effectively in the council's decision-making. At the same time they may, especially at the local level, exclude the participation of potential popular candidates.

Elected local councils normally enter a political space which is already occupied by other established and relatively more powerful structures such as local party organisations, members of parliament for that constituency in the national legislature, field agencies of various ministries, traditional leaders, or local development committees in which party members and field officers of various ministries predominate over the representatives, if there are any, from district and urban councils. The roles in local political competition of two types of political actors – political parties and traditional leaders – differ considerably between SADC states and need to be analysed in more detail. In nearly all countries independent candidates may run in local elections, and/or political parties may present lists of candidates. In Namibia, political associations that do not fulfil the criteria required in order to be recognised as political parties may nevertheless run in local elections.

18 Councils with fewer than seven councillors use a pure PR system.

19 The pure PR system currently applied to the national parliamentary elections in South Africa is deficient with regard to the accountability of parliamentarians and has therefore come under criticism (see the Report of the Van Zyl Slabbert Commission [Electoral Task Team] on the website of South Africa's Independent Electoral Commission).

20 In the additional party list system a defined quota of seats is distributed according to PR to party lists in one national constituency, while the majority of seats is elected from single-member (or multi-member) constituencies according to a plurality system.

In most of the countries considered here elected local government structures are entrusted with the control and/or management of resources, including land, and the provision of basic services to the communities. At the same time, nearly all these countries have traditional institutions operating at the local level as well. Both traditional and elected authorities have an interest in developing the local community. However, if their functions and duties are not harmonised, the conflicts between and overlapping of their activities can be extremely detrimental to the local community.

Table 5
Candidature Provisions for Local Councils

	Role of Political Parties	Formal Role of Traditional Leaders
Botswana	Independent candidates allowed	Reserved positions, quota defined by the ministry, their number should not exceed those of elected councillors
Lesotho	Independent candidates allowed	Quota with separate election for reserved seats
Malawi	Independent candidates allowed	All chiefs hold <i>ex officio</i> seats in local councils, but without voting powers
Mauritius	Independent candidates allowed. At village council elections no formal party affiliation	No traditional leaders
Mozambique	Independent candidates allowed	None ^a
Namibia	Only political parties and local political associations	Allowed as candidates in regional elections, but not in local elections
South Africa	Independent candidates allowed	Quota of up to 10% of elected members
Tanzania	Independent candidates allowed	None
Zambia	Independent candidates allowed	None
Zimbabwe	Independent candidates allowed	Reserved positions, number not fixed; alternatively may abdicate and run as ordinary candidates

^a Local elections are only held for urban councils; the institutional arrangements at the local level thus keep rural populations in the hands of central state agents – and of traditional leaders.

SADC countries have adopted different approaches (cf Hlatshwayo 1995).²¹ There are either laws in place or strong sentiments against allowing traditional leaders to combine traditional and competitive political leadership roles. Such prohibitions were generally meant to prevent traditional leaders from abusing their positions to gain unfair political advantage.

Because traditional leaders are, by definition, linked to particular ethnic groupings, political cleavages along ethnic lines are likely to occur if they are given the freedom to engage in party politics. But that has not resulted in their exclusion from politics altogether. They can be elected by their peers to reserved positions or may be nominated to these positions, in countries where such provisions are in place (Botswana, Lesotho, Zimbabwe²², South Africa). Alternatively, they can abdicate their traditional leadership and compete as ordinary citizens (Tanzania, Zambia). In Namibia the Traditional Authorities Act explicitly states that traditional leaders are prevented from allowing their political opinions or allegiances to influence members of their traditional communities.

Effects of local election rules

What is the benefit of studying these institutions in detail? Institutionalism assumes that such rules modify the political behaviour of actors and that one set of rules, by creating distinct institutional arrangements, sets specific incentives that differ from those of another set of rules. It is beyond the scope of this paper to analyse systematically the impact of the electoral rules on all Southern African countries. The impact of some recently modified institutions (especially electoral systems, but also the overall local government dispensation in South Africa) might also become more visible only in the future, when the specific incentives of new rules will have a more enduring impact on elite and voter behaviour.

21 Regulated dualism occurs where traditional structures and elected councils exist, by law, side by side and are equal to and independent of each other, i e, they operate parallel to each other (eg, Botswana with its three local government structures, namely tribal administration, land boards and district councils). Within non-regulated dualism neither the activities of traditional nor those of elected structures are regulated, or only the activities of one institution (usually the elected structures) is governed by law and the activities of the other institution are not, the law being silent on the matter. (In Zambia, although both the local government and chiefs' affairs portfolios fall under the same government ministry there is no relationship between chiefs and local government under current law. The immediate effect of this situation is constant overlap of leadership responsibilities between elected and traditional leaders in relation to local communities). Within the subordination approach either the traditional authorities (usually) or elected local authority councils or organs (rarely) are made subordinate and answerable to the other institution. One example is Namibia where, according to the Traditional Authorities Act of 1995, in cases of conflict between the traditional authority and a local authority council the powers of local authority prevail.

22 In 1995 the Local Government Minister in Zimbabwe appointed more than half the total number of chiefs in rural district councils. They also had the option to stand as candidates in the regular elections together with ordinary citizens.

The main purpose of this paper is to collect and making available comprehensive data on local electoral rules in the SADC countries that may serve as a basis for other researchers to study specific aspects and impacts on selected countries in more detail. In the remaining part of the paper these likely impacts are briefly presented as is the extent of the importance of local electoral institutions in specific country settings. The following are thus tentative conclusions that need further empirical investigation. The section looks at the impact on both local and national politics.

LOCAL ELECTIONS AND LOCAL DEMOCRATISATION

What is the impact of local elections on political change at the local level? In countries that have deeply entrenched traditions of non-democratic rule, the mere fact of holding elections will not change the political culture within a short time. Elected councils will certainly have difficulty assuring their role in the presence of other powerful local actors who have no interest in social or political change. In some countries local elections will serve as powerful mechanisms for the adjustment and revitalisation of patronage and rent-seeking (Bierschenk 2003). The introduction of formal political participation in contexts of scarce resources and capacities will, in some cases, even strengthen non-elected bodies or lead to the fully-fledged re-centralisation of political decision-making at the national level. In some South African provinces the financial and management breakdown of municipalities has meant that provincial governments have successively – albeit temporarily – reassumed control over a number of local councils (cf Tapscott 2001).

But the institutionalisation of local elections might also represent a first step towards strengthening the principle of accountability in local government, the democratic constraints on political rule and the consolidation of local political communities. It seems that some of these processes are well under way in the countries of Southern Africa, and the debate about the relationship of traditional rulers and elected councils is just one example. The introduction of local elections is a major challenge to traditional rule, and even where chiefs have succeeded in securing their participation in councils the role of their institution will not be the same as it was before (cf Van Kessel and Oomen 1997; Hofmeister and Scholz 1997; Munro 2001). There are many signs from countries as different as Malawi and South Africa that chiefs are becoming politicised and will eventually lose some of the legitimacy that is inherent in their role.

The role of political parties in the African context will become much clearer if local democratic politics is maintained. National parties still dominate local decision-making processes – and decisions about the candidature of councillors and mayors are often taken in party headquarters or prime ministers' offices.

The indirect election of mayors in most countries may reflect their weak competencies, but it also reflects the interest of (national) political parties in monitoring the selection of the top management of urban areas. At the same time

there is a high number of independent candidates and an emerging role for locally driven political groups such as citizens' and ratepayers' associations that win seats in local councils (especially in South Africa, but also in Namibia and in Zimbabwe). The survival of these associations may prove that local civil society is better able to influence the course of events in democratised local politics than it has in national politics, where its political visibility in many countries has been sharply reduced in recent years. Plurality (ward) systems should generally make life easier for independent local groups, as it might be easier to get a popular candidate elected in a single member constituency than to assure representation in a PR election. In fact these groups are actually most successful in countries where PR systems are applied, largely because of the winner-takes-all character of plurality systems. Plurality systems in local elections may also lead to higher numbers of uncontested seats, which should be seen as inherently negative for the institutionalisation of democratic local politics.

While there is little doubt that the absence of elected local institutions makes devolution and democratic local governance illusory, it is much harder to prove empirically that the introduction of democratic local elections makes for better local governance. Even where democratic elections are held regularly (as in Mauritius) local councils may lack the competencies and resources to make a difference to the lives of their local populations. Or elected local councils may have the competencies, but lack the resources to actually implement policies in the area of their jurisdiction (Namibia). Such settings or contexts seriously undermine the legitimacy of elected institutions and hinder the emergence of effective local governance.

LOCAL ELECTIONS AND NATIONAL DEMOCRATISATION

In the national democratisation process elections at the local level were rarely considered a priority and new local administrations were established without the consent of the population. Administrative decisions and legal rules were often enacted after considerable time, sometimes only after the second regular national elections held under the new constitution (as in Zambia or Malawi), or have still not been enacted (as in Lesotho). A slightly different case is Tanzania where the introduction of multiparty politics was tested in local elections in 1994 before being applied in the national elections of 1995.²³

23 Other priorities dictated the course of events in countries such as Uganda where populist regimes came to power through civil war or military coups. During the guerrilla war the National Resistance Movement had started to build up local administrations in the territories under their control and even held elections. Following the military victory they tried to establish this model (of holding regional and local elections) in the whole country as they were not sure they would be able to win in competitive national elections. The regular holding of local and regional elections thus served to build up new political movements that are able to compete with established parties. Revolutionary regimes in the SADC region, for instance those in Mozambique and Angola, did not follow this 'model'. Rwanda, however, did – national elections were introduced in 2003 after local and regional elections had already been held.

Table 6
Some Effects of Local Electoral Institutions

Institutional elements	Intended effect	Real side-effects (tentative) ^a
Additional level of regional councils	Better coordination of development planning; higher degree of political inclusion and legitimacy	Political control of regions by opposition parties (NA)
Nation-wide approach	Strengthening of rural regions (psychological and material)	Breakdown of local government owing to lack of resources and capacities (SA)
Direct election of mayor	Accountability; political leadership	Institutional deadlock (ZW)
Non-elected councillors	Strong presence of traditional chiefs; better links with national MPs	Client relationship of local councillors to MPs (MW)
Simultaneity of local and national elections	No additional costs for local elections; competition over national issues	Political control of local and district councils by opposition (BO)
Irregularity of local elections	Low relevance of local politics	Low turn-out (MW; MU)
PR systems	Strengthening of parties and minorities	Boycott by political parties (MZ)
Plurality systems (in wards)	Weakness of (smaller) political parties; accountability	High percentage of uncontested elections (ZM)
Formal inclusion of traditional leaders	Consensual decision-making	Politicisation of traditional leaders (SA)

^a BO = Botswana; MU = Mauritius; MW = Malawi; MZ = Mozambique; NA = Namibia; SA = South Africa; ZM = Zimbabwe.

It should, however, not be concluded that local elections are of little relevance. The non-holding or irregular holding of such elections can be explained by lack of resources and interest, but also by the political fall-out they might cause at the national (and local) level (see Weimer 1999 on Mozambique).

Local elections that are held separately from the national polls (as is the case in most SADC countries) might present veritable challenges to the government with regard to national politics. They may directly indicate the popularity of the government, especially when the total population votes in the local elections (the

uniform approach in Table 1) and at the same time party affiliation is indicated on ballot papers (as in Namibia or South Africa). The 'test'-nature of local elections is one major reason why they are often held one year after the national elections (Malawi, Mauritius, South Africa, Zimbabwe). The government may by then have consolidated its grip on the administration, and frustration over unfulfilled promises may still be relatively weak.

Elected local institutions may represent training grounds both for young politicians and for voters. In some countries in the region membership of councils and mayorship are decisive passages in political careers. This impact may be limited if different legal and educational requirements apply at local and national level (as is the case in Malawi). Voters may learn in local elections that their influence on local decision-making is much more immediate and that their vote matters. They may thus gain more trust in electoral processes in general.

Local elections might also be of importance in allowing the national opposition to control municipalities and regional councils (vertical power-sharing). This may enable opposition parties to gain access to resources, to prepare their personnel for assuming high public office, and, of course, to better challenge the government because they have shown a certain degree of legitimacy and support at the local or regional level (cf Botswana, Mauritius, Namibia, South Africa). The importance of local council domination may, of course, vary between different local councils. The local politics of the capital city is of crucial importance to the national government, especially where decentralisation has given municipal councils responsibility for the allocation of land and the distribution of water and electricity. The successful management of Cape Town by the national opposition Democratic Alliance (DA), for instance, hurt the ruling African National Congress much more than the DA's presence in the national Parliament. On the other hand, any government is probably well advised to 'grant' the opposition such minor successes and thereby integrate it (and probably also control it) into the political process without risking any loss of political dominance. In this regard, the lack of resources at the local level, underlined by donors and activists, may be the intentional outcome of incumbent central government strategies.²⁴

CONCLUSION

There is little doubt that the dynamics of national and local politics vary with factors that have less to do with electoral institutions than with the actual responsibilities of sub-national units of government (which may raise the stakes of competition) and with both the size and urban-rural setting of the country concerned. In small countries like Mauritius local government is strongly intertwined with national

²⁴ It might be added that even where local councils have access to their own financial resources budgets will still be approved by national government.

politics, while the rural and peripheral regions of Namibia or Mozambique are quite far away from the capital city and the political strategies of the main national actors.

Formal institutions are also complemented in many instances by informal rules such as the acceptance that powerful people will set the agendas or involve themselves in local politics even where they have no formal role (see Bayart 1993; Chabal and Daloz 1999; Bierschenk and Olivier de Sardan 2003). National members of parliament may thus become important stakeholders in local politics independently of their formal inclusion in local councils. Chief executive officers may dominate local decision-making beyond their administrative roles.

In many countries there is considerable mistrust about the skills and integrity of elected local councillors. Central ministry agents tend to argue that increasing the responsibilities and resources of local government should go along with limiting the patronage capacities of elected councils. From this perspective the accountability of local councils to both the coordinating and supervising central agencies and to their electorates become crucial issues. The precise solutions to these problems have to be sought, *inter alia*, in the electoral rules discussed in this paper.

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